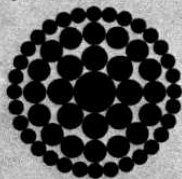


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**ORIGINAL  
FILE COPY**



**Florida  
Power  
CORPORATION**

Pamela I. Smith  
STAFF ATTORNEY

February 19, 1990

Mr. Steve Tribble, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32301-8153

Re: Territorial Disputes between Clay Electric Cooperative, Inc. and  
Florida Power Corporation in Alachua County  
~~Bucket No. 900064-EU~~

Dear Mr. Tribble:

Enclosed for filing in the referenced docket please find the original and 15 copies of Florida Power Corporation's Response to Clay Electric Cooperative's Petition to Resolve Territorial Dispute.

Kindly acknowledge receipt and filing of the above by completing the form on the enclosed duplicate copy of this letter and returning same to this writer.

Very truly yours,

*Pamela I. Smith*  
Pamela I. Smith

- ACK
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG
- LEG 1
- LIN 6
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

PS:br  
Enclosures

RECEIVED & FILED

TB  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

01620 FEB 20 1990

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Territorial Disputes between Clay )  
Electric Cooperative, Inc. and Florida )  
Power Corporation in Alachua County )  
\_\_\_\_\_ )

Docket No. 900064-EU

FLORIDA POWER CORPORATION'S  
RESPONSE TO CLAY ELECTRIC COOPERATIVE'S  
PETITION TO RESOLVE TERRITORIAL DISPUTE

FLORIDA POWER CORPORATION (FPC) files this its response to CLAY ELECTRIC COOPERATIVE'S (CLAY) Petition to Resolve Territorial Dispute and as to each respectively numbered paragraph would state as follows:

1. Admit.
2. Admit as to subparagraph A; all notices and pleadings for FPC shall be served upon:

Pamela I. Smith  
Staff Attorney  
Florida Power Corporation  
P.O. Box 14042  
St. Petersburg, FL 33734

Florida Bar No. 508934

3. Admit the general allegations contained in this paragraph but deny the specific statement that FPC sells electrical energy "to certain of its customers in Alachua County, Florida" and affirmatively state that FPC sells electrical energy to all of its customers in Alachua County, Florida.

4. Admit.
5. Admit.
6. Admit the nature of the action but deny that there is any uneconomical duplication of distribution facilities created by FPC.

DOCUMENT NUMBER-DATE  
01620 FEB 20 1990  
FPSC-RECORDS/REPORTING

7. Admit the first sentence of paragraph 7; deny that the property is bordered on all sides by facilities of CLAY; rather, the purported location of CLAY's facilities is shown on Exhibit 1 to the Petition.

8. Admit.

9. Admit that CLAY has and maintains distribution lines in the geographic area of the subject property but deny that these facilities are extensive; further, FPC affirmatively states that CLAY's primary distribution lines are located across state or county roads from the subject property.

10. Without knowledge as to CLAY's plans to provide service; FPC affirmatively states that there is no territorial agreement existing between it and CLAY so as to define a service territory and further affirmatively states that either state or county road lies between the subject property and CLAY's primary distribution facilities.

11. Admit; further, FPC affirmatively states that CLAY would have been required to construct distribution facilities to provide service to the mobile sales office of the developer of the subject property.

12. Without knowledge of any developer request of CLAY; FPC affirmatively states that in order for CLAY to serve the sales office it would have to cross a state or county road and set at least one pole in addition to constructing a service drop and a transformer.

13. Deny.

14. Deny.

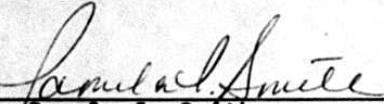
15. Admit.

16. Deny; FPC maintains a primary distribution line on the southern portion of the eastern boundary of the subject property for approximately three-fifths of that boundary.

WHEREFORE, FPC requests that the Commission resolve the territorial dispute as to the subject property and permit FPC to serve that area.

Respectfully submitted,

OFFICE OF THE GENERAL COUNSEL  
FLORIDA POWER CORPORATION

By:   
Pamela I. Smith  
Staff Counsel  
P.O. Box 14042  
St. Petersburg, FL 33733  
(813) 866-5777

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Florida Power Corporation's Response to Clay Electric Cooperative's Petition to Resolve Territorial Dispute has been furnished by regular U.S. mail this 19th day of February, 1990 to the following:

John H. Haswell  
William H. Chandler  
Chandler, Gray, Lang,  
Haswell & Enwall, P.A.  
P.O. Box 23879  
211 N.E. First Street  
Gainesville, FL 32602

Robert Vandiver  
Director of Legal Services  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32301

  
Pamela I. Smith