

Gulf Power Company
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**ORIGINAL
FILE COPY**

Linda G. Malone
Assistant Secretary and
Assistant Treasurer

the southern electric system

September 27, 1996

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee FL 32399-0870

Dear Ms. Bayo:

RE: Docket No. 930885-EU

Enclosed are an original and fifteen copies of Gulf Power Company's Motion for Clarification of Order No. PSC-96-1191-PCO-EU in the above docket.

Sincerely,

Linda G. Malone

ACK _____

AFA _____ lw

APP _____ cc

CAF _____ Jeffrey A. Stone, Esquire

CMU _____ Gulf Power Company

CTR _____ Susan D. Cranmer

EAG _____

LEG _____

LIN _____ 38

OPC _____

RCH _____

SEC _____

WAS _____

STH _____

DOCUMENT NUMBER-DATE

10438 SEP 30 96

FPSC-RECORDS/REPORTING

"Our business is customer satisfaction"

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
Filed: Sept. 30, 1996

MOTION FOR CLARIFICATION OF ORDER NO. PSC-96-1191-PCO-EU

GULF POWER COMPANY ["Gulf Power", "Gulf", or "the Company"], by and through its undersigned attorneys, requests clarification of Order No. PSC-96-1191-PCO-EU issued September 23, 1996. In support hereof, the Company states:

1. On September 23, 1996, the Florida Public Service Commission ["the Commission"] issued Order No. PSC-96-1191-PCO-EU ["the Order"]. Although the Order is entitled "Order Determining Issues to be Resolved at Evidentiary Hearing", as recited on page 1 of the Order, it was issued following a preliminary prehearing conference held on July 29, 1996. The prehearing conference in this case is scheduled for February 3, 1997 and the evidentiary hearing is scheduled for February 11-12, 1997.

2. It is customary practice before the Commission for parties to have the period up to and including the prehearing conference during which to identify issues to be resolved at an evidentiary hearing. The Order approved seven issues for consideration in the February hearing. In addition, it is Gulf Power's understanding from the discussion at the preliminary prehearing conference that the Company would be allowed to present alternatives to drawing territorial boundary lines (and the argument in support of such alternatives) in the Company's positions on the issues.

3. It is Gulf Power's belief that the Order was not intended to preempt or otherwise alter the normal practice before the Commission that allows the parties up to and including the prehearing conference to raise other issues for resolution at the hearing. So long as this is the

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case, there is no need for any further clarification of the Order. On the other hand, if the Commission or any interested party intends to argue that the Order preempts or alters the normal Commission practice and therefore the issues approved therein will be the only issues considered at the February hearing, then this needs to be explicitly stated in a clarifying order so that an interested party could raise any objections to such preemption through a timely request for reconsideration of the clarifying order by the prehearing officer or the Commission panel assigned to decide this case.

WHEREFORE, Gulf Power Company respectfully requests that if it is the intent of the Commission that Order No. PSC-96-1191-PCO-EU preempts or otherwise alters the normal practice before the Commission that would ordinarily allow parties further opportunity to identify other issues for resolution at the evidentiary hearing in this docket up to and including the prehearing conference to be held in this case, that such intent be disclosed in an order of clarification. If such an order of clarification is issued, Gulf Power Company specifically requests leave to raise any objections it may have to such intended preemption or alteration of normal Commission practice through a motion filed after the issuance of such order of clarification.

Respectfully submitted this 27th day of September, 1996.



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Attorneys for Gulf Power Company

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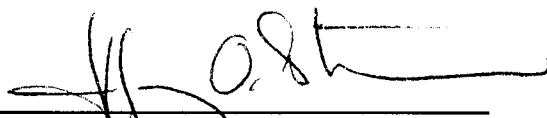
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished by U.S. Mail the 27th day of September, 1996, to the following:

Vicki D. Johnson, Esquire
Florida Public Service Commission
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