



Florida Power & Light Company, 215 S. Monroe Street, Suite 810, Tallahassee, FL 32301

Scott A. Goorland
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Florida Power & Light Company
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June 11, 2012

VIA HAND DELIVERY

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

RECEIVED-PPSC
12 JUN 11 PM 2:34
COMMISSION
CLERK

120171-EU


Re: In re: Joint petition for Approval of Amendment to Territorial Agreement between Florida Power & Light Company, a Florida Corporation, and JEA, a Florida municipal Corporation

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Joint Petition for Amendment to Territorial Agreement with Exhibits A, B and C.

Please contact me should you have any questions regarding this filing.

Sincerely,

for 
Scott Goorland

Enclosures

- COM _____
- APA _____
- ECR 6 + CD
- GCL 1
- RAD _____
- SRC _____
- ADM _____
- OPC _____
- CLK _____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for approval)
of amendment to territorial)
agreement between Florida Power)
& Light Company, a Florida)
corporation, and JEA, a Florida)
municipal corporation)
_____)

Docket No. 120171-EU

Filed: June 11, 2012

**JOINT PETITION FOR
AMENDMENT TO TERRITORIAL AGREEMENT**

Florida Power & Light Company (“FPL”) and JEA jointly petition the Commission for approval of an agreement amending the existing Territorial Agreement between FPL and JEA, (the “Amendment”) entered into on May 25, 2012 by and between FPL and JEA. Said Amendment is hereby submitted for approval.

1. The names and addresses of the parties are:

Florida Power & Light Company
700 Universe Blvd
DOE/JW
Juno Beach, FL 33408
Attention: George K. Hardy, Vice President, Distribution

and

JEA
21 W. Church Street T-16
Jacksonville, FL 32202
Attention: James A. Dickenson, CEO

2. All notices and pleadings in connection with this matter are to be served upon the following counsel:

FOR FLORIDA POWER & LIGHT COMPANY

Scott A. Goorland
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5633
(561) 691-7135 (fax)
scott.goorland@fpl.com

FOR JEA

John F. Germany, Jr.,
Deputy General Counsel
Office of General Counsel
117 West Duval Street Suite 480
Jacksonville, FL 32202
(904) 630-7503
(904) 630-1731 (fax)
jgermany@coj.net

3. The Commission has jurisdiction pursuant to Florida Statutes §366.04(2)(d) to approve territorial agreements between electric utilities. This Petition is filed pursuant to Chapters 25-6.0439 and 25-6.0440, Florida Administrative Code.

4. FPL is a corporation organized and existing under the laws of the State of Florida and is an electric utility as defined in Florida Statutes §366.02(2). JEA is a municipal corporation organized and existing under the laws of the State of Florida, owns and operates its own electric utility system, and is an electric utility as defined in Florida Statutes §366.02(2).

5. FPL and JEA have previously entered into number of territorial agreements. The territorial boundary between the two utilities was first approved by the Commission in

1963.¹ The territorial boundary was re-affirmed by the Commission in 1980.² In 1996, as a result of a territorial dispute, FPL and JEA entered into a new territorial agreement that replaced the prior agreement in its entirety.³ Finally, in 1998, FPL and JEA entered into a new territorial agreement after discovery an inconsistency between the 1996 agreement and a territorial agreement between JEA and Clay Electric Cooperative. The 1998 agreement between FPL and JEA replaced the 1996 agreement.⁴

6. The Amendment entered into by the parties alters the territory between the parties along Palm Valley Road south of the Nocatee Parkway in St. Johns County. A new private development is planned for this undeveloped area, for which there is currently no infrastructure in place to serve the electric needs. The new development lies just northwest of, and is contiguous with, the current territorial boundary between FPL and JEA, within JEA's territory. Due to the close proximity of existing FPL infrastructure to