

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of TALQUIN ELECTRIC ) DOCKET NO. 881602-EU  
 COOPERATIVE, INC. to resolve )  
 territorial disputes with CITY OF )  
 TALLAHASSEE. )

In re: Petition of CITY OF TALLAHASSEE ) DOCKET NO. 890326-EU  
 for interpretation of its rights and )  
 duties pursuant to Chapter 366, et al., ) ORDER NO. 21230  
 Florida Statutes. )  
 ) ISSUED: 5-12-89

ORDER GRANTING, IN PART AND DENYING IN PART, MOTION TO COMPEL  
 PRODUCTION OF DOCUMENTS AND ANSWERS TO INTERROGATORIES

Concurrent with its responses to the City of Tallahassee's discovery requests, Talquin Electric Cooperative, Inc. (Talquin) filed a Motion for Protective Order on May 4, 1989. On May 8, 1989, the City filed a Motion to Compel relating to Requests for Production numbered 12, 13, 20 21, 22, 23, 24 and 32 as well as Interrogatories 1a and 8d. To the extent that these items involve related issues, they will be discussed together.

Document Request 12; Interrogatory 1a - These requests seek information in terms of specific customer names and addresses. I fail to see how the identity of any particular individual is relevant or could lead to relevant evidence in this case. The approximate number of aggregate customers is already in the possession of the parties. I see no need to bring thousands of individual consumers' names into this matter absent a compelling showing. The motion to compel as to these items is denied.

Document Request 13 - This request relates to Talquin's most recent load forecast. Talquin produced a one-page summary, but none of the underlying assumptions. At the hearing, Talquin indicated that the forecast was prepared for Talquin by Seminole Electric Cooperative, Inc. (Seminole) Thus Seminole Electric Cooperative, Inc., not a party to this docket, is in possession of this material.

I believe that this material is relevant and should be produced for the City. I do not wish to place Talquin in the position of guarantor to Seminole's performance, but I assume that Seminole will voluntarily provide this data. If they do not, the Commission will take further action as appropriate. I expect Talquin to encourage Seminole to voluntarily provide the data. The Motion to Compel on this issue is therefore granted.

Request 20 - This relates to minutes of Talquin Board of Directors meetings since 1972. At the hearing the parties agreed that Talquin would screen these documents to determine what is relevant to this dispute, including bid awards, and provide this to their attorneys. The Talquin attorneys will then delete privileged materials and provide the data to the City by May 17, 1989. The motion is granted to this extent and I will retain jurisdiction to examine this further as necessary.

Request 21 - The City agreed that the existing information was adequate and withdrew the motion as to this item.

DOCUMENT NUMBER-DATE

04721 MAY 12 1989

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Request 22 - This request relates to the status of patronage capital credits within the three-mile zone. Talquin explained that its records are not kept this way. Talquin will provide surrogate numbers for this data similar to the way in which it responded to staff discovery requests. Talquin shall include all underlying assumptions of the methodology and respond by May 17, 1989. The motion is granted to this extent and again jurisdiction will be retained on this issue to ensure compliance.

Requests 23, 24 - These related to Talquin participation in attempts to influence City annexations and political actions on behalf of Talquin. I fail to see the relevance of this material to this dispute. The City conceded that both requests relate to annexation issues. I do not believe Talquin's position on these issues is relevant to which utility is entitled to serve the areas in dispute. The motion on these requests is denied.


Request 32 - This request relates to financial forecasts prepared by Seminole. This will be treated in the same manner as Request 13.

Interrogatory 8d - The parties settled their differences on this issue at the hearing.

Therefore, based on the foregoing, it is

ORDERED by Commissioner Thomas M. Beard, as Prehearing Officer, that each finding and ruling in the body of this Order is hereby adopted.

By ORDER of Commissioner Thomas M. Beard, as Prehearing Officer, this 12th day of MAY, 1989.

  
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THOMAS M. BEARD, Commissioner  
and Prehearing Officer

( S E A L )

RDV