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Gulf Power Company  
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Post Office Box 1151  
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Telephone 904 444-6365

Jack L. Haskins  
Manager of Rates and Regulatory Matters  
and Assistant Secretary

the southern electric system

ORIGINAL  
FILE COPY

July 7, 1994

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee FL 32399-0870

Dear Ms. Bayo:

RE: Docket No. 931044-EI

Enclosed are an original and fifteen copies of Gulf Power Company's Motion for Relief From Extraordinary Notice Requirements and the Request for Oral Argument on Gulf's Motion for Relief From Extraordinary Notice Requirements to be filed in the above docket.

- ACK  \_\_\_\_\_
  - AFA  \_\_\_\_\_
  - APP  \_\_\_\_\_
  - CAF  \_\_\_\_\_
  - CMU  \_\_\_\_\_
  - CTR  \_\_\_\_\_
- Also enclosed is a 3.5 inch double sided, high density diskette containing the Motion and the Request in WordPerfect 5.1 format as prepared on a MS-DOS based computer.

Sincerely,

*Jack L. Haskins*  
LEG *Jack L. Haskins*  
LIN 4  
OPC \_\_\_\_\_  
RCH \_\_\_\_\_

RECEIVED & FILED  
*mm*  
EPSC-BUREAU OF RECORDS

Enclosures

- SEC  cc: Beggs and Lane
- WAS \_\_\_\_\_ Jeffrey A. Stone, Esquire
- OTH \_\_\_\_\_

*Motion for Relief*  
DOCUMENT NUMBER-DATE  
06790 JUL-84  
FPSC-RECORDS/REPORTING

*Req. Oral Argum*  
DOCUMENT NUMBER-DATE  
06791 JUL-84  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Gulf Power Company's petition )  
for authority to implement a )  
replacement rate schedule for the )  
standby electric service provided by )  
the Company. )

Docket No. 931044-EI  
Date filed: 07/08/94

GULF POWER COMPANY'S MOTION FOR RELIEF  
FROM EXTRAORDINARY NOTICE REQUIREMENTS

Gulf Power Company, ("Gulf Power", "Gulf", or "the  
"Company"), by and through its undersigned attorneys, and hereby  
requests that the Florida Public Service Commission ("Commission")  
enter an order relieving the Company from any obligation to comply  
with the extraordinary notice requirements set forth within  
Commission Order No. PSC-94-0727-PCO-EI, issued June 13, 1994. In  
support of this motion, the Company states:

1. Order No. PSC-94-0727-PCO-EI at page two, under the  
heading "Diskette Filing", contains the following paragraphs:

Pursuant to Rule 25-22.0406(6), Florida  
Administrative Code, the utility shall give  
written notice of the date, time, location,  
and purpose of the hearing to each of its  
customers no less than fourteen days prior to  
the first day of the hearing. The utility  
shall utilize first class mail for customers  
with out of town mailing addresses.

The notice shall include a statement that  
any customer comments regarding the  
acquisition adjustment or the rate base for  
purposes of transfer should be addressed to  
the Director, Division of Records and  
Reporting, Florida Public Service Commission,  
101 East Gaines Street, Tallahassee, Florida  
32399-0870, and that such comments should  
identify the docket number assigned to this  
proceeding.

2. The foregoing language, although ambiguous<sup>1</sup>, appears to require Gulf Power to send notice via first class mail to all 325,000 of the Company's retail customers prior to July 18, 1994. Such a requirement is extraordinary under the circumstances of this case. Generally, notices of hearing by electric utilities are made via publication in newspapers of general circulation in the area affected.

3. In this case, only a very small number of Gulf's present customers are subject to the rate schedule at issue. Of the five

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<sup>1</sup>There are several aspects about the two paragraphs that give rise to the ambiguous nature of the notice requirement. First, the citation to Rule 25-22.0406(6), F.A.C. is apparently in error. That rule is applicable to the "Notice and Public Information on General Rate Increase Requests by Electric, Gas and Telephone Companies". This case does not involve a general rate increase request by Gulf Power, but instead involves the replacement of one rate schedule applicable to a particular discrete class of the Company's ratepayers presently made up of no more than five individual corporate customers. The replacement rate schedule at issue does not result in a rate increase for Gulf Power.

