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Subject: E-filing - Docket 130140-EI
Attachments: GP Objections to OPCs 1 ROGs.pdf

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- B. Docket No. 130140-EI –Petition for Rate Increase by Gulf Power Company
- C. Document being filed on behalf of Gulf Power Company
- D. Document consists of 7 pages.
- E. The document attached for electronic filing is Gulf Power Company's Objections to Citizens' First Interrogatories to Gulf Power (Nos. 1-79)

Thank you for your attention and assistance in this matter.

Mary E. Davis

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for increase in rates by Gulf
Power Company.

Docket No. 130140-EI
Dated: August 7, 2013

**GULF POWER COMPANY'S OBJECTIONS TO CITIZENS' FIRST
INTERROGATORIES TO GULF POWER (NOS. 1-79)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure in this matter, Gulf Power Company ("Gulf") hereby serves its objections to Florida Citizens' ("OPC") First Interrogatories to Gulf Power Company (Nos. 1-79, and respectively, and together "the Requests") and states as follows:

GENERAL OBJECTIONS

With respect to any "Definitions" and "Instructions" in OPC's Interrogatories, Gulf objects to any definitions or instructions that are inconsistent with Gulf's discovery obligations under applicable rules. If some question arises as to Gulf's discovery obligations, Gulf will comply with applicable rules and not with any of OPC's definitions that are inconsistent with those rules. Gulf also objects to any request that calls for information that is not within the scope of discovery under the applicable rules and law. Furthermore, Gulf objects to any definition or request that seeks to encompass persons or entities other than Gulf who are not parties to this action and thus are not subject to discovery. Information of affiliated companies, including the Southern Company, that is directly relevant to Gulf's rate request, including information regarding transactions or cost allocations among Gulf and its affiliated companies may be provided, upon request. Otherwise, no responses to the requests will be made on behalf of persons or entities other than Gulf. Gulf objects to any request that calls for Gulf to perform analyses that it has not otherwise performed in support of its case and would not normally

perform in the ordinary course of its business because there is no such requirement under the applicable rules and law.

Additionally, Gulf generally objects to OPC's requests to the extent that they call for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law. Gulf will provide a privilege log in accordance with the applicable law or as may be agreed to by the parties to the extent, if at all, that any request calls for the production of privileged or protected information.

Further, in certain circumstances, Gulf may determine upon investigation and analysis that information responsive to certain requests to which objections are not otherwise asserted is confidential and proprietary and should be produced only under an appropriate confidentiality agreement and protective order, if at all. By agreeing to provide such information in response to such a request, Gulf is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement, protective order, or the procedures otherwise provided by law or in the Order Establishing Procedure. Gulf hereby asserts its right to require such protection of any and all information that may qualify for protection under the Florida Rules of Civil Procedure, the Order Establishing Procedure, and all other applicable statutes, rules and legal principles.

Gulf generally objects to OPC's interrogatories to the extent that they call for the production of documents on the ground that such a request is beyond the scope of Rule 1.340 of the Florida Rules of Civil Procedure.

By making these general objections at this time, Gulf does not waive or relinquish its right to assert additional general and specific objections to OPC's discovery at the time Gulf's

response is due under the Florida Rules of Civil Procedure and the Order Establishing Procedure. Gulf provides these general objections at this time to comply with the intent of the Order Establishing Procedure to reduce the delay in identifying and resolving any potential discovery disputes.

SPECIFIC OBJECTIONS

Interrogatory 15: Gulf objects to this interrogatory on the ground that it is unduly burdensome. Literal compliance with this request would result in the expenditure of approximately 300 man-hours. However, upon discussion of the parties, the scope of the question has been narrowed, and Gulf is providing a response to the narrowed interrogatory.

Interrogatory 18: Gulf objects to this interrogatory on the ground that it calls for information on below the line transactions which is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence. The question addresses costs for which Gulf does not seek base rate recovery.

Interrogatory 38: Gulf objects to this interrogatory on the ground that it seeks information that is not relevant to this case and that such information is not within Gulf's possession, custody or control.

Interrogatory 45: Gulf objects to this interrogatory on the ground that, as originally proposed, it is unduly burdensome and calls for a calculation that Gulf has not performed and is not required to perform. Consistent with the agreement of the parties, the information will be provided at the FERC subaccount level.

Interrogatory 47: Gulf objects to this interrogatory on the ground that it seeks information which is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence. The question addresses costs for which Gulf does not seek base rate

recovery. **Interrogatory 52-55:** Gulf objects to these interrogatories to the extent that they direct Gulf to provide information concerning revenues generated through Gulf's supply of unregulated products or services. This information is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and notwithstanding these objections, the requested information is being provided.

Interrogatory 63: Gulf objects to this interrogatory to the extent that it directs Gulf to provide information concerning officers and directors of The Southern Company which are not shared with or common to Gulf Power. Such information is beyond the scope of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory 66: Gulf objects to this interrogatory to the extent it calls for information regarding utility subsidiaries of The Southern Company other than Gulf, unless such information is publicly available. Non-public information regarding the earned return of other the utility subsidiaries of Southern Company is not in the possession, custody or control of Gulf and does not relate to transactions between Gulf and any of its affiliates. Gulf will provide public information responsive to this request.

Interrogatory 67: Gulf objects to this interrogatory to the extent that it directs Gulf to provide credit and bond ratings for entities other than Gulf Power and The Southern Company. Such information is beyond the scope of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory 68: Gulf objects to this interrogatory on the ground that information concerning prior cases in which Dr. Vander Weide has testified is not readily available in the level of detail requested; in particular, Dr. Vander Weide does not maintain information on specific docket numbers, order numbers, etc. for the cases in which he has testified. Gulf will

provide the information readily available to Dr. Vander Weide, which identifies the cases in which he has testified by utility, jurisdiction, and date. To provide more detail concerning the identified cases would require Gulf to use this information to perform additional research. Gulf objects to performing such additional research on the grounds that it exceeds the obligation imposed by the discovery rules, since the burden of performing the research is substantially the same whether performed by Gulf or by the Office of Public Counsel.

Interrogatory 76: Gulf objects to this interrogatory on the grounds that it calls for information on wholesale and other transactions that are beyond the jurisdiction of the Commission and are not relevant to the subject matter of this proceeding, and on the further grounds that the information sought is not reasonably calculated to lead to the discovery of admissible evidence. To the extent the interrogatory involves matters within the Commission's jurisdiction, it is duplicative because all of the information needed to test the validity of the jurisdictional base rate return of 8.63% has been or will be provided in the MFRs and in the responses to other pending discovery in this proceeding.

Respectfully submitted this 7th day of August 2013.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and via U.S. Mail this 7th day of August, 2013 to all counsel of record as indicated below:

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