

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint petition for approval of territorial)	DOCKET NO. 960468-EC
agreement between Sumter Electric)	ORDER NO. PSC-96-0900-FOF-EC
Cooperative, Inc. and Central Florida Electric)	ISSUED: JULY 15, 1996
Cooperative, Inc.)	
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The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
 J. TERRY DEASON
 JOE GARCIA
 JULIA L. JOHNSON
 DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING 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 11, 1996, Sumter Electric Cooperative, Inc. (Sumter) and Central Florida Electric Cooperative, Inc. (CFEC) filed a Joint Petition for Approval of a Territorial Agreement that delineates their respective territories in Levy and Marion counties. A copy of the territorial agreement between Sumter and CFEC is attached to this Order and incorporated herein (Attachment A).

The purpose of the territorial agreement is to delineate each utility's respective service area and to prevent the potential uneconomic duplication of electric facilities in Levy and Marion Counties. The parties confirmed that neither will have any electric facilities providing retail service to customers located in the other utility's territory as defined by this agreement. In addition, there is to be no transfer of existing customers or facilities.

Section 2.2 of the agreement contains the provision for interim service. Neither utility will knowingly serve or attempt to serve any new customer whose end-use facilities are located within the territorial area of the other party, except when exceptional circumstances, economic constraints, good engineering practices, or system planning call for such service. In such instances, the utility may submit a written request to the other party to temporarily provide service to the new customer.

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In Section 5.2, the utilities agree to file annual reports if interim service is being provided in excess of one year.

The territorial agreement between Sumter and CFEC provides that it shall remain in effect for a period of thirty years.

We find that the territorial agreement between Sumter and CFEC is in the public interest, and its adoption will further our longstanding policy to avoid unnecessary and uneconomic duplication of electrical facilities.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the territorial agreement entered into by Sumter Electric Cooperative, Inc. and Central Florida Electric Cooperative, Inc., as described and incorporated herein, is hereby approved. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 15th day of July, 1996.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-904-413-6770.
(S E A L)

SOME (OR ALL) ATTACHMENT PAGES ARE NOT ON ELECTRONIC DOCUMENT.

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 5, 1996.

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.