

**Matilda Sanders**

050009-EU

**From:** James A. McGee [jmcgee@tampabay.rr.com]  
**Sent:** Friday, December 31, 2004 3:33 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Armstrong, Brian  
**Subject:** Joint Petition of Withlacoochee River Electric Cooperative and Progress Energy Florida

This electronic filing is made by:

James A. McGee  
P.O. Box 14042  
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727-820-5184  
james.mcgee@pgnmail.com

**Docket: None**

In re: Joint Petition of Withlacoochee River Electric Cooperative and Progress Energy Florida for approval of a term extension to their territorial agreements in Citrus and Pasco Counties.

On behalf of **Progress Energy Florida and Withlacoochee River Electric Cooperative.**

Consisting of **8 pages.**

The attached documents for filing are the parties' **Joint Petition**, including a filing letter, (a Word document) and **Exhibit A, Amendment to Territorial Agreements** (a PDF document).

DOCUMENT NUMBER - DATE

00012 JAN-3 2005

FPSC - COMMISSION CLERK



**JAMES A. MCGEE**  
ASSOCIATE GENERAL COUNSEL  
PROGRESS ENERGY SERVICE COMPANY, LLC

December 31, 2004

VIA ELECTRONIC FILING

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

050009-EU

Re: Joint Petition of Withlacoochee River Electric Cooperative  
and Progress Energy Florida for approval of a term extension  
to their territorial agreements in Citrus and Pasco Counties.

Dear Ms. Bayó:

Enclosed for filing on behalf of Withlacoochee River Electric Cooperative,  
Inc. and Progress Energy Florida, Inc., is the subject Joint Petition.

Please acknowledge your receipt of the above filing as provided in the  
Commission's electronic filing procedures. Thank you for your assistance in this  
matter.

Very truly yours,

s/ James A. McGee

JAM/scc

Enclosures

cc: Brian P. Armstrong, Esquire

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Joint Petition of Withlacoochee River Electric Cooperative and Progress Energy Florida for approval of a term extension to their territorial agreements in Citrus and Pasco Counties.

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Docket No. 052009-4

Submitted for filing:  
December 31, 2004

**JOINT PETITION**

Withlacoochee River Electric Cooperative, Inc. ("WREC") 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 three Commission-approved territorial agreements in Citrus and Pasco Counties, attached as Exhibit A, that would extend the term of the agreements through September 30, 2005, in order to allow the Joint Petitioners sufficient time to renegotiate and consolidate their four existing territorial agreements into a single, updated territorial agreement with respect to their service territories in Citrus, Hernando and Pasco Counties. In support hereof, the Joint Petitioners represent as follows:

1. The Joint Petitioners are electric utilities organized under the laws of Florida and are subject to the regulatory jurisdiction of the Commission pursuant

to Section 366.04(2), F.S. WREC's principal offices are located in Dade City, Florida. Progress Energy's principal offices are located in St. Petersburg, Florida.

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

3. WREC and Progress Energy are parties to four currently effective territorial agreements delineating their respective service territories in Citrus County (the "Citrus Agreement"), western Pasco County (the "West Pasco Agreement"), eastern Pasco County (the "East Pasco Agreement"), and Hernando County (the "Hernando Agreement"). The Commission approved the Citrus and West Pasco Agreements by Order No. 19610, issued July 5, 1988 in Docket No. 880234-EU; the East Pasco Agreement by Order No. 20368, issued November 30, 1988 in Docket No. 881164-EU; and the Hernando Agreement by Order No. 25309, issued November 7, 1991 in Docket No. 910940-EU.

4. In Docket No. 030406-EU, the Commission approved an amendment of the Citrus, West Pasco and East Pasco Agreements extending their respective expiration dates through December 31, 2004 to provide the parties an opportunity to consolidate all four existing Territorial Agreements, including the Hernando Agreement, into a single comprehensive and updated territorial agreement. Order No. PSC-03-0789-EU, issued July 3, 2003.

5. Since then, WREC and Progress Energy have proceeded diligently and in good faith to renegotiate and consolidate the Existing Agreements and have made substantial progress toward that end. Despite these efforts, however, the parties have been unable to complete their negotiations due to several factors, including the time required by their all-important restoration activities following the this year's hurricanes and the complications surrounding the soon to be resolved Majestic Oaks matter pending in Docket No. 040133-EU, as well as the sheer magnitude of the four-county consolidation effort.

6. In view of the foregoing, WREC and Progress Energy have executed the Amendment set forth in Exhibit A hereto that would extend the term of the Citrus, West Pasco and East Pasco Agreements to and including September 30, 2005, in order to allow sufficient time to complete preparation, filing and Commission review and approval of the consolidated territorial agreement for their respective service territories in Citrus, Hernando and Pasco Counties. The Amendment is expressly contingent upon approval in its entirety by the Commission.

WHEREFORE, WREC and Progress Energy respectfully request that the Commission grant this Joint Petition and approve the Amendment contained in Exhibit A hereto.

Respectfully submitted,

s/ James A. McGee

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Progress Energy Service Company, LLC  
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Attorney for  
WITHLACOCHEE RIVER ELECTRIC  
COOPERATIVE, INC.

**EXHIBIT A**

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**AMENDMENT TO TERRITORIAL AGREEMENTS  
Between Progress Energy Florida, and  
Withlacoochee River Electric Cooperative**

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## AMENDMENT TO TERRITORIAL AGREEMENTS

Withlacoochee River Electric Cooperative, Inc. (WREC) and Progress Energy Florida, Inc. (Progress Energy), enter into this Amendment to their Territorial Agreements for Citrus and Pasco Counties on this 31st day of December, 2005.

### WITNESSETH:

WHEREAS, WREC and Progress Energy are parties to four currently effective territorial agreements delineating their respective service territories in Citrus County (the Citrus Agreement), western Pasco County (the West Pasco Agreement), eastern Pasco County (the East Pasco Agreement), and Hernando County (the Hernando Agreement), each of which has been approved by order of the Florida Public Service Commission (FPSC); and

WHEREAS, on July 3, 2003, the FPSC issued an order approving an amendment of the Citrus, West Pasco and East Pasco Agreements to extend the expiration dates of those Agreements through December 31, 2004 for the purpose of providing sufficient time for WREC and Progress Energy to consolidate all of the existing Territorial Agreements, including the Hernando Agreement, into a single amended and restated agreement; and

WHEREAS, in view of the substantial work effort required to develop and prepared a comprehensive consolidated territorial agreement, and delays resulting from unanticipated events, in particular the major hurricanes that caused significant damage and customer service outages on their respective systems in August and September, 2004, WREC and Progress Energy desire to further extend the expiration dates of the Citrus, West Pasco and East Pasco Agreements in order to complete the preparation of the consolidated territorial agreement.



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

- 1 The term of the Citrus Agreement, the West Pasco Agreement, and the East Pasco Agreement shall be extended to and including September 30, 2005.
- 2 Except as modified herein, the terms and conditions of the Citrus, West Pasco and East Pasco Agreements shall remain in full force and effect.
- 3 This Amendment to the Territorial Agreements 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, WREC 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.

WITHLACOOCHEE RIVER ELECTRIC  
COOPERATIVE, INC.

PROGRESS ENERGY FLORIDA, INC.

By 

By 

Name: Duane Vann

Name: Vincent M. Dolan (M.A.)

Title: Assistant General Manager

Title: Vice-President Corporate Relations  
& Administrative Services