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September 27, 1994

**ORIGINAL  
FILE COPY**

Ms. Blanca S. Bayo  
Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida

Re: Docket No.: ~~93000000~~ EU

Dear Mr. Tribble:

The original and fifteen (15) copies of Gulf Power Company's Motion to Compel Production of Documents are submitted for filing in the above docket. Also enclosed is a double sided high density 3.5 inch floppy disk containing this document in WordPerfect 5.1 format as prepared on a MS-DOS based computer.

Please mark the enclosed extra copy of this letter with the date and time the material was accepted in your office for filing, and return same to the undersigned. Thank you for your assistance in this matter.

Very truly yours,

Teresa E. Liles  
For the Firm

cc: Parties of record

ACK \_\_\_\_\_  
MA \_\_\_\_\_  
P \_\_\_\_\_  
cc: \_\_\_\_\_  
\_\_\_\_\_ *Brown*  
\_\_\_\_\_ *4*  
\_\_\_\_\_ *1*  
\_\_\_\_\_ *29*

RECEIVED & FILED

EPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

09936 SEP 28 94

FPSC-RECORDS/REPORTING

In Re: Petition to resolve	)	
territorial dispute with Gulf	)	Docket No. 930885-EU
Coast Electrical Cooperative, Inc.	)	Filed: 9-28-1994
by Gulf Power Company	)	
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GULF POWER COMPANY'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS

Gulf Power Company ["Gulf Power", "Gulf", or "the Company"], by and through its undersigned counsel, requests that the Florida Public Service Commission ["Commission"] enter an order compelling Gulf Coast Electrical Cooperative, Inc. ["the Coop"] to produce certain documents for inspection and/or copying as requested by Gulf Power pursuant to discovery in the above-captioned docket. As grounds for this Motion, the Company states:<sup>1</sup>

1. On or about June 8, 1994, Gulf served its Third Request for Production of Documents on the Coop, requesting that the Coop allow Gulf to inspect its official business, financial, accounting and other records, including but not limited to those which support the rate calculations included in the prefiled direct testimony of Coop witness Archie Gordon. A true and correct copy of Gulf Power's Third Request for Production is attached to this Motion as Exhibit "A".

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<sup>1</sup>The parties are engaged in discussions regarding arrangements for further document production and review. It is anticipated that those discussions will result in voluntary compliance with the discovery request referenced in this motion, thereby eliminating the need for a formal ruling on this motion. This motion is being filed at this time to ensure the opportunity for review of the requested documents prior to the commencement of the hearing on October 19, 1994 in the event that the ongoing discussions between the parties do not lead to resolution of this issue.

2. The Coop did not file any objections to Gulf Power's Third Request for Production in a timely manner.

3. Accordingly, in conjunction with the depositions of Coop witnesses Archie Gordon and Hub Norris, the Company and the Coop agreed that the document inspection pursuant to Gulf's Third Request for Production of Documents would take place at the Coop's offices on September 14, 1994. Following the scheduling of the depositions and document inspection, and in the interests of convenience and expediency, on August 29, 1994 the Company submitted to the Coop a specific list of documents which were deemed to be included in the Company's Third Request for Production and which Gulf intended to review. Again, the Coop failed to object, or respond, to the specific items requested. A true and correct copy of the submitted list is attached to this Motion as Exhibit "B".

4. On September 14, 1994, representatives of the Company were present at the location designated by the Coop for the depositions and document inspection. However, the Coop failed to produce the documents specifically identified in Exhibit "B". Documents included within the scope of the Company's Third Request for Production and specifically identified in Exhibit "B" which were not produced include:

- a. Coop documents containing information substantially similar to that which would be included on a FERC Form 1, filed as of December 31 with the FERC, REA, or any other agency, for each of the past ten years through 1993;

b. The Coop's Form 12, including all schedules, filed with the REA as of and December 31, 1993, and July 31, 1994;

c. AEC's Form 1 filed as of December 31, 1993 with the FERC;

d. AEC's Form 12 filed as of December 31, 1993 and July 31, 1994 with the REA;

e. All transmission, interconnection, interchange, electric supply or electric requirement agreements between the Coop, AEC, or any other party (while the Coop provided copies of certain amendments and supplements to such contracts, the contract or contracts themselves were not provided);

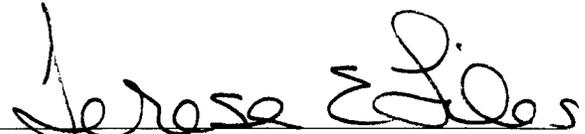
f. All electric supply, electric requirements, interchange or interconnection contracts or agreements between AEC and any other party, including the Southeastern Power Administration, the Tennessee Valley Authority, any independent power producer or qualifying facility; and

g. Invoices from AEC to the Coop for electric power for the prior twelve (12) months.

5. Gulf Power and the Coop are currently scheduling additional document inspections in an attempt to resolve the issues identified in this Motion. Due to the short time frame remaining

until the hearings in this docket, however, Gulf files this Motion in order to preserve its ability to review the documents requested in a timely manner.

Respectfully submitted this 28th day of September, 1994.



**G. EDISON HOLLAND, JR.**

Florida Bar No. 261599

**JEFFREY A. STONE**

Florida Bar No. 325956

**TERESA E. LILES**

Florida Bar No. 510998

**Beggs & Lane**

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Pensacola, Florida 32576-2950

(904) 432-2451

Attorneys for Gulf Power Company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to resolve )  
territorial dispute with Gulf ) Docket No. 930885-EU  
Coast Electrical Cooperative, Inc. ) Served: June 8, 1994  
by Gulf Power Company )  
\_\_\_\_\_ )

GULF POWER COMPANY'S THIRD REQUEST TO PRODUCE DOCUMENTS  
TO GULF COAST ELECTRICAL COOPERATIVE, INC.

Gulf Power Company ["Gulf Power", or "the Company"], by and through its undersigned attorneys and pursuant to Rule 25-22.034, Florida Administrative Code, hereby requests that Gulf Coast Electrical Cooperative, Inc. ["The Coop"] produce the following documents for the Company's inspection, review and copying, within thirty (30) days of the date of service hereof:

DEFINITIONS AND INSTRUCTIONS

1. As used herein, "the Coop" shall mean Respondent Gulf Coast Electric Cooperative, Inc., its agents, officers, directors, attorneys, representatives and employees.

2. As used herein, "documents" shall mean, without limitation, the original and any non-identical copies of any writing or record, including but not limited to a book, pamphlet, periodical, letter, memorandum, telegram, report, study, interoffice or intraoffice memorandum, memorandum reflecting an oral communication, handwritten or other notes, working paper, draft, application, permit, chart, paper, graph, survey, index, tape, disk, data sheet or data processing card, computer printout, or any other written, recorded, transcribed, filed or graphic matter, however produced or reproduced.

EXHIBIT "A"

3. As used herein, "relate to" or "relating to" shall mean without limitation with respect to, referring to, concerning, embodying, establishing, evidencing, proposing, compromising, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, presenting or constituting.

4. As used herein, "any" and "all" shall have the same meaning as needed to bring within the scope of these interrogatories any answer that might otherwise be construed to be outside the scope hereof.

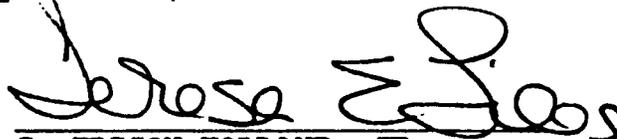
5. As used herein the singular shall mean the plural and the plural shall mean the singular if such construction brings within the scope of these interrogatories any answer that might otherwise be construed to be outside the scope hereof.

6. If the Coop withholds any document(s) requested herein on the grounds of an asserted privileged or work product exemption, identify the privilege or exemption forming the basis for the withholding of information and describe the basis for the asserted privilege or exemption.

**REQUEST TO PRODUCE**

12. All business, financial, accounting, or other books, ledgers and/or records maintained by the Coop, including but not limited to those documents which relate to the calculations or other matters addressed in the direct prefiled testimony of Coop witnesses Norris, Hubbard, Parish and Gordon in this docket.

Respectfully submitted this 8th day of June, 1994.



**G. EDISON HOLLAND, JR.**  
Florida Bar No. 261599  
**JEFFREY A. STONE**  
Florida Bar No. 325956  
**TERESA E. LILES**  
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Attorneys for Gulf Power  
Company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to resolve )  
territorial dispute with Gulf ) Docket No. 930885-EU  
Coast Electrical Cooperative, Inc. ) Served: June 8, 1994  
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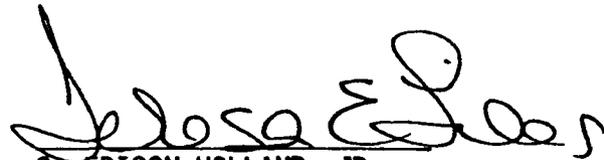
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by hand delivery or U.S. Mail this 8th day of June, 1994.

John H. Haswell, Esquire  
Chandler, Lang & Haswell, P.A.  
211 N.E. 1st Street  
P. O. Box 23879  
Gainesville, FL 32602

Martha Carter Brown, Esquire  
Florida Public Service  
Commission  
101 East Gaines Street  
Tallahassee, FL 32301

J. Patrick Floyd, Esquire  
408 Long Avenue  
Port St. Joe, FL 32456



G. EDISON HOLLAND, JR.  
Florida Bar No. 261599

JEFFREY A. STONE  
Florida Bar No. 325953

TERESA E. LILES  
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(904) 432-2451

Attorneys for Gulf Power Company

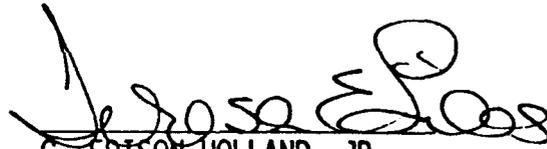
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to resolve )  
territorial dispute with Gulf ) Docket No. 930885-EU  
Coast Electrical Cooperative, Inc. ) Served: June 8, 1994  
by Gulf Power Company )

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NOTICE OF SERVING THIRD REQUEST FOR  
PRODUCTION OF DOCUMENTS

Notice is hereby given that Gulf Power Company ["Gulf Power" or "Gulf"] has served its third request to produce documents #12 on Gulf Coast Electrical Cooperative, Inc., on June 8, 1994.



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Florida Bar No. 261599  
JEFFREY A. STONE  
Florida Bar No. 325953  
TERESA E. LILES  
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(904) 432-2451  
Attorneys for Gulf Power Company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to resolve )  
territorial dispute with Gulf ) Docket No. 930885-EU  
Coast Electrical Cooperative, Inc. ) Served: June 8, 1994  
by Gulf Power Company )

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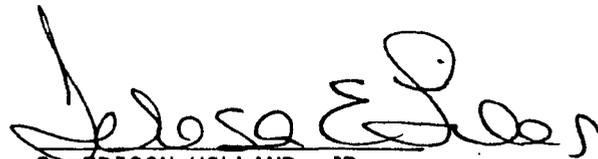
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by hand delivery or U.S. Mail this 8th day of June, 1994.

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TERESA E. LILES  
RUSSELL F. VAN SICKLE

August 29, 1994

E. DIXIE BEGGS

*Retired*

BERT H. LANE

1917-1981

John H. Haswell, Esquire  
Chandler, Lang & Haswell  
Post Office Box 23879  
Gainesville, Florida 32602-3879

Re: Docket No. 930885-EU

Dear John:

As you know, we have scheduled the depositions of Hub Norris and Archie Gordon on September 14. We will conduct our document inspection under Gulf's Third Request for Production of Documents on that same date. Please advise me of the location where the depositions will be held, so that I can send out the notices. The Gulf Power witnesses' depositions will be held here in Pensacola in a conference room at Beggs & Lane.

As to the document inspection, our Third Request for Production of Documents is very broad. For your convenience and to avoid unnecessary delays during the document production, the following is a non-exclusive list of documents which we will wish to review and perhaps copy on Sept. 14:

1. the Coop's 1993 annual report;
2. the Coop's audited financial statements as of, and for the year ended, December 31, 1993, including the independent letter of the independent auditor;
3. the Coop's Form 1, or any substantially similar informational document, filed as of December 31, with the FERC for each of the past ten years through 1993;
4. the Coop's REA Form 12, including all schedules thereto, or any substantially similar informational document, filed as of December 31, 1993 with the REA
5. the Coop's REA Form 12, including all schedules thereto, or any substantially similar informational document, filed as of July 31, 1994 with the REA;
6. AEC's 1993 Annual Report;

John H. Haswell, Esquire  
August 29, 1994  
Page Two

7. AEC's audited financial statements as of, and for the year ended, December 31, 1993, including the opinion letter of the independent auditor;
8. AEC's Form 1, or any substantially similar informational document, filed as of December 31, 1993 with the FERC;
9. AEC's REA Form 12, including all schedules thereto, or any substantially similar informational document, filed as of December 31, 1993 with the REA;
10. AEC's REA Form 12, including all schedules thereto, or any substantially similar informational document, filed as of July 31, 1994 with the REA;
11. any and all existing transmission, interconnection, or interchange contracts or agreements, including all amendments to such contracts or agreements, between or among the Coop, AEC, and/or any other party;
12. any and all electric supply or electric requirements contracts or agreements, including all amendments to such contracts or agreements, between the Coop and either AEC or any other party;
13. any and all electric supply, electric requirements, interchange or interconnection contracts or agreements, including all amendments to such contracts or agreements, between AEC and any other party, including but not limited to any such contracts with the Southeastern Power Administration (SEPA), the Tennessee Valley Authority (TVA), any independent power producer, and any Qualifying Facility as that term is defined in the Public Utilities Regulatory Policy Act;
14. each and every other contract and agreement, including all amendments to such contract or agreement, between the Coop and AEC;
15. all invoices or statements from AEC to the Coop for charges for electric power or other services provided for the twelve (12) months preceding this request;
16. minutes of each meeting of the Coop's Board of Directors, or any Executive Committee or subcommittee of the Coop's Board of Directors, at which the following matters or

John H. Haswell, Esquire  
August 29, 1994  
Page Three

board actions were discussed, debated, voted upon, approved, or ratified: (a) the making of a financial grant by the Coop to either the Department of Corrections or Washington County, Florida; (b) the facilitation or support by the Coop of any loan application made by the Department of Corrections or Washington County, Florida to the REA or any related federal lending agency; or (c) the proposal to provide service to, and the service dispute with Gulf Power related to, the correctional facility; and

17. the Coop's By-Laws.

Please do not hesitate to contact me if you should have any questions.

Very truly yours,

  
Teresa E. Liles  
For the Firm

TEL:tl

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to resolve )  
territorial dispute with Gulf ) Docket No.: 930885-EU  
Coast Electrical Cooperative, Inc. ) Served: 9-27-94  
by Gulf Power Company )  
\_\_\_\_\_ )

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by hand delivery or U.S. Mail this 27th day of June, 1994:

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Florida Public Service  
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