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MAR 04 1997

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WILLIAM H. CHANDLER
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March 4, 1997

Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oaks Boulevard
Tallahassee, Florida 32399-0850

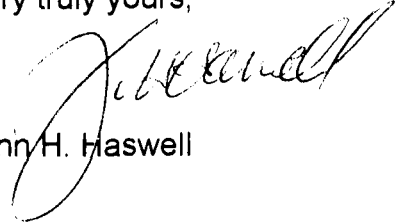
RE: Petition to Resolve Territorial Dispute with
Gulf Coast Electric Cooperative, Inc.
and Gulf Power Company
FPSC Docket Number: 93-0885-EU

Dear Ms. Bayo:

I am enclosing herewith the original and fifteen (15) copies of Gulf Coast Electric Cooperative, Inc.'s Second Motion to Compel Discovery.

If you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,


John H. Haswell

ACK _____

AFA _____

APP _____

CAF _____

CMU _____

CTR _____

EAG _____

LEG _____

LIN _____

OPC _____

ROI _____

SEC _____

WAS _____

OTH _____

JHH/lez
Enclosure
cc: Pat Floyd
Roy Barnes

CT\WP60\GCEC\TERRITOR\WASHINGTON\BAYO6.LTR

DOCUMENT NUMBER-DATE

02389 MAR-58

FPSC-RECORDS/REPORTING

FILE COPY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition to resolve territorial dispute) Docket No. 930885-EU
with Gulf Coast Electric Cooperative,)
Inc. by Gulf Power Company)
_____)

**GULF COAST ELECTRIC COOPERATIVE, INC.'S
SECOND MOTION TO COMPEL DISCOVERY**

On January 7, 1997, Gulf Coast Electric Cooperative, Inc. ("Gulf Coast") hand delivered its Third Set of Interrogatories numbered 73 to 92 and its Third Request for Production of Documents numbered 21 to 23 to Gulf Power Company ("Gulf Power") by serving its attorney, Jeffrey A. Stone, Esquire, at the Commission Agenda Conference on that date.

The responses from Gulf Power were due on February 6, 1997. On February 7, 1997, Gulf Coast, through its attorney, J. Patrick Floyd, Esquire, reminded Gulf Power of its obligation to submit the requested discovery. As of this date Gulf Power has failed to furnish the discovery requested.

Gulf Power's attorneys did complain to Gulf Coast on January 7, 1997, that the interrogatories exceeded a maximum of 75, and that the discovery called for responses that would go past the discovery time table.

While the CASR called for discovery actions to be completed by January 10, 1997, the parties in fact did not object to going beyond the deadline for conducting depositions on January 14, 1997, January 16, 1997, January 23, 1997, and January 24, 1997, and for responses to Staff Interrogatories, first extending the deadline to January 31, 1997, and then to March 6, 1997. As discussed at several hearings on various motions to clarify PSC

DOCUMENT NUMBER-DATE

02389 MAR-95

000762 PSC-RECORDS/REPORTING

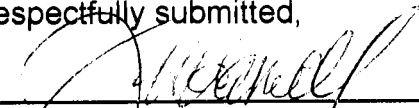
orders filed by Gulf Power, the parties indicated their preference to allow discovery up to the date of the Prehearing Conference which was held on February 3, 1997.

The parties have also acquiesced to going beyond a 75 interrogatory limit by responding to Staff interrogatories which number 22 through 97 and total 216 separate requests for information.

Gulf Coast believes it completed its discovery actions by submitting the interrogatories and request for production of documents prior to the deadline of January 10, 1997, and that all parties had in fact continued discovery beyond the stated deadline. The hearing in this case is not scheduled to be held until April 29, 1997.

WHEREFORE, Gulf Coast respectfully requests that the Commission enter an order directing Gulf Power to answer the Third Set of Interrogatories and the Third Request for Production of Documents.

Respectfully submitted,



John H. Haswell, Esquire
Florida Bar No.: 162536
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Post Office Box 23879
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(904) 376-5226

J. Patrick Floyd, Esquire
408 Long Avenue
Port St. Joe, Florida 32456
(904) 227-7413

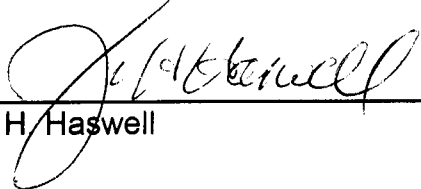
Attorneys for Gulf Coast
Electric Cooperative, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. mail to the following:

Russell Badders, Esquire	Vicki Johnson, Esquire
Jeffrey A. Stone, Esquire	Staff Counsel
Beggs & Lane	Division of Legal Services
3 West Garden Street, Suite 700	Florida Public Service Commission
Post Office Box 12950	2540 Shumard Oak Boulevard
Pensacola, Florida 32576-2950	Tallahassee, Florida 32399-0850

this 4 day of March, 1997.



John H. Haswell

LAW OFFICES
J. PATRICK FLOYD

REPLY TO:
408 LONG AVENUE
POST OFFICE DRAWER 950
PORT ST. JOE, FLORIDA 32456-0950
(904) 227-7413

20 AVENUE D, SUITE 208
POST OFFICE BUILDING
APALACHICOLA, FLORIDA 32320
(904) 653-2709

February 7, 1997

Provided by Facsimile 2/8/97

Jeff Stone, Esquire
Russell Badders, Esquire
P. O. Box 12950
Pensacola, Florida 32576-2950

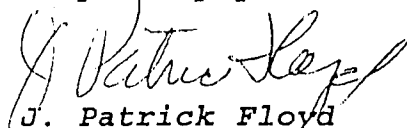
Re: Docket No. 930885-EU

Dear Jeff and Russell:

Review of my calendar dates indicates that your responses to Gulf Coast's Request for Production and Interrogatories which were hand delivered to you on January 7, 1997 were due on February 6, 1997. I telephone your office today and spoke with your secretary concerning those responses. Please advise.

Furthermore, please advise whether Gulf Power filed the additional data and late filed exhibits requested by the staff to be filed on February 5, 1997 and if so, please provide me with a copy.

Very truly yours,


J. Patrick Floyd

JPF/pb

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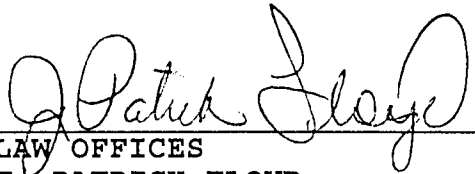
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In RE: Petition to resolve)
territorial dispute with Gulf)
Coast Electrical Cooperative, Inc.)
by Gulf Power Company)

Docket No. 930885-E
Served: 1/7/97

NOTICE OF SERVING THIRD
REQUEST FOR PRODUCTION OF DOCUMENTS
IN PHASE II OF THIS DOCKET.

Notice is hereby given that Gulf Coast Electric Cooperative, Inc. has served its Third Request for Production of Documents in Phase II of This Docket by hand delivery on Gulf Power Company, on January 7, 1997.



LAW OFFICES
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Florida Bar No. 257001

John H. Haswell, Esquire
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Gainesville, FL 32602
Florida Bar No. 162536

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In RE: Petition to resolve)
territorial dispute with Gulf)
Coast Electrical Cooperative, Inc.) Docket No. 930885-E
by Gulf Power Company) Served: 1/7/97
)
)
)

GULF COAST ELECTRIC COOPERATIVE, INC'S, THIRD
REQUEST FOR PRODUCTION OF DOCUMENTS
IN PHASE II OF THIS DOCKET

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

DEFINITIONS AND INSTRUCTIONS

1. 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 interoffice 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 produce or reproduced.

2. 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,

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analyzing, reflecting, presenting or constituting.

3. As used herein, "any" and "all" shall have the same meaning as needed to bring within the scope of this request to produce that might otherwise be construed to be outside the scope hereof.

4. As used herein the singular shall mean the plural and the plural shall mean the singular if such construction brings within the scope of this Request to Produce that might be construed to be outside the scope hereof.

5. If Gulf Power 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

21. Provide all documentation in Gulf Power Company's possession relative to the, engineering, and construction of the three phase extension built in 1971 from Vernon, down Highway 279 to Highway 77, and North to the Sunny Hills development. Such documentation should include the original request for service, the work order prepared by Gulf Power the justification of the required capital expenditure, documentation of consideration of "uneconomic" duplication, engineering plans, and construction documents showing close-out and final cost.

22. Provide a copy of the order issued by the FPC in response to the Gulf Power Company rate filing package submitted to the Federal Power Commission on or about December 1, 1971 in which

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the FPC made a final determination concerning Gulf Power's requested rate adjustment and also provide a copy of the final approved rate schedule or tariff showing its original effective date.

23. Produce any and all documents which are requested to be identified or described in the Phase II Third Set of Interrogatories to Gulf Power including but not limited to those referenced in interrogatories numbered 80, 84, 86, 87, 88 and 89.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to resolve)
territorial dispute with Gulf)
Coast Electric Cooperative, Inc.) Docket No.: 930885-EU
by Gulf Power Company) Served: 1/7/97
)
)
)


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of Gulf Coast Electric's Third Request for Production numbered 21 through 23, Phase II, has been furnished to Gulf Power Company by hand delivery on its attorney, Jeffrey A. Stone or Russell A. Badders, and a copy has been provided by U.S. Mail to Vicki Johnson, Esquire and Roberta Bass, this 7th day of January, 1997.

Vicki Johnson, Esquire
Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0863

Jeffrey A. Stone
Beggs & Lane
Post Office Box 12950
Pensacola, Florida 32576
Attorney for Gulf Power Co.

Roberta S. Bass
Division of Electric & Gas
Florida Public Service Commission
2540 Shumard Oak Boulevard
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John H. Haswell, Esquire
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Florida Bar No. 162536

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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-E
Served: 1/7/97

NOTICE OF SERVING THIRD
SET OF INTERROGATORIES
IN PHASE II OF THIS DOCKET.

Notice is hereby given that Gulf Coast Electric Cooperative, Inc. has served its Third Set of Interrogatories numbered 73 through 92 in Phase II of This Docket by hand delivery on Gulf Power Company, on January 7, 1997.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to resolve)
territorial dispute with Gulf)
Coast Electric Cooperative, Inc.) Docket No.: 930885-EU
by Gulf Power Company) Served: 1/7/97
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GULF COAST ELECTRIC'S THIRD SET OF INTERROGATORIES
TO GULF POWER, PHASE II

Gulf Coast Electric Cooperative, Inc., ("GCEC") by and through its undersigned attorney, propounds the following interrogatories numbered 73 through 92 pursuant to Rule 1.340, Florida Rules of Civil Procedure, to Gulf Power Company ("Gulf Power"). These interrogatories shall be answered under oath by you or your agent, who is qualified and who shall be identified, with the answers being served as provided by the Florida Rules of Civil Procedure. As provided by Rule 1.340(a), Florida Rules of Civil Procedure, each interrogatory shall be answered separately and fully in writing under oath unless it is objected to. Each answer shall be signed by the person making it.

Please give the name, address and business relationship to Gulf Power of those persons providing answers to each of the following interrogatories.

DEFINITIONS AND INSTRUCTIONS

1. As used herein "Gulf Power" shall mean Respondent Gulf Power Company, its agents, officers, directors, attorneys, representatives and employees.

2. As used herein, "identify" shall mean, with respect to a person, to provide the name, last known address, and last

known telephone number.

3. As used herein, "identify" shall mean, with respect to documents, the description of the document, its whereabouts, and the identity of the individual responsible for custody of the document.

4. As used herein, "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.

5. 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.

6. 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.

7. If Gulf Power withholds any information in response to an interrogatory 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.

INTERROGATORIES

73. Provide for calendar 1996, a summary of the annual usage and revenue billing history for all consumers served by Gulf Power which are served from the three-phase line built in 1971 from Vernon, down Highway 279 to Highway 77, and up to the entrance of Sunny Hills.

74. Describe by electrical diagram the three-phase line extending from Vernon down Highway 279 to Highway 77 and up to the entrance of Sunny Hills and to the point of connection to the Sunny Hills substation and show the location of all "normally open" switches on this line that by closing of such switch, would allow the load beyond the switch to be served from the alternate electrical source.

75. State or provide a summary of the rate filing package submitted by Gulf Power Company to the Federal Power Commission on or about December 1, 1971 in which Gulf Power sought to increase the wholesale rate charged to Gulf Coast. Such response should include the justification for the increase, along with associated financial information including present and proposed revenue, present and proposed operating expenses and operating deductions, present and proposed income for return, present and proposed rate of return on rate base, present and proposed rate base, present and proposed billing, and present and proposed rate schedule and/or tariff.

76. State the amount of Gulf Power's accumulated, deferred federal income taxes as of the end of Gulf Power Company's

fiscal year or calendar year as appropriate for 1993, 1994, 1995 and 1996.

77. State or describe a financial summary reflecting the impact of the order issued by the Federal Power Commission following Gulf Power's submittal of December 1, 1971 on annual revenues, operation expenses and deductions, income for return, rate of return on rate base, rate base and billing determinants.

78. With reference to Mr. Kleppers rebuttal testimony, p. 2, lines 5-14, and p. 3, lines 1-4, provide each and every citation to Mr. Daniel's testimony where he stated that Gulf Power had refused to serve or that Mr. Daniel's "refusal to serve" criterion applied only to Gulf Power.

79. With reference to Mr. Klepper's rebuttal testimony, p. 4, lines 4-6, provide the following:

- a. The definition of the word "rural" as used in the term "rural customers" in that testimony.
- b. Describe and explain in detail, including mathematical computations the basis and calculations used to reach or make this conclusion and identify each document which was used or relied upon in conveying at the conclusion set forth in the referenced testimony.
- c. Show my reference on map(s), or otherwise specifically described by geographical reference, the areas served by Gulf Power which are "rural" as the word is used in the term "rural customers" for

purposes of making this statement.

- d. Show by reference or map(s), or otherwise specifically describe by geographical reference, the areas served by Gulf Coast and the other Northwest Florida Rural Electrical Cooperatives which are "rural" as the word is used in the term "rural customers" for purposes of making this statement.

80. With regard to Klepper's rebuttal testimony, p. 5, lines 3-25, has Gulf Power ever requested, applied for, or obtained any REA loans, and if so, provide the date, the amount, and the reason for which the loan was requested and identify each and every document and its location that was a part of the referenced activity. If the answer is "no" or "none", then state the reasons why Gulf Power decided or did not elect to request, apply for or obtain any REA loan and identify each and every document and its location which reflects the stated basis or reasons for this decision.

81. With reference to Klepper's rebuttal testimony, p. 9, lines 5-8, and lines 21-25, explain and state in detail each and every basis and the analyses used in arriving at or which supports the statement or suggestion made in this testimony that the statement made by Mr. Bohrman, that Gulf Coast operates on a cost effective basis, is invalid and incorrect.

82. With regard to the same references in Mr. Klepper's rebuttal testimony cited in the preceding question, plus page 10,

lines 1-7, please define "cost effective" as used by Mr. Klepper.

83. With reference to Mr. Klepper's rebuttal testimony, p. 8, lines 21-25, p. 9, lines 1-8, p. 9, lines 16-18, and p. 10 lines 1-7, please describe in detail any and all facts and information that form the basis for the statement or suggestion therein that Gulf Power has demonstrated to the FPSC that it is cost effective in its operations. As part of the answer, provide, for each retail rate filing from 1/1/70 through 12/31/96, the identification of each case by FPSC docket number, and the originally requested percent increase and the ultimate increase awarded by the FPSC.

84. With regard to Mr. Klepper's rebuttal testimony, and specifically p. 8, lines 19-25, what information or documentation is relied upon to make the statement or suggestion in his testimony to the effect that Gulf Coast's operations may not be cost effective as a result of Gulf Coast's rate level not being regulated by FPSC?

85. With reference to Mr. Klepper's rebuttal testimony, page 10, line 25, does the phrase used there (i.e., "future electric service customers") refer to new customers or "new" as well as "existing" customers? If the phrase indeed applies only to new customers, explain why?

86. With reference to Mr. Klepper's rebuttal testimony, p. 11, lines 1-10, describe and identify the document(s) and the location of the documents which provide the following information:

- a. The most recent projections of Gulf Power's revenue requirements and cost to serve, overall average rate levels, and by class, if available, including all underlying assumptions and work papers: and
- b. Any and all studies, analyses, and the documents which show projections of Gulf Coast's and Gulf Power's future revenue requirements and cost to serve, and rates, on which the statement was based.

87. With reference to Mr. Klepper's rebuttal testimony, p. 11, lines 14-16, describe and identify the document(s) and its/their location which provide the following information:

- a. All documents, analyses, studies, and other information upon which the statement was based: and
- b. All documents, analyses, studies and other information particular to the customers of Gulf Coast which support this statement.

88. With respect to Mr. Klepper's rebuttal testimony, p. 11, lines 18-23, in reference to the assertion or suggestion that Gulf Coast is expected to require rate increases, explain in detail the reasons or basis for this statement and describe and identify all documents, analyses, studies, and other documentation upon which the statement was based.

89. With respect to Mr. Holland's rebuttal testimony, p. 10, lines 10-11, please describe and identify each and every document used or relied upon to make the statement or assertion

that advocates "head-to-head" competition for distribution and transmission service. Also, describe and identify any internal position papers in which Gulf Power has articulated an position with respect to other competitors competing head-to-head with Gulf Power's distribution and/or transmission system.

90. With reference to Mr. Weintritt Rebuttal testimony, p. 2, lines 9-21, provide the following information:

- a. Identify and locate on a map the existence of all primary taps off of the referenced line up Highway 231 that were in existence in 1950.
- b. Indicate the length of each primary tap as identified in (a) above.
- c. Provide the total number of consumers that were being served from said line, as referenced, in 1950, whether served from the Three-Phase Primary along Highway 231 or from any primary taps extending therefrom.

91. With reference to Mr. Weintritt's Rebuttal Testimony, p. 4, lines 21-23, provide all supporting documentation, analyses, etc., which Mr. Weintritt relies upon in making his claim that customers served by Gulf Coast will (1) pay higher rates in the future than if served by Gulf Power and (2) have less reliable service than if served by Gulf Power.

92. With reference to Mr. Pope's Rebuttal Testimony, p. 8., lines 8-11, explain and provide and state all facts and information that provide the basis for Mr. Pope's assertion that,

"if lines are placed on the ground, our companies will return to Tallahassee in the future to ask the commission to settle disputes as circumstances change."

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to resolve)
territorial dispute with Gulf)
Coast Electric Cooperative, Inc.) Docket No.: 930885-EU
by Gulf Power Company) Served: 1/7/97
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of Gulf Coast Electric's Third Set of Interrogatories numbered 73 through 92, Phase II, has been furnished to Gulf Power Company by hand delivery on its attorney, Jeffrey A. Stone or Russell A. Badders, and a copy has been provided by U.S. Mail to Vicki Johnson, Esquire and Roberta Bass, this 7th day of January, 1997.

Vicki Johnson, Esquire
Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0863

Jeffrey A. Stone
Beggs & Lane
Post Office Box 12950
Pensacola, Florida 32576
Attorney for Gulf Power Co.

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