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STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
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Public Service Commission

January 18, 2002

Thomas D. Hall, Clerk
Supreme Court of Florida
Supreme Court Building
Tallahassee, Florida 32301

FPSC, CLK - CORRESPONDENCE
✓ Administrative Parties Consumer
DOCUMENT NO. 14780-04
DISTRIBUTION: _____

Re: West Florida Electric Cooperative Association, Inc. vs.
Lila Jaber, Chairman, et al. (Docket No. 010441-EU)

Dear Mr. Hall:

Enclosed is a certified copy of a Notice of Appeal, filed in this office on behalf of West Florida Electric Cooperative Association, Inc., filed January 18, 2002. A copy of Order No. PSC-01-2499-FOF-EU, the order on appeal, is attached to the notice as an exhibit.

It is our understanding that the index of record is due to be served on the parties to this proceeding on or before March 8, 2002.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief
Bureau of Records and Hearing Services

KF:mhl
Enclosure

cc: John H. Haswell, Esquire
Frank E. Bondurant, Esquire
Russell A. Badders, Esquire
David Smith, Esquire

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

WEST FLORIDA ELECTRIC)
COOPERATIVE ASSOCIATION,)
INC.,)

Petitioner/Appellant,)

vs.)

LILA JABER, CHAIRMAN,)
FLORIDA PUBLIC SERVICE)
COMMISSION,)

and)

GULF POWER COMPANY,)

Respondents/Appellees.)

Docket Number: 010441-EU

NOTICE OF APPEAL
TO
THE SUPREME COURT OF FLORIDA

NOTICE IS HEREBY GIVEN that West Florida Electric Cooperative Association, Inc., ("WFEC"), Petitioner/Appellant, appeals to the Supreme Court of Florida, the Order of the Florida Public Service Commission rendered on December 21, 2001, Order Number PSC-01-2499-FOF-EU. The nature of the Order is a final order resolving a territorial dispute between West Florida Electric Cooperative Association, Inc. and Gulf Power Company ("Gulf Power") in Washington County, Florida. A certified copy of the Order appealed from is attached hereto in accordance with Rule 9.110(d).

The Supreme Court has jurisdiction in accordance with Article V, § 3(b)(2) of the Constitution of the State of Florida, Florida Statute, § 366.10 and Rule 9.030(a)(1)(B)(ii),

A TRUE COPY
ATTEST

Kay Dyer
Chief, Bureau of Records and
Hearing Services


DOCUMENT NUMBER-DATE

00658 JAN 18 2002

FPSC-COMMISSION CLERK

Florida Rules of Appellate Procedure. The action sought to be reviewed relates to the service of utilities providing electric service.

Respectfully submitted,



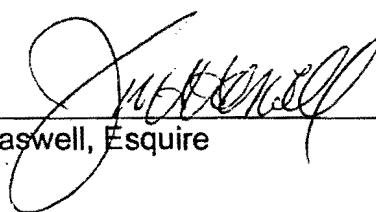
John H. Haswell, Esquire
Chandler, Lang, Haswell & Cole, P.A.
211 NE 1st Street (32601)
Post Office Box 23879
Gainesville, Florida 32602
(352) 376-5226 telephone
(352) 372-8858 facsimile
Florida Bar No.: 162536

and

Frank E. Bondurant, Esquire
Post Office Box 854
Marianna, Florida 32447
(850) 526-2263 telephone
(850) 526-5947 facsimile

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Jeffrey A. Stone, Esquire and Russell A. Badders, Esquire, Beggs & Lane, Post Office Box 12950, Pensacola, Florida 32576-29850; Robert Elias, Esquire and Marlene Stern, Esquire, Legal Division, Florida Public Service Commission, Capital Circle Office Center, 2540 Shumard Oak, Boulevard, Tallahassee, Florida 32399-0850, by U.S. Mail, this 17th day of January, 2002.



John H. Haswell, Esquire

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to resolve
territorial dispute with Gulf
Power Company in Washington
County by West Florida Electric
Cooperative Association, Inc.

DOCKET NO. 010441-EU
ORDER NO. PSC-01-2499-FOF-EU
ISSUED: December 21, 2001

The following Commissioners participated in the disposition of
this matter:

J. TERRY DEASON
MICHAEL A. PALECKI
LILA A. JABER

APPEARANCES:

JOHN HASWELL, ESQUIRE, Chandler, Lang & Haswell Law Firm,
P. O. Box 23879, Gainesville, Florida, 32602-3879, and
FRANK E. BONDURANT, ESQUIRE, Post Office Box 854,
Marianna, Florida 32447
On behalf of West Florida Electric Cooperative,
Association (WEST FLORIDA).

RUSSELL A. BADDERS, ESQUIRE, Beggs & Lane Law Firm, 700
Blount Building, 3 West Garden Street, P. O. Box 12950,
Pensacola, Florida 32576-2950
On behalf of Gulf Power Company (GULF).

MARLENE K. STERN, ESQUIRE, Florida Public Service
Commission, 2540 Shumard Oak Boulevard, Tallahassee,
Florida 32399-0850
On behalf of the Commission Staff (STAFF).

ORDER RESOLVING TERRITORIAL DISPUTE

BY THE COMMISSION:

On April 10, 2001, pursuant to Sections 366.04(2)(e),
366.04(5), and 366.055(3), Florida Statutes, and Rule 26-6.0441,
Florida Administrative Code, West Florida Electric Cooperative
Association, Inc. (West Florida or WFEC) filed a Petition to

A TRUE COPY

ATTEST

Blaine L. Davis
DIRECTOR, DIVISION OF
COMMISSION CLERK AND
ADMINISTRATIVE SERVICES

DOCUMENT NUMBER-DATE

15903 DEC 21 2001

PSC-COMMISSION CLERK

Resolve Territorial Dispute between West Florida and Gulf Power Company (Gulf). Gulf filed its Answer to the Petition on May 8, 2001. Subsequently, Staff attempted to mediate a resolution between the parties, but no agreement could be reached. A hearing was held on September 19, 2001. Our decision in this docket was made at the Agenda Conference held on December 4, 2001.

I. BACKGROUND

West Florida serves Calhoun, Holmes, Jackson and Washington Counties. The current dispute involves an area in Washington County. Florida Gas Transmission (FGT) proposes to build a new compressor station in Washington County, referred to as the Phase V Compressor Station No. 13A, or simply Station 13A. It will be located next to FGT's existing compressors at Station 13.

FGT has installed or will soon install two new motors to power the new compressors at Station 13A. The new motors convert electricity into horsepower. Enron Compression Services Company (ECS) has an agreement with FGT whereby ECS is responsible for providing horsepower to run the compressors. ECS asked Gulf to provide electricity for the motors.

On February 26, 2001, Gulf and ECS filed a Joint Petition for Declaratory Statement concerning Gulf's eligibility to serve ECS. That Petition was assigned Docket No. 010265-EI. On April 30, 2001, Gulf and ECS waived the 90 day deadline for action on the Petition. A decision on the Petition for Declaratory Statement will not be made until a decision on the Petition to Resolve Territorial Dispute is made.

II. AREA OF DISPUTE AND SERVICE AREA

West Florida states that the area in dispute is, and that the service area should be, an area within a four-mile radius of Hinson's Crossroads in Washington County, Florida. Gulf states that the only active dispute is over service to ECS at Station 13A which is located adjacent to FGT's existing Station 13 site in Washington County, FL.

West Florida describes the area within a four-mile radius of Hinson's Crossroads as remote and rural. West Florida states:

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There are approximately 390 services in the immediate area. There are no stores, shops, industries or businesses of any kind with the exception FGT, a bait and tackle shop and a junk yard, within 7 miles of the crossroads. The area is comprised mostly of single-family residences, fishing camps and farming operations.

The density of residential customers is less than six per mile.

West Florida has served the Hinson Crossroads area since 1946, and has served FGT at Station 13 since 1962. Gulf's nearest customer is over four miles away in a direct line and 6 miles away by road. Exhibit 2, part of Witness Rimes' testimony, shows that the nearest single-phase service of Gulf Power is four miles away from FGT's property and the nearest three-phase service of Gulf Power is nine miles away.

FGT is located on a 35 acre parcel known as Station 13. West Florida explains that Station 13A "is located on the same 35-acre parcel and physically joins Station 13." According to Exhibit GC-5, Station 13 and 13A "share all common facilities, including offices, parking lots, driveways and employees."

Gulf's position is that we "should designate only the confines of the equipment comprising ECS's electric load at Station 13A as the area in dispute." Witness Spangenberg describes Gulf's proposed disputed area as follows:

Station 13A ... is a vacant piece of land. It has no population and no other utility customers, presently or projected. It can best be characterized as a prospective industrial site particularly suited to natural gas pipeline interaction and/or ancillary services because of its location in close proximity to two existing pipelines and FGT's Station 13.

West Florida argues that in deciding territorial disputes, we are required to consider territory not customers. First, West Florida explains that the language of Chapter 366 refers to territories, not customers. In addition, West Florida relies on

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Order No. PSC-98-0174-FOF-EU, claiming that in that Order we accepted the following as a conclusion of law:

Chapter 366 speaks to "Territory", not to customers as the Florida Supreme Court has ruled, a customer has no organic, economic or political right to choose an electric supplier merely because he deems it to be to his advantage, (Story v. Mayo, 217 So.2d 304 (Fla 1968), Lee County v. Marks, 501 So.2d 585 (Fla 1987)).

West Florida further argues that we have considered historic service area to be a factor in deciding territorial disputes. West Florida relies on Order No. 12324, which addressed a territorial dispute between Suwanee Valley Electric Cooperative, Inc., and Florida Power Corporation (FPC) over service to a prison. See Order No. 12324, issued August 4, 1983, in Docket No. 83-0271-EU. FPC argued that it was the historic service provider to the area because it had a transmission line near the prison. We awarded service to the electric cooperative because it historically and currently served customers in the area while FPC did not.

West Florida also relies on Order No. 18886, which addressed a 1988 dispute between Gulf and West Florida over service to a new high school in Holmes County. See Order No. 18886, issued February 18, 1988, in Docket No. 87-0235-EI. Gulf was already serving an elementary school located adjacent to the property on which the high school would be built, without objection from West Florida. The school board determined that West Florida and Gulf could serve the high school for the same cost and requested service by West Florida. The order states that the service should be awarded to Gulf to Gulf because Gulf had been providing service to the "school complex property" since 1981.

West Florida cites a number of additional cases in support of its contention that it should provide service to ECS because West Florida is the historic service provider in the area. See Order No. 13668, issued September 10, 1984 in Docket No. 83-0484-EU, and upheld in Gulf Power Company v. Public Service Com'n, 480 So.2d 97 (Fla 1985); Order No. 16106, issued May 13, 1986 in Docket No. 85-0087-EU; Order No. PSC-98-0178-FOF-EU, issued January 28, 1998, in Docket No. 97-0512-EU.

Gulf argues that the disputed area should not extend beyond the footprint of the compressor engines at Station 13A, because there is no controversy over service to any other customer. Gulf explains that in the past we have declined to rule on hypothetical disputes. Gulf relies on Order No. 20892 in which we dismissed a petition filed by CHELCO, an electric cooperative with territory that is adjacent to West Florida's. Gulf quotes the following passage:

The Commission's authority to resolve such disputes stems from Section 366.04(2)(e), Florida Statutes (1987) which the Commission itself has expressly limited to "actual and real" controversies; no statutory basis for interceding in a potential dispute exists." See, Order No. 15348 issued on November 12, 1985, in Docket No. 850132-EU. Thus, CHELCO's complaint is, at best, premature. If and when Gulf actually attempts to serve a customer within CHELCO's service area, the cooperative will have a cause of action.

Gulf states that it does not intend to serve any present customer of West Florida's, and that it will not serve any future prospective customer in the vicinity of Station 13A if it requires uneconomic duplication of West Florida's facilities.

Gulf also argues that deciding on service to an area of the size proposed by West Florida would conflict with our established policy of avoiding uneconomic duplication in undeveloped areas. Gulf relies on Gulf Coast Electric Cooperative v. Johnson, 727 So.2d 259 (Fla. 1999) [hereinafter Gulf Coast I], in which the court determined that prematurely awarding service rights in an undeveloped area prevents us from determining which utility will provide the most economic service when the area begins developing.

Although Gulf says that the only dispute is over who serves ECS Station 13A, West Florida disagrees and states that the disputed area is the area within a four-mile radius of Station 13A. Thus, it is clear that the entire area within the four-mile radius is in dispute. However, just because an area is in dispute does not obligate us to establish territorial boundaries throughout the entire disputed area at this time. See Gulf Coast I at 265.

There are currently no Commission approved territorial boundaries in the disputed area. It is our policy not to prematurely establish territorial boundaries. See Order No. PSC-98-0174-FOF-EU, issued January 28, 1998 in Docket No. 930885-EU. This policy has been upheld by the Florida Supreme Court. See Gulf Coast I at 265. For these reasons we find that territorial boundaries shall the footprint of the two 15,000 horsepower motors at Station 13A.

III. EXISTING AND PLANNED LOAD TO BE SERVED

The estimated retail load West Florida currently serves in the four mile area surrounding Hinson Crossroads is 3,000 kilowatts including the existing service to Station 13. The existing load at Station 13 has a peak demand of 159 kilowatts. A 2% annual growth rate is projected for the area. West Florida's estimates do not include retail service to the proposed electric motors at Station 13A. The peak demand of the proposed two 15,000 horsepower electric motors is estimated to be near 20,000 kilowatts. Consequently, the total projected load for the four-mile area surrounding Station 13 will be approximately 23,000 kilowatts after Station 13A is completed. The load characteristics of the proposed new load are substantially different from the existing load in the disputed area.

IV. COST OF SERVICE

The parties stipulated as follows:

The estimated cost of \$5.5 million for electric utility facilities is approximately the same for either utility to provide service. This amount includes a 230KV switching station, approximately 6 miles of 230 KV transmission cable and poles from the new switching station to a new substation located at Station 13A, a new substation at Station 13A, land purchases, and one transformer.

V. RELIABILITY

The position of both companies is that the planned facilities and services to Station 13A can not be reasonably expected to cause a decline in reliability to existing and future customers of

either utility in the area. West Florida rebutted claims by Gulf that West Florida's service was inadequate, risky or insufficient. Gulf's views stem from an expectation that West Florida would use a 115KV transmission tap or a 230KV tap extending from Alabama rather than a six mile 230KV transmission tap to serve Station 13A. However, West Florida is suggesting using the same or similar 230KV facilities proposed by Gulf. Further, we approved the stipulation addressing proposed facilities and the estimated costs to bringing adequate and reliable service to Station 13A. Consequently, there is no material difference in adequacy or reliability between West Florida and Gulf in providing service to Station 13A.

West Florida identifies a potential reliability benefit if West Florida were allowed to provide service to Station 13A because it would seek to integrate the new facilities with those currently used to serve existing customers in the area. There is no evidence supporting a need to improve West Florida's service reliability for existing or future customers within the four-mile vicinity of Station 13. Further, use of the proposed facilities for additional customers may require substantial voltage conditioning equipment and additional costs associated with the voltage dips that occur during Station 13A motor start-ups.

For the reasons provided above, we find that the planned facilities and services to be provided within the disputed area is not expected to cause a decline in the reliability of service to existing and future customers of either utility.

VI. NATURE OF THE DISPUTED AREA

The parties stipulated as follows:

The nature of the disputed area is rural as defined by Section 425.03(1), Florida Statutes. Retail service to Station 13A is the only present and reasonably foreseeable future requirement of the area in dispute. The general vicinity is expected to remain rural with slow residential and agricultural load growth. Station 13A is approximately 9 miles from Vernon, 12 miles from Bonifay, 10 miles from Caryville, and 18 miles from Chipley.

VII. CUSTOMER PREFERENCE

The parties stipulated as follows:

The customer, ECS, prefers retail service from Gulf.

VIII. UNECONOMIC DUPLICATION

The parties stipulated as follows:

The construction of the facilities identified in Issue 4 [Part VI. Of this Order] by either West Florida or Gulf, will not cause uneconomic duplication of electric facilities with regard to serving the new retail load at Station 13A.

IX. RIGHT OF ACCESS

The parties stipulated as follows:

Gulf does not have exclusive access to the existing and future electric transmission system necessary to serve the new retail load at Station 13A.

X. THIRD PARTY PROVIDERS

One issue presented in this proceeding was whether, as a matter of law or policy, an existing customer of an electric utility could enter into a contract for electricity with a third party, when the third party gets the electricity from a different electric utility. We find that this issue need not be decided. The territorial dispute can be resolved without reaching this issue.

XI. AWARD OF SERVICE

West Florida claims that it should be awarded the service area in dispute because: the service area is within West Florida's historic service area; the specific site is currently being served by West Florida; the service is an expansion of the existing customer's load; the claim that by using a third party arranger (ECS), FGT is not the customer, is just that - a claim, when in

fact this is service to an existing customer of West Florida, and West Florida can provide service adequately and reliably at no more cost than Gulf Power.

Gulf claims that it should be awarded the service area because no uneconomic duplication of facilities will occur if Gulf provides the electric service to Station 13A as requested by the customer. Gulf claims that there are no factors that warrant overruling the customer's choice of Gulf Power as electric supplier for Station 13A.

We find that based on consideration of each of the four requirements laid out in Rule 25-6.0441(2), Florida Administrative Code, Gulf provide service to FGT's new 15,000 horsepower motors. Each requirement is discussed below.

25-6.0441(2)(a) - the capability of each utility to provide reliable electric service within the disputed area with its existing facilities and the extent to which additional facilities are needed;

Neither utility can adequately serve ECS at Station 13A with existing facilities. Both parties agree that Station 13A requires 230 kV service and that the best way to get 230 kV service to Station 13A is to build a six-mile 230 kV transmission line from the customer's site to Gulf Power's existing 230 kV grid. West Florida's CEO, Mr. William S. Rimes, stated that "In fact, we would build the same six-mile 230 kV transmission line that GPC's currently building, perhaps even build it cheaper." He did not go on in his testimony to explain how West Florida would build the line less expensively. Also, the parties reached a stipulation on Issue 4 in this proceeding stating that, "The estimated cost of \$5.5 million for electric utility facilities is approximately the same for either utility to provide the service."

Gulf Power Company has the only 230 kV transmission system in Washington County. However, through the FERC's open access requirements, West Florida through Alabama Electric Cooperative (AEC) can access Gulf's 230 kV system and thus provide service to Station 13A.

It is clear that both utilities have the capability of providing reliable service through the additional facilities that Gulf Power Company is currently constructing.

25-6.0441(2)(b) - the nature of the disputed area including population and the type of utilities seeking to serve it, and degree of urbanization of the area and its proximity to other urban areas, and the present and reasonably foreseeable future requirements of the area for other utility services;

The area within a four-mile radius of Hinson's Crossroads is rural in nature. Both utilities serve rural customers in Washington County and have done so for many years. But, part of the disputed area, namely Station 13A, is quite unique in that the huge motors that will be installed to provide compression power will require 230 kV service to operate reliably. Neither utility has existing facilities that can meet these requirements. Gulf Power Company is the utility that has the nearest 230 kV source to serve the unique load at Station 13A.

It is clear that the disputed area is rural in nature, except for the very discrete requirements for ECS at Station 13A. While it may be argued that Gulf Power Company has the closest facilities with a source that can meet the needs of ECS at Station 13A, we believe that this factor does not substantially favor one utility over another. This is because of West Florida's ability to access Gulf Power Company's 230 kV system through AEC as mentioned previously.

25-6.0441(2)(c) - the cost of each utility to provide distribution and subtransmission facilities to the disputed area presently and in the future;

As mentioned above in the discussion of Rule 25-6.0441(2)(a), the parties reached a stipulation about the cost to provide service to ECS at Station 13A. We accept this stipulation. So, clearly, consideration of this factor is not determinative of who should serve.

25-6.0441(2)(d) - customer preference if all other factors are substantially equal.

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DOCKET NO. 010441-EU
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The customer, in this case ECS, prefers Gulf to be the provider of electricity to Station 13A. Consideration of this factor clearly favors Gulf Power Company. Since the other factors in the rule do not substantially favor either utility, we find that customer choice should be the deciding factor. The customer should be able to choose when the exercise of that choice causes no harm from the present position of any utility's other customers. In particular, this means that the customers of either utility may be better off if their utility served Station 13A and neither utility's other customers are worse off than if Station 13A never existed.

In this case Gulf acted responsibly and prudently to work with the customer to design and build the necessary facilities to cost-effectively and reliably serve ECS at Station 13A. Gulf will not be uneconomically duplicating any facilities owned and operated by West Florida in the area. In fact, there is no duplication at all, economic or uneconomic.

Since we do not know how this area may develop in the future, and in keeping with our prior policy on not prematurely drawing territorial boundary lines, we shall not establish other territorial boundaries within the disputed area beyond awarding service to Gulf.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the service area shall be the footprint of the two 15,000 horsepower motors located at Station 13A. It is further

ORDERED that Gulf Power Company shall provide electric service to the service area. It is further

ORDERED that all stipulations between the parties provided in the body of this Order are approved. It is further

ORDERED that this docket shall be closed.

ORDER NO. PSC-01-2499-FOF-EU
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By ORDER of the Florida Public Service Commission this 21st
day of December, 2001.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

MKS

Commissioner Palecki dissented from the Commission's decision with the following opinion:

The majority decision has rejected the primary recommendation of the Commission staff and awarded Gulf Power Company the right to serve a customer in territory served by West Florida Electric Cooperative since 1946. Gulf Power's nearest customer is over four miles away in a direct line and six miles away by road from the territory to be served. I believe the majority decision disregards basic tenets of fairness and is contrary to Florida law.

Rule 25-6.0441(2), Florida Administrative Code, provides that in resolving territorial disputes, the Commission may consider customer preference if all factors are substantially equal. Here, the majority considers customer preference and goes on to base its decision on customer preference, when all factors are not substantially equal. Here, the factor of history of service to the territory weighs heavily in favor of West Florida. This factor has been routinely considered, and even heavily weighed, by this Commission in determining numerous territorial disputes. See Order

The majority's most persuasive argument is that since neither company has 69 kV facilities in the area, and since the cost for either company to provide 69 kV facilities is identical, all factors are essentially equal and customer preference should, therefore, be considered. The majority reasons that if no 69 kV line currently exists in the area, a Gulf Power 69 kV line will not duplicate the Coop's existing facilities. Unfortunately, this argument only holds water if the sole reason for establishing exclusive service territories is to avoid duplication of the power lines themselves.

This Commission has recognized that other reasons exist for the establishment of exclusive service territories. Exclusive service territories allow for provision of more efficient maintenance and emergency service without duplication of trucks, garages, tools, storage facilities, personnel and administrative support. Exclusive service territories prevent competing work crews from literally bumping into each other during emergency responses. Optimally, the same crew could work on 69 kV facilities in the morning, a substation later in the day, and the community's light poles in the afternoon. Under the majority decision, this efficiency will not exist. A Gulf Power work crew will work on 69 kV facilities. A separate West Florida work crew will work on other electric facilities in the same territory and even in the same building that houses the 69 kV pumps which the majority awarded to Gulf Power.

I believe that the majority decision is unfair and one-sided. The record in this case reflects that West Florida has provided this territory with safe, reliable service for over 50 years. During this time, it has served rural residential and small commercial customers spread over a wide area. For the first time, a huge customer has come to this part of the Cooperative's territory. Despite the fact that Gulf Power has never served a single customer in the area, the majority has awarded this large customer to Gulf Power. Meanwhile, I see no opportunity in the foreseeable future for West Florida to go into Gulf's territory and pick off large customers.

I am a firm believer in competition and customer choice, and I personally believe that customer preference should play a greater role in deciding territorial disputes. I believe, however, that

such a shift in policy should be done either through legislation, or at the very least, an amendment to our existing rule. With a statutory change or rulemaking, all players will know the rules of the game in advance. West Florida, as well as Gulf Power and other potential providers, will be able to govern themselves with full knowledge that customer preference will be paramount in determining which utility will be awarded service to customers in dispute.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

MEMORANDUM

February 5, 2002

RECEIVED - FPSC
02 FEB - 6 PM 3:51
COMMISSION
CLERK

TO: KAY FLYNN/CCA
SANDY MOSES/CCA
MARY DISKERUD/APP
WANDA TERRELL/APP

FROM: DAVID E. SMITH, ATTORNEY SUPERVISOR/APPEALS,
RULES & MEDIATION BUREAU, OFFICE OF THE
GENERAL COUNSEL *DES/WS*

RE: WEST FLORIDA ELECTRIC COOPERATIVE ASSOCIATION, INC. v. E.
LEON JACOBS, JR., ET AL.; DOCKET NO. 010441-EU; FLA. SUPREME
COURT CASE NO. SC02-176.

Please note that the above appeal has been assigned to Richard Bellak in Appeals. The Notice of Administrative Appeal was filed on January 18, 2002. The case schedule is as follows:

<u>Date</u>	<u>Item</u>
From day of filing:	
<u>02/23/2002</u>	Draft of Index of Record from CCA to Appeals Attorney.
<u>03/09/2002</u>	Index of Record served on Parties.
<u>03/19/2002</u>	Copy of Record to Appeals.
<u>03/29/2002</u>	Appellant's Initial Brief Due.
<u>04/13/2002</u>	Draft Commission Answer Brief Due.
<u>04/18/2002</u>	Commission's Answer Brief Due.
<u>05/08/2002</u>	Appellant's Reply Brief Due.

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

March 8, 2002

John H. Haswell, Esquire
Chandler, Lang, Haswell & Cole, P.A.
Post Office Box 23879
Gainesville, Florida 32602-3879

Re: Supreme Court Case No. SC02-176 - West Florida Electric Cooperative Association,
Inc. vs. Lila A. Jaber, Chairman, et al. (Docket No. 010441-EU)

Dear Mr. Haswell:

Enclosed is an index to the above-referenced docket on appeal. Please look the index over and let me know if you have any questions concerning the contents of the record.

Please do not hesitate to call if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief
Bureau of Records and Hearing Services

KF:mhl

cc: Frank E. Bondurant, Esquire
Russell A. Badders, Esquire
Richard Bellak, Esquire

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West Florida Electric Cooperative Association, Inc.

vs.

Lila Jaber, Chairman, et al.

PSC Docket No. 010441-EU

Supreme Court Case No. SC02-176

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Memorandum dated June 7, 2001 from Commission's Division of Legal Services to John Haswell, Jeffrey Stone, and other interested parties listing staff's proposed issues, filed June 7, 2001	42
Order PSC-01-1354-PCO-EU establishing procedure, issued June 20, 2001	44
Memorandum dated June 19, 2001 from Commission's Division of Legal Services to John Haswell, Jeffrey Stone, and other interested parties listing staff's summary of discussion at issue identification meeting, filed June 21, 2001	53
Motion for continuance of controlling dates, on behalf of West Florida Electric Cooperative Association, filed July 10, 2001	57
Gulf Power Company's response to and joinder with WFEC's motion for continuance of controlling dates, filed July 10, 2001	60
Order PSC-01-1476-PCO-EU rescheduling prehearing and hearing, order granting in part and denying in part motion for continuance of controlling dates, and order modifying order on procedure, issued July 13, 2001	64
Notice for publication in August 10, 2001 Florida Administrative Weekly, filed August 1, 2001	68
Notice of September 19, 2001 hearing and August 30, 2001 prehearing conference, issued August 9, 2001	69

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYO
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

May 7, 2002

Thomas D. Hall, Clerk
Supreme Court of Florida
Supreme Court Building
Tallahassee, Florida 32301

**Re: Supreme Court Case No. SC02-176 - West Florida Electric Cooperative
Association, Inc. vs. Lila A. Jaber, Chairman, et al. (Docket No. 010441-EU)**

Dear Mr. Hall:

The record in the above-referenced case, consisting of two binders, one hearing transcript, and one pouch of hearing exhibits is forwarded for filing in the Court. A copy of the index is enclosed for your use. Please initial and date the copy of this letter to indicate receipt.

Do not hesitate to call me at 413-6744 if you have any questions about the contents of this record.

Sincerely,

A handwritten signature in black ink, appearing to read "Kay Flynn".

Kay Flynn, Chief
Bureau of Records and Hearing Services

Enclosure

cc: John H. Haswell, Esquire
Frank E. Bondurant, Esquire
Russell A. Badders, Esquire
Richard Bellak, Esquire

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

March 8, 2002

John H. Haswell, Esquire
Chandler, Lang, Haswell & Cole, P.A.
Post Office Box 23879
Gainesville, Florida 32602-3879

Re: Supreme Court Case No. SC02-176 - West Florida Electric Cooperative
Association, Inc. vs. Lila A. Jaber, Chairman, et al. (Docket No. 010441-EU)

Dear Mr. Haswell:

I have enclosed an invoice reflecting charges for preparation of the above-referenced record. Please forward a check in the amount indicated, made payable to the Florida Public Service Commission, at your earliest convenience.

Do not hesitate to call if you have any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief
Bureau of Records and Hearing Services

KF:mhl
Enclosure

FLORIDA PUBLIC SERVICE COMMISSION

2540 Shumard Oak Blvd. ♦ Tallahassee, Florida 32399-0850

8473

Date: 3/8/02

To: John H. Haswell, Esquire
Chandler, Lang, Haswell & Cole
PO Box 23879
Gainesville, Florida 32602-3879

Date Paid _____

Amount Paid _____

Check # _____

☐ Check ☐ Cash

PSC Signature _____

↑ ↑
This number must appear on
all checks or correspondence
regarding this invoice.

Please make checks payable to: FLORIDA PUBLIC SERVICE COMMISSION

QUANTITY	DESCRIPTION	PRICE	AMOUNT
776 pages	Copying and preparation of Docket 010441-EU on appeal to Supreme Court, Case No. SC02-176	@.05¢ per page	\$38.80
1	Certificate of Director	@4.00	4.00
TOTAL			\$42.80

STATE OF FLORIDA

Commissioners:
E. LEON JACOBS, JR., CHAIRMAN
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI



DIVISION OF THE COMMISSION CLERK
AND ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

October 19, 2001

(CERTIFIED MAIL NO. 7000-0600-0026-4144-6424)

Susan D. Ritenour
Assistant Secretary and Assistant Treasurer
Gulf Power
One Energy Place
Pensacola, Florida 32520

FPSC, CLK - CORRESPONDENCE
✓ Administration Parties Consumer
DOCUMENT NO. 14780-04
DISTRIBUTION

Re: Return of Confidential Documents to the Source, Docket No. 010441-EI

Dear Ms. Ritenour:

Commission staff have advised that Confidential Document Nos. 09899-01, 11067-01, and 11567-01 filed on behalf of Gulf Power Company can be returned to the source. The documents are enclosed.

Please do not hesitate to contact me if you have any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief
Bureau of Records and Hearing Services

Enclosure

cc: Marlene Stern, Division of Legal Services
Elisabeth Draper, Division of Economic Regulation
Jim Breman, Division of Safety and Electric Reliability

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SUSAN D RITENOUR ASST SEC & ASST TREAS
GULF POWER
ONE ENERGY PL
PENSACOLA FL 32520

COMPLETE THIS SECTION ON DELIVERY

- | | |
|---|--|
| A. Received by (Please Print Clearly)
<u>Jim Larson</u> | B. Date of Delivery
<u>10-22-01</u> |
| C. Signature
<u>X Jim Larson</u> | |
| D. Is delivery address different from item 1? <input type="checkbox"/> Yes
If YES, enter delivery address below: <input type="checkbox"/> No | |

- ☐ Agent
☐ Addressee

3. Service Type
- | | |
|--|--|
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7000-0600-0026-4144-6424

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 010441-EU Date Docketed: 04/10/2001 Title: Petition to resolve territorial dispute with Gulf Power Company in Washington County by West Florida Electric Cooperative Association, Inc.
 Company: Gulf Power Company
West Florida Electric Cooperative Association, Inc

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____
 ("() " indicates OPR) _____

ADM AFA APP CAF CMP CMU EAG ECR GCL LEG PAI RAR RGO (SER) WAW
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Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module B3(b)

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level**

Due Dates

OPR Staff

Staff Assignments

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Previous Current

Staff Counsel

OCRs ()

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Recommended assignments for hearing
 and/or deciding this case:

Full Commission _____ Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: _____

Initials: OPR _____
 Staff Counsel _____

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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JC	DS	JB	BZ	PL		

- Prehearing Officer

Commissioners					ADM
JC	DS	JB	BZ	PL	

DOCUMENT NO.

Where panels are assigned the senior Commissioner is Panel Chairman;
 the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is
 assigned the full Commission decides the case.

Approved: _____
 Date: ____ / ____ / ____

14780-04

Case Scheduling/Rescheduling Advice

Last Revised 05/23/2001 at 13:24

Page 1 of 1

Printed on 05/24/2001 at 09:52

To: ☒ Commissioner Deason ☒ Deputy Executive Director/Tech ☒ Safety & Electric Reliability Director
☒ Commissioner Jaber ☒ Appeals Director ☒ Records & Reporting Director
☒ Commissioner Baez ☒ Legal Director ☒ PAI Director
☐ Commissioner Palecki ☐ Economic Regulation Director ☐ Regulatory Oversight Director
☒ Executive Director ☐ Competitive Services Director ☒ Court Reporter
☒ Public Information Officer ☒ Consumer Affairs Director ☒ Staff Contact - Marlene Stern

From: Office of Chairman E. Leon Jacobs

Docket Number: 010441-EU

Docket Title: Petition to resolve territorial dispute with Gulf Power Company in Washington County by West Florida Electric Cooperative Association, Inc.

1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference		08/23/2001	Tallahassee, Room 152	9:30 AM - 12:00 PM
Hearing		09/05/2001	Tallahassee, Room 148	9:30 AM - 5:00 PM

2. Hearing/Prehearing Assignment Information

Former Assignments

Hearing Officers

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		

Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
		X	X	X			

Prehearing Officer

Commissioners					
JC	DS	JB	BZ	PL	ADM

Commissioners					
JC	DS	JB	BZ	PL	ADM
		X			

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks:

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 010441-EU Date Docketed: 04/10/2001 Title: Petition to resolve territorial dispute with Gulf Power Company in Washington County by West Florida Electric Cooperative Association, Inc.

Company: Gulf Power Company
West Florida Electric Cooperative Association, Inc.

Official Filing Date: _____
 Last Day to Suspend: _____

Expiration: _____

Referred to:
 ("()") indicates OPR)

ADM AFA APP CAF CMP CMU EAG ECR GCL (LEG) PAI RAR RGO SER WAW
 _____ X _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module B3(b)

Staff Assignments

OPR Staff M Stern

Staff Counsel M Stern

OCRs (SER) J Breman, D Lee

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WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level

Due Dates

Previous Current

1	Testimony of Both Parties	NONE	07/16/2001
2	Testimony - Intervenor	NONE	07/30/2001
3	Testimony - Staff	NONE	08/06/2001
4	Notice of Prehearing and Hearing	NONE	08/09/2001
5	Testimony - Rebuttal	NONE	08/13/2001
6	Prehearing Statements	NONE	08/13/2001
7	Prehearing	NONE	08/23/2001
8	Hearing	NONE	09/05/2001
9	Briefs Due	NONE	09/26/2001
10	Staff Recommendation	NONE	10/25/2001
11	Agenda	NONE	11/06/2001
12	Standard Order	NONE	11/26/2001
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Recommended assignments for hearing
 and/or deciding this case:

Full Commission _____ Commission Panel X
 Hearing Examiner _____ Staff _____

Date filed with RAR: 06/20/2001

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

CSRA

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
		X	X	X			

- Prehearing Officer

Commissioners					ADM
JC	DS	JB	BZ	PL	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman;
 the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is
 assigned the full Commission decides the case.

Approved: L. Sm

Date: Pending 6/21/01

Case Scheduling/Rescheduling Advice

Last Revised 07/11/2001 at 15:50

Page 1 of 1

Printed on 07/17/2001 at 15:42

To:

<input checked="" type="checkbox"/> Commissioner Deason <input checked="" type="checkbox"/> Commissioner Jaber <input checked="" type="checkbox"/> Commissioner Baez <input type="checkbox"/> Commissioner Palecki <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/Tech <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input type="checkbox"/> Economic Regulation Director <input type="checkbox"/> Competitive Services Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Safety & Electric Reliability Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> PAI Director <input type="checkbox"/> Regulatory Oversight Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - Marlene Stern
---	--	---

From: Office of Chairman E. Leon Jacobs

Docket Number: 010441-EU

Docket Title: Petition to resolve territorial dispute with Gulf Power Company in Washington County by West Florida Electric Cooperative Association, Inc.

1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference	08/23/2001	08/30/2001	Tallahassee, Room 152	9:30 AM - 12:00 PM

2. Hearing/Prehearing Assignment Information

Hearing Officers

Former Assignments

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		

Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
		X	X	X			

Prehearing Officer

Commissioners					
JC	DS	JB	BZ	PL	ADM

Commissioners					
JC	DS	JB	BZ	PL	ADM
		X			

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks: Hearing Tentatively Scheduled for 9/19/01.

Case Scheduling/Rescheduling Advice

Last Revised 07/11/2001 at 08:39

Page 1 of 1

Printed on 07/17/2001 at 15:42

To:

<input checked="" type="checkbox"/> Commissioner Deason <input checked="" type="checkbox"/> Commissioner Jaber <input checked="" type="checkbox"/> Commissioner Baez <input type="checkbox"/> Commissioner Palecki <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/Tech <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input type="checkbox"/> Economic Regulation Director <input type="checkbox"/> Competitive Services Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Safety & Electric Reliability Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> PAI Director <input type="checkbox"/> Regulatory Oversight Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - Marlene Stern
---	--	---

From: Office of Chairman E. Leon Jacobs

Docket Number: 010441-EU

Docket Title: Petition to resolve territorial dispute with Gulf Power Company in Washington County by West Florida Electric Cooperative Association, Inc.

1. Schedule Information

Event	Former Date	New Date	Location	Time
Hearing	09/05/2001	09/19/2001	Tallahassee, Room 148	9:30 AM - 5:00 PM

2. Hearing/Prehearing Assignment Information

Hearing Officers

Former Assignments							
Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		

Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
		X	X	X			

Prehearing Officer

Commissioners					
JC	DS	JB	BZ	PL	ADM

Commissioners					
JC	DS	JB	BZ	PL	ADM
		X			

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks:

PH 8/23/01.

Section 1 - Bureau of Records and Hearing Aides Completes

Expiration: _____

APP CAF CCA CMP ECR GCL (LEG) PAI RGO SER
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Time Schedule

Staff Assignments

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FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
Current CASR revision level

Due Dates

Previous Current

	2	Previous	Current
1.	Intervenor Testimony & Exhibits	07/30/2001	08/13/2001
2.	Staff Direct Testimony & Exhibits	08/06/2001	08/16/2001
3.	All Rebuttal Testimony & Exhibits	08/13/2001	08/22/2001
4.	Prehearing Statements	08/13/2001	08/22/2001
5.	Notice of Prehearing and Hearing	08/09/2001	08/23/2001
6.	Prehearing	08/23/2001	08/30/2001
7.	Hearing	09/05/2001	09/19/2001
8.	Briefs Due	09/26/2001	10/10/2001
9.	Staff Recommendation	10/25/2001	11/07/2001
10.	Agenda	11/06/2001	11/09/2001
11.	Standard Order	11/26/2001	12/03/2001
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Initials: OPR _____
Staff Counsel _____

Assignments are as follows:

- Prehearing Officer

Commissioners						Hrg. Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
		X	X	X			

Commissioners					ADM
JC	DS	JB	BZ	PL	
		X			

Date: 08/09/2001

CSRA

C

Case Scheduling/Rescheduling Advice

Last Revised 09/13/2001 at 09:09

Page 1 of 1

Printed on 09/17/2001 at 15:29

To:

<input checked="" type="checkbox"/> Commissioner Deason <input checked="" type="checkbox"/> Commissioner Jaber <input checked="" type="checkbox"/> Commissioner Baez <input checked="" type="checkbox"/> Commissioner Palecki <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/Tech <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Economic Regulation Director <input type="checkbox"/> Competitive Services Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Safety & Electric Reliability Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> PAI Director <input type="checkbox"/> Regulatory Oversight Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - Marlene Stern
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From: Office of Chairman E. Leon Jacobs

Docket Number: 010441-EU

Docket Title: Petition to resolve territorial dispute with Gulf Power Company in Washington County by West Florida Electric Cooperative Association, Inc.

1. Schedule Information

Event	Former Date	New Date	Location	Time

2. Hearing/Prehearing Assignment Information

Hearing Officers

Former Assignments							
Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
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Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
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Prehearing Officer

Commissioners					
JC	DS	JB	BZ	PL	ADM

Commissioners					
JC	DS	JB	BZ	PL	ADM
		X			

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks: NOTE: COM. PALECKI REPLACED COM. BZ. Hearing Scheduled for 9/19/01.

Case Assignment and Scheduling Record

Section 1 - Bureau of Records and Hearing Office Completes

Docket No. 010441-EU Date Docketed: 04/10/2001 Title: Petition to resolve territorial dispute with Gulf Power Company in Washington County by West Florida Electric Cooperative Association, Inc.

Company: Gulf Power Company
West Florida Electric Cooperative Association, Inc

Official Filing Date: _____
 Last Day to Suspend: _____

Expiration: _____

Referred to:
 ("()") indicates OPR)

APP CAF CCA CMP ECR GCL (LEG) PAI RGO SER
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Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program/Module B3(b)

Staff Assignments

OPR Staff M Stern

Staff Counsel M Stern

OCRs (SER) J Breman, D Lee

(ECR) E Draper, D Wheeler

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**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level**

3

Due Dates

Previous Current

1. Agenda	11/19/2001	12/04/2001
2. Standard Order	12/03/2001	12/17/2001
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Recommended assignments for hearing
 and/or deciding this case:

Full Commission _____ Commission Panel X
 Hearing Examiner _____ Staff _____

Date filed with CCA: 11/15/2001

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
		X	X		X		

- Prehearing Officer

Commissioners					ADM
JC	DS	JB	BZ	PL	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman;
 the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is
 assigned the full Commission decides the case.

Approved: [Signature]
 Date: Pending 12/4/01

COMMISSIONERS:
E. LEON JACOBS, JR., CHAIRMAN
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

STATE OF FLORIDA



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

April 11, 2001

John H. Haswell, Esquire
Chandler, Lang, Haswell & Cole, P.A.
Post Office Box 23879
Gainesville, Florida 32602

Re: Docket No. 010441-EU

Dear Mr. Haswell:

This will acknowledge receipt of a petition to resolve territorial dispute with Gulf Power Company in Washington County by West Florida Electric Cooperative Association, Inc., which was filed in this office on April 10, 2001 and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Division of Records and Reporting
Florida Public Service Commission

DOCUMENT NO.

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us



FECA

Florida Electric Cooperatives Association, Inc.

2916 Apalachee Parkway
P.O. Box 590
Tallahassee, Florida 32302
(850) 877-6166
FAX: (850) 656-5485

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION

01 APR 25 AM 9:25

MAIL ROOM

April 24, 2001

Ms. Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RECORDS AND
REPORTING

01 APR 25 AM 10:32

RECEIVED-PPSC

Dear Ms. Bayo:

Please accept this letter as our official request to be put on the mailing list for the following docket(s):

Docket No. 010441-EU

Thank you for your assistance in this matter.

Sincerely,

Michelle Hershel
Director of Regulatory
Services

MH/hd

Done 4/25/01

RAR Official Filing:

6/20/01*****9:50 AM*****Matilda Sanders*****1

Matilda Sanders

1384-PCD

From: Mary Diskrud
Sent: Wednesday, June 20, 2001 9:50 AM
To: RAR - Orders-Notices

9

010441EP.MKS has been copied to GCORDERS. A hard copy will be coming down shortly.

RECEIVED-FPSC
01 JUN 20 AM 10:43
RECORDS AND
REPORTING

S

2f
/m

Filings@psc.state.fl.us

From: Filings@psc.state.fl.us
Sent: Tuesday, July 10, 2001 5:08 PM
To: 'sdriteno@southernco.com'
Subject: Docket Number 010441-EU

This will confirm receipt of

Gulf Power's Response to and joinder with
WFEC's Motion for Continuance of Controlling Dates in Docket No. 010441-EU.

Your filing was received on July 10, 2001.

It has been stamped with identifying Document No. 08417-01.

Division of the Commission Clerk and Administrative Services
Florida Public Service Commission

CCA Official Filing:

7/13/01***1:42 PM*****Matilda Sanders*****1**

Matilda Sanders

From: Janice Banka
Sent: Friday, July 13, 2001 1:30 PM
To: CCA - Orders / Notices; Patsy White
Subject: Order / Notice Submitted

Date and Time: 7/13/01 1:27:00 PM
Docket Number: 010441-EU
Filename / Path: 010441o1.mks
Order Type: Hand Deliver Attachments

Order Rescheduling Prehearing and Hearing, and Order Granting in Part and Denying in Part Motion for Continuance of Controlling Dates, and Order Modifying Order On Procedure.

Pages in order -4.

Thanks and have a great weekend. "J"

S

2f
1m

1476 -PCO

4 pgn

COMMISSION
CLERK

W

01 JUL 13 PM 2:00

RECEIVED-PPSC

LAW OFFICES
CHANDLER, LANG, HASWELL & COLE, P.A.
POST OFFICE BOX 23879
GAINESVILLE, FLORIDA 32602-3879

JAMES F. LANG
JOHN H. HASWELL
C. WHARTON COLE *

*ADMITTED IN FL AND TX

July 30, 2001

TELEPHONE 352/376-5226
FAX 352/372-8858
211 N.E. FIRST STREET
GAINESVILLE, FL 32601-5367

WILLIAM H. CHANDLER
1920 - 1992

Ms. Blanca S. Bayo, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

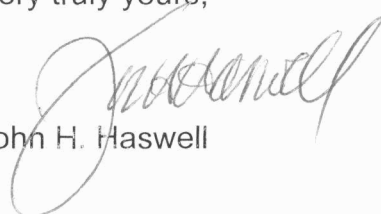
RE: Docket # 010441-EU

Dear Ms. Bayo:

I am enclosing herewith the Direct Testimony of Joseph Perry in electronic format. The original printed version came under separate cover directly from West Florida Electric Cooperative Association, Inc. The document is formatted for Microsoft Word.

Please call me if you have any questions.

Very truly yours,


John H. Haswell

JHH/blw
Enclosure

RECEIVED FPSC
01 JUL 31 PM 12:32
COMMISSION
CLERK

CCA Official Filing:

8/9/01***12:16 PM*****Matilda Sanders*****1**

Matilda Sanders

From: Janice Banka
Sent: Thursday, August 09, 2001 12:05 PM
To: CCA - Orders / Notices; Patsy White
Subject: Order / Notice Submitted

Date and Time: 8/9/01 12:04:00 PM
Docket Number: 010441-EU
Filename / Path: 010441n1.mks
Notice Type: Prehearing/Hearing

Notice of Hearing and Prehearing Conference. CCS ✓

Thanks "J"

8/11

54 self mailers.

STATE OF FLORIDA

COMMISSIONERS:
E. LEON JACOBS, JR., CHAIRMAN
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI



DIVISION OF COMMISSION CLERK AND
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

ACKNOWLEDGMENT

DATE: 8-14-01

TO: Susan D. Ritenour
FROM: Ruth McBill, Division of the Commission Clerk and
Administrative Services
RE: Acknowledgment of Receipt of Confidential Filing

09899-01

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.
010441-24 or (if filed in an undocketed matter) concerning Stapp's
1st Inter. 142 and POD NO. 1., and
filed on behalf of Gulf Power. The
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: September 5, 2001
TO: Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services
FROM: Jane Fautot, Chief of Reporting, Division of the Commission Clerk and Administrative Services
RE: DOCKET NO. 010441-EU, PREHEARING CONFERENCE HELD 8-30-01

RE: PETITION TO RESOLVE TERRITORIAL DISPUTE WITH GULF POWER COMPANY IN WASHINGTON COUNTY BY WEST FLORIDA ELECTRIC COOPERATIVE ASSOCIATION, INC..

DOCUMENT NO. 10899, 9-4-01

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, ECR, SER

Acknowledged BY:

RXM

JF/pc

PSC/RAR 28 (Rev1/00)

STATE OF FLORIDA

COMMISSIONERS:
E. LEON JACOBS, JR., CHAIRMAN
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI



DIVISION OF COMMISSION CLERK AND
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

010441-EU

Public Service Commission

ACKNOWLEDGMENT

DATE: 9-6-01

TO:

Ms. Susan D. Rutenow

FROM:

Ruth McBride, Division of the Commission Clerk and
Administrative Services

RE:

Acknowledgment of Receipt of Confidential Filing

11067-01

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

010441-EU or (if filed in an undocketed matter) concerning _____

_____, and
filed on behalf of Gulf Power. The
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us



CCA Official Filing:

9/11/01*****11:44 AM*****Matilda Sanders*****1

Matilda Sanders

1825-PHO

From: Janice Banka
Sent: Tuesday, September 11, 2001 10:51 AM
To: CCA - Orders / Notices; Sharon Allbritton; Patsy White; Pat Church
Subject: Order / Notice Submitted

Date and Time: 9/11/01 10:49:00 AM
Docket Number: 010441-EU
Filename / Path: 010441po.mks
Order Type: Signed / Hand Deliver

COMMISSION
CLERK

01 SEP 11 PM 1:43

RECEIVED-FPSC

Prehearing Order.

Number of pages in order - 17.

Thanks, "J"

2/10



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: September 24, 2001
TO: Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services
FROM: Jane Fautot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services
RE: DOCKET NO. 010441-EU, HEARING HELD 9-19-01.

RE: PETITION TO RESOLVE TERRITORIAL DISPUTE WITH GULF POWER COMPANY IN WASHINGTON COUNTY BY WEST FLORIDA ELECTRIC COOPERATIVE ASSOCIATION, INC.

DOCUMENT NO. 12025, 9-25-01

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, ECR, ECR

Acknowledged BY:

RLM

JF/pc

PSC/RAR 28 (Rev1/00)



Public Service Commission

State of Florida

-M-E-M-O-R-A-N-D-U-M-

DATE: October 2, 2001

TO: Blanca Bayó, Director, Commission Clerk and Administrative Services

FROM: Jane Faurot, Chief, Office of Hearing Reporter Services

RE: DOCKET NO. 010441-EU, HEARING HELD 9-19-01

Attached for filing are Exhibit Nos. 1 through 14, representing a complete filing of the exhibits admitted into the record during the proceedings held in the above docket on 9-24-01.

Acknowledged BY:

A handwritten signature in black ink, appearing to be "M. J. Faurot", written over a horizontal line.

JF/pc

LAW OFFICES
CHANDLER, LANG & HASWELL, P.A.

POST OFFICE BOX 23879

GAINESVILLE, FLORIDA 32602-3879

ORIGINAL

JAMES F. LANG
JOHN H. HASWELL
C. WHARTON COLE

October 10, 2001

TELEPHONE 352/376-5226
TELECOPIER 352/372-8858
211 N.E. FIRST STREET
GAINESVILLE, FL 32601-5367

WILLIAM H. CHANDLER
1920-1992

Blanca S. Bayo, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(850) 413-6770

VIA FEDERAL EXPRESS

RECEIVED-FPSC
01 OCT 11 AM 10:00
COMMISSION
CLERK

RE: In Re: Territorial Dispute Between West Florida Electric Cooperative
Association, Inc. and Gulf Power Company in Washington County, Florida
Docket No.: 010441-EU

Dear Ms. Bayo:

I am enclosing herewith a disk containing West Florida Electric Cooperative Association, Inc.'s Post-Hearing Brief and Post-Hearing Statement of Issues and Positions, the originals of which were filed Wednesday, October 10, 2001, via hand delivery on behalf of West Florida Electric.

I am also enclosing a copy of this letter as an acknowledgement copy and would appreciate it if you would file stamp it and return it to me in the enclosed self-addressed/stamped envelope as an acknowledgement of the date the above document was filed. Please call me if you have any questions regarding this matter.

Very truly yours,

John H. Haswell

JHH/daj
Enclosure

cc: All parties of record

DISTRIBUTION CENTER
01 OCT 11 AM 9:20

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

STATE OF FLORIDA

Commissioners:
E. LEON JACOBS, JR., CHAIRMAN
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI



DIVISION OF THE COMMISSION CLERK
AND ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

October 19, 2001

(CERTIFIED MAIL NO. 7000-0600-0026-4144-6424)

Susan D. Ritenour
Assistant Secretary and Assistant Treasurer
Gulf Power
One Energy Place
Pensacola, Florida 32520

Re: Return of Confidential Documents to the Source, Docket No. 010441-EI

Dear Ms. Ritenour:

Commission staff have advised that Confidential Document Nos. 09899-01, 11067-01, and 11567-01 filed on behalf of Gulf Power Company can be returned to the source. The documents are enclosed.

Please do not hesitate to contact me if you have any questions concerning this matter.

Sincerely,

Kay Flynn, Chief
Bureau of Records and Hearing Services

Enclosure

cc: Marlene Stern, Division of Legal Services
Elisabeth Draper, Division of Economic Regulation
Jim Breman, Division of Safety and Electric Reliability

CCA Official Filing:

12/20/01***3:40 PM*****Matilda Sanders*****1**

Matilda Sanders

FOF 2499

From: Andrea Cowart
Sent: Thursday, December 20, 2001 3:38 PM
To: CCA - Orders / Notices
Subject: Order / Notice Submitted

Date and Time: 12/20/01 3:38:00 PM
Docket Number: 010441-EU
Filename / Path: 010441or.lhd

ORDER RESOLVING TERRITORIAL DISPUTE

6/0

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER., CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

January 18, 2002

Thomas D. Hall, Clerk
Supreme Court of Florida
Supreme Court Building
Tallahassee, Florida 32301

**Re: West Florida Electric Cooperative Association, Inc. vs.
Lila Jaber, Chairman, et al. (Docket No. 010441-EU)**

Dear Mr. Hall:

Enclosed is a certified copy of a Notice of Appeal, filed in this office on behalf of West Florida Electric Cooperative Association, Inc., filed January 18, 2002. A copy of Order No. PSC-01-2499-FOF-EU, the order on appeal, is attached to the notice as an exhibit.

It is our understanding that the index of record is due to be served on the parties to this proceeding on or before March 8, 2002.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief
Bureau of Records and Hearing Services

KF:mhl
Enclosure

cc: John H. Haswell, Esquire
Frank E. Bondurant, Esquire
Russell A. Badders, Esquire
David Smith, Esquire

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

WEST FLORIDA ELECTRIC)
COOPERATIVE ASSOCIATION,)
INC.,)

Petitioner/Appellant,)

vs.)

LILA JABER, CHAIRMAN,)
FLORIDA PUBLIC SERVICE)
COMMISSION,)

and)

GULF POWER COMPANY,)

Respondents/Appellees.)

Docket Number: 010441-EU

NOTICE OF APPEAL
TO
THE SUPREME COURT OF FLORIDA

NOTICE IS HEREBY GIVEN that West Florida Electric Cooperative Association, Inc., ("WFEC"), Petitioner/Appellant, appeals to the Supreme Court of Florida, the Order of the Florida Public Service Commission rendered on December 21, 2001, Order Number PSC-01-2499-FOF-EU. The nature of the Order is a final order resolving a territorial dispute between West Florida Electric Cooperative Association, Inc. and Gulf Power Company ("Gulf Power") in Washington County, Florida. A certified copy of the Order appealed from is attached hereto in accordance with Rule 9.110(d).

The Supreme Court has jurisdiction in accordance with Article V, § 3(b)(2) of the Constitution of the State of Florida, Florida Statute, § 366.10 and Rule 9.030(a)(1)(B)(ii),

A TRUE COPY
ATTEST Kay J. [Signature]
Chief, Bureau of Records and
Hearing Services

DOCUMENT NUMBER-DATE

00658 JAN 18 2002

FPSC-COMMISSION CLERK

Florida Rules of Appellate Procedure. The action sought to be reviewed relates to the service of utilities providing electric service.

Respectfully submitted,



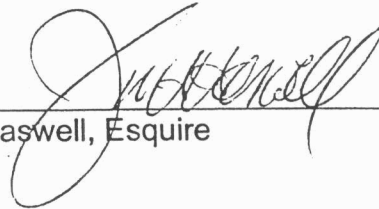
John H. Haswell, Esquire
Chandler, Lang, Haswell & Cole, P.A.
211 NE 1st Street (32601)
Post Office Box 23879
Gainesville, Florida 32602
(352) 376-5226 telephone
(352) 372-8858 facsimile
Florida Bar No.: 162536

and

Frank E. Bondurant, Esquire
Post Office Box 854
Marianna, Florida 32447
(850) 526-2263 telephone
(850) 526-5947 facsimile

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Jeffrey A. Stone, Esquire and Russell A. Badders, Esquire, Beggs & Lane, Post Office Box 12950, Pensacola, Florida 32576-29850; Robert Elias, Esquire and Marlene Stern, Esquire, Legal Division, Florida Public Service Commission, Capital Circle Office Center, 2540 Shumard Oak, Boulevard, Tallahassee, Florida 32399-0850, by U.S. Mail, this 17th day of January, 2002.



John H. Haswell, Esquire

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to resolve
territorial dispute with Gulf
Power Company in Washington
County by West Florida Electric
Cooperative Association, Inc.

DOCKET NO. 010441-EU
ORDER NO. PSC-01-2499-FOF-EU
ISSUED: December 21, 2001

The following Commissioners participated in the disposition of
this matter:

J. TERRY DEASON
MICHAEL A. PALECKI
LILA A. JABER

APPEARANCES:

JOHN HASWELL, ESQUIRE, Chandler, Lang & Haswell Law Firm,
P. O. Box 23879, Gainesville, Florida, 32602-3879, and
FRANK E. BONDURANT, ESQUIRE, Post Office Box 854,
Marianna, Florida 32447
On behalf of West Florida Electric Cooperative,
Association (WEST FLORIDA).

RUSSELL A. BADDERS, ESQUIRE, Beggs & Lane Law Firm, 700
Blount Building, 3 West Garden Street, P. O. Box 12950,
Pensacola, Florida 32576-2950
On behalf of Gulf Power Company (GULF).

MARLENE K. STERN, ESQUIRE, Florida Public Service
Commission, 2540 Shumard Oak Boulevard, Tallahassee,
Florida 32399-0850
On behalf of the Commission Staff (STAFF).

ORDER RESOLVING TERRITORIAL DISPUTE

BY THE COMMISSION:

On April 10, 2001, pursuant to Sections 366.04(2)(e),
366.04(5), and 366.055(3), Florida Statutes, and Rule 26-6.0441,
Florida Administrative Code, West Florida Electric Cooperative
Association, Inc. (West Florida or WFEC) filed a Petition to

A TRUE COPY

ATTEST

Blana L. Buis
DIRECTOR, DIVISION OF
COMMISSION CLERK AND
ADMINISTRATIVE SERVICES

DOCUMENT NUMBER-DATE

15903 DEC 21 01

FPSC-COMMISSION CLERK

Resolve Territorial Dispute between West Florida and Gulf Power Company (Gulf). Gulf filed its Answer to the Petition on May 8, 2001. Subsequently, Staff attempted to mediate a resolution between the parties, but no agreement could be reached. A hearing was held on September 19, 2001. Our decision in this docket was made at the Agenda Conference held on December 4, 2001.

I. BACKGROUND

West Florida serves Calhoun, Holmes, Jackson and Washington Counties. The current dispute involves an area in Washington County. Florida Gas Transmission (FGT) proposes to build a new compressor station in Washington County, referred to as the Phase V Compressor Station No. 13A, or simply Station 13A. It will be located next to FGT's existing compressors at Station 13.

FGT has installed or will soon install two new motors to power the new compressors at Station 13A. The new motors convert electricity into horsepower. Enron Compression Services Company (ECS) has an agreement with FGT whereby ECS is responsible for providing horsepower to run the compressors. ECS asked Gulf to provide electricity for the motors.

On February 26, 2001, Gulf and ECS filed a Joint Petition for Declaratory Statement concerning Gulf's eligibility to serve ECS. That Petition was assigned Docket No. 010265-EI. On April 30, 2001, Gulf and ECS waived the 90 day deadline for action on the Petition. A decision on the Petition for Declaratory Statement will not be made until a decision on the Petition to Resolve Territorial Dispute is made.

II. AREA OF DISPUTE AND SERVICE AREA

West Florida states that the area in dispute is, and that the service area should be, an area within a four-mile radius of Hinson's Crossroads in Washington County, Florida. Gulf states that the only active dispute is over service to ECS at Station 13A which is located adjacent to FGT's existing Station 13 site in Washington County, FL.

West Florida describes the area within a four-mile radius of Hinson's Crossroads as remote and rural. West Florida states:

ORDER NO. PSC-01-2499-FOF-EU

DOCKET NO. 010441-EU

PAGE 3

There are approximately 390 services in the immediate area. There are no stores, shops, industries or businesses of any kind with the exception FGT, a bait and tackle shop and a junk yard, within 7 miles of the crossroads. The area is comprised mostly of single-family residences, fishing camps and farming operations.

The density of residential customers is less than six per mile.

West Florida has served the Hinson Crossroads area since 1946, and has served FGT at Station 13 since 1962. Gulf's nearest customer is over four miles away in a direct line and 6 miles away by road. Exhibit 2, part of Witness Rimes' testimony, shows that the nearest single-phase service of Gulf Power is four miles away from FGT's property and the nearest three-phase service of Gulf Power is nine miles away.

FGT is located on a 35 acre parcel known as Station 13. West Florida explains that Station 13A "is located on the same 35-acre parcel and physically joins Station 13." According to Exhibit GC-5, Station 13 and 13A "share all common facilities, including offices, parking lots, driveways and employees."

Gulf's position is that we "should designate only the confines of the equipment comprising ECS's electric load at Station 13A as the area in dispute." Witness Spangenberg describes Gulf's proposed disputed area as follows:

Station 13A ... is a vacant piece of land. It has no population and no other utility customers, presently or projected. It can best be characterized as a prospective industrial site particularly suited to natural gas pipeline interaction and/or ancillary services because of its location in close proximity to two existing pipelines and FGT's Station 13.

West Florida argues that in deciding territorial disputes, we are required to consider territory not customers. First, West Florida explains that the language of Chapter 366 refers to territories, not customers. In addition, West Florida relies on

ORDER NO. PSC-01-2499-FOF-EU
DOCKET NO. 010441-EU
PAGE 4

Order No. PSC-98-0174-FOF-EU, claiming that in that Order we accepted the following as a conclusion of law:

Chapter 366 speaks to "Territory", not to customers as the Florida Supreme Court has ruled, a customer has no organic, economic or political right to choose an electric supplier merely because he deems it to be to his advantage, (Story v. Mayo, 217 So.2d 304 (Fla 1968), Lee County v. Marks, 501 So.2d 585 (Fla 1987)).

West Florida further argues that we have considered historic service area to be a factor in deciding territorial disputes. West Florida relies on Order No. 12324, which addressed a territorial dispute between Suwanee Valley Electric Cooperative, Inc., and Florida Power Corporation (FPC) over service to a prison. See Order No. 12324, issued August 4, 1983, in Docket No. 83-0271-EU. FPC argued that it was the historic service provider to the area because it had a transmission line near the prison. We awarded service to the electric cooperative because it historically and currently served customers in the area while FPC did not.

West Florida also relies on Order No. 18886, which addressed a 1988 dispute between Gulf and West Florida over service to a new high school in Holmes County. See Order No. 18886, issued February 18, 1988, in Docket No. 87-0235-EI. Gulf was already serving an elementary school located adjacent to the property on which the high school would be built, without objection from West Florida. The school board determined that West Florida and Gulf could serve the high school for the same cost and requested service by West Florida. The order states that the service should be awarded to Gulf to Gulf because Gulf had been providing service to the "school complex property" since 1981.

West Florida cites a number of additional cases in support of its contention that it should provide service to ECS because West Florida is the historic service provider in the area. See Order No. 13668, issued September 10, 1984 in Docket No. 83-0484-EU, and upheld in Gulf Power Company v. Public Service Com'n, 480 So.2d 97 (Fla 1985); Order No. 16106, issued May 13, 1986 in Docket No. 85-0087-EU; Order No. PSC-98-0178-FOF-EU, issued January 28, 1998, in Docket No. 97-0512-EU.

Gulf argues that the disputed area should not extend beyond the footprint of the compressor engines at Station 13A, because there is no controversy over service to any other customer. Gulf explains that in the past we have declined to rule on hypothetical disputes. Gulf relies on Order No. 20892 in which we dismissed a petition filed by CHELCO, an electric cooperative with territory that is adjacent to West Florida's. Gulf quotes the following passage:

The Commission's authority to resolve such disputes stems from Section 366.04(2)(e), Florida Statutes (1987) which the Commission itself has expressly limited to "actual and real" controversies; no statutory basis for interceding in a potential dispute exists." See, Order No. 15348 issued on November 12, 1985, in Docket No. 850132-EU. Thus, CHELCO's complaint is, at best, premature. If and when Gulf actually attempts to serve a customer within CHELCO's service area, the cooperative will have a cause of action.

Gulf states that it does not intend to serve any present customer of West Florida's, and that it will not serve any future prospective customer in the vicinity of Station 13A if it requires uneconomic duplication of West Florida's facilities.

Gulf also argues that deciding on service to an area of the size proposed by West Florida would conflict with our established policy of avoiding uneconomic duplication in undeveloped areas. Gulf relies on Gulf Coast Electric Cooperative v. Johnson, 727 So.2d 259 (Fla. 1999) [hereinafter Gulf Coast I], in which the court determined that prematurely awarding service rights in an undeveloped area prevents us from determining which utility will provide the most economic service when the area begins developing.

Although Gulf says that the only dispute is over who serves ECS Station 13A, West Florida disagrees and states that the disputed area is the area within a four-mile radius of Station 13A. Thus, it is clear that the entire area within the four-mile radius is in dispute. However, just because an area is in dispute does not obligate us to establish territorial boundaries throughout the entire disputed area at this time. See Gulf Coast I at 265.

There are currently no Commission approved territorial boundaries in the disputed area. It is our policy not to prematurely establish territorial boundaries. See Order No. PSC-98-0174-FOF-EU, issued January 28, 1998 in Docket No. 930885-EU. This policy has been upheld by the Florida Supreme Court. See Gulf Coast I at 265. For these reasons we find that territorial boundaries shall the footprint of the two 15,000 horsepower motors at Station 13A.

III. EXISTING AND PLANNED LOAD TO BE SERVED

The estimated retail load West Florida currently serves in the four mile area surrounding Hinson Crossroads is 3,000 kilowatts including the existing service to Station 13. The existing load at Station 13 has a peak demand of 159 kilowatts. A 2% annual growth rate is projected for the area. West Florida's estimates do not include retail service to the proposed electric motors at Station 13A. The peak demand of the proposed two 15,000 horsepower electric motors is estimated to be near 20,000 kilowatts. Consequently, the total projected load for the four-mile area surrounding Station 13 will be approximately 23,000 kilowatts after Station 13A is completed. The load characteristics of the proposed new load are substantially different from the existing load in the disputed area.

IV. COST OF SERVICE

The parties stipulated as follows:

The estimated cost of \$5.5 million for electric utility facilities is approximately the same for either utility to provide service. This amount includes a 230KV switching station, approximately 6 miles of 230 KV transmission cable and poles from the new switching station to a new substation located at Station 13A, a new substation at Station 13A, land purchases, and one transformer.

V. RELIABILITY

The position of both companies is that the planned facilities and services to Station 13A can not be reasonably expected to cause a decline in reliability to existing and future customers of

either utility in the area. West Florida rebutted claims by Gulf that West Florida's service was inadequate, risky or insufficient. Gulf's views stem from an expectation that West Florida would use a 115KV transmission tap or a 230KV tap extending from Alabama rather than a six mile 230KV transmission tap to serve Station 13A. However, West Florida is suggesting using the same or similar 230KV facilities proposed by Gulf. Further, we approved the stipulation addressing proposed facilities and the estimated costs to bringing adequate and reliable service to Station 13A. Consequently, there is no material difference in adequacy or reliability between West Florida and Gulf in providing service to Station 13A.

West Florida identifies a potential reliability benefit if West Florida were allowed to provide service to Station 13A because it would seek to integrate the new facilities with those currently used to serve existing customers in the area. There is no evidence supporting a need to improve West Florida's service reliability for existing or future customers within the four-mile vicinity of Station 13. Further, use of the proposed facilities for additional customers may require substantial voltage conditioning equipment and additional costs associated with the voltage dips that occur during Station 13A motor start-ups.

For the reasons provided above, we find that the planned facilities and services to be provided within the disputed area is not expected to cause a decline in the reliability of service to existing and future customers of either utility.

VI. NATURE OF THE DISPUTED AREA

The parties stipulated as follows:

The nature of the disputed area is rural as defined by Section 425.03(1), Florida Statutes. Retail service to Station 13A is the only present and reasonably foreseeable future requirement of the area in dispute. The general vicinity is expected to remain rural with slow residential and agricultural load growth. Station 13A is approximately 9 miles from Vernon, 12 miles from Bonifay, 10 miles from Caryville, and 18 miles from Chipley.

VII. CUSTOMER PREFERENCE

The parties stipulated as follows:

The customer, ECS, prefers retail service from Gulf.

VIII. UNECONOMIC DUPLICATION

The parties stipulated as follows:

The construction of the facilities identified in Issue 4 [Part VI. Of this Order] by either West Florida or Gulf, will not cause uneconomic duplication of electric facilities with regard to serving the new retail load at Station 13A.

IX. RIGHT OF ACCESS

The parties stipulated as follows:

Gulf does not have exclusive access to the existing and future electric transmission system necessary to serve the new retail load at Station 13A.

X. THIRD PARTY PROVIDERS

One issue presented in this proceeding was whether, as a matter of law or policy, an existing customer of an electric utility could enter into a contract for electricity with a third party, when the third party gets the electricity from a different electric utility. We find that this issue need not be decided. The territorial dispute can be resolved without reaching this issue.

XI. AWARD OF SERVICE

West Florida claims that it should be awarded the service area in dispute because: the service area is within West Florida's historic service area; the specific site is currently being served by West Florida; the service is an expansion of the existing customer's load; the claim that by using a third party arranger (ECS), FGT is not the customer, is just that - a claim, when in

fact this is service to an existing customer of West Florida, and West Florida can provide service adequately and reliably at no more cost than Gulf Power.

Gulf claims that it should be awarded the service area because no uneconomic duplication of facilities will occur if Gulf provides the electric service to Station 13A as requested by the customer. Gulf claims that there are no factors that warrant overruling the customer's choice of Gulf Power as electric supplier for Station 13A.

We find that based on consideration of each of the four requirements laid out in Rule 25-6.0441(2), Florida Administrative Code, Gulf provide service to FGT's new 15,000 horsepower motors. Each requirement is discussed below.

25-6.0441(2)(a) - the capability of each utility to provide reliable electric service within the disputed area with its existing facilities and the extent to which additional facilities are needed;

Neither utility can adequately serve ECS at Station 13A with existing facilities. Both parties agree that Station 13A requires 230 kV service and that the best way to get 230 kV service to Station 13A is to build a six-mile 230 kV transmission line from the customer's site to Gulf Power's existing 230 kV grid. West Florida's CEO, Mr. William S. Rimes, stated that "In fact, we would build the same six-mile 230 kV transmission line that GPC's currently building, perhaps even build it cheaper." He did not go on in his testimony to explain how West Florida would build the line less expensively. Also, the parties reached a stipulation on Issue 4 in this proceeding stating that, "The estimated cost of \$5.5 million for electric utility facilities is approximately the same for either utility to provide the service."

Gulf Power Company has the only 230 kV transmission system in Washington County. However, through the FERC's open access requirements, West Florida through Alabama Electric Cooperative (AEC) can access Gulf's 230 kV system and thus provide service to Station 13A.

It is clear that both utilities have the capability of providing reliable service through the additional facilities that Gulf Power Company is currently constructing.

25-6.0441(2)(b) - the nature of the disputed area including population and the type of utilities seeking to serve it, and degree of urbanization of the area and its proximity to other urban areas, and the present and reasonably foreseeable future requirements of the area for other utility services;

The area within a four-mile radius of Hinson's Crossroads is rural in nature. Both utilities serve rural customers in Washington County and have done so for many years. But, part of the disputed area, namely Station 13A, is quite unique in that the huge motors that will be installed to provide compression power will require 230 kV service to operate reliably. Neither utility has existing facilities that can meet these requirements. Gulf Power Company is the utility that has the nearest 230 kV source to serve the unique load at Station 13A.

It is clear that the disputed area is rural in nature, except for the very discrete requirements for ECS at Station 13A. While it may be argued that Gulf Power Company has the closest facilities with a source that can meet the needs of ECS at Station 13A, we believe that this factor does not substantially favor one utility over another. This is because of West Florida's ability to access Gulf Power Company's 230 kV system through AEC as mentioned previously.

25-6.0441(2)(c) - the cost of each utility to provide distribution and subtransmission facilities to the disputed area presently and in the future;

As mentioned above in the discussion of Rule 25-6.0441(2)(a), the parties reached a stipulation about the cost to provide service to ECS at Station 13A. We accept this stipulation. So, clearly, consideration of this factor is not determinative of who should serve.

25-6.0441(2)(d) - customer preference if all other factors are substantially equal.

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The customer, in this case ECS, prefers Gulf to be the provider of electricity to Station 13A. Consideration of this factor clearly favors Gulf Power Company. Since the other factors in the rule do not substantially favor either utility, we find that customer choice should be the deciding factor. The customer should be able to choose when the exercise of that choice causes no harm from the present position of any utility's other customers. In particular, this means that the customers of either utility may be better off if their utility served Station 13A and neither utility's other customers are worse off than if Station 13A never existed.

In this case Gulf acted responsibly and prudently to work with the customer to design and build the necessary facilities to cost-effectively and reliably serve ECS at Station 13A. Gulf will not be uneconomically duplicating any facilities owned and operated by West Florida in the area. In fact, there is no duplication at all, economic or uneconomic.

Since we do not know how this area may develop in the future, and in keeping with our prior policy on not prematurely drawing territorial boundary lines, we shall not establish other territorial boundaries within the disputed area beyond awarding service to Gulf.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the service area shall be the footprint of the two 15,000 horsepower motors located at Station 13A. It is further

ORDERED that Gulf Power Company shall provide electric service to the service area. It is further

ORDERED that all stipulations between the parties provided in the body of this Order are approved. It is further

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 21st
day of December, 2001.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

MKS

Commissioner Palecki dissented from the Commission's decision with the following opinion:

The majority decision has rejected the primary recommendation of the Commission staff and awarded Gulf Power Company the right to serve a customer in territory served by West Florida Electric Cooperative since 1946. Gulf Power's nearest customer is over four miles away in a direct line and six miles away by road from the territory to be served. I believe the majority decision disregards basic tenets of fairness and is contrary to Florida law.

Rule 25-6.0441(2), Florida Administrative Code, provides that in resolving territorial disputes, the Commission may consider customer preference if all factors are substantially equal. Here, the majority considers customer preference and goes on to base its decision on customer preference, when all factors are not substantially equal. Here, the factor of history of service to the territory weighs heavily in favor of West Florida. This factor has been routinely considered, and even heavily weighed, by this Commission in determining numerous territorial disputes. See Order

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No. 13668, issued September 10, 1984, in Docket No. 830484-EU, and upheld in Gulf Power Company v. Public Service Com'n, 480 So. 2d 97 (Fla. 1985); Order No. 12324, issued August 4, 1983, in Docket No. 830271-EU; Order No. 16106, issued May 13, 1986, in Docket No. 850087-EU; Order No. 18886, issued February 18, 1988, in Docket No. 870235-EI; Order No. PSC-98-0178-FOF-EU, issued January 28, 1998, in Docket No. 970512-EU.

In contrast to the Commission's treatment in previous dockets, history of service to the territory has been arbitrarily disregarded by the majority in this case. The Commission has not initiated revisions to our rule to eliminate history of service to the territory from being considered. It does not seem appropriate for the Commission to consider this factor in some cases and disregard it in others.

The manner in which the majority manages to reject consideration of West Florida's history of service is somewhat convoluted. First, the majority cleverly defines the area under dispute as "the footprint of two motors." Then, the majority considers that the motors require 69 kV service which neither utility provides in the area. Therefore, the majority concludes, there is no history of service to the area. The majority decision is unprecedented. It does not cite to a single past decision wherein this Commission has based its decision in a territorial dispute on a similarly clever analysis. None exists.

Traditionally, Florida's electric utilities have been awarded exclusive service territories. The majority's novel opinion establishes for the first time in Florida a nonexclusive service territory, allowing different electric providers to serve the same territory, as long as they serve at different voltage levels requiring separate facilities. Under the majority opinion, yet a third or a fourth electric provider could serve this territory if a customer needed perhaps 115 or 230 kV service. The majority treats different voltage levels as if they are different types of utility service, like telecommunications, or water and wastewater service, that require separate providers. The Florida Legislature, however, has never recognized different voltage levels as separate types of utility service.

The majority's most persuasive argument is that since neither company has 69 kV facilities in the area, and since the cost for either company to provide 69 kV facilities is identical, all factors are essentially equal and customer preference should, therefore, be considered. The majority reasons that if no 69 kV line currently exists in the area, a Gulf Power 69 kV line will not duplicate the Coop's existing facilities. Unfortunately, this argument only holds water if the sole reason for establishing exclusive service territories is to avoid duplication of the power lines themselves.

This Commission has recognized that other reasons exist for the establishment of exclusive service territories. Exclusive service territories allow for provision of more efficient maintenance and emergency service without duplication of trucks, garages, tools, storage facilities, personnel and administrative support. Exclusive service territories prevent competing work crews from literally bumping into each other during emergency responses. Optimally, the same crew could work on 69 kV facilities in the morning, a substation later in the day, and the community's light poles in the afternoon. Under the majority decision, this efficiency will not exist. A Gulf Power work crew will work on 69 kV facilities. A separate West Florida work crew will work on other electric facilities in the same territory and even in the same building that houses the 69 kV pumps which the majority awarded to Gulf Power.

I believe that the majority decision is unfair and one-sided. The record in this case reflects that West Florida has provided this territory with safe, reliable service for over 50 years. During this time, it has served rural residential and small commercial customers spread over a wide area. For the first time, a huge customer has come to this part of the Cooperative's territory. Despite the fact that Gulf Power has never served a single customer in the area, the majority has awarded this large customer to Gulf Power. Meanwhile, I see no opportunity in the foreseeable future for West Florida to go into Gulf's territory and pick off large customers.

I am a firm believer in competition and customer choice, and I personally believe that customer preference should play a greater role in deciding territorial disputes. I believe, however, that

such a shift in policy should be done either through legislation, or at the very least, an amendment to our existing rule. With a statutory change or rulemaking, all players will know the rules of the game in advance. West Florida, as well as Gulf Power and other potential providers, will be able to govern themselves with full knowledge that customer preference will be paramount in determining which utility will be awarded service to customers in dispute.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

STATE OF FLORIDA

COMMISSIONERS:

LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

March 8, 2002

John H. Haswell, Esquire
Chandler, Lang, Haswell & Cole, P.A.
Post Office Box 23879
Gainesville, Florida 32602-3879

Re: Supreme Court Case No. SC02-176 - West Florida Electric Cooperative
Association, Inc. vs. Lila A. Jaber, Chairman, et al. (Docket No. 010441-EU)

Dear Mr. Haswell:

I have enclosed an invoice reflecting charges for preparation of the above-referenced record. Please forward a check in the amount indicated, made payable to the Florida Public Service Commission, at your earliest convenience.

Do not hesitate to call if you have any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief
Bureau of Records and Hearing Services

KF:mhl
Enclosure

FLORIDA PUBLIC SERVICE COMMISSION

2540 Shumard Oak Blvd. ♦ Tallahassee, Florida 32399-0850

Date: 3/8/02

To: John H. Haswell, Esquire
Chandler, Lang, Haswell & Cole
PO Box 23879
Gainesville, Florida 32602-3879

Date Paid _____

Amount Paid _____

Check # _____

☐ Check ☐ Cash

PSC Signature _____

8473

↑ ↑
This number must appear on
all checks or correspondence
regarding this invoice.

Please make checks payable to: FLORIDA PUBLIC SERVICE COMMISSION

QUANTITY	DESCRIPTION	PRICE	AMOUNT
776 pages	Copying and preparation of Docket 010441-EU on appeal to Supreme Court, Case No. SC02-176	@.05¢ per page	\$38.80
1	Certificate of Director	@4.00	4.00
TOTAL			\$42.80

STATE OF FLORIDA

COMMISSIONERS:

LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY



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Inc. vs. Lila A. Jaber, Chairman, et al. (Docket No. 010441-EU)

Dear Mr. Haswell:

Enclosed is an index to the above-referenced docket on appeal. Please look the index over and let me know if you have any questions concerning the contents of the record.

Please do not hesitate to call if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief
Bureau of Records and Hearing Services

KF:mhl

cc: Frank E. Bondurant, Esquire
Russell A. Badders, Esquire
Richard Bellak, Esquire

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vs.

Lila Jaber, Chairman, et al.

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(reference court reporter's original page numbers)

Hearing exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14
from September 19, 2001 hearing

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

May 7, 2002

Thomas D. Hall, Clerk
Supreme Court of Florida
Supreme Court Building
Tallahassee, Florida 32301

**Re: Supreme Court Case No. SC02-176 - West Florida Electric Cooperative
Association, Inc. vs. Lila A. Jaber, Chairman, et al. (Docket No. 010441-EU)**

Dear Mr. Hall:

The record in the above-referenced case, consisting of two binders, one hearing transcript, and one pouch of hearing exhibits is forwarded for filing in the Court. A copy of the index is enclosed for your use. Please initial and date the copy of this letter to indicate receipt.

Do not hesitate to call me at 413-6744 if you have any questions about the contents of this record.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief
Bureau of Records and Hearing Services

Enclosure

cc: John H. Haswell, Esquire
Frank E. Bondurant, Esquire
Russell A. Badders, Esquire
Richard Bellak, Esquire

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Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: October 7, 2002

TO: Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services

FROM: Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services

RE: DOCKET NO. 101441-EU, #39 of 12-4-01 AGENDA CONFERENCE

RE: PETITION TO RESOLVE TERRITORIAL DISPUTE WITH GULF POWER COMPANY IN WASHINGTON COUNTY BY WEST FLORIDA ELECTRIC COOPERATIVE ASSOCIATION, INC.

DOCUMENT NO. 10762, 10-4-02

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, ECR

Acknowledged BY:

RLM

JF/pc

PSC/CCA028-C (Rev10/01)

Hong Wang

From: Sandy Moses
Sent: Monday, February 16, 2004 10:21 AM
To: Kay Posey; Kathleen Stewart; Veronica Washington; Hong Wang
Subject: Commissioner Reassignments

Shortly after Commissioner Davidson was sworn in, the following cases previously assigned to former Commissioners Jacobs and Palecki were globally reassigned in CCS as indicated below, but the reassignment information was never transmitted to staff in the Clerk's office for entry into CMS. By copy of this e-mail, I am requesting that Hong make the reassignments as shown (the Prehearing Officer is reflected in **BOLD**) so that CMS and CCS reflect the same Commissioner assignments.

Please let me know if you have any questions.

<u>Docket No.</u>	<u>From</u>	<u>To</u>	<u>Status</u>
971622-SU	BZ, DS, PL	BZ, DS, DV	Active
980876-WS	BZ, DS , PL	BZ, DS , DV	Active
990455-TL	BZ, DS , JC	BZ, DS , BD	Active
990649A-TP	DS, JB , PL	DS, JB , DV	Litigation
000475-TP	BZ, JC , PL	BZ, BD , DV	Active
000649-TP	BZ, JB , JC	BZ, JB , BD	Litigation
000731-TP	BZ , JC, PL	BZ , BD, DV	Litigation
010283-EI	BZ, JB , JC	BZ, JB , BD	Active
010409-TP	BZ, BD , PL	BZ, BD , DV	Monitor
010441-EU	DS, JB , PL	DS, JB , DV	Litigation
010564-TP	BZ, BD , PL	BZ, BD , DV	Monitor
020640-SU	ALL, PL	ALL, DV	Active