

Gulf Power Company  
500 Bayfront Parkway  
Post Office Box 1151  
Pensacola, FL 32520-0781  
Telephone 904-144-8231

ORIGINAL  
FILE COPY

Susan D. Cranmer  
Assistant Secretary and  
Assistant Treasurer

*the southern electric system*

November 13, 1996

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. 930885-EU

Enclosed are an original and fifteen copies of Gulf Power Company's Motion for Reconsideration in the above docket.

Sincerely,

*Susan D. Cranmer*

ab

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP 1 \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CVR \_\_\_\_\_  
ENC 1 \_\_\_\_\_  
LFC 1 \_\_\_\_\_  
LRS 3 \_\_\_\_\_  
OTL \_\_\_\_\_  
ROH \_\_\_\_\_  
SEC 1 \_\_\_\_\_  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

cc: Beggs and Lane  
Jeffrey A. Stone, Esquire

DOCUMENT NUMBER-DATE

12163 NOV 15 96

FPSC-RECORDS/REPORTING 000566

10/11/96  
11:07

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition to resolve territorial dispute )  
with Gulf Coast Electrical Cooperative, Inc. )  
by Gulf Power Company. )  
\_\_\_\_\_ )

Docket No. 930885-EU  
Filed: November 14, 1996

**GULF POWER COMPANY'S MOTION FOR RECONSIDERATION**

GULF POWER COMPANY ("Gulf Power," "Gulf," or "the Company"), by and through its undersigned attorneys, files the following motion for reconsideration of Florida Public Service Commission Order No. PSC-96-1191-PCO-EU, as clarified by Order No. PSC-96-1331-PCO-EU, and argues:

1. On September 23, 1996, and November 4, 1996, the Florida Public Service Commission issued the above referenced orders approving certain issues for resolution at the hearing scheduled for February 11-12, 1997, in this matter. The approved issues include only those issues raised by the Commission's staff at a preliminary prehearing conference which took place on July 29, 1996. At the same preliminary prehearing conference Gulf Power Company ("Gulf Power") raised several issues which were not approved for resolution in this matter by the Commission.

2. The nature of the preliminary prehearing conference was, as implied, preliminary to simplify the issues. The goal of simplifying the issues was to facilitate discovery and the filing of testimony. Commission policy has been in the past to allow issue development until the prehearing conference which takes place after testimony is filed and discovery closes. This permits all of the issues to be developed fully and allows the proceeding to be shaped until that time. A prehearing conference is scheduled for this matter for February 3, 1997. Final determination of which issues need resolution at the hearing should not be made until the

DOCUMENT NUMBER-DATE  
000563 12163 NOV 15 96  
FPSC-RECORDS/REPORTING

prehearing conference.

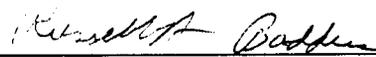
3. The issues raised by Gulf Power are necessary issues in resolving the current proceeding. Inclusion of the issues raised by Gulf Power does not unnecessarily broaden or expand the issues. Likewise the inclusion of these issues would not be repetitive of prior proceedings in that the Commission has not taken evidence on these issues at any stage of this or any prior proceeding between these parties.

4. The current proceeding is novel in that, prior to this proceeding, the Commission has not sought to resolve a territorial boundary issue on its own motion between these parties. The issues raised by the Commission's staff exclude most of the options that the Commission have in resolving this matter without evidence having been taken to develop those options. Staff's issues by themselves limit greatly what the Commission may consider in resolving this matter, while the addition of Gulf's issues to those raised by Staff would permit the Commission to receive evidence on various options and potential resolutions of this matter. It is in the best interest the parties, the Commission, and the public to have before the Commission the entire range of options and testimony to support them in making their final determination in this matter. The testimony and evidence taken by the Commission should determine the outcome of this matter, not the inclusion or exclusion of issues. Over simplification or elimination of issues, and therefore testimony and options of the Commission, can only result in a final determination that is not based on competent substantial evidence.

WHEREFORE, Gulf Power Company respectfully requests that the Florida Public Service Commission reconsider this matter and issue an order approving the issues raised by Gulf

Power. In the alternative, Gulf Power Company respectfully requests that the Commission issue an order acknowledging that any resolution of the final issues to be determined in the hearing on this matter will be made at the prehearing conference scheduled for February 3, 1997.

Respectfully submitted this 13th day of November, 1996.



---

**JEFFREY A. STONE**  
Florida Bar No. 325953  
**RUSSELL A. BADDERS**  
Florida Bar No. 7455  
**Beggs & Lane**  
Post Office Box 12950  
Pensacola, Florida 32576-2950  
(904) 432-2451  
**Attorneys for Gulf Power Company**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to resolve )  
territorial dispute with Gulf )  
Coast Electric Cooperative, Inc. ) Docket No. 930885-EU  
by Gulf Power Company )  
\_\_\_\_\_ )

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing has been furnished this 13<sup>th</sup> day of November 1996 by U.S. Mail or hand delivery to the following:

Vicki Johnson, Esquire  
Staff Counsel  
FL Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee FL 32399-0863

Patrick Floyd, Esquire  
Gulf Coast Electric Coop.  
408 Long Avenue  
Port St. Joe FL 32456

John Haswell, Esquire  
Chandler, Lang & Haswell  
P. O. Box 23879  
Gainesville FL 32602

Hubbard Norris  
Gulf Coast Elec. Coop., Inc.  
P. O. Box 220  
Wewahitchka FL 32465

  
\_\_\_\_\_  
JEFFREY A. STONE  
Florida Bar No. 325953  
RUSSELL A. BADDERS  
Florida Bar No. 7455  
Beggs & Lane  
P. O. Box 12950  
Pensacola FL 32576  
904 432-2451  
Attorneys for Gulf Power Company

000567