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July 17, 1997

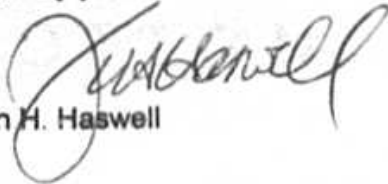
Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2549 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RE: Clay Electric Cooperative, Inc.
and Florida Power & Light Company
Docket No. 970512-EU

Dear Ms. Bayo:


I am enclosing herewith the original and fifteen (15) copies of Clay Electric Cooperative Inc.'s Response to Florida Power & Light Company's Motion to Award Interim Service which I would appreciate your filing in this docket.

Very truly yours,


John H. Haswell

ACK JHH/tez
AFA cc: Mark Logan, Esquire
APP _____ Vicki Johnson
CAF _____ William C. Phillips
CMU _____ Herman Dyal
CTR _____ Henry Barrow
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Power & Light)
Company to Resolve a Territorial Dispute with)
Clay Electric Cooperative in Baker County)
_____)

Docket No.: 970512-EU

Filed: July 17, 1997

**CLAY ELECTRIC COOPERATIVE INC.'S RESPONSE TO
FLORIDA POWER & LIGHT COMPANY'S
MOTION TO AWARD INTERIM SERVICE**

Clay Electric Cooperative, Inc. ("Clay") by and through its undersigned attorneys, hereby files its response to the Motion to Award Interim Service filed by Florida Power & Light Company ("FPL"). Clay respectfully requests that the motion be denied for following reasons:

1. The purpose of the proceeding initiated by FPL is to resolve the territorial dispute claimed by FPL over service to a specific customer in a specific geographic area, namely, River City Plastics, Inc. The ultimate issue is which utility should provide the service requested by the customer. FPL is improperly attempting to have this Commission essentially resolve the dispute prior to the final hearing.

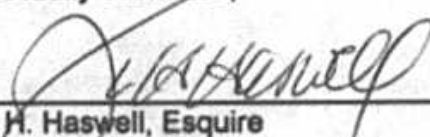
2. In resolving the territorial dispute, the Commission will be evaluating and determining the very cost issues that FPL raises in its motion. Those cost issues are part of the issues that the PSC will ultimately determine after discovery, direct, rebuttal, and intervenor testimony, and cross examination at the hearing. FPL counsel's statement that FPL's costs would be \$51,936.00 is not only inadmissible, it is also subject to the scrutiny of a formal hearing process during which it may just as likely be determined that FPL's costs for the service it wishes to provide the customer are higher than FPL claims.

3. In addition to asking this court to decide the cost issue without a hearing, FPL would also ask this Commission to ignore all the other issues that may be relevant to a decision in this case, and which are not finally determined until the parties submit their pre-hearing statements and the Commission has issued its pre-hearing order. Key among those issues, and one raised by Clay and totally ignored by FPL, is the character and quality of the service requested by the customer, for which FPL has refused to provide.

4. If one or both utilities had determined that it would not provide service to the disputed area until after a final determination by the Commission, and it were shown that a prospective customer in the disputed area would suffer for want of electric service while the two utilities argued over who would serve the area, then Commission intervention might in that instance be appropriate to order one of the two utilities to provide interim service. In this case there is no allegation by FPL, nor any statement by Clay, that the customer will not receive the service it requires within the time frame requested by the customer from Clay.

WHEREFORE, Clay respectfully requests that the Commission deny FPL's motion as being nothing more than an attempt to resolve fundamental issues in this case without the formality of a hearing.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. mail and hand delivery to the following:

Patrick M. Bryan, Esquire
Florida Power and Light Company
700 Universe Boulevard
Juno Beach, Florida 33408

Robert Elias, Legal Division
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Mark K. Logan
Bryant, Miller & Olive
201 South Monroe Street
Suite 500
Tallahassee, Florida 32301

W. G. Walker, III, Vice President
Florida Power and Light Company
Regulatory Affairs
Post Office Box 029100
Miami, Florida 33102-9100

on this 17th day of July, 1997.



John H. Haswell