

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FLORIDA CABLE TELECOMMUNICATIONS  
ASSOCIATION, INC.; COX COMMUNICATIONS  
GULF COAST, L.L.C., *et al.*

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Complainants,

P.A. No. 00-004

vs.

GULF POWER COMPANY,

Respondent.

00 JUL 21 AM 9:40  
MAIL ROOM

To: Cable Services Bureau

MOTION OF GULF POWER COMPANY  
FOR LEAVE TO FILE MOTION TO DISMISS COMPLAINT  
FOR LACK OF JURISDICTION

GPC (Badders)

Respondent, Gulf Power Company ("Gulf Power"), respectfully files this motion for leave to file the accompanying Motion to Dismiss Complaint and Petition for Temporary Stay for Lack of Jurisdiction (the "Motion to Dismiss").<sup>1</sup> As set forth below, and in the accompanying Motion to Dismiss, good cause exists for Gulf Power's filing. First, the Commission lacks jurisdiction because Petitioners are either currently using, or intend to use, the facilities they attach to Gulf Power's poles to provide Internet service. Second,

APP \_\_\_\_\_ Petitioners' claims for breach of contract are outside the Commission's jurisdiction over  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_ contractual rates, terms, and conditions. Finally, the Petition is untimely.  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_

LEG \_\_\_\_\_  
OPC \_\_\_\_\_  
PAI \_\_\_\_\_  
RGO \_\_\_\_\_  
SEC \_\_\_\_\_  
SER \_\_\_\_\_  
OTH \_\_\_\_\_

<sup>1</sup>Gulf Power is filing this Motion for Leave in conformity with 47 C.F.R. § 1.1407(2), which provides that "no other filings [*i.e.*, other than the response and the reply and motions] other than for extensions of time will be considered unless authorized by the Commission."

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FPSC-RECORDS/REPORTING

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