

Gulf Power Company
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ORIGINAL
FILE COPY

Susan D. Cranmer
Assistant Secretary and
Assistant Treasurer

the southern electric system

January 10, 1997

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

Dear Ms. Bayo:

RE: Docket No. 930885-EU

Enclosed are an original and fifteen copies of Gulf Power Company's Response to GCEC's Motion to Compel Discovery in the above docket.

Also enclosed is a 3.5 inch double sided, high density diskette containing the Petition in WordPerfect for Windows 6.1 format as prepared on a MS-DOS based

ACK _____ computer.

AFA _____

APP 1 Sincerely,

CAF _____
CMU _____ *Susan D. Cranmer*

CTR _____

EAG _____ lw

LEG 1 Enclosures

LIN 3

OPC _____ cc: Beggs and Lane
RCH _____ Jeffrey A. Stone, Esquire

SEC 1

WAS _____

OTH _____

'Our business is customer satisfaction'

DOCUMENT NUMBER-DATE
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 930885-EU
Filed: January 14, 1997

**GULF POWER COMPANY'S RESPONSE TO GCEC'S
MOTION TO COMPEL DISCOVERY**

GULF POWER COMPANY ("Gulf Power," "Gulf," or "the Company"), by and through its undersigned attorneys, hereby responds in writing to the motion to compel discovery filed by Gulf Coast Electric Cooperative ("GCEC") as follows:

1. Gulf Power Company asserts that its answers to interrogatories numbered 3b, 14, 15, 31, 32 and 42 were correct, responsive and not evasive in any way.
2. Regarding Interrogatory No. 3b, Gulf Power's answer stands on its own regarding the reason why the referenced maps were not included in Gulf Power's testimony.
3. Regarding Gulf Power's answers to Interrogatories No. 14 and 15, Gulf Power directly answered "no" to the questions whether it speculated on the future growth of service to Sunny Hills and Leisure Lakes prior to constructing its facilities to serve either development. Gulf Power further responded that its decision to extend facilities to serve the developments of Sunny Hills and Leisure Lakes were based on receipt of requests from the developers. This response is direct and specifically answers the questions asked of Gulf Power.
4. Regarding Interrogatory No. 31, Gulf Power objects to this question as it is no more than an attempt to have counsel for Gulf Power perform legal research for GCEC. The interrogatory seeks information that is readily available to the public and to GCEC on the same

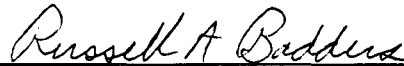
basis that it is available to Gulf Power. To whatever extent Gulf Power may have accumulated any materials that would be responsive to this request, such effort would constitute attorney work product and therefore protected from discovery.

5. Gulf Power's answer to Interrogatory No. 32 is responsive. The answer refers GCEC to the direct testimony of Gulf Power's witnesses, Ted Spangenberg and William Weintritt, who discuss the methods known to Gulf Power at the time Gulf Power responded to the interrogatory. In fact, the testimony referenced describes in detail the methods known to Gulf Power at the time of its response to this interrogatory.

6. Regarding Interrogatory 42, Gulf Power's answer is responsive. Gulf Power does not believe that Issue 7 or Item 7 of the Order Determining Issues to be resolved at the Evidentiary Hearing dated September 23, 1996, mandates the drawing of a territorial boundary as defined by Gulf Coast. Thus, Gulf Power asserts that it has complied with that order and that doing so in no way requires Gulf Power to formulate the information requested by GCEC. The method, if any, in which Gulf Power's counsel intends to introduce any part of its case in this matter is clearly attorney work product entitled to protection from discovery. The subparts request information that is privileged and not subject to discovery.

WHEREFORE, Gulf Power Company respectfully requests that the Florida Public Service Commission deny GCEC's Motion to Compel Discovery.

Respectfully submitted this 10th day of January 1997



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to resolve)
territorial dispute with Gulf)
Coast Electric Cooperative, Inc.) Docket No. 930885-EU
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_____)

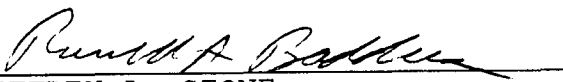
Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing has been furnished this 10th day of January 1997 by U.S. Mail to the following:

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