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May 20, 2003

030461-ET

Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
Room 110, Betty Easley Conference Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RECEIVED FPSC
MAY 28 AM 10:44
COMMISSION
CLERK

**Re: Joint Petition of Florida Power & Light Company and
Progress Energy Florida, Inc., for approval of modifica-
tions to their territorial boundary line in Volusia County**

Dear Ms. Bayó:

Enclosed for filing with the Commission are the original and fifteen copies of Joint Petition of Florida Power & Light Company and Progress Energy Florida, Inc. 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

WRM:lms

RECEIVED & FILED
in
FPSC-BUREAU OF RECORDS

Copies w/Maps forwarded to BCR + GCL

DOCUMENT NUMBER-DATE

04744 MAY 28 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of Florida Power & Light)
Company and Progress Energy Florida, Inc.,)
for approval of modifications to their)
territorial boundary line in Volusia County.)
_____)

Docket No. _____

Filed: May ____, 2003

JOINT PETITION

Florida Power & Light Company ("FPL") and Progress Energy Florida, Inc., formerly Florida Power Corporation, ("Progress Energy") (collectively, "the Joint Petitioners") pursuant to Section 366.04(2)(d), F.S., and Rule 25-6.0440, F.A.C., jointly petition the Florida Public Service Commission ("the Commission") for approval of an Amendment to their Commission-approved Territorial Agreement that would modify the territorial boundary line in two areas of Volusia County, Florida. In support hereof, the Joint Petitioners represent as follows:

1. The Joint Petitioners are public utilities organized under the laws of Florida and are subject to the regulatory jurisdiction of the Commission. FPL's principal offices are located at 9250 West Flagler Street, Miami, Florida 33174. Progress Energy's principal offices are located at 100 Central Avenue, St. Petersburg, Florida 33701.

2. All pleading, notices and other communications in this matter should be served on the undersigned attorneys for FPL and Progress Energy.

3. The territorial agreement that currently exists between FPL and Progress Energy was approved by Commission Order No. 3799, issued April 28, 1965, and subsequently amended by Order Nos. 5255 (October 29, 1971), 6184 (June 28, 1974), and 21309 (June 2, 1989) ("the Territorial Agreement"). By its terms and attached maps, the Territorial Agreement

DOCUMENT NO. 04744

04744 MAY 23 2003

FPSC-COMMISSION CLERK

establishes the respective service territories of FPL and Progress Energy in Volusia County and elsewhere, as delineated by a territorial boundary line.

4. By this Joint Petition, FPL and Progress Energy seek approval of an Amendment to the Territorial Agreement appended hereto as Attachment 1. The Amendment provides for two relatively minor modifications to the territorial boundary line in Volusia County, which are shown on the County Highway map attached to the Amendment as Exhibit A, and separately shown on the detailed maps attached to the Amendment as Exhibits B and C. The Amendment is expressly contingent upon approval in its entirety by the Commission.

5. The first territorial boundary line modification, shown on Exhibit B, would place nine residential lots currently located in the service territory of Progress Energy in FPL's service territory. Because of impediments to Progress Energy's access to these lots and the closer proximity of FPL's facilities, the cost to Progress Energy of extending its facilities to provide service would be much greater than the cost to FPL. Absent the Amendment, a portion of these higher costs would be borne by the prospective customers through Contribution In Aid of Construction (CIAC) charges.

6. The second territorial boundary line modification, shown on Exhibit C, would place four residential lots currently located in the service territory of FPL in Progress Energy's service territory. Because Progress Energy has facilities immediately adjacent to these lots and the facilities of FPL are farther away and on the opposite side of an intervening highway, the cost to FPL of extending its facilities to provide service would be much greater than the cost to Progress Energy. Absent the Amendment, a portion of these higher costs would be borne by the prospective customers through CIAC charges.

7. The Joint Petitioners believe and therefore represent that the territorial boundary line modifications described above and set forth in the Amendment will enable them to operate

more efficiently and reduce the cost of extending service facilities to prospective customers in the affected areas, and that these modification are therefore in the public interest.

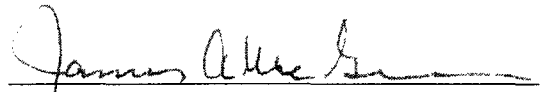
WHEREFORE, the Joint Petitioners respectfully request that the Commission approve the Amendment contained in Attachment 1 hereto.

Respectfully submitted,



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Telephone: 850-222-8611

Attorney for
Florida Power & Light Company



James A. McGee
Associate General Counsel
Progress Energy Service Co., LLC
P. O. Box 14042
St. Petersburg, FL 33733-4042
Telephone: 727-820-5184

Attorney for
Progress Energy Florida, Inc.

ATTACHMENT 1

**AMENDMENT TO TERRITORIAL AGREEMENT
Between Progress Energy Florida, Inc.
and Florida Power & Light Company**

AMENDMENT TO TERRITORIAL AGREEMENT

Florida Power & Light Company (FPL) and Progress Energy Florida, Inc., formerly Florida Power Corporation, (Progress Energy) enter into this Amendment to their Territorial Agreement on this _____ day of _____, 2003.

WITNESSETH:

WHEREAS, FPL and Progress Energy are parties to a currently effective territorial agreement approved and amended by Florida Public Service Commission Order No. 3799, dated April 28, 1965, Order No. 5255, dated October 29, 1971, Order No. 6184, dated June 28, 1974, and Order No. 21309, dated June 2, 1989, (the Territorial Agreement); and

WHEREAS, FPL and Progress Energy desire to further amend their Territorial Agreement by modifying the territorial boundary line in two areas within Volusia County, Florida in order to provide more efficient, less costly service to customers in these areas.

NOW, THEREFORE, FPL and Progress Energy hereby agree as follows:

1. The territorial boundary line established by the Territorial Agreement shall be modified in the two areas of Volusia County depicted generally on the County Highway map attached hereto as Exhibit A, and as separately depicted on the detailed maps attached hereto as Exhibits B and C. Any conflict between the location of the modified territorial boundary line shown on the County Highway in Exhibit A and the modified territorial boundary line on the detailed maps in Exhibit B or C shall be resolved in favor of the detailed maps.

2. Except as modified herein, the territorial boundary line and all terms and conditions of the Territorial Agreement shall remain in full force and effect.

3. This Amendment to the Territorial Agreement will become effective and enforceable only upon the issuance of an order by the Florida Public Service Commission approving the Amendment in its entirety.

IN WITNESS WHEREOF, FPL and Progress Energy have caused this Amendment to be executed in duplicate by their duly authorized representatives on the day and year first above stated.

FLORIDA POWER & LIGHT COMPANY

PROGRESS ENERGY FLORIDA, INC.

By _____

By _____

Name: _____

Name: _____

Title: _____

Title: _____

EXHIBIT A

**VOLUSIA COUNTY HIGHWAY MAP
With Modified Territorial Boundary Line**

STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES
BLANCA S. BAY
DIRECTOR

Public Service Commission

MAPS/DIAGRAMS

DOCKET NO.: 030461 - EI

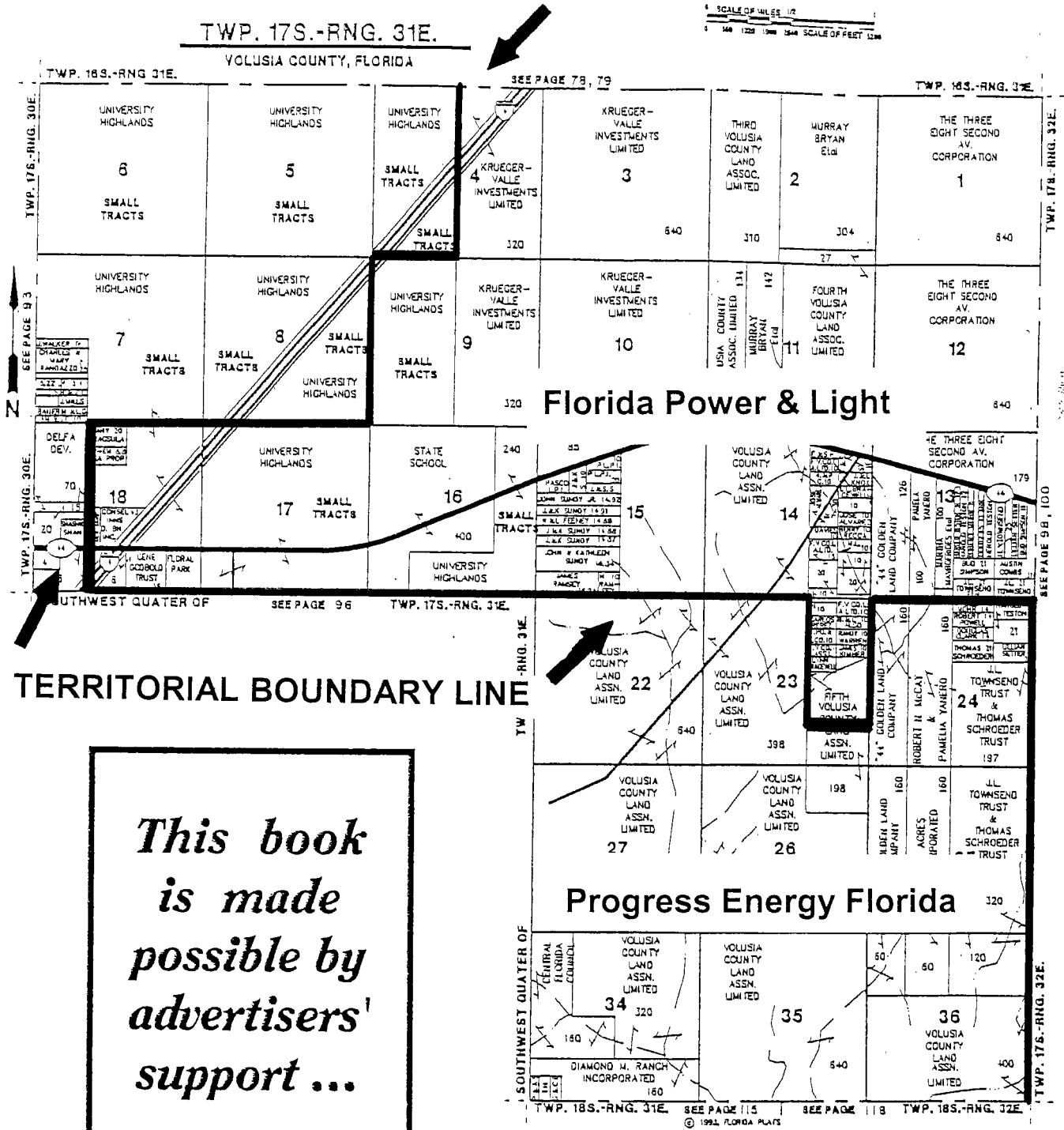
DOCUMENT NO.: 04744-03

DOCUMENT DESCRIPTION: *(Example: page 5 of pdf file.)*
VOLUSIA COUNTY HIGHWAY MAP With Modified Territorial
Boundary Line. [CLK Note: Map forwarded to Staff.]

EXHIBIT B

**Detailed Maps of
Territorial Boundary Line Modification No. 1**

TERRITORIAL BOUNDARY LINE



TERRITORIAL BOUNDARY LINE

This book is made possible by advertisers' support ...

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EXHIBIT B TERRITORY TRANSFERRING TO FLORIDA POWER & LIGHT FROM PROGRESS ENERGY

EXHIBIT C

**Detailed Maps of
Territorial Boundary Line Modification No. 2**

TERRITORIAL BOUNDARY LINE

TWP. 19S.-RNG. 31E.

NORTHEAST QUADRANT
VOLUSIA COUNTY, FLORIDA

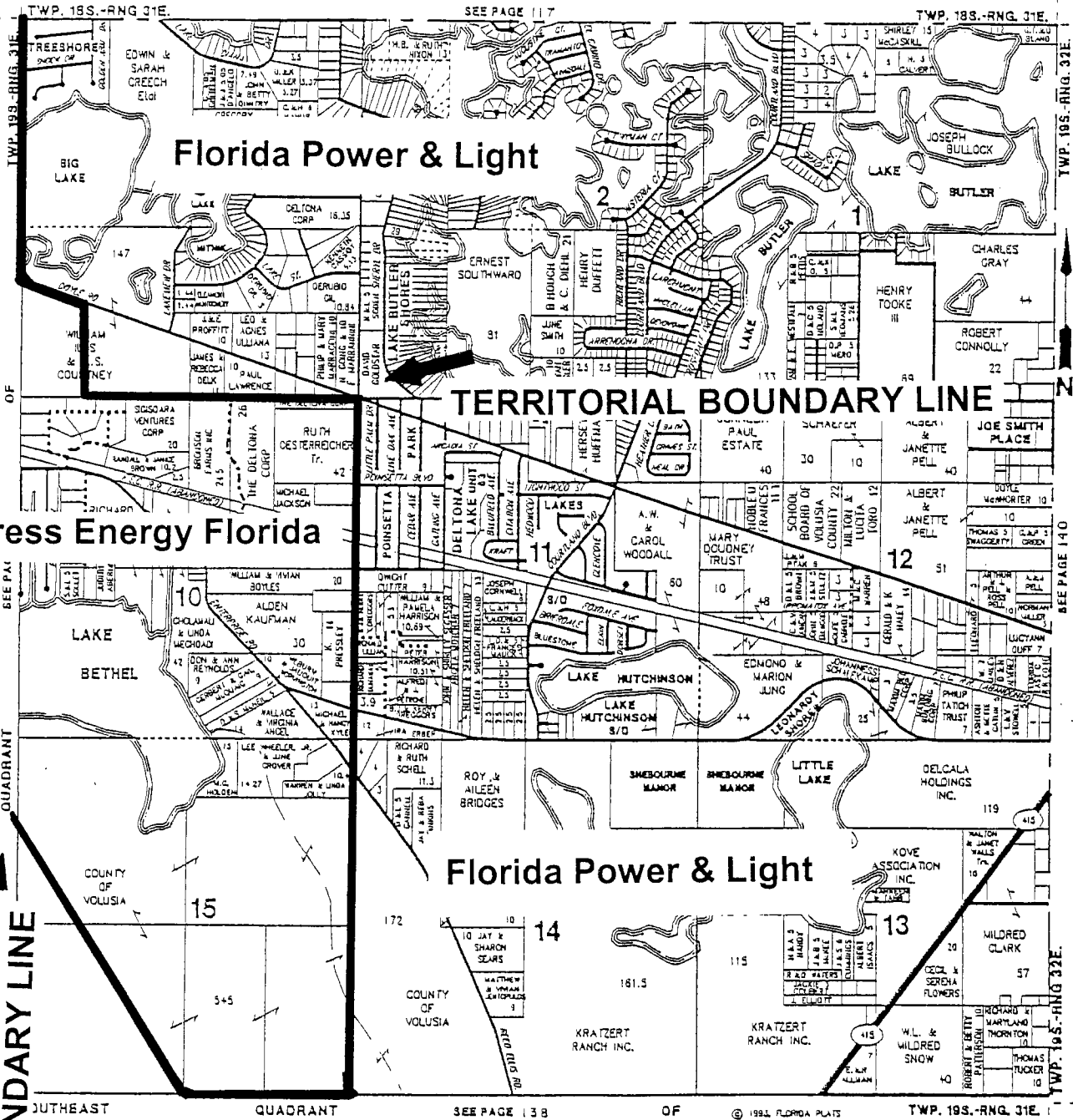
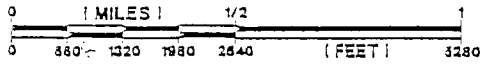


EXHIBIT C TERRITORY TRANSFERRING TO PROGRESS ENERGY FROM FLORIDA POWER & LIGHT

TERRITORIAL BOUNDARY LINE

TWP. 19S.-RNG. 32E.

SEE PAGE 138

OF

TWP. 19S.-RNG. 31E.