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Tallahassee  
December 17, 1992

Mr. Steve Tribble, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 E. Gaines Street  
Tallahassee, Florida 32301

**VIA HAND DELIVERY**

Re: In re: Joint Petition of Florida Power Corporation  
and Sebring Utilities Commission for Approval of  
Certain Matters in Connection with the Sale of  
Assets by Sebring Utilities Commission to Florida  
Power Corporation, Docket No. 920949-EU

Dear Mr. Tribble:

On December 7, 1992, at the final hearing of the docket referenced above, Petitioner Sebring Utilities Commission orally moved the attached Motion for Official Recognition of Legislative Acts, which was approved by the Commission. Enclosed for filing are the original and 15 copies of this motion to be filed in the docket referenced above. Service copies of this motion are served by U.S. Mail at this time. Also enclosed is an additional copy of each pleading for our records to be date stamped by you and returned to our office.

- ACK
- ASA
- AMM
- CFB
- CMG
- CPH
- ED
- LEW
- LPS
- CAF
- RJW
- SLG
- WAS
- OTH

Thank you for your consideration in this matter.

Sincerely,

HOLLAND & KNIGHT

*Lawrence P. Stevenson*

Lawrence P. Stevenson

Enclosure

LPS/sms

cc: All parties of record  
Andy Jackson

TAL-19829

RECEIVED & FILED

*[Signature]*  
FPC BUREAU OF RECORDS

DATE RECEIVED

1992 DEC 17 10:17 AM

FPC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of Florida ) DOCKET NO. 920949-EU  
Power Corporation and Sebring )  
Utilities Commission for Approval ) FILED: December 17, 1992  
of Certain Matters in Connection )  
with the Sale of Assets by Sebring )  
Utilities Commission to Florida )  
Power Corporation. )  
\_\_\_\_\_ )

**MOTION FOR OFFICIAL RECOGNITION OF LEGISLATIVE ACTS**

Petitioner Sebring Utilities Commission ("Sebring"), by and through its undersigned counsel, in accordance with Sections 90.202(1) and 90.203, Florida Statutes, hereby moves the Commission to officially recognize the following Local Act of the Florida Legislature:

Chapter 90-474, Laws of Florida, an Act relating to the City of Sebring, Highlands County, authorizing the sale, conveyance, transfer, and lease of assets of the Utilities Commission upon approval of the city council.

Sebring also moves, in accordance with Sections 90.202(10) and 90.203, Florida Statutes, that the Commission officially recognize the following Resolution of the City Council of Sebring, Florida:

Resolution No. 92-14, adopted by a majority of the Sebring City Council on September 15, 1992, consenting to the sale of all of Sebring Utilities Commission's electric distribution and transmission facilities to Florida Power Corporation.

DOCUMENT FILED  
14642 DEC 17 1992  
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Copies of the Chapter 90-474, Laws of Florida, and Resolution No. 92-14 of the Sebring City Council are attached as Exhibit 1 to this Motion.

Respectfully submitted this 17th day of December, 1992.

*Lawrence P. Stevenson*

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D. Bruce May  
Florida Bar No. 354473  
Lawrence P. Stevenson  
Florida Bar No. 710660  
**HOLLAND & KNIGHT**  
P.O. Drawer 810  
Tallahassee, FL 32302  
(904) 224-7000

Attorneys for Sebring Utilities  
Commission

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was furnished by U.S. Mail to James P. Fama, Florida Power Corporation, 3201 34th St., South, St. Petersburg, FL 33733; Martha Carter Brown, Public Service Commission, 101 E. Gaines St., Rm. 226, Tallahassee, FL 32399-0863; Don Darling, Co-Chairman, Citizens for Utility Rate Equity, 1520 10th Avenue, Sebring, FL 33872; Harold E. Seaman, Chairman, Action Group, 2145 Fiesta Way, Sebring, FL 33872; Russell D. Chapman, Manager, Regulatory Coordination and Business Planning, Tampa Electric Company, P.O. Box 111, Tampa, FL 33601; Lee L. Willis, James D. Beasley, Ausley, McMullen, McGehee, Carothers & Proctor, P.O. Box 391, Tallahassee, FL 32302; and to Robert G.

Pollard, Chairman, Concerned Citizens of Sebring, 810 N. Ridgewood Drive, Sebring, FL 33870 this 17th day of December, 1992.

*Lawrence P. Stevenson*  

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Lawrence P. Stevenson

TAL-18745

withdraws his or her pension fund contributions. Upon confirmation of discharge of any classified employee, the Board shall give immediate written notice to such discharged employee of his or her right to freeze vested pension benefits as provided herein.

Section 2. This act shall take effect October 1, 1990.

Became a law without the Governor's approval July 7, 1990.

Filed in Office Secretary of State July 3, 1990.

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## CHAPTER 90-474

### House Bill No. 3423

An act relating to the City of Sebring, Highlands County; amending chapter 23535, Laws of Florida, 1945, as amended; authorizing the sale, conveyance, transfer, and lease of assets of the Utilities Commission upon approval of the city council; requiring approval by the city council before the Utilities Commission incurs certain debts; providing for a referendum.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1.08.01 of chapter 23535, Laws of Florida, 1945, as amended, is created to read:

Section 1.08.01. Sale, conveyance, transfer, and lease of assets.—The Utilities Commission is authorized and empowered to sell, convey, transfer, and lease its assets, including the transfer of its customers and service area, only with the approval and consent of a majority of the members of the city council of the City of Sebring as evidenced by a resolution of the city council adopted after a public hearing, notice of which has been published one time in a newspaper of general circulation in the City of Sebring at least 10 days prior to the date of said public hearing. This notice shall state the date, time, and place of the public hearing, shall contain a brief description of the assets proposed to be conveyed, transferred, or leased and the party to whom the conveyance, transfer, or lease is being contemplated. A copy of the written proposal for such conveyance, transfer, or lease shall be kept in the city office and shall be available for inspection by the public from at least the date of publication of the notice to the date of the public hearing. Notwithstanding the provisions of this section, the Utilities Commission may transfer customers and service areas as provided for under the terms of the Utilities Commission's present territorial agreement with Florida Power Corporation without the approval of the city council. Also notwithstanding the provisions of this section, the Utilities Commission can sell, transfer, or otherwise dispose of assets that have been determined by the Utilities Commission to be no longer necessary, useful, or profitable in the operation of the utility system, without city council approval, so long as the book value of said assets to be sold, conveyed, or otherwise disposed of does not exceed \$100,000.

Section 2. Section 12.24 of chapter 23535, Laws of Florida, 1945, as amended, is created to read:

Section 12.24. Approval of borrowing and bonding.—Notwithstanding any other provision contained in this act, the Utilities Commission shall not borrow any moneys in excess of \$100,000 or issue bonds, notes, certificates, or any other evidence of indebtedness for any amount in excess thereof without the express written approval and consent of a majority of the members of the city council of the City of Sebring, which consent and approval shall be evidenced by a resolution of the city council adopted after a public hearing, notice of which has been published one time in a newspaper of general circulation in the City of Sebring at least 10 days prior to the date of said public hearing. This notice shall state the date, time, and place of the public hearing and shall contain a brief description of the borrowing or bonding for which approval is being sought. A copy of the proposal for such borrowing or bonding shall be kept in the city office and shall be available for inspection by the public from at least the date of publication of the notice to the date of the public hearing. Notwithstanding the provisions of this section, the Utilities Commission shall have the authority to borrow, without approval of the city council, moneys necessary to purchase materials, supplies, and equipment which are necessary for current operation of the municipal utilities. No materials, supplies, or equipment so purchased shall exceed estimated normal requirements for such materials, supplies, or equipment for 12 months following the date of purchase.

Section 3. This act shall take effect only upon its approval by a majority vote of those qualified electors of the City of Sebring voting in a referendum election to be called by the city council of the City of Sebring and to be held in accordance with the provisions of law relating to elections currently in force, except that this section shall take effect upon becoming a law.

Became a law without the Governor's approval June 23, 1990.

Filed in Office Secretary of State June 25, 1990.

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## CHAPTER 90-475

### House Bill No. 3443

An act relating to the Tindall Hammock Irrigation and Soil Conservation District, Broward County; amending chapter 27428, Laws of Florida, 1951, as amended; adding a millage tax; repealing all laws or parts of laws in conflict with the provisions of this act; providing for a referendum; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 5 of chapter 27428, Laws of Florida, 1951, as amended by chapter 28935, Laws of Florida, 1953, and chapters 78-477 and 86-370, Laws of Florida, is amended to read:

Section 5. To accomplish and carry out the purpose of the Act, the board is authorized and empowered, but not directed, to levy and impose upon all lands lying and being situate within the said District an acreage tax not to exceed the sum of sixty dollars (\$60.00) per acre per annum and/or a millage tax not to exceed six

RESOLUTION NO. 92-14

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBRING  
CONSENTING TO THE SALE OF ALL OF SEBRING UTILITIES  
COMMISSION'S ELECTRIC DISTRIBUTION AND TRANSMISSIONS  
FACILITIES TO FLORIDA POWER CORPORATION.

WHEREAS, the Sebring Utilities Commission has entered into an agreement to sell it's Electric Distribution and Transmissions Facilities to Florida Power Corporation dated as of August 28, 1992, (the "Agreement"); and

WHEREAS, the Special Act creating the Sebring Utilities Commission, as amended, provides that any sale of assets of the Commission shall be only with the approval and consent of a majority of the members of the City Council of the City of Sebring; and

WHEREAS, the City Council's consent can only be given after a Public Hearing, notice of which must be published one time in a newspaper of general circulation in the City of Sebring at least ten days prior to the date of the Public Hearing; and

WHEREAS, such notice of Public Hearing was published in the Sebring News-Sun on September 2, 1992, which is a date more than ten days prior to the Public Hearing; and

WHEREAS, Public Hearing was held on September 15, 1992 at 5:30 p.m.; and


WHEREAS, it appears to be in the best interest of the citizens of the City of Sebring for the Sebring City Council to approve the Agreement and consent to the sale and to join in the Agreement for the limited purposes set forth therein;

NOW, THEREFORE, be it resolved by the City Council of the City of Sebring, Florida that:

1. The Sebring City Council by a vote of 5 members in favor and 0 members opposed, hereby approves the Agreement in substantially the form presented to City Council and consents to Sebring Utilities Commission's sale of it's Electric Distribution and Transmissions Facilities to Florida Power Corporation.
2. The President of the City Council is hereby authorized and directed to execute any consent to such sale and such other documents as may be necessary to effectuate such sale and as may be requested by any party to the transaction and to execute the Agreement, in substantially the form presented to City Council, on behalf of the City.
3. This Resolution shall take affect immediately upon it's adoption.

PASSED AND ADOPTED by a majority of the Sebring City Council on the 15th day of September, 1992.

By:   
As City Council President

Attest:   
Shirley Kitching, City Clerk

(City Seal)



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