

Florida Power
CORPORATION

**ORIGINAL
FILE COPY**

Pamela I. Smith
ASSISTANT COUNSEL

May 11, 1990

DOCUMENT NUMBER-DATE
04116 MAY 11 1990
FPSC-RECORDS/REPORTING

Mr. Steven C. Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0870

Re: Territorial Dispute between Clay Electric Cooperative, Inc. and
Florida Power Corporation - Docket No. ~~900064-EU~~
900064-EU

Dear Mr. Tribble:

Enclosed for filing in the subject docket are the original and 14 copies
of Florida Power Corporation's Prefiled Direct Testimony of Jimmie L. Troke,
William L. Park and Maurice H. Phillips

Please acknowledge your receipt of the above filing on the enclosed copy
of this letter and return to the undersigned. Thank you for your assistance

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Very truly yours,

Pamela I. Smith
Pamela I. Smith
Assistant Counsel

PS:BR

Enclosures

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GENERAL OFFICE

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A Florida Progress Company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**ORIGINAL
FILE COPY**

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

Docket No. ~~900064-EU~~

Filed: May 11, 1990

FLORIDA POWER CORPORATION

PREFILED DIRECT TESTIMONY

OF

MAURICE H. PHILLIPS

**OFFICE OF THE GENERAL COUNSEL
FLORIDA POWER CORPORATION**

**PAMELA I. SMITH
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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

PREFILED DIRECT TESTIMONY

OF

MAURICE H. PHILLIPS

Docket No. 900064-EU

1 Q. Please state your name and business address.

2 A. My name is Maurice H. Phillips and my business address is 3201
3 34th Street South, St. Petersburg, Florida 33711

4

5 Q. What is your with Florida Power Corporation?

6 A. I am Executive Vice President.

7

8 Q. How long have you held that position?

9 A. I have held that position since September 1989.

10

11 Q. What positions with have you held previously with Florida
12 Power Corporation?

13 A. I joined Florida Power on February 14, 1961 as Associate
14 Engineer, Lake Wales District Office and held various
15 engineering positions until 1975 when I was promoted to
16 Division Superintendent, Winter Park District. I served as
17 Division Manager, Central Division, until March 1979 when I

1 was promoted to Vice President, Central and Northern Division.
2 In January 1983, I became Senior Vice President Operations.

3

4 Q. Are you familiar with the letters that were exchanged between
5 Florida Power and Clay in December 1970 which are exhibits to
6 Mr. William C. Phillips' testimony?

7 A. Yes, I am somewhat familiar with those letters.

8

9 Q. What action have you taken with regard to those letters?

10 A. When I was Division Manager of the Central Division, I, along
11 with other Division Managers, contacted all other utilities
12 with whom we had correspondence similar to those letters,
13 correspondence that seemed to contain certain agreements
14 regarding service to particular areas. Because those letters
15 had not been approved by the Public Service Commission, they
16 were void. None of these types of letters that purported to
17 assign territory to one utility or another are valid. I went
18 to meet with Clay to clearly communicate the fact that those
19 letters were void. While I don't specifically recall these
20 two letters between Florida Power and Clay Electric
21 Cooperative, because they were written before I was a Division
22 Manager, I do recall visiting with Mr. E. T. Martin to tell
23 him that all such letters were void.

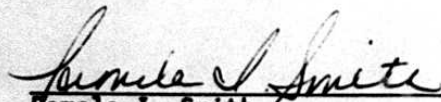
24

25 Q. Do you recall when you had this conversation with Mr. Martin?

1 A. I don't recall specifically because I don't keep my calendars
2 for that long, but to the best of my recollection, this
3 conversation occurred at his office sometime between 1976 and
4 1979.
5
6 Q. Of what effect is the letter of December 28, 1970 at this
7 time?
8 A. That letter is of no effect; it is void.
9
10 Q. Why?
11 A. For two reasons. First, the letter was not approved by the
12 Public Service Commission. Second, that letter was withdrawn
13 by Florida Power.
14
15 Q. Did Clay Electric Coop make any objection to you at the time
16 you communicated Florida Power's withdrawal of the letter?
17 A. No, they did not.
18
19 Q. Does this conclude your testimony?
20 A. Yes, it does but I reserve the right to make additional
21 statements as other matters may arise.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Prefiled Direct Testimony of Maurice H. Phillips has been furnished to JOHN H. HASWELL, ESQUIRE, P.O. Box 23879, Gainesville, Florida 32602 and MICHAEL A. PALECKI, ESQUIRE, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32301 by regular U.S. mail this 10th day of May, 1990.



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