

BALCH & BINGHAM LLP

ATTORNEYS AND COUNSELORS

POST OFFICE BOX 306

BIRMINGHAM, ALABAMA 35201 0306

(205) 251 8100

Jennifer M. Buettner

DIRECT DIAL TELEPHONE

(205) 226-3474

E-Mail jbuettne@balch.com

WRITER'S OFFICE
1710 SIXTH AVENUE NORTH
BIRMINGHAM, ALABAMA 35203 2015
FACSIMILE (205) 226-8798

REC'D REPORTING AND COMPLIANCE
01 FEB -8 11:09 AM '99

February 6, 2001

BY FEDERAL EXPRESS

Honorable Thomas K. Kahn, Clerk
United States Court of Appeals for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

UNDOCKETED

Re: Alabama Power Company v. Federal Communications Commission and United States
Gulf Power Company v. Federal Communications Commission and United States,
Consolidated Docket Nos. 00-14763-I and 00-15068-D

Dear Mr. Kahn:

Enclosed please find an original and four (4) copies of Alabama Power Company and Gulf Power Company's Motion to Supply Material Omitted from the Administrative Record to be filed by the United States Court of Appeals for the Eleventh Circuit. Please stamp the confirmation copy of this pleading as filed and return it in the enclosed, self-addressed, stamped envelope provided for your convenience.

Thank you for your assistance and consideration in this matter.

Sincerely,

Jennifer M. Buettner
Jennifer M. Buettner

JMB/js
Enclosures

- APP _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR *Kummer*
- LEG _____
- OPC _____
- PAI _____
- RGD _____
- SEC _____
- SER _____
- OTH _____

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1710 SIXTH AVENUE NORTH
BIRMINGHAM, ALABAMA 35203
(205) 251-8100

1901 SIXTH AVENUE NORTH
BIRMINGHAM, ALABAMA 35203
(205) 251 8100

2 DEXTER AVENUE
MONTGOMERY, ALABAMA 36104
(334) 834-6500

655 GALLATIN STREET
HUNTSVILLE, ALABAMA 35801
(256) 551-0171

1275 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004
(202) 347 6000

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ALABAMA POWER COMPANY)
and GULF POWER COMPANY,)
)
 Petitioners,)
)
)
 v.)
)
)
 FEDERAL COMMUNICATIONS)
COMMISSION and the)
UNITED STATES,)
)
 Respondents.)

**Consolidated Cases
00-14763-I & 00-15068-D**

**ALABAMA POWER COMPANY’S AND GULF POWER COMPANY’S
MOTION TO SUPPLY MATERIAL OMITTED
FROM THE ADMINISTRATIVE RECORD**

Pursuant to Rule 16 of the Federal Rules of Appellate Procedure, Alabama Power Company (“APCo”) and Gulf Power Company (“Gulf Power”) respectfully move this Court for permission to supply it with materials that have been omitted from the administrative record. In support of this motion, APCo and Gulf Power submit the following:

APCo and Gulf Power have filed petitions seeking review of the September 8, 2000 Order (“Order”) issued by the Federal Communications Commission (“FCC”). This Court has consolidated the two petitions. The FCC has filed with the Court the purported Certified List of Items in the Record, listing items contained within the administrative record. The List submitted by the FCC is not complete, omitting several documents before the FCC at the time it issued the Order challenged in this case.

APCo and Gulf Power do not seek to supplement the record with documents not before the FCC at the time of its action. Rather, they seek merely to include the documents listed below which are part of the administrative record and are critical to a complete understanding of the case:

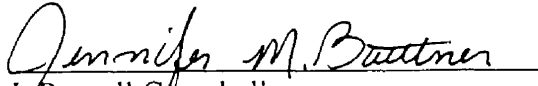
1. Motion of Alabama Power Company for Leave to File Motion to Dismiss Complaint for Lack of Jurisdiction–July 6, 2000
2. Alabama Power Company’s Answer to Petition for Temporary Stay–July 6, 2000
3. Alabama Power Company’s Motion for Leave to File a Motion for Confidential Treatment of Commercial and Financial Information–July 24, 2000

This Motion is filed in accordance with Rule 16 of the Federal Rules of Appellate Procedure which provides that “[t]he parties may at any time, by stipulation, **supply any omission from the record** or correct a misstatement, or the court may so direct.” Fed. R. App. P. 16(b) (emphasis added). Because APCo and Gulf Power merely seek to “supply an omission from the record,” this Motion is due to be granted. Furthermore, it is important for this Court to be able to review all of the materials viewed by the agency at the time of the challenged action in order for it to render an informed decision on the merits of the case.

Counsel for the Petitioners have conferred with counsel for the Respondents concerning this inadvertent omission, and the parties have stipulated to this correction of the Certified List of Items in the Record.

WHEREFORE, Petitioners APCo and Gulf Power respectfully request that this Court permit them to supply the administrative record with the materials listed above.

Respectfully submitted,



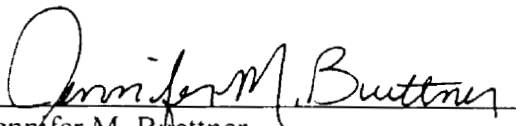
J. Russell Campbell
Andrew W. Tunnell
Jennifer M. Buettner
BALCH & BINGHAM LLP
1710 Sixth Avenue North
Birmingham, Alabama 35203
Phone: 205-251-8100
Fax: 205-226-8798

Ralph A. Peterson
BEGGS & LANE LLP
P.O. Box 12950
Pensacola, Florida 32576-2950
Phone: 850-432-2451
Fax: 850-469-3330

Raymond A. Kowalski
KELLER AND HECKMAN LLP
1001 G Street, NW
Suite 500 West
Washington, D.C. 20001
Phone: 202-434-4100
Fax: 202-434-4653

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Supply Material Omitted from the Administrative Record served this 6th day of February 2001, in the manner indicated to the persons indicated below.


Jennifer M. Buttner

Michael A. Gross
Vice President
Regulatory Affairs and Regulatory Counsel
Florida Cable Telecommunications Association, Inc.
310 North Monroe Street
Tallahassee, Florida 32301

Paul Glist (by overnight delivery)
Geoffrey C. Cook
Brian Josef
Cole, Raywid & Braverman
1919 Pennsylvania Avenue, N.W., Suite 200
Washington, D.C. 20006

Deborah Lathen (by overnight delivery)
Chief, Cable Services Bureau
Federal Communications Commission
Room 3C740, 445 12th Street, S.W.
Washington, D.C. 20554

Cheryl King (by overnight delivery)
Staff Attorney
Federal Communications Commission
Room 4C738
445 12th Street, S.W.
Washington, D.C. 20554

William Johnson (by U.S. Mail)
Deputy Bureau Chief
Cable Services Bureau
Federal Communications Commission

Room 4C742
445 12th Street, S.W.
Washington, D.C. 20554

Federal Energy Regulatory Commission (by U.S. Mail)
Docket Room 1A-209
888 First Street, N.E.
Washington, D.C. 20426

Blanca S. Bayo (by U.S. Mail)
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

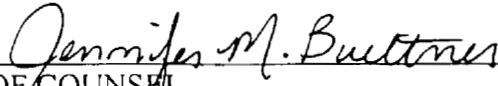
Gregory M. Christopher (by overnight delivery)
Federal Communications Commission
445 12th Street, S.W.
Room 8-A741
Washington, D.C. 20554

Robert B. Nicholson (by overnight delivery)
Robert J. Wiggers
United States Department of Justice
Appellate Section, Antitrust Division
601 D Street, N.W.
Room 10535
Washington, D.C. 20530

Shirley S. Fujimoto (by U.S. Mail)
Christine M. Gill
Thomas P. Steindler
Keith A. McCrickard
McDermott, Will & Emery
600 13th Street, N.W.
Washington, D.C. 20005-3096

Russell Byrd
Comcast Cablevision Corp.
557 South Oates Street
Dothan, Alabama 36301

Alabama Public Service Commission (by U.S. Mail)
Secretary of the Commission
Post Office Box 991
Montgomery, Alabama 36101-0991


OF COUNSEL