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September 23, 1991

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ALFRED T. AIRTH
OF COUNSEL

Honorable Steve Tribble, Director
Division of Records and Reporting
Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0850

910991-EU

Re: Territorial Dispute Between the Petitioner, SUWANNEE
VALLEY ELECTRIC COOPERATIVE, INC., and the Respondent,
FLORIDA POWER & LIGHT COMPANY, (Live Oak Innkeepers,
Inc. - Best Western Motel)

SVEC - EC912
FPL - EI802

Dear Sir:

Enclosed are the original and 15 copies of Petitioner,
Suwannee Valley Electric Cooperative, Inc's petition to Resolve
Territorial Dispute by invoking the jurisdiction of the Public
Service Commission. Please accept the same for filing and advise
me at your earliest convenience of the docket number assigned to
this proceeding.

Should you have any questions regarding the enclosed, please
do not hesitate to contact me. Your courtesies and cooperation
are greatly appreciated.

Very truly yours,

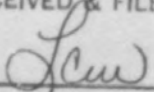


James W. Prevatt, Jr.

JWP, JR/gpl

Enclosures

RECEIVED & FILED


FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

09514 SEP 25 1991

FPSC-RECORDS/REPORTING

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)
(Live Oak Innkeepers, Inc. --)
Best Western Motel).)

DOCKET NO. 910991-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 July 1, 1991, FPL constructed a service lift pole, a temporary power pole and added a transformer

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FPSC-RECORDS/REPORTING

to service the construction of a motel to be located on the south side of Badcock Road in Section 12, Township 1 South, Range 13 East, Suwannee County, Florida. FPL has unsafely crossed Badcock Road under an exiting SVEC line to serve the construction site.

b. The area south of Badcock Road, including the motel construction site has traditionally been serviced by SVEC. SVEC has maintained a distribution line on the subject property since 1954. SVEC has an existing pole and transformer located on the subject property.

c. From 1954 to 1983, SVEC had a line which bisected the subject property. In or about 1983, Beefmaster, Inc. the present motel owners predecessor in title, requested SVEC to move its line to its present location on the eastern boundary of the property in order to accommodate Beefmaster's future plans to build a motel behind their restaurant on the site presently under construction.

d. Attached hereto as Exhibit #1 is a diagram depicting the location of the motel construction site, the service lines and transformer of SVEC that were previously in place and the recent construction by FPL crossing under SVEC lines and encroaching on SVEC territory.

e. Attached as Exhibit 2, 3, 4 and 5 are photographs depicting the location of the motel construction site, SVEC's existing service lines and the recent construction by FPL crossing under SVEC lines and encroaching on SVEC territory.

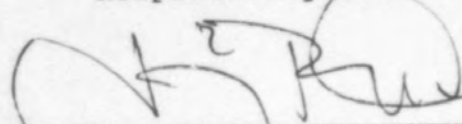
5. FPL's improper encroachment upon the service area previously established by SVEC is an uneconomic duplication of

electric service. SVEC had previous retail service to a portion of the subject property. SVEC has previously positioned itself to service the property at the request of the present owner's predecessor in title. FPL had to cross under the distribution line of SVEC to provide service to the retail customer.

6. SVEC should be directed to serve the disputed area and FPL should be directed to dismantle and remove the poles, distribution line and transformer presently encroaching upon the territory of SVEC.

WHEREFORE, the Complainant, SUWANNEE VALLEY ELECTRIC COOPERATIVE, prays that this Commission will take jurisdiction of the parties and subject matter hereof and enter its order directing the Respondent, FLORIDA POWER & LIGHT CORPORATION, to cease its retail service to motel construction site and further direct FPL to dismantle its duplicative facilities.

Respectfully submitted,



C. DEAN LEWIS
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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 pre-
paid 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 September 23, 1991.

AIRTH, SELLERS, LEWIS & PREVATT



C. DEAN LEWIS

Fla. Bar No. 047076

JAMES W. PREVATT, JR.

Fla. Bar No. 352012

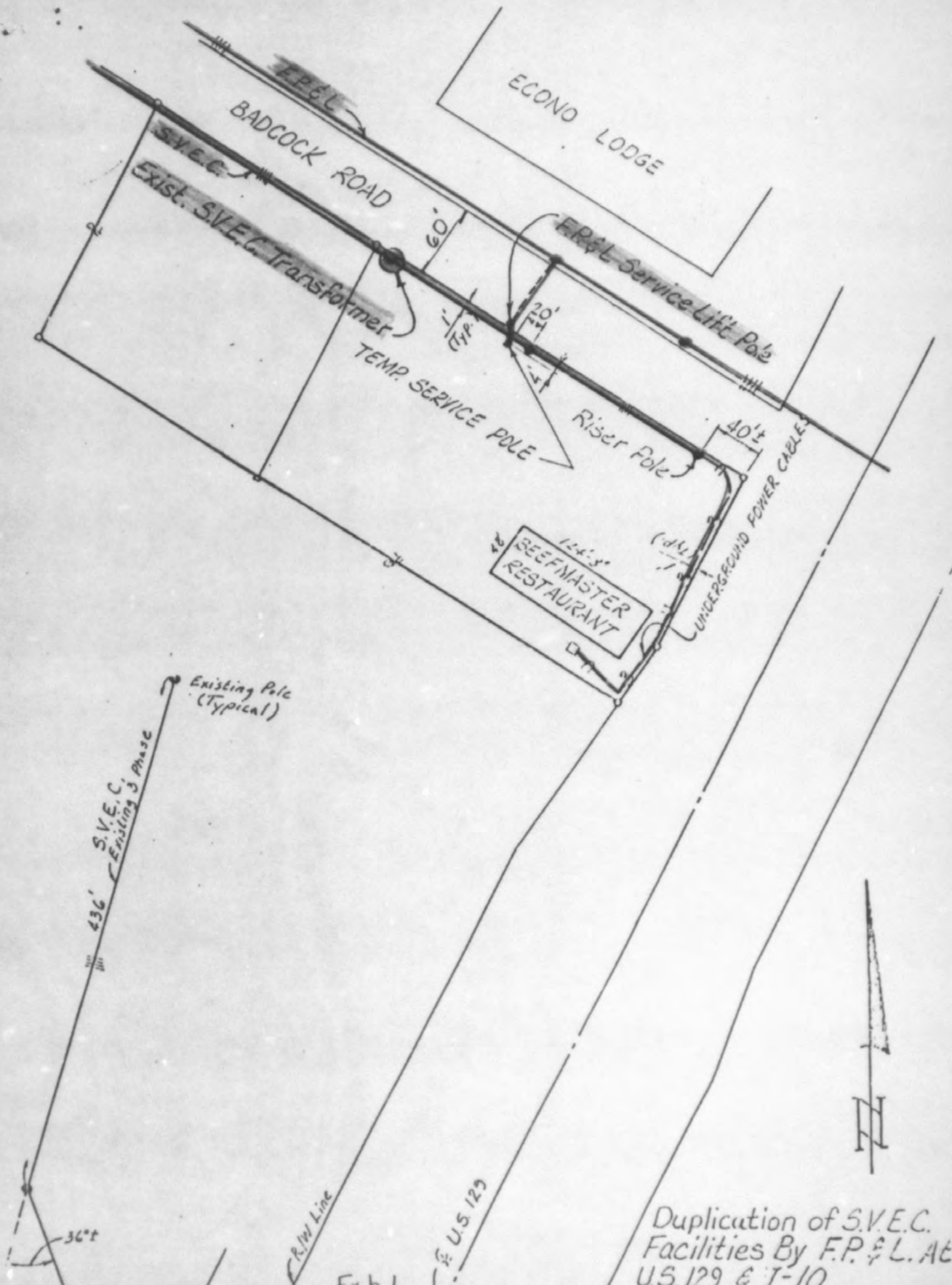
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Attorneys for SUWANNEE VALLEY
ELECTRIC COOPERATIVE, INC.

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Duplication of S.V.E.C.
 Facilities By F.P. & L. At
 U.S. 129 & I-10

Exh 1



Exhibit 2



Exhibit 3



Exhibit 4



Exhibit 5