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October 12, 1990

Mr. Steve Tribble, Director
Division of Records & Reporting
Public Service Commission
Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0870

900825-EI

Re: Petition of Florida Power & Light Company
for a Declaratory Statement (H. R. Driggers)

Dear Mr. Tribble:

Attached please find original and 15 copies of Petition for Declaratory Statement which I will appreciate your filing in the above styled case.

Sincerely,


J. Christian Meffert

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enclosures

RECEIVED & FILED


FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

09164 OCT 12 1990

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition of Florida Power
& Light Company for a
Declaratory Statement

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Docket No. 900825-EI

PETITION FOR DECLARATORY STATEMENT

COMES NOW Florida Power & Light Company (hereinafter FPL), by and through its undersigned attorneys, pursuant to Sections 25-22.020 and 25-22.021, Florida Administrative Code, and requests that the Florida Public Service Commission (hereinafter Commission) issue a Declaratory Statement with respect to FPL's obligation to serve H. R. Driggers pursuant to Section 366.03, Florida Statutes. In support thereof, the Petitioner states:

1. The name of Petitioner is Florida Power & Light Company. The address of Petitioner is P. O. Box 029100, Miami, Florida 33102-9100.

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PSC-RECORDS/REPORTING


2. Petitioner requests a Declaratory Statement with respect to its obligation to serve an applicant for service pursuant to Section 366.03, F.S. Petitioner is affected by, and seeks a Declaratory Statement from the Commission regarding FPL's obligation to serve, because of the Commission's authority to relieve FPL of its obligation to serve under certain circumstances, one of which is the avoidance of uneconomic duplication of distribution facilities.
3. On June 22, 1990, FPL received a written request for service from Mr. H. R. Driggers regarding his property located in Columbia County, Florida at Sections 5 and 6, Township 3 South, Range 16 East. An extension of service by FPL to serve Mr. Driggers' property may result in a duplication of Suwannee Valley Electric Cooperative, Inc.'s (SVEC) distribution lines.
4. FPL does not have a territorial agreement with SVEC.
5. The following particular set of circumstances apply to the instant matter:

- a. SVEC has distribution lines adjacent to and about the applicant's property.
 - b. FPL has distribution facilities in the immediate area from which service could be provided. However, such service would require an extension of FPL's distribution facilities approximately 9,000 feet.
 - c. No electric service is presently being provided to the property in question.
 - d. The applicant's facilities will consist of a residence and office, with plans for an additional residence and a construction firm.
 - e. The applicant has specifically demanded that FPL provide service.
6. FPL stands ready, willing and able to serve the applicant in the event the Commission finds that FPL's obligation to serve should not be limited in this instance.

WHEREFORE, FPL respectfully requests that the Commission issue a Declaratory Statement based on the foregoing factual information and declare that FPL should comply with its obligation to serve Mr. Driggers.

Date: October 12, 1990

Respectfully submitted,



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Bar No. 0115558

Attorneys for Florida Power &
Light Company



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Attorney
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petition for Declaratory Statement has been furnished to Suwannee Valley Electric Cooperative, Inc., Post Office Box 160, Live Oak, Florida 32060 and James W. Prevatt, Jr., Esq., Post Office Drawer 8, Live Oak, Florida 32060 by U.S. Mail this 12th day of October, 1990.



J. CHRISTIAN MEFFERT