## AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

March 28, 2005

## **HAND DELIVERED**

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

Dear Ms. Bayo:

Enclosed is a report called for in the Tampa Electric Company/Withlacoochee River Electric Cooperative, Inc. Territorial Agreement. This is simply an update on the status of this agreement and we are requesting no Commission action in response to this filing.

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

Thank you for your assistance in connection with this matter.

Sincerely,

James D. Beasley

JDB/pp Enclosure

cc: Roberta Bass (w/enc.)

Angela Llewellyn (w/enc.)

Kenneth A. Hoffman (w/enc.)

## TAMPA ELECTRIC COMPANY'S REPORT ON STATUS OF TERRITORIAL AGREEMENT BETWEEN TAMPA ELECTRIC COMPANY AND WITHLACOOCHEE RIVER ELECTRIC COOPERATIVE, INC.

Pursuant to Article IV, Section 4.1 of the Territorial Agreement between Withlacoochee River Electric Cooperative ("WREC") and Tampa Electric Company ("Tampa Electric"), as approved in Order No. 23905 issued in Docket No. 900752-EU on December 26, 1990, this filing will serve as Tampa Electric's report on the status of such agreement.

This is to advise the Commission that the subject territorial agreement remains in full force and effect. As reported in Tampa Electric's March 29, 2002 Annual Report regarding this Agreement, the parties determined that they needed to transfer service to a small number of customers in order to fully comply with the territorial boundaries set for in the Territorial Agreement. On February 21, 2002 Tampa Electric and WREC filed a Joint Petition for approval of customer transfers to conform to territorial boundaries and for other relief.

On June 10, 2002 the Commission entered its order<sup>1</sup> granting the petition for transfer of customers. The provisions of that order became final and effective upon the Commission's issuance of its Consummating Order<sup>2</sup> on July 10, 2002. This is to advise that Tampa Electric and WREC have completed the two remaining customer transfers that had not yet been completed as of the March 22, 2004 status report filed on behalf of Tampa Electric and WREC.

This will also update the Commission on the status of matters in Docket No. 041408-EI, <u>In</u>

Re: Joint Petition of Tampa Electric Company and Withlacoochee River Electric Cooperative, Inc.

for expedited interim approval of customer transfers pending consideration of joint application for permanent relocation of territorial boundaries. Tampa Electric and WREC are awaiting the completion of a survey of the revised proposed territorial boundary line separating their respective

<sup>&</sup>lt;sup>1</sup> Order No. PSC-02-0790-PAA-EU issued June 10, 2002 in Docket No. 020147-EU, <u>In re: Joint petition of Tampa Electric Company and Withlacoochee River Electric Cooperative</u>, <u>Inc. for approval of customer transfers to conform to territorial boundaries and for other relief.</u>

<sup>&</sup>lt;sup>2</sup> Order No. PSC-02-0926-CO-EU issued July 10, 2002 in Docket No. 020147-EU.

service territories. Upon completion, the two utilities will propose the new territorial boundary line for Commission approval.

The parties will advise the Commission to the extent that any changes are proposed and will petition the Commission to resolve any disputes which may arise concerning the provisions of the agreement which the parties are unable to resolve.

DATED this \_\_\_\_\_day of March 2005.

À

Respectfully submitted,

LEE **2**. WILLIS

JAMES D. BEASLEY

Ausley & McMullen

Post Office Box 391

Tallahassee, FL 32302

(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Status Report, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail on this **28** day of March 2005 to the following:

Mr. Kenneth A. Hoffman Rutledge, Ecenia, Purnell & Hoffman Post Office Box 551 Tallahassee, FL 32302-0551

AMORNEY