

FLORIDA PUBLIC SERVICE COMMISSION

Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

MEMORANDUM

September 10, 1990

TO: STEVE TRIBBLE, DIRECTOR
DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CHRIST) *MC*
DIVISION OF ELECTRIC AND GAS (COLSON) *CC PET*

RE: DOCKET NO. 900476-EU - PETITION TO RESOLVE
TERRITORIAL DISPUTE WITH FLORIDA POWER & LIGHT
COMPANY BY SUWANNEE VALLEY ELECTRIC COOPERATIVE, INC.

AGENDA: OCTOBER 2, 1990 - NON-CONTROVERSIAL.

PANEL: ALL COMMISSIONERS

CRITICAL DATES: NONE

ISSUE AND RECOMMENDATION SUMMARY

ISSUE 1: Should the Commission grant the Joint Motion for Resolution of Territorial Dispute?

RECOMMENDATION: Yes. The Commission should grant the Joint Motion for Resolution of Territorial Dispute thereby requiring Florida Power & Light Company (FPL) to discontinue service to the customer in question in deference to Suwannee Valley Electric Cooperative, Inc. (SVEC).

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes.

DOCUMENT NUMBER-DATE

08400 SEP 20 1990

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CASE BACKGROUND

On May 15, 1990, Suwannee Valley Electric Cooperative, Inc. (SVEC) filed with this Commission a Petition to Resolve Territorial Dispute. The petition alleged that prior to November 3, 1989, SVEC was providing electric service to Huntsville General Store. The customer was delinquent in payment of its past charges. On or about November 3, 1989 someone severed the customer's service wire connection and removed weatherhead and meter. The petition also alleged that on or about that same date FPL connected their service to the customer's premises. Thereafter, SVEC was notified that its service line had been severed from the customer premises.

SVEC's petition also alleged that FPL's improper encroachment upon the service area previously established by SVEC is an uneconomic duplication of electric service. SVEC had been providing service to the customer in question. FPL had to cross the distribution line of SVEC to provide service to the retail customers.

On June 1, 1990 FPL filed its Answer to the petition denying and admitting in part, those allegations. FPL specifically alleges that it extended service to the Huntsville General Store upon receipt of a written request from the store's attorney. FPL states that it provided service to the customer pursuant to its statutory obligation to serve as set forth in Section 366.03, Florida Statutes.

The parties on August 1, 1990 filed with the Commission a Stipulation of Facts Between Florida Power & Light Company and Suwannee Valley Electric Cooperative, Inc. and a Joint Motion for Resolution of Territorial Dispute.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant the Joint Motion for Resolution of Territorial Dispute?

RECOMMENDATION: Yes. The Commission should grant the Joint Motion for Resolution of Territorial Dispute thereby requiring Florida Power & Light Company (FPL) to discontinue service to the customer in question in deference to Suwannee Valley Electric Cooperative, Inc. (SVEC).

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DISCUSSION: In essence, in the Stipulation filed by the parties, they agree to the facts outlined in the Case Background. According to the Joint Motion the parties agree that under the stipulated facts the Commission should require that electric service be provided the customer by SVEC.

Staff has reviewed the filings and recommend the Joint Motion be granted. The facts indicate that the customer apparently wanted to change electric utilities. In order to do so, it did not pay its electric bills from SVEC, thereby guaranteeing the discontinuation of it service. The customer had SVEC's service line and meter disconnected. The customer then demanded electric service, through its lawyer, from FPL.

It is not necessary for the resolution of this matter to understand how FPL considered it had a legal obligation under Section 366.03, Florida Statutes to provide service to an existing customer. Presumably hindsight precipitated FPL's entering the Joint Motion. Under the stipulated facts Staff recommends the approval of the Joint Motion. To do otherwise would be the establishment of a policy of encouraging customers to change utilities by not paying its bill.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes.

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