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FILE COPY

June 20, 1995

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center  
Room 110  
Tallahassee, Florida 32399-0850

HAND DELIVERY

Re: Docket No. 950307-EU

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Jacksonville Electric Authority are the original and fifteen copies of Jacksonville Electric Authority's Motion for Order Compelling Discovery.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

ACK ✓ Thank you for your assistance with this filing.

AFA \_\_\_\_\_

APP \_\_\_\_\_

CAF \_\_\_\_\_

CMU \_\_\_\_\_

CTR \_\_\_\_\_

EAC WBW/11

LEG 1 cc: All Parties of Record

LIN 3 \_\_\_\_\_

OPC \_\_\_\_\_

RCH \_\_\_\_\_

SEC 1 \_\_\_\_\_

WAS \_\_\_\_\_

OTH \_\_\_\_\_

Sincerely,

*Bill Willingham*  
William B. Willingham

RECEIVED & FILED  
*mas*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

05791 JUN 20 95

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL  
FILE COPY

In re: Petition of Jacksonville )  
Electric Authority to Resolve a )  
Territorial Dispute with Florida )  
Power & Light Company in St. Johns )  
County )

Docket No. 950307-EU

Filed: June 20, 1995

**JACKSONVILLE ELECTRIC AUTHORITY'S MOTION  
FOR ORDER COMPELLING DISCOVERY**

The Jacksonville Electric Authority ("JEA"), pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.380(a)(2), Florida Rules of Civil Procedure, hereby moves for an Order Compelling Florida Power & Light Company ("FPL") to fully respond to JEA's Request for Production of Document No. 4. In support thereof, JEA states as follows:

1. JEA served its First Set of Requests for Production of Documents to FPL on April 26, 1995. Copy attached.

2. JEA's Request for Production of Documents No. 4 requested that FPL provide to JEA "copies of all documents relating to meetings between JEA and FPL concerning the allegations set forth in JEA's Petition to Resolve Territorial Dispute filed March 20, 1995 before the FPSC in Docket No. 950307-EU."


3. On May 26, 1995, FPL filed its Response to JEA's First Request for Production of Documents, which includes an objection to JEA's Request for Production of Documents No. 4 on the basis that it is "overly broad and vague." In support thereof, FPL states that JEA's petition does not contain a reference "to 'meetings' between FPL and JEA."

4. JEA's Request No. 4 is not overly broad or vague. There have been a limited number of meetings between JEA and FPL to resolve the problems created by FPL's provision of service to customers situated in JEA's exclusive service territory. Clearly JEA's Request No. 4 refers to copies of any documents created by FPL in preparation for these meetings and in response to these meetings.

5. FPL's objection to JEA's Request No. 4 states that JEA's petition does not reference any meetings between JEA and FPL. FPL overlooks paragraph No. 17 of JEA's Petition, which refers to the meetings that took place prior to JEA's filing of its Petition in this proceeding. The purpose of these meetings was to resolve the problems created by FPL's provision of service in JEA's exclusive territory. FPL attended these meetings. JEA's discovery request is directed to documents created by FPL in response to these meetings, which documents are clearly within the permissible scope of discovery under the Florida Rules of Civil Procedure.

WHEREFORE, JEA requests that the Commission compel FPL to produce any and all documents that are responsive to JEA's Request for Production of Documents No. 4.

Respectfully submitted,

  
KENNETH A. HOFFMAN, ESQUIRE  
WILLIAM B. WILLINGHAM, ESQUIRE  
Rutledge, Ecenia, Underwood,  
Purnell & Hoffman, P.A.  
P. O. Box 551  
Tallahassee, Florida 32302-0551  
(904) 681-6788

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following by U. S. Mail this 20th day of June, 1995:

Mark A. Logan, Esq.  
Bryant, Miller & Olive  
201 South Monroe Street  
Suite 500  
Tallahassee, Florida 32301

Beth Culpepper, Esq.  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Gerald L. Gunter Building  
Room 370  
Tallahassee, Florida 32399-0850

  
KENNETH A. HOFFMAN, ESQUIRE

Jacksonville/JEA.20MOTION

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Jacksonville )  
Electric Authority to Resolve a )  
Territorial Dispute with Florida ) Docket No. 950307-EU  
Power & Light Company in St. Johns )  
County )  
\_\_\_\_\_ )

JACKSONVILLE ELECTRIC AUTHORITY'S  
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO FLORIDA POWER & LIGHT COMPANY

Pursuant to Rules 25-22.034 and 25-22.035(3), Florida Administrative Code, and Rule 1.340, Florida Rules of Civil Procedure, Jacksonville Electric Authority ("JEA"), hereby submits its First Set of Requests for Production of Documents to Florida Power & Light Company ("FP&L").

JEA requests that the documents sought below be produced for inspection and copying at the office of its attorneys, Rutledge, Ecenia, Underwood, Purnell & Hoffman, P.A., 215 South Monroe Street, Suite 420, Tallahassee, Florida 32302, within thirty (30) days of service hereof.

GENERAL INSTRUCTIONS AND DEFINITIONS

1. If FP&L withholds any information or documents, in whole or in part, because of a claim of privilege, please identify each document for which the privilege is claimed together with the following information: author, receipt(s), date, type of document, general subject matter, and the basis upon which such privilege is claimed.

2. If FP&L or its attorneys have possession, custody, or control of the originals of the documents requested, please produce the originals or a complete copy of the originals and all copies

which are different in any way from the original. If FP&L or its attorneys do not have possession, custody or control of the originals of the documents requested, please produce copies, however made, in the possession, custody, or control of FP&L or its attorneys.

3. In producing the documents requested, please indicate, by number, the Production Request to which each set of documents pertains.

4. "Relating to" shall mean constituting, referring to, discussing, or concerning, in whole or in part.

5. "And" and "or" shall be construed as and/or.

6. "Documents" shall mean all written, printed, typed, recorded, or graphic matter of any kind, including, without limiting the foregoing, all notes, work papers, supporting or back up materials, correspondence, memoranda, contracts, agreements, marginal notations, computer printouts, computer or word processing disks, magnetic tapes, or memory-stores materials, and includes without limitation, originals and all copies unless identical.

7. "Cost" and "expenditure" shall mean FP&L's costs, as such costs may be defined by FP&L.

8. "JEA's service territory" refers to that service territory located in St. Johns County, Florida that is situated north and west of the following boundary line:

Beginning at the prolongation of the center line of State Road 210 as it crosses the westerly boundary of the Atlantic Ocean; thence westerly and southwesterly along State Road 210 to a point where said boundary departs State Road 210 in a southerly

direction, said point being the west line of Section 33, Township 5 South, Range 27 East; and continuing southerly along the west line of Sections 4 and 9, Township 6 South, Range 27 East and thence to the center of the St. Johns River.

The term "JEA's service territory" is used for convenience only in order to obtain the factual information requested in this First Set of Requests for Production of Documents ("POD Requests"). These POD Requests and the use of the term "JEA's service territory" in the POD Requests are not intended and should not be construed to be an attempt on the part of JEA to secure a waiver or admission of any position or legal right of FP&L in this proceeding concerning an alleged right to provide electric service in the above legally described territory.

9. For any responses that FP&L claims may be confidential, JEA is prepared to execute a nondisclosure agreement to facilitate the discovery process.

#### DOCUMENTS REQUESTED

1. Please provide copies of all documents provided by JEA to FP&L that authorize FP&L to provide electric service to locations situated within JEA's service territory in St. Johns County, Florida.

2. Please provide copies of any and all documents relating to FP&L's strategy for and/or course of dealing with JEA concerning the provision of electric service by FP&L in JEA's service territory in St. Johns County.

3. Please provide copies of any and all documents relating to FP&L's strategy and/or course of dealing with JEA concerning any

possible modification of the territorial boundary line between JEA and FP&L in St. Johns County.

4. Please provide copies of all documents relating to meetings between JEA and FP&L concerning the allegations set forth in JEA's Petition to Resolve Territorial Dispute filed March 20, 1995 before the FPSC in Docket No. 950307-EU.

5. Apart from documents provided in response to JEA's Request for Production of Documents No. 4 above, please provide copies of any and all other documents in the possession of FP&L which address, concern or relate to the allegations set forth in JEA's Petition to Resolve Territorial Dispute filed March 20, 1995 before the FPSC in Docket No. 950307-EU.

6. Please provide copies of all documents used by FP&L to provide or support its responses to JEA's Interrogatory Nos. 1-11, and identify which of such documents respond to each such interrogatory.

7. Please provide copies of documents, including but not limited to inventory lists, which reflect, itemize and describe each transformer (including size and voltages), each pole (including size, date, and type) and any other FP&L distribution and subtransmission facilities located in JEA's service territory in St. Johns County, Florida.