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May 1, 1992

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

Re: Petition of Suwannee Valley Electric Cooperative, Inc.
to resolve a territorial dispute with Florida
Power and Light Company (Live Oak Innkeepers, Inc. --
Best Western Motel (Docket No. 910991-EU)

- ACK
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG**
- LEG 1
- LIN 6
- OPC _____
- RCH 8
- SEC 1
- WAS _____
- OTH _____

Dear Mr. Tribble:

Enclosed for filing in the docket referred to above are the original and fifteen (15) copies of Joint Motion for Resolution of Territorial Dispute and original and fifteen (15) copies of Stipulation of Facts Between JFlorida Power & Light Company and Suwannee Valley Electric Cooperative.

Please acknowledge receipt and filing of the above by stamping the copy of this letter attached and returning same to me.

Yours truly,

Wilton R. Miller
Wilton R. Miller

WRM:lms
Enclosures
Cc: C. Dean Lewis, Esquire
K. Crandal McDougall, Esquire
RECEIVED & FILED

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EPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
04284 MAY -1 1992

EPSC-RECORDS/REPORTING

motion
DOCUMENT NUMBER-DATE

04284 MAY -1 1992

EPSC-RECORDS/REPORTING

BEFORE THE PUBLIC SERVICE COMMISSION

IN RE: Petition of Suwannee Valley
Electric Cooperative, Inc. to resolve
a territorial dispute with Florida
Power and Light Company (Live Oak
Innkeepers, Inc. -- Best Western Motel)

Docket No: 910991-EU

STIPULATION OF FACTS BETWEEN
FLORIDA POWER & LIGHT COMPANY AND
SUWANNEE VALLEY ELECTRIC COOPERATIVE

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Petitioner, Suwannee Valley Electric Cooperative, Inc.
(hereinafter SVEC) and Respondent, Florida Power & Light Company
(hereinafter FPL), jointly stipulate to the following facts:

1. On September 23, 1991, SVEC filed the instant territorial dispute.
2. The area in dispute consists of property owned by Innkeepers of Live Oak, Inc. on the south side of Badcock Road located in Section 12, Township 2 South, Range 13 East, Suwannee County, Florida.
3. The area is rural in nature.
4. Prior to 1950, SVEC had an existing three phase distribution feeder line on, over and across the area in dispute and other property then owned by Robert and Virginia Engstrom.
5. In July 1969, the Engstrom's sold property north and west of the area in dispute to W. S. Badcock Corporation with a sixty foot easement for ingress and egress along a proposed county road. In June 1970, Engstrom deeded to Suwannee County the 60 foot easement area to construct what would become Badcock Road.

DOCUMENT NUMBER-DATE

04235 MAY-1 1992

FPSC-RECORDS/REPORTING

6. In order to accommodate the plans of the Badcock building site, in early 1971, SVEC moved its distribution line to a location west of the proposed building site.

7. Later in 1971, FPL then extended a distribution line over 1400 feet from the east side of US 129 parallel to the north side of Badcock Road to provide service to W.S. Badcock Corporation. (See SVEC Exhibit 1 to SVEC's Response to Staff's First Set of Interrogatories.)

8. In June, 1983, Beefmaster of Live Oak, Inc. acquired from Engstrom property south of Badcock Road including the area in dispute and in July, 1983 began construction of a restaurant. Beefmaster representatives requested SVEC to relocate its three phase feeder which ran across the property acquired in an effort to accommodate a future hotel site. SVEC then relocated its line parallel to the south side of Badcock Road, in order to serve the Beefmaster, Inc. restaurant. (See SVEC Exhibit 1 to SVEC's Response to Staff's First Set of Interrogatories.)

9. In 1985, the Beefmaster restaurant closed and SVEC discontinued service thereto but did not retire any of the facilities. SVEC continued to have area lights on the subject premises.

10. In 1991, Innkeepers of Live Oak, Inc. purchased the area in dispute from Beefmaster of Live Oak. The original Beefmaster property is now two properties.

11. The Beefmaster restaurant building has since reopened as a gift shop and Huddlehouse Restaurant and SVEC is supplying electric service to the same.

12. Innkeepers of Live Oak, Inc. now owns the property identified as the area in dispute and have requested permanent service from FPL. Innkeepers of Live Oak, Inc. will operate a Best Western Motel.

13. On July 26, 1991, FPL crossed under SVEC's existing overhead facilities to supply temporary construction service to the area in dispute. FPL's temporary service consists of an overhead triplex cable service drop from existing FPL facilities to a customer-owned service pole. Clearances between SVEC's facilities and FPL's temporary service are in compliance with those standards prescribed in the National Electric Safety Code and Commission Rule 25-6.0345, F.A.C. Consequently, no safety violations exist in regard to FPL's temporary service.

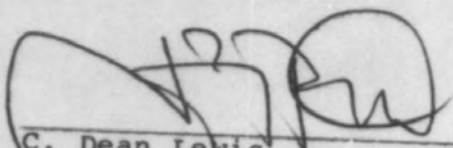
14. Both FPL and SVEC are capable of providing service to the disputed area. However, for FPL to serve the area in dispute, FPL would cross (through an underground extension) SVEC's facilities running parallel to Badcock Road.

15. The approximate cost to SVEC to provide service to the area in dispute is \$3,154.28

16. The approximate cost to FPL to provide service to the area in dispute is \$7,877.00

17. There is no territorial agreement between SVEC and FPL regarding the area in dispute or otherwise.

Respectfully submitted,



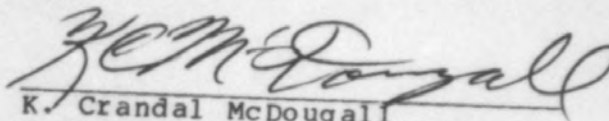
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