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October 10, 1995

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FILE COPY

Ms. Blanca Bayo
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399

RE: Docket No. 930885-EU

Dear Ms. Bayo:

Enclosed are the original and fifteen (15) copies of Gulf Power Company's Response to Gulf Coast Electrical Cooperative, Inc.'s Motion for Stay Pending Judicial Review.

Please mark the enclosed extra copy of this letter with the date and time that 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,



Russell A. Badders,
For the Firm

JAS/lb

Enclosures:

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to resolve) Docket No. 930885-EU
territorial dispute with) Filed: October 11, 1995
Gulf Coast Electric)
Cooperative, Inc.)
by Gulf Power Company)
_____)

**Response to Gulf Coast's Motion for
Stay Pending Judicial Review**

Gulf Power Company ["Gulf Power", "Gulf", or "the Company"], by and through its undersigned counsel, hereby files its Response to Gulf Coast's Motion for Stay Pending Judicial Review. In support of this response the Company states:

1. On September 25, 1995, attorneys for Gulf Coast Electric Cooperative, Inc. filed a Motion for Stay Pending Judicial Review in Docket 930885-EU.

2. Gulf Power Company was to file its Response to Gulf Coast's Motion for Stay Pending Judicial Review on or before October 9, 1995. However, due to hurricane Opal coming ashore on October 4, 1995, in Gulf Power's service territory, Gulf Power through its attorneys requested an extension of time in which to file a response to Gulf Coast's Motion for Stay Pending Judicial Review.

3. Gulf Coast Cooperative alleges in its motion that neither it nor Gulf Power would be adversely affected by a stay pending judicial review of Florida Public Service Commission Order

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No. 950913. This is not a true reflection of Gulf Power's position in this matter. The benefit that Gulf Coast claims would inure to Gulf Power, the not having to pay the \$36,996.74 to reimburse Gulf Coast for relocation of its Red Sapp Road line, is small when compared to the harm that would be suffered by Gulf Power if it is not permitted to begin providing electrical service to the correctional facility pursuant to the Commission's order resolving this dispute. The correctional facility at issue herein produces substantial revenue to whomever serves it. Since Gulf Power has had the right to provide electric service to the correctional facility as of the date of the Commission's order in this docket, Gulf Power has already suffered lost revenues. The granting of a stay would only increase amount of lost revenues and result in more harm to Gulf Power.

4. For the reasons above, Gulf Power believes that a stay should not be granted. However, if a stay is granted by the Commission, Gulf Power's interests in the lost revenue should be protected by Gulf Coast posting a bond or corporate undertaking pursuant to Rule 25-22.061, Florida Administrative Code.

WHEREFORE, Gulf Power Company respectfully requests that Gulf Coast's Motion for Stay Pending Judicial Review be denied. If said motion is granted, Gulf Power requests that the stay be

conditioned on Gulf Coast Electric Cooperative posting a good and sufficient bond or corporate undertaking to secure the payment of lost revenues to Gulf Power Company.

Respectfully submitted this 10th day of October, 1995.

Russell A Badders

JEFFREY A. STONE

Florida Bar No. 325953

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Attorneys for Gulf Power Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished on this 10th day of October, 1995 by U.S. Mail to the following:

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Mr. Hubert Norris
Gulf Coast Electrical Cooperative, Inc.
Post Office Box 220
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Russell A. Badders

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