

ORIGINAL  
FILE COPY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

GULF POWER COMPANY

Appellant,

vs.

FLORIDA PUBLIC SERVICE  
COMMISSION,

Appellee.

DOCKET NO. 891345-EI

CASE NO.

NOTICE OF ADMINISTRATIVE APPEAL

NOTICE IS HEREBY GIVEN that Gulf Power Company, Appellant, appeals to the Supreme Court of Florida pursuant to Section 366.10, Florida Statutes (1989), and Rule 9.030(a)(1)(B)(ii), Fla.R.App.P., the Florida Public Service Commission's Order No. 23573, issued October 3, 1990, and rendered final on December 17, 1990, by Order No. 23894, in Docket No. 891345-EI.

ACK \_\_\_\_\_ The nature of the orders sought to be reviewed are  
AFA 1 orders of the Florida Public Service Commission granting Gulf  
APP 1  
CAF \_\_\_\_\_ Power Company a rate increase of \$14,131,000 based on an  
CMU \_\_\_\_\_ authorized return on equity of 12.55 percent but ordering a 50  
CTR \_\_\_\_\_ basis point reduction to the allowed return on equity, as a  
EAG 1  
LEG 1 mismanagement "penalty", thereby reducing the increase by  
LIN 6 \$2,293,000 per year for two years.  
OPC 1  
RCH \_\_\_\_\_  
SEC 1  
WAS \_\_\_\_\_  
OTH Ray

DOCUMENT NUMBER-DATE

11298 DEC 21 1990 2614

FPSC-RECORDS/REPORTING

Respectfully submitted,

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and

Alan C. Sundberg  
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By:



Attorneys for Gulf Power Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been furnished this 21st day of December, 1990, by mail to the following:

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FILE COPY**

IN THE FLORIDA PUBLIC SERVICE  
COMMISSION  
DOCKET NO. 891345-EI

GULF POWER COMPANY,  
  
Petitioner/Appellant,  
  
vs.  
  
FLORIDA PUBLIC SERVICE  
COMMISSION,  
  
Respondent/Appellee.

DIRECTIONS TO CLERK

Petitioner, Appellant GULF POWER COMPANY, directs the Clerk of the Florida Public Service Commission to include the following items in the original record and to exclude all other items described in Rule 9.200(a)(1):

	<u>ITEM</u>	<u>DATE FILED</u>
ACK _____		
AFA <u>1</u>		
APP <u>1</u>		
CAF <u>1.</u>	Petition of Gulf Power Company for a Rate Increase	December 15, 1989
CMU _____		
CTR _____		
EAG <u>2.</u>	MFR Schedule C-3	December 15, 1989
LEG <u>3.</u>	MFR Schedule C-7	December 15, 1989
LIN <u>4.</u>	Transcript of Service Hearing Held in Pensacola, Florida April 4, 1990	April 19, 1990
OPC <u>1</u>		
RCH _____		
SEC <u>1</u>		
WAS <u>5.</u>	Transcript of Service Hearing Held in Panama City, Florida April 5, 1990	April 30, 1990
OTH <u>Kay</u>		

DOCUMENT NUMBER-DATE

11299 DEC 21 1990 2617

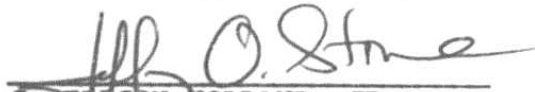
FPSC-RECORDS/REPORTING

6. Florida Public Service Commission  
Order No. 23025 June 4, 1990
7. Testimony of Douglas L. McCrary, Hearing  
Transcript pages 20 - 282 and 4155 - 4206 June 12 - 22, 1990
8. Testimony of Arlan E. Scarbrough, Hearing  
Transcript pages 304 - 306, 513 - 529, and 618 - 619 June 12 - 22, 1990
9. Testimony of Donald L. Gilbert, Hearing  
Transcript pages 645 - 647 and 664 - 682 June 12 - 22, 1990
10. Testimony of Mark R. Bell, Hearing Transcript  
pages 683 - 729 and 3759 - 3774 June 12 - 22, 1990
11. Testimony of Paul W. Bowers, Hearing  
Transcript pages 974 - 977 June 12 - 22, 1990
12. Testimony of Kathryn Dyal Brown, Hearing  
Transcript pages 2034 - 2045 June 12 - 22, 1990
13. Testimony of Roberta Bass, Hearing Transcript  
pages 2977 - 3063 June 12 - 22, 1990
14. Testimony of George A. Fell, Hearing Transcript  
pages 4056 - 4154 June 12 - 22, 1990
15. Hearing Exhibit No. 2  
(DLM-1, Schedule 1) June 12 - 22, 1990
16. Hearing Exhibit No. 4  
(DLM-1, Schedule 3) June 12 - 22, 1990

- |     |  |                    |
|-----|--|--------------------|
| 17. | Hearing Exhibit No. 5<br>(DLM-2, Schedule 1)   | June 12 - 22, 1990 |
| 18. | Hearing Exhibit No. 15<br>(AES-1, Schedule 10)   | June 12 - 22, 1990 |
| 19. | Hearing Exhibit No. 16<br>(AES-1, Schedule 11)   | June 12 - 22, 1990 |
| 20. | Hearing Exhibit No. 56<br>(RJM-1, Schedule 8)  | June 12 - 22, 1990 |
| 21. | Hearing Exhibit No. 183  | June 12 - 22, 1990 |
| 22. | Hearing Exhibit No. 296<br>(GAF-1, Schedule 1)   | June 12 - 22, 1990 |
| 23. | Hearing Exhibit No. 297<br>(GAF-1, Schedule 2)   | June 12 - 22, 1990 |
| 24. | Hearing Exhibit No. 385<br>Attachments I - V   | June 12 - 22, 1990 |
| 25. | Hearing Exhibit No. 413<br>(Staff-26)  | June 12 - 22, 1990 |
| 26. | Hearing Exhibit No. 606  | June 12 - 22, 1990 |
| 27. | Post Hearing Brief<br>of Gulf Power Company,<br>pages 107 - 138  | July 9, 1990       |
| 28. | Staff Recommendation, pages<br>67 - 85   | July 27, 1990      |
| 29. | Transcript of Agenda<br>Conference of August 9 -<br>14, 1990, pages 144 - 148,<br>152 - 156, 390 - 391 | August 18, 1990    |
| 30. | Florida Public Service<br>Commission Order No. 23573   | October 3, 1990    |

- |     |   |                   |
|-----|---|-------------------|
| 31. | Gulf Power Company's<br>Motion for Reconsideration<br>of Decision Requiring<br>Partial Refund of Interim<br>Rates | October 18, 1990  |
| 32. | Gulf Power Company's<br>Motion to Sever as to<br>Issue 111  | October 18, 1990  |
| 33. | Gulf Power Company's<br>Motion for Stay as to<br>Issue 38   | October 18, 1990  |
| 34. | Staff Recommendation  | November 19, 1990 |
| 35. | Transcript of Agenda<br>Conference of December 4,<br>1990, pages 14 - 19  | December 11, 1990 |
| 36. | Florida Public Service<br>Commission Order No.<br>23894   | December 17, 1990 |

Respectfully Submitted,



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Attorneys for Appellant

IN THE FLORIDA PUBLIC SERVICE COMMISSION

GULF POWER COMPANY, )  
 )  
 Petitioner/Appellant, )  
 )  
 vs. ) DOCKET NO. 891345-EI  
 )  
 FLORIDA PUBLIC SERVICE COMMISSION, )  
 )  
 Respondent/Appellee. )  
 )


STATEMENT OF COMMISSION ACTS TO BE REVIEWED

Appellant, Gulf Power Company, by and through its under-  
signed counsel and pursuant to Rule 9.200(a)(2), Florida Rules of  
Appellate Procedure, makes the following statement of the act of  
the Florida Public Service Commission to be reviewed, saying:

The decision of the Florida Public Service Commission to  
impose a "mismanagement penalty" on Gulf Power Company by  
reducing the Company's authorized return on equity by 50  
basis points, from 12.55 percent to 12.05 percent, for two  
years and consequently reducing the allowed rate increase  
by \$2,293,000 on an annual basis for that two year period.

Respectfully submitted this 21<sup>st</sup> day of December, 1990.

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Attorneys for Appellant



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition of Gulf Power )  
Company for an increase in its )  
rates and charges. )

DOCKET NO: 891345-EI

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing has been furnished this 21st day of December, 1990 by U.S. Mail to the following:

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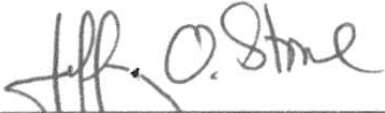
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