

LAW OFFICES
CHANDLER, LANG & HASWELL, P.A.

POST OFFICE BOX 23879

GAINESVILLE, FLORIDA 32602-3879

JAMES F. LANG
JOHN H. HASWELL
C. WHARTON COLE

TELEPHONE 352/376-5226
TELECOPIER 352/372-8858
211 N.E. FIRST STREET
GAINESVILLE, FL 32601-5367

WILLIAM H. CHANDLER
1920-1992

January 13, 1997

**ORIGINAL
FILE COPY**

Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oaks Boulevard
Tallahassee, Florida 32301

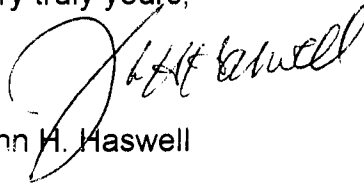
RE: Petition to Resolve Territorial Dispute with
Gulf Coast Electric Cooperative, Inc.
and Gulf Power Company
FPSC Docket Number: 93-0885-EU

Dear Ms. Bayo:

I am enclosing herewith the original and fifteen (15) copies of a Motion to Strike Direct Testimony of Gulf Power Witnesses, Spangenberg, Holland, Weintritt and Klepper for Gulf Coast Electric Cooperative, Inc. for filing.

Please call me if you have any questions.

Very truly yours,



John H. Haswell

ACK _____
AFA _____
AFP _____
CAF _____
CMU _____
CTR _____
EAC _____
LEG 1
LIN 3
OPC _____
RCH _____
SEC 1
WAS _____
OTH _____

cc: J. Patrick Floyd, Esquire
Roy Barnes

C: WP60 GCEC TERRITOR WASHINGT BAYO2.LTR

DOCUMENT NUMBER-DATE
00472 JAN 14 5
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition to resolve territorial dispute)
with Gulf Coast Electrical Cooperative,)
Inc. by Gulf Power Company)
_____)

Docket No. 930885-EU

**ORIGINAL
FILE COPY**

**GULF COAST'S MOTION TO STRIKE DIRECT TESTIMONY
OF GULF POWER WITNESSES, SPANGENBERG,
HOLLAND, WEINTRITT AND KLEPPER**

Gulf Coast Electric Cooperative, Inc. (GCEC) by and through its undersigned attorneys, respectfully requests that the Commission enter an order striking all or a portion of the direct testimony the witnesses of Gulf Power Company as more fully described hereinafter:

1. The direct testimony of Theodore S. Spangenberg, Jr.: page 9, line 2-6, specifically the sentence that reads: "The wholesale tariff provisions that were in effect between GULF and GCEC for many years accomplished this with a single distance specification accompanied by a load size criteria". This testimony is totally irrelevant to the issues in this case.
2. The direct testimony of G. Edison Holland, Jr., as follows:
 - a. Page 4, lines 23-25, strike as irrelevant and immaterial;
 - b. Page 5, lines 1-25, strike as irrelevant and immaterial. The testimony is not addressed to any matter in issue in this case;
 - c. Page 6, lines 1-7, strike as irrelevant and immaterial. The testimony does not address any matter in issue in this case.
 - d. Page 10, lines 7-18, strike as irrelevant and immaterial. The testimony

does not address any matter in issue in this case.

e. Page 11, lines 13-25, continuing to page 12, lines 1-2 and lines 4-21, strike all as irrelevant and immaterial. The testimony does not address any matter in issue in this case.

f. Page 14, beginning with line 23 and continuing to page 15, line 1-8, strike as irrelevant and immaterial. Whatever prior agreement that may or may not have been in effect in the past is irrelevant to the issues in this case.

g. Page 19, lines 7-10, lines 15-25, strike as irrelevant and immaterial. The Commission has already decided that there is no merit to Gulf Power's claim of a \$15,000.00 threshold on costs to serve a particular customer.

h. Strike Exhibits GEH-1, GEH-2, and GEH-5. GEH-1 is entirely irrelevant and immaterial to the issues in this case as is GEH-2. GEH-2 is apparently an article written by two members of the PSC Staff and is neither a public record, a statute, or a recorded decision of a Florida court, and neither are the authors witnesses in this case. Finally, the article will not tend to prove or disprove a material fact or issue in this case. GEH-5 is the opinion of the Florida Supreme Court entered in an appeal of this very case and is already part of the official record.

3. The direct testimony of William Weintritt as follows:

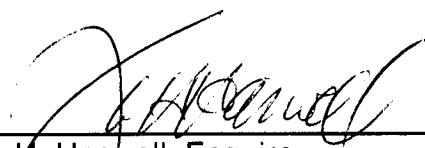
a. Page 7, lines 12-25, page 8, lines 1-25, and page 9, lines 1-5 and lines 14-21. Strike all as irrelevant and immaterial. The testimony does not address any matter in issue in this case nor does it tend to prove or disprove any material fact.

b. Exhibits WCW-3, WCW-4, and WCW-5. All three of these exhibits are irrelevant and immaterial and refer to prior agreements that have expired, FERC tariffs that

do not apply and correspondence between the companies that documents the irrelevancy of these three exhibits.

4. The direct testimony of Russell L. Klepper. Strike all of the direct testimony of Russell L. Klepper as irrelevant and immaterial. The Commission has already determined the seven issues to be addressed by the parties at the hearing, none of which Mr. Klepper addresses in his testimony. Indeed, he states that the purpose of his testimony is "to examine, assess and address certain public policy issues and the associated economic implications that should be considered by this Commission in deciding the question of whether and to what degree the benefits of customer preference will be enjoyed by new electric service customers locating in the areas of Northwest Florida now served by both Gulf Power and Gulf Coast Electric Cooperative, Inc."

Respectfully submitted



John H. Haswell, Esquire
Florida Bar No.: 162536
Chandler, Lang & Haswell, P.A.
Post Office Box 23879
Gainesville, Florida 32602
(352) 376-5226

J. Patrick Floyd, Esquire
408 Long Avenue
Port St. Joe, Florida 32456
(904) 227-7413

Attorneys for Gulf Coast
Electric Cooperative, Inc.

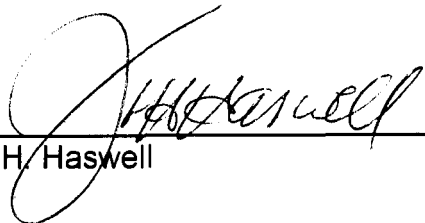
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. mail to the following:

Russell Badders, Esquire	David E. Smith, Esquire
Jeffrey A. Stone, Esquire	Mary Ann Helton, Esquire
Beggs & Lane	Division of Appeals
3 West Garden Street, Suite 700	Florida Public Service Commission
Post Office Box 12950	2540 Shumard Oak Boulevard
Pensacola, Florida 32576-2950	Tallahassee, Florida 32399-0850

Vicki Johnson, Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

this 13 day of January, 1997.



John H. Haswell