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November 29, 1990

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

Re: Petition of Florida Power & Light Company
for a Declaratory Statement
Docket No. 900825-EI

Dear Mr. Tribble:

Attached please find original and 15 copies of Notice of Voluntary Dismissal which I will appreciate your filing in the above styled case.

Sincerely,

Chris Meffert

J. Christian Meffert

bbk

enclosures

ACK _____
AFA _____
APP LW/m
CAF _____
CMU _____
CTR _____
EAG _____
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10621 NOV 29 1990

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

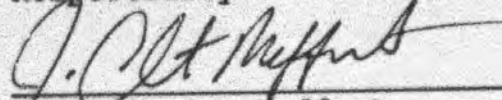
In Re: Petition of Florida
Power & Light Company for a
Declaratory Statement

DOCKET NO. 900825-EI

NOTICE OF VOLUNTARY DISMISSAL

Petitioner, Florida Power & Light Company, hereby gives notice of its voluntary dismissal, pursuant to Rule 25-22.035(3), Florida Administrative Code, and Rule 1.420(a)(1), Florida Rules of Civil Procedure, of the Petition for Declaratory Statement filed herein for the reason that Suwannee Valley Electric Cooperative, Inc. has filed a Petition to Resolve a Territorial Dispute, Docket No. 900915-EU, a copy of which is attached, thereby rendering the Petition for Declaratory Statement moot.

Respectfully submitted,



J. Christian Meffert
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Attorneys for Florida Power & Light
Company

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Bar No. 763284

DOCUMENT NUMBER-DATE

10621 NOV 29 1990

PSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Notice of Voluntary Dismissal has been furnished to C. Dean Lewis, Esq. and James W. Prevatt, Jr., Esq., Airth, Sellers, Lewis & Prevatt, Post Office Drawer 8, Live Oak, Florida 32060 by U. S. Mail this 29th day of November, 1990.



J. Christian Meffert

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition of SUWANNEE VALLEY)
ELECTRIC COOPERATIVE, INC. to resolve)
a territorial dispute with FLORIDA)
POWER & LIGHT CORPORATION)
(H. R. Driggers Property).)

DOCKET NO. 900915-EU

PETITION TO RESOLVE TERRITORIAL DISPUTE

The Petitioner, SUWANNEE VALLEY ELECTRIC COOPERATIVE, INC., commences this proceeding against the Respondent, FLORIDA POWER & LIGHT CORPORATION, to resolve a territorial dispute and asserts as follows:

1. The Petitioner, SUWANNEE VALLEY ELECTRIC COOPERATIVE, INC., (hereinafter "SVEC") is a rural electric cooperative, organized and existing pursuant to the provisions of Section 425.01, et seq., Florida Statutes.
2. The Respondent, FLORIDA POWER & LIGHT CORPORATION, (hereinafter "FPL") is a public utility as defined by Section 366.02(1), Florida Statutes.
3. The Florida Public Service Commission has jurisdiction of this proceeding pursuant to Section 366.04(2)(e), Florida Statutes, which provides that the Commission has the jurisdiction to resolve any territorial dispute involving service areas between and among rural electric cooperatives, municipal electric utilities and other electric utilities under its jurisdiction.
4. The material facts underlying this territorial dispute are as follows:

- a. On or about June 22, 1990, FPL received a written request for service from Mr. H. R. Driggers for his property located in Columbia County, Florida.

- b. The service area surrounding area the property in question is a rural area with a low degree of

urbanization. The surrounding area has traditionally been served by SVEC.

c. FPL's impending improper encroachment upon the service area previously established by SVEC would be an uneconomic duplication of electric service. SVEC has existing service surrounding the retail customer. FPL would have to run over 9000 feet of distribution line to service the retail customer.

d. Attached hereto as Exhibit #1 is a diagram depicting the location of the Driggers property, and the service lines and transformers of SVEC that are in place.

5. SVEC should be directed to serve the disputed area and FPL should be directed to refrain from erecting utility poles, distribution line and transformers encroaching upon the territory of SVEC.

WHEREFORE, the Petitioner, SUWANNEE VALLEY ELECTRIC COOPERATIVE, prays that this Commission will take jurisdiction of the parties and subject matter hereof and enter its order directing that the H. R. Driggers' property is the service area of SUWANNEE VALLEY ELECTRIC COOPERATIVE, INC and enter its order enjoining FLORIDA POWER & LIGHT CORPORATION from offering

electric service and encroaching into the service area of
SUWANNEE VALLEY ELECTRIC COOPERATIVE, INC.

Respectfully submitted,



C. DEAN LEWIS
Fla. Bar No. 047076
JAMES W. PREVATT, JR.
Fla. Bar No. 352012
AIRTH, SELLERS, LEWIS & PREVATT
Post Office Drawer 8
Live Oak, Florida 32060
(904) 362-1411

Attorneys for SUWANNEE VALLEY
ELECTRIC COOPERATIVE, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United States Mail, Postage prepaid to DAVID G. COBB, Post Office Box 1885, Lake City, Florida 32056-1885, J. CHRISTIAN MEFFERT, ESQUIRE, 201 South Monroe Street, Suite 500, Tallahassee, Florida 32301 and to K. CRANDAL McDOUGALL, ESQUIRE, Post Office Box 029100, Miami, Florida 33102-9100 on November 8, 1990.

AIRTH, SELLERS, LEWIS & PREVATT



C. DEAN LEWIS
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