

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to resolve) DOCKET NO. 940331-EU
territorial dispute with FLORIDA) ORDER NO. PSC-95-0351-FOF-EU
POWER CORPORATION by SUWANNEE) ISSUED: March 14, 1995
VALLEY ELECTRIC COOPERATIVE,)
INC.)
_____)

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING APPROVAL OF TERRITORIAL AGREEMENT

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On April 1, 1994, Suwannee Valley Electric Cooperative, Inc. (Suwannee) filed a petition to resolve a territorial dispute with Florida Power Corporation (FPC). The dispute was set for a Chapter 120.57 formal hearing, which was later delayed upon approval of a 90-day stay. In the interim, the parties negotiated and on December 13, 1994, filed a Joint Petition for Approval of a Territorial Agreement.

The purpose of the territorial agreement is to identify Florida Power Corporation's (FPC) and Suwannee Valley Electric Cooperative, Inc.'s (Suwannee) respective service areas in portions of Columbia, Lafayette, Madison and Suwannee counties. Composite Exhibit "A" to the agreement is a collection of detailed maps that defines the respective territorial boundaries within the previously mentioned counties. Although important, this exhibit is too voluminous to attach to this Order. Exhibits "B" and "C" are listings of customer accounts that will be subject to transfer upon approval of this agreement. The Territorial Agreement together with Exhibits "B" and "C" are attached to the this Order labeled Composite Exhibit 1.

DOCUMENT NUMBER-DATE

02756 MAR 14 88

FPSC-RECORDS/REPORTING

Exhibit "B" to the agreement identifies a total of 60 Suwannee customer accounts which will be transferred to FPC and 6 FPC customer accounts that will be transferred to Suwannee. Exhibit "C" is a subset of 49 Suwannee customer accounts and 4 FPC customer accounts identified on Exhibit "B" which will be transferred to the respective utility as soon as is reasonably practicable taking into account economics, good engineering practices and the efficient operation of the utility. Continued service to these customers would present operational concerns both utilities want to prevent. The remaining 13 customers will be transferred by Suwannee and FPC upon a "change-in-use" or at such time as a customer requests to be transferred. From time to time, each utility may also advise the affected customers of their option to request a transfer to the appropriate utility. In any event, Section 2.7 of the agreement provides that all customer accounts transfers shall be completed within five years from the date of Commission approval. Once the transfer period has passed, neither utility will be serving customers outside its respective service area.

All affected customers were notified by letter of the proposed transfer and advised of the difference in rates. This notice included a rate comparison for both residential and commercial customers for varying monthly KWH usages. Of the customers responding 4 were in favor of the transfer and 2 opposed. It appears that customer disapproval was based solely on rates and not on an anticipation of a decrease in the quality of service.

Section 2.2 of the agreement states that neither utility will knowingly serve or attempt to serve any customer whose end-use facilities are located within the territorial area of the other utility, except in the case of exceptional circumstances, economic constraints, or good engineering practices and upon written request. The parties agree to request Commission approval of interim service that lasts or is expected to last for more than one year. Of course, if the parties wish to make a permanent boundary change, they shall seek prior approval from the Commission.

Section 2.6 of the agreement outlines the treatment for utility compensation regarding transferred customers and the treatment of customer deposits. This section details the timing of payment, the cost of facilities and calculation of lost revenues. Section 2.8 of the agreement accounts for any differences in the amount of customer deposit required by each utility.

Upon review, we find that the Joint Petition for Approval of Territorial Agreement between Florida Power Corporation and Suwannee Valley Electric Cooperative, Inc. is in the public's interest and that its adoption will further the Commission's policy of avoiding unnecessary and uneconomic duplication of facilities.

The territorial agreement provides that it shall remain in effect for a period of 20 years from the date of Commission approval.

Based on the foregoing, it is

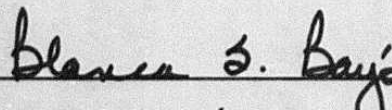
ORDERED by the Florida Public Service Commission that the territorial agreement executed by Florida Power Corporation and Suwannee Valley Cooperative is hereby approved as discussed in the body of this order. It is further

ORDERED that the parties shall request Commission approval of interim service that lasts or is expected to last for more than one year. It is further

ORDERED that the agreement shall remain in effect for a period of 20 years from the date of this Order, unless modified by the Commission. It is further

ORDERED that this Order shall become final and effective and this docket shall be closed unless an appropriate petition for formal proceedings is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

By ORDER of the Florida Public Service Commission, this 14th day of March, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on April 4, 1995.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting 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 of the effective date 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.

SVEC EXISTING CUSTOMERS

NO.	NAME	LOCATION	METER NUMBER	ACCOUNT NUMBER
1	B.Z. Cashman	H2-13-95-15-0001	575-23-533	1071308601
2	Annie Grohman	H2-13-95-25-0006	604-04-857	485702
3	Jose Luis Contreras	H2-13-95-25-0008	636-47-108	8175153402
4	AREA LIGHT	H2-13-95-25		485702
5	Robert W. Dawson	H2-12-05-20-0001	735-35-121	707601
6	Tom Funderburk	H2-12-00-25-0004	578-70-558	3010346102
7	William J. Lamb	H2-12-20-30-0003	590-90-021	4120155701
8	Karen L. Brown	H2-12-20-30-0004	637-18-332	697501
9	Rita Mills	H2-12-25-35-0001	817-51-280	405201
10	Christine Flack	H2-12-34-40-0001	770-22-014	7061506603
11	Lillian Allen	H2-12-34-40-0002	806-74-396	710001
12	Christine Flack	H2-12-35-55-0001	712-98-805	7061506604
13	James T. Walden	H2-12-20-40-0004	587-27-027	8100477001
14	James T. Walden	H2-12-20-40-0001	835-28-544	8100477002
15	Allean P. Hicks	H2-12-20-40-0001	535-55-574	689401
16	AREA LIGHT	H2-12-20-44		689401
17	William T. Atwell	H2-12-20-45-0001	630-25-415	5021700202
18	Raymond Beard	H2-12-15-40-0001	717-85-592	3010145501
19	Joseph R. Beard	H2-12-15-45-0001	585-46-284	5013131602
20	Joseph R. Beard	H2-12-15-45-0002	578-70-533	5013131603
21	Mary Vences	H2-12-15-45-0002	630-25-585	635701
22	Jesse Mullis	H2-12-05-45-0001	717-85-629	6070200201
23	Joann Smith	H2-12-15-50-0002	717-85-628	6032860401
24	Joann Smith	H2-12-15-50-0001	805-76-905	6032860402
25	AREA LIGHT	H2-12-15-53		6032860401
26	William C. Byard	H2-12-15-55-0001	805-76-508	181301
27	William C. Byard	H2-12-15-55-0003	817-51-892	181302
28	Lewis B. Sessions	H2-12-15-55-0007	71-785-551	3010720601
29	Chad Howard	H2-12-30-65-0001	80-674-366	473801
30	Tilda Brumley	H3-18-65-20-0001	59-305-990	295601
31	Polly Spikes	H3-18-60-30-0001	635-36-160	11621402
32	Cynthia Ducksworth	H3-18-65-35-0001	721-39-462	152802
33	Weyman Funderburk	H3-18-65-40-0001	717-85-625	3010346201
34	Bobby McCray	H3-18-50-40-0001	634-03-613	3010560001
35	Fred W. Edwards	H3-18-70-70-0001	63-603-201	3010306402
36	Gary Shaw	H3-24-70-30-0001	73-776-818	6121300106
37	Elton Wimberly	H3-24-70-30-0002	68-880-738	3010866201
38	Oral Osteen	H3-15-45-90-0002	63-325-695	3010625702
39	Morris Jackson	H4-32-90-95-0001	63-742-818	3010458207
40	Lafayette Co. Voting.	J5-19-80-15-0002	63-718-687	3010161911
41	Lafayette Co. Voting.	J5-19-80-15-0001	61-608-148	3010161910
42		G2-25-80-70	None	

EXHIBIT "B"

SVEC EXISTING CUSTOMERS

NO.	NAME	LOCATION	METER NUMBER	ACCOUNT NUMBER
43	Fred S. Martin, Jr.	D2-25-65-35-0003	63-444-559	553901
44	Edith K. Harding	D2-25-30-30-0001	52-745-627	23501
45	William Ostenberg	D2-24-43-38-0001	81-751-437	357501
46	Emma Haber	D2-24-04-30-0001	71-563-062	9021618701
47	Earl Rowe	D2-24-60-35-0002	93-703-331	5090403504
48	Keith Payne	D2-24-65-30-0002	63-446-143	183402
49	Jewell Jones	J5-17-85-95-0001	68-049-132	3010478701
50	Jean Brown	J5-16-80-05-0002	68-049-126	7062100101
51	Sara Griffith	J5-16-80-05-0001	61-607-920	483101
52	F.D. Barrs	J5-16-80-25-0001	73-424-463	3010138001
53	F.D. Barrs	J5-16-80-25-0003	80-576-996	3010138002
54	Donald Knighton	J5-16-80-25-0002	73-534-990	3010499304
55	Lyndra Odum Smith	J5-16-90-45-0001	57-353-646	3010629301
56	Lyndra Odum Smith	J5-16-90-45-0002	54-513-008	3010629401
57	Wilbur Riley	J5-15-90-15-0001	79-569-188	8071445502
58	Suw. Rvr. Assm of Go	J5-15-83-30-0001	10-475-090	541501
59	Burlington Church of	J6-20-85-55-0001	71-807-734	3010197401
60	Santa Fe Burlington	J6-20-85-55-0002	87-118-852	3010197501

FPC EXISTING CUSTOMERS

NO.	NAME	SERVICE ADDRESS	METER NUMBER	ACCOUNT NUMBER
61	Louis Odum	SR 51 North of Mayo	1226560	15-1911-3650-1
62	Pernell Driver	US-27 ES Mayo Cafe	4623998	15-1911-2200-6
63	Fred H. Hamlin	Ind. Park ES Mayo 27	4626776	15-1911-2220-1
64	Inactive	NS 27 Gm.Strg.& Dr	No Meter	15-1811-1640-2
65	Inactive	Calf.Fdr.W. Com Ctr	No Meter	15-1811-1310-5
66	Danny Walker	NS US27 #3W Com Ctr	0759138	15-1811-1850-3

CUSTOMERS TO BE TRANSFERRED WITHOUT TRANSFER PERIOD

SVEC EXISTING CUSTOMERS

NO.	NAME	LOCATION	METER NUMBER	ACCOUNT NUMBER
1	Annie Grohman	H2-13-95-25-0006	604-04-857	485702
2	Jose Luis Contreras	H2-13-95-25-0008	636-47-108	8175153402
3	AREA LIGHT	H2-13-95-25		485702
4	Robert W. Dawson	H2-12-05-20-0001	735-35-121	707601
5	Tom Funderburk	H2-12-00-25-0004	578-70-558	3010346102
6	William J. Lamb	H2-12-20-30-0003	590-90-021	4120155701
7	Karen Brown	H2-12-20-30-0004	637-18-332	697501
8	Rita Mills	H2-12-25-35-0001	817-51-280	405201
9	Christine Flack	H2-12-34-40-0001	770-22-014	7061506603
10	Lillian Allen	H2-12-34-40-0002	806-74-396	710001
11	Christine Flack	H2-12-35-55-0001	712-98-805	7061506604
12	James T. Walden	H2-12-20-40-0004	587-27-027	8100477001
13	James T. Walden	H2-12-20-40-0001	835-28-544	8100477002
14	G.W. Hicks Jr.	H2-12-20-40-0001	535-55-574	689401
15	AREA LIGHT	H2-12-20-44		689401
16	William T. Atwell	H2-12-20-45-0001	630-25-415	5021700202
17	Raymond Beard	H2-12-15-40-0001	717-85-592	3010145501
18	Joseph R. Beard	H2-12-15-45-0001	585-46-284	5013131602
19	Joseph R. Beard	H2-12-15-45-0002	578-70-533	5013131603
20	Mary Vences	H2-12-15-45-0002	630-25-585	635701
21	Jesse Mullis	H2-12-05-45-0001	717-85-629	6070200201
22	Joann Smith	H2-12-15-50-0002	717-85-628	6032860401
23	Joann Smith	H2-12-15-50-0001	805-76-905	6032860402
24	AREA LIGHT	H2-12-15-53		6032860401
25	William C. Byard	H2-12-15-55-0001	805-76-508	181301
26	William C. Byard	H2-12-15-55-0003	817-51-892	181302
27	Lewis B. Sessions	H2-12-15-55-0007	71-785-551	3010720601
28	Chad Howard	H2-12-30-65-0001	80-674-366	473801
29	Tilda Brumley	H3-18-65-20-0001	59-305-990	295601
30	Polly Spikes	H3-18-60-30-0001	635-36-160	11621402
31	Cynthia Ducksworth	H3-18-65-35-0001	721-39-462	152802
32	Weyman Funderburk	H3-18-65-40-0001	717-85-625	3010346201
33	Bobby McCray	H3-18-50-40-0001	634-03-613	3010560001
34	Lafayette Co. Voting.	J5-19-80-15-0002	63-718-687	3010161911
35	Lafayette Co. Voting.	J5-19-80-15-0001	61-608-148	3010161910
36		G2-25-80-70	None	
37	William Ostenberg	D2-24-43-38-0001	81-751-437	357501
38	Emma Haber	D2-24-04-30-0001	71-563-062	9021618701
39	Earl Rowe	D2-24-60-35-0002	93-703-331	5090403504
40	Keith Payne	D2-24-65-30-0002	63-446-143	183402
41	Fred S. Martin, Jr.	D2-25-65-35-0003	63-444-559	552901

EXHIBIT "C"
CUSTOMERS TO BE TRANSFERRED WITHOUT TRANSFER PERIOD

SVEC EXISTING CUSTOMERS

NO.	NAME	LOCATION	METER NUMBER	ACCOUNT NUMBER
42	Edith K. Harding	D2-25-30-30-0001	52-745-627	23501
43	Jean Brown	J5-16-80-05-0002	68-049-126	7062100101
44	Sara Griffith	J5-16-80-05-0001	61-607-920	483101
45	F.D. Barrs	J5-16-80-25-0001	73-424-463	3010138001
46	F.D. Barrs	J5-16-80-25-0003	80-576-996	3010138002
47	Donald Knighton	J5-16-80-25-0002	73-534-990	3010499304
48	Lyndra Odum Smith	J5-16-90-45-0001	57-353-646	3010629301
49	Lyndra Odum Smith	J5-16-90-45-0002	54-513-008	3010629401

FPC EXISTING CUSTOMERS

NO.	NAME	SERVICE ADDRESS	METER NUMBER	ACCOUNT NUMBER
50	Fred H. Hamlin	Ind. Park ES Mayo 27	4626776	15-1911-2220-1
51	Inactive	NS 27 Grm.Strg.& Dr	No Meter	15-1811-1640-2
52	Inactive	Calf.Fdr.W. Com Ctr	No Meter	15-1811-1310-5
53	Danny Walker	NS US27 #3W Com Ctr	0759138	15-1811-1850-3