Even if the Administrative Code provision cited were applicable to this case, the notice requirement set forth therein does not require the utility to ". . . utilize first class mail for notices sent to customers with out of town mailing addresses." Such a requirement appears to be taken from Section 25-22.0407(6)(a), F.A.C. entitled "Notice and Public Information on General Rate Increase Requests by Water and Wastewater Utilities", wherein the rule states: "The notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address." There is no similar provision in the rule applicable to electric utilities. If such a provision were to be applied in this case, an ambiguity exists as to which customers would be considered to have "out-of-town" mailing addresses given the fact that Gulf Power serves multiple communities.

Further evidence of the ambiguous nature of the notice requirement is the reference to ". . . customer comments regarding the acquisition adjustment or the rate base for purposes of transfer . . .". This case does not involve any acquisition adjustments or questions involving rate base.



affected customers, three have intervened and prefiled testimony in connection with the hearing scheduled for August 1, 1994. The remaining two affected customers have been directly contacted by representatives of Gulf Power's marketing department and have been made aware of the date, time, location and purpose of the hearing. Although further notice to these customers is not necessary, Gulf is prepared to send formal written notice via first class mail to the five customers who were receiving electric service under the former rate schedule SS and therefore would have an immediate interest in the replacement rate schedule SBS.

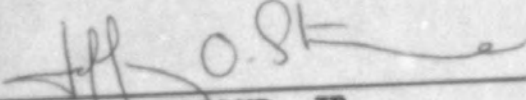
4. Direct mail notice to all of Gulf's customers is not appropriate in this case. As stated in the preceding paragraph, the subject matter of this proceeding only has a direct impact on a very small class of Gulf's customers. Given this fact, a direct mailing to all of Gulf's customers is not reasonably necessary to afford adequate notice to Gulf's affected customers and would likely result in widespread confusion and a multitude of inquiries to Gulf's customer service and marketing representatives. Similar inquiries to the Commissioners or the Commission Staff are also possible. In the event the Commission decides that notice of the hearing should be provided to Gulf's general body of ratepayers, Gulf would request that it be authorized to provide such notice via an advertisement in newspapers of general circulation within the areas in which Gulf provides retail electric service.<sup>2</sup>

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<sup>2</sup>The alternative of written notice included within the electric bills mailed to Gulf's customers is not feasible in this case. Due to billing cycles, some of Gulf's customers will not be receiving another electric bill prior to the August 1 hearing date.

WHEREFORE, Gulf Power Company respectfully requests that an order be entered relieving the Company from any obligation to comply with the extraordinary notice requirements set forth within Commission Order No. PSC-94-0727-PCO-EI, issued June 13, 1994. In the alternative, Gulf requests that it be allowed to satisfy any obligation to provide written notice of the date, time, location and purpose of the hearing in this matter via a notice mailed directly to the five customers receiving standby service from the Company under its former rate schedule SS, and/or an advertisement in newspapers of general circulation within the areas in which Gulf provides retail electric service.

Respectfully submitted this 7th day of July, 1994.

  
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Attorneys for Gulf Power Company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Authority to )  
Implement a Replacement Rate )  
Schedule for Standby Electric )  
Service by Gulf Power Company )

Docket No. 931044-EI

Certificate of Service

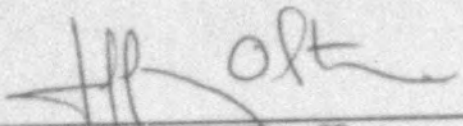
I HEREBY CERTIFY that a copy of the foregoing has been furnished this 7<sup>th</sup> day of July 1994 by U.S. Mail or hand delivery to the following:

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