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November 21, 1995

PLEASE REFER TO  
Tallahassee

**BY HAND DELIVERY**

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Petition to invalidate or modify territorial agreement between City of Tallahassee and Talquin Electric Cooperative, Inc. by Paul A. Lehrman and Randall E. Denker - Docket No. 951295-EU

Dear Ms. Bayo:

Enclosed for filing in the above-styled docket are the original and fifteen (15) copies of Talquin Electric Cooperative, Inc.'s Petition to Intervene and Motion for Extension of Time to File Response or, in the Alternative, Motion to Establish Procedural Schedule.

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

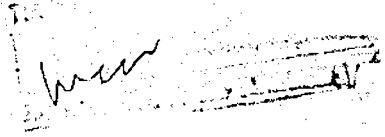
Thank you for your assistance in this matter.

Sincerely,



J. Jeffery Wahlen

- ACK
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- CTR  JJW/csu
- EAG  Enclosures
- LEG  cc: All parties of record
- LIN  5 pld\951295.byo
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC
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- OTH \_\_\_\_\_



DOCUMENT NUMBER-DATE  
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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to invalidate )  
or modify territorial agreement )  
between City of Tallahassee and )  
Talquin Electric Cooperative, )  
Inc., by Paul A. Lehrman and )  
Randall E. Denker )

DOCKET NO. 951295-EU  
FILED: November 21, 1995

TALQUIN ELECTRIC COOPERATIVE,  
INC.'S PETITION TO INTERVENE

and

MOTION FOR EXTENSION OF TIME TO FILE  
RESPONSE OR, IN THE ALTERNATIVE, MOTION  
TO ESTABLISH PROCEDURAL SCHEDULE

Pursuant to Rules 25-22.039 and 22.037, Florida Administrative Code, TALQUIN ELECTRIC COOPERATIVE, INC. ("Talquin") petitions the Florida Public Service Commission ("FPSC" or the "Commission") to intervene in this docket and moves the Commission to an extension of time to file a response, or, in the alternative, for an order establishing procedure, and states:

1. Talquin is an electric cooperative within the meaning of Chapter 425, Florida Statutes, and is an "electric utility" within the meaning of Chapter 366, Florida Statutes.

2. All pleadings, orders, notices or other papers filed or served in this docket should be served on Talquin at the following addresses:

William E. Laughlin  
General Manager  
Talquin Electric  
Cooperative, Inc.  
P. O. Box 1679  
Quincy, FL 32353

James Harold Thompson  
J. Jeffrey Wahlen  
Macfarlane Ausley Ferguson  
& McMullen  
P. O. Box 391  
Tallahassee, FL 32302

080302 NUMBER-DATE

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FPSC-RECORDS/REPORTING

3. Talquin is a party to the territorial agreement referred to in the Petition filed in this case. Any Commission action to invalidate or modify that territorial agreement will affect Talquin's substantial interests as a party to that agreement and could affect its rights to serve as outlined in that agreement.

4. As noted in paragraph 1 of the Petition, petitioners Paul A. Lehrman and Randall E. Denker have filed what amounts to a complaint against the City of Tallahassee ("City") regarding the quality of electric service provided by the City to petitioners. Whether the Commission has the jurisdiction to compel a modification of an approved territorial agreement or invalidate an approved territorial agreement as a remedy for an alleged quality of service problem is not clear.

5. In the spirit of cooperation, Talquin and the City have met with the petitioners and members of the Commission's staff for the purpose of identifying a solution to the alleged problems cited in the Petition. Talquin has been advised by the City that the City has a proposed solution, but that effecting that proposal will take a reasonable period of time.

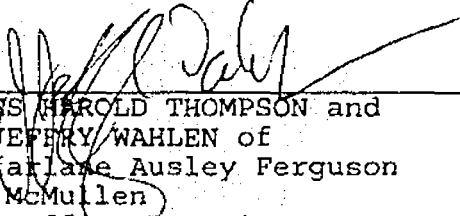
6. The Petition is not a complaint against Talquin, does not appear to require a response by Talquin and has not been served upon Talquin in a manner that begins the time for filing a response if a response is required or allowed. Nevertheless, in an abundance of caution, Talquin requests that the Commission issue an order extending the time for Talquin to file a response (if one is required) until a date after the City has had a reasonable

opportunity to address the concerns expressed in the Petition by implementing its proposal. Doing so will promote efficiency by allowing Talquin to defer a formal response (answer or motion) to the Petition until after the City has been given the opportunity to effect its proposal.

7. Alternatively, if a response by Talquin is not required, Talquin requests that the Commission establish a procedural schedule for this docket that provides for a response (answer or motion) by Talquin on a date after the City has been given an opportunity to effect its proposal. This alternative procedure will give Talquin an opportunity to respond, but will promote efficiency by deferring that response until after the City has been given an opportunity to effect its proposal.

WHEREFORE, Talquin respectfully requests that the Commission grant its Petition to Intervene and enter an order (1) extending Talquin's time for a response, or (2) establishing a procedural schedule that calls for a response by Talquin on a date after the City has been given an opportunity to effect its proposal.

DATED this 21st day of November, 1995.



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JAMES HAROLD THOMPSON and  
J. JEFFERY WAHLEN of  
Macfarlane Ausley Ferguson  
& McMullen  
Post Office Box 391  
Tallahassee, Florida 32302  
(904) 224-9115

ATTORNEYS FOR TALQUIN ELECTRIC  
COOPERATIVE, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail or hand delivery (\*) this 21st day of November, 1995, to the following:

Martha Carter Brown \*  
Florida Public Service Comm.  
Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

City of Tallahassee  
Mr. J. Sam Bell, Jr.  
City Hall  
300 S. Adams Street  
Tallahassee, FL 32301-1731

Ms. Randall E. Denker  
Mr. Paul A. Lehrman  
7600 Bradfordville Road  
Tallahassee, FL 32308

Kenneth A. Hoffman  
Rutledge, Ecenia, et al.  
215 S. Monroe St., Suite 420  
Tallahassee, FL 32301

  
\_\_\_\_\_  
Attorney