One Energy Place Pensacola, Florida 32520

850 444.6111

March 15, 2000



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. 991837-El

This letter is in response to Mr. Keating's memo to all parties of record dated March 6, 2000 requesting comments on certain issues in the above docket.

Gulf agrees with Staff that Issue 14 and Issue 19N would be better addressed, if at all, in any proceedings arising from the nonfirm service workshops. Gulf also agrees with Staff's position that Issue 15A is beyond the scope of this proceeding and that Issue 19O should be eliminated from this docket.

Gulf does not believe that the concept embodied in Issue 19M currently has generic application. To the best of our knowledge there is no benchmark proxy for market price that is used generically to test the reasonableness of fuel-related transactions between an investor-owned electric utility and its affiliated companies. To the extent that there are benchmark proxies for market price in use, they have been designed and implemented on a company specific basis to address company specific issues. The development of policy in response to this issue is better suited at this time to resolution on a case-by-case basis using actual facts and circumstances.

That leaves two issues remaining:

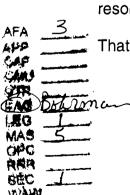
Issue 15 and Issue 29 (as combined and reworded by staff):

"As a condition for cost recovery, should an investor-owned electric utility be required to disclose publicly the costs, terms, and conditions of all components of the fuel and purchased power cost recovery clause and the capacity cost recovery clause?"

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Ms. Blanca S. Bayo March 15, 2000 Page Two

and

Issue 19L (as reworded by staff):

"Should a wholesale customer ever pay less than a utility's system average fuel cost?"

As to the latter, it is remarkably similar to an issue that was decided by the Commission in Order No. PSC-97-0262-FOF-EI, issued March 11, 1997 in Docket No. 970001-EI. As noted in that order, OPC's issue at that time was "Should an electric utility be permitted to include, for retail cost recovery purposes, fuel cost of generation at any time its units exceed, on a cents-per kilowatt-hour basis, the average fuel cost of total generation (wholesale plus retail) out of those same units?" The Commission addressed that issue in Order No. PSC-97-0262-FOF-EI after giving the parties an opportunity to submit testimony in the August 1996 fuel hearings and to submit post hearing statements followed by a staff recommendation. No basis has been asserted for readdressing this issue at this time.

Gulf does not believe that FIPUG's justification asserted to date for raising matters that have evolved into these two issues has been sufficient to justify this proceeding at this time, particularly on a generic basis, without any specific facts or allegations of harm. It appears that FIPUG is seeking a change in the application of laws and regulations enacted on a state and federal level in a way that would affect legitimate and lawful actions undertaken by the affected utilities. There has been no allegation that the utilities have acted contrary to any law or commission policy. A great deal of time and expense has already been incurred by the Commission, its Staff and the affected utilities. Before further significant effort is undertaken, it would be appropriate to bring this matter back before the Commission for its determination as to whether this investigation is warranted.

Sincerely, Susan D. Ritunaur

Susan D. Ritenour

Assistant Secretary and Assistant Treasurer

lw

cc: Beggs and Lane

Jeffrey A. Stone, Esquire

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Determination of appropriate disclosure) requirements for certain affiliated transaction) data and wholesale transaction data for) investor-owned electric utilities)

Docket No. 991837-El

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was furnished by hand delivery or the U. S. Mail this _/5+1c day of March 2000 on the following:

Cochran Keating, Esquire FL Public Service Commission 2540 Shumard Oak Boulevard Tallahassee FL 32399-0863

John Roger Howe, Esquire Office of Public Counsel 111 W. Madison St., Suite 812 Tallahassee FL 32399-1400

James McGee, Esquire Florida Power Corporation P. O. Box 14042 St. Petersburg FL 33733-4042

Matthew M. Childs, Esquire Steel, Hector & Davis 215 South Monroe, Suite 601 Tallahassee FL 32301-1804 Vicki G. Kaufman, Esq. McWhirter Reeves 117 S. Gadsden Street Tallahassee FL 32301

Lee L. Willis, Esquire James D. Beasley, Esquire Ausley & McMullen P. O. Box 391 Tallahassee FL 32302

John W. McWhirter, Jr., Esq. McWhirter Reeves P. O. Box 3350 Tampa FL 33601-3350

JEFFREY A. STONE Florida Bar No. 325953 RUSSELL A. BADDERS Florida Bar No. 0007455 BEGGS & LANE P. O. Box 12950 Pensacola FL 32576 (850) 432-2451

Attorneys for Gulf Power Company