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December 31, 1996

Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oaks Boulevard
Tallahassee, Florida 32301

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 a Motion to Compel
Discovery by Gulf Coast Electric Cooperative, Inc. for filing.

Please call me if you have any questions.

Very truly yours,

John H. Haswell

- ACK _____
- AFA _____
- APP 1 JHH/lez
- CAF _____ Enclosures
- CMU _____ cc: J. Patrick Floyd, Esquire
- CTR _____ Roy Barnes
- EAG** _____
- LEG 1
- LIN 3
- OFC _____
- RCH _____
- SEC 1 C:\WP60\GCEC\TERRITOR\WASHINGTON\BAYO.LTR
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE

00023 JAN-26

FPSC-RECORDS/REPORTING

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

GULF COAST'S MOTION TO COMPEL DISCOVERY

On November 12, 1996, Gulf Coast Electric Cooperative, Inc. ("Gulf Coast") hand delivered its First Set of Interrogatories to Gulf Power Company (Numbers 1 to 42) in Phase II of this docket, to Gulf Power Company's ("Gulf Power") attorney, Jeffrey A. Stone, Esquire.

On December 17, 1996, Gulf Power hand delivered the answers to the Interrogatories by Federal Express, but did not fully answer Interrogatory No.'s 3b, 14, 15, 31, 32 and 42. Consequently pursuant to Rule 1.380, Florida Rules of Civil Procedure, Gulf Coast respectfully requests an order compelling Gulf Power to answer the aforesaid Interrogatories. A copy of each Interrogatory and Gulf Power's response is attached hereto.

Regarding Interrogatory No. 3b, Gulf Power was asked to state why it did not include certain maps specified as being areas where the facilities of the two utilities were co-mingled, crossed or in close proximity. Gulf Power's answer fails to answer the question.

Regarding Interrogatory 14, although Gulf Power denied that it speculated on the future growth of service to the Sunny Hills area, in its answer it states that it "relies on reasonable planning assumptions". Gulf Power failed to answer the question that required a statement of "criteria, calculations, data and conclusions" that would form the basis of "reasonable planning assumptions".

DOCUMENT NUMBER-DATE
000606 00023 JAN-25
FPSC RECORDS/REPORTING

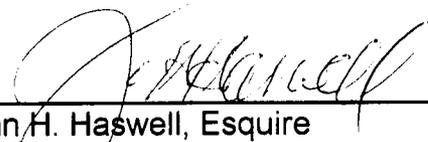
Regarding Interrogatory No. 15, Gulf Power simply refers to its response to Interrogatory No. 14 which refers to "reasonable planning assumptions". Gulf Power failed to state what criteria, calculations, data and conclusions were used by Gulf Power in developing "reasonable planning assumptions".

Regarding Interrogatory No. 31, Gulf Power objected to the question as being "unreasonably burdensome". Gulf Coast simply asked Gulf Power to identify any document, policy or order of the Florida Public Service Commission that would support Gulf Power's claim that the Commission has a policy of resolving territorial disputes by utilizing "least cost of service". It is not unreasonable nor burdensome for Gulf Power to identify what document, policy or order of the Commission that it relied on in making the statement that a policy of "least cost of service" exists. To clarify Gulf Coast's common sense intent in asking the question, Gulf Coast will be satisfied with an answer that identifies such documents, policies or orders of the Commission that Gulf Power relied on in making the statement regarding "least cost of service" or such documents, policies or orders, that are known to Gulf Power.

Regarding Interrogatory No. 32, Gulf Coast specifically asked Gulf Power to identify and describe in detail the methods known to Gulf Power referenced by Mr. Holland. Gulf Power's response simply refers to the general testimony of Mr. Spangenberg and Mr. Weintritt, which wholly fails to identify the methods referred to by Mr. Holland.

Regarding Interrogatory No. 42, Gulf Power refused to answer the question, responding with a vague concern that by following the mandate of the Commission's prior orders in this docket it would somehow lead to an interpretation of mandating drawing of lines on the ground. Whether Gulf Power believes that drawing lines on the ground is

required or not is totally irrelevant. Neither does Gulf Coast seek any attorney client privileged communications or privileged work product. The question is quite simple, and in compliance with Issue or Item No. 7 of the Order Determining Issues to be Resolved at the Evidentiary Hearing dated September 23, 1996, Gulf Power is asked to identify where a territorial boundary should be established. Gulf Power's answer is evasive in that it has refused to state whether or not it has developed a territorial boundary in compliance with the aforesaid order, that under no conditions or circumstances would it ever develop or propose such a territorial boundary, or that it has no idea, concept, or design for a territorial boundary or geographical delineations.



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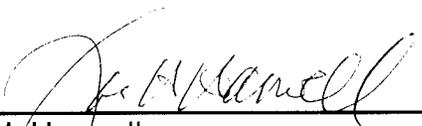
Attorneys for Gulf Coast
Electric Cooperative, Inc.

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	David E. Smith, Esquire
Jeffrey A. Stone, Esquire	Mary Ann Helton, Esquire
Beggs & Lane	Division of Appeals
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 31st day of December, 1996.



John H. Haswell

3. For the answer to this interrogatory please refer to the following map numbers: 2520, 2717, 2418, 2420. Please state which of these maps shows facilities of the two utilities in close proximity to each other, that is, within approximately 150 feet more or less, which maps show any crossings of the two utilities, and which maps show parallel lines of the two utilities. In addition:
- a. Please state which of these maps contain the initials of a GPC official.
 - b. Please state why GPC did not include these maps in GPC's testimony as being areas where the facilities of the two utilities are co-mingled, cross, or are in close proximity.

ANSWER:

Maps 2520, 2418, and 2420 show facilities of the two utilities that are within approximately 150 feet of each other. Map 2420 shows a single crossing and a section of less than 200 feet of parallel line of the two utilities. GCEC is not providing a service to any customers on map 2420.

- a. Each of these maps contains the initials of a Gulf Power official. The presents of the initials indicate only that each map contains facilities of both companies and that the location of those facilities were verified by their respective company.
- b. Gulf Power's testimony is based on the maps identified by FPSC staff as having facilities in close proximity. Gulf Power also maintains that on the maps identified by FPSC staff that only limited sections at those facilities are actually in close proximity.

14. Did GPC "speculate" on the future growth of service to the Sunny Hills development prior to constructing its facilities to serve Sunny Hills? In answering, please state what criteria, calculations, data and conclusions were used by GPC in determining to extend GPC's facilities to serve Sunny Hills.

ANSWER:

No. Gulf Power Company does not speculate on future growth but rather relies upon reasonable planning assumptions. Gulf Power's decision to extend facilities to serve developments such as Sunny Hills is based on receipt of a request from the developers.

15. Did GPC "speculate" on the future growth of service to the Leisure Lakes development prior to constructing its facilities to serve Leisure Lakes? Irrespective of the ultimate Commission order prohibiting GPC from serving the Leisure Lakes area, please state what criteria, calculations, data and conclusions were used by GPC in determining to extend GPC's facilities to serve Leisure Lakes.

ANSWER:

See response to Interrogatory No. 14.

31. Please identify each and every document, policy or order of the Florida Public Service Commission where the Commission adopted a policy of "least cost of service" to resolve a territorial dispute.

ANSWER:

Gulf Power Company objects to this question as being unreasonably burdensome. The information sought is a matter of public record which is readily assessable to legal counsel at GCEC.

32. With reference to Mr. Holland's direct testimony at page 9, line 24, please identify and describe in detail all such methods known to GPC.

ANSWER:

For specifics, see the testimony of T. S. Spangenberg and W. C. Weintritt submitted in this proceeding.

42. In relation to Issue or Item Number 7 of the Order determining Issues to be Resolved at Evidentiary Hearing dated September 23, 1996, state in detail (by reference to the Detail Service Maps and/or DOT Highway MAP if possible) where according to Gulf Power the referenced "Territorial Boundary" should be established presuming the same to refer or consist of detailed geographical delineations (lines on the ground), and state in detail regarding your response:
- a. Explain in detail the reasons including customer exchange, facilities, geographical ease of line locations, natural boundaries and all other factors used by Gulf Power to determine its location of the territorial boundary between Gulf Coast and Gulf Power to the area referenced in the Issues.
 - b. Identify each document, note, memorandum, letter or other documentary evidence which was used to support and/or determine Gulf Power's location of the "Territorial Boundary" or which was used to establish the same.
 - c. If no line on the ground is described or detailed in the response, then state whether and under what conditions or circumstances in these proceedings Gulf Power intends to provide its proposed location of these delineations (lines on the ground) of the "Territorial Boundary".

ANSWER:

As noted in Gulf Power's objections to the issue as worded, Gulf Power is concerned that others in this proceeding will interpret the issue to mandate drawing lines on the ground. As discussed extensively in the testimony of Gulf Power's witnesses in this proceeding. Gulf Power does not believe that such a solution is required in this case nor in the best interests of the general body of ratepayers in the state. Gulf objects to the subparts of this interrogatory on the basis that they would require the disclosure of privileged attorney-client communications and work product developed in anticipation of litigation as well as litigation strategy.