

Diamond Williams

100304-EU

From: Ann Bassett [abassett@lawfla.com]
Sent: Monday, January 03, 2011 2:49 PM
To: Filings@psc.state.fl.us
Cc: Steven Griffin; Matthew Avery; Leigh Grantham; Ralph Jaeger; Susan Ritenor
Subject: Docket No. 100304-EU
Attachments: 2011-01-03, 100304, Chelco's Response to Motion to Compel.pdf

The person responsible for this electronic filing is:

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The Docket No. is 100304-EU Territorial Dispute between Choctawhatchee Electric Cooperative, Inc. and Gulf Power Company

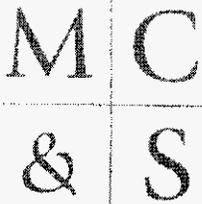
This is being filed on behalf of Choctawhatchee Electric Cooperative, Inc.

Total Number of Pages is 3

Choctawhatchee Electric Cooperative, Inc.'s Response to Motion to Compel

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January 3, 2011

BY ELECTRONIC FILING

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

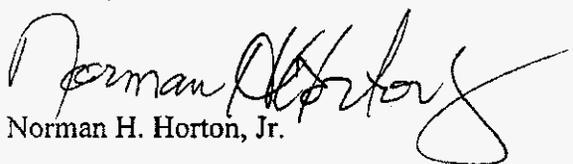
Re: Docket No. 100304-EU

Dear Ms. Cole:

Enclosed for filing on behalf of Choctawhatchee Electric Cooperative, Inc. is an electronic version of Choctawhatchee Electric Cooperative, Inc.'s Response to Motion to Compel in the above referenced docket.

Thank you for your assistance.

Sincerely,



Norman H. Horton, Jr.

NHH/amb

Enclosure

cc: Ms. Leigh V. Grantham
Parties of Record

DOCUMENT NUMBER: 00025
JAN-3 =
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CERTIFICATE OF SERVICE

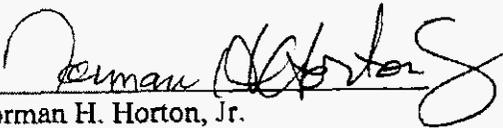
I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Electronic Mail and/or U.S. Mail this 3rd day of January, 2011.

Ralph Jaeger, Esq.
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Florida Public Service Commission
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Ms. Leigh V. Grantham
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DeFuniak Springs, FL 32435-0512

Ms. Susan D. Ritenour
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Pensacola, FL 32520-0780

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Norman H. Horton, Jr.

non-members. In re: Petition of Peace River Electric Cooperative Inc. against Florida Power & Light for resolution of a Territorial Dispute, Order No. 15210; Dkt. No. 840293-EU, October 8, 1985.

3. Gulf Power also acknowledges that the instant interrogatory is another, different, attempt to get information previously requested. For this reason, CHELCO would incorporate in this response the response to the pending Motion to Compel but would also note that CHELCO has provided responses to Gulf Power's requests for the number of customers served within the incorporated limits of several municipalities and this request for addresses of all members is not only not relevant to the issues but is repetitious and unnecessary.

4. In a footnote Gulf Power suggests that unincorporated areas can be "non rural" under certain circumstances but nowhere other than their own arbitrary definition of "greater area of (name)" does Gulf Power recite a definition of an unincorporated city, town, village, or borough. Indeed, there is no definition of these terms in the statutes. Instead, Gulf Power seeks to develop a definition that would preclude CHELCO, and other cooperatives in the state, from providing services to growing areas. This Commission has rejected arguments by Gulf Power that CHELCO should not be permitted to serve an area because it may someday lose the characteristics of a "rural area" (In re: *Choctawhatchee Electric Cooperative, Inc. v. Gulf Power Co.*, Order No. 7516, Dkt. No. 74551-EU, Nov. 19, 1976, cert. denied *Gulf Power Co. v. Hawkins, et al.*, 375 So.2d 854, Fla. 1979)

5. CHELCO requests the Commission to deny the Motion to Compel the provision of addresses for all members. CHELCO has provided responses relative to the number of members in non-rural areas and the addresses of all members is unnecessary and not designed to lead to the discovery of admissible evidence.

DATED this 3rd day of January, 2011.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Norman H. Horton, Jr.", written over a horizontal line.

NORMAN H. HORTON, JR.

E. GARY EARLY

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