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April 4, 2014

Ms. Carlotta Stauffer  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee FL 32399-0850

Dear Ms. Stauffer:

RE: Docket No. 130202-EI

Enclosed herein is Gulf Power Company's Response in Opposition to Sierra Club's Motion to File a Reply Brief.

Sincerely,

  
Robert L. McGee, Jr.

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Enclosure

cc: Beggs & Lane  
Jeffrey A. Stone

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric  
conservation goals (Gulf Power Company).

Docket No.: 130202-EI  
Filed: April 4, 2014

**GULF POWER COMPANY'S RESPONSE IN OPPOSITION  
TO SIERRA CLUB'S MOTION TO FILE A REPLY BRIEF**

Gulf Power Company ("Gulf Power," "Gulf," or "the Company"), by and through its undersigned attorneys, files this response in opposition to Sierra Club's April 2, 2014 Motion for Leave to File Reply to Responses to Sierra Club's Motion. In support of this response, the Company states:

1. On April 2, 2014, Sierra Club filed a motion seeking leave to file a reply brief in opposition to responses of various FEECA utilities, including Gulf Power, to Sierra Club's March 14, 2014 motion (the "Reply Motion").

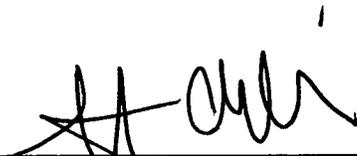
2. Despite the meet and confer requirement included in Rule 28-106.204(3), Florida Administrative Code, no such conference occurred and the Reply Motion is silent concerning Gulf Power's position concerning the Reply Motion. For clarity of the record, Gulf Power respectfully objects to the Reply Motion.

3. As evidenced by Rule 28-106.204(1)'s prohibition on replies in the absence of leave from the presiding officer, replies are generally disfavored and should be permitted only for good cause. No such cause has been demonstrated here. Sierra Club's Reply simply recycles arguments made in its March 14, 2014 motion under the guise of "undisputed facts." While Sierra Club's characterization of its assertions as "undisputed facts" is certainly debatable, one point is not. Sierra Club had an open point of entry into this proceeding as early as July 2013 when the docket was initiated. They had ample opportunity to intervene early in these

proceedings, voice objections to the deadlines set forth in the Order Establishing Procedure and conduct discovery. They did not do so and their failure to avail themselves of these opportunities does not establish cause to grant the relief they are seeking.

**WHEREFORE**, for the foregoing reasons, Gulf Power respectfully requests that Sierra Club's Reply Motion be denied and that the Order Establishing Procedure, as revised on February 26, 2014, be affirmed and maintained

Respectfully submitted this 4<sup>th</sup> day of April, 2014.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: **Commission review of numeric )**  
**conservation goals** )

Docket No.: **130202-EI**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing was furnished by electronic mail this 4th day of April, 2014 to the following:

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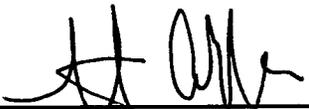
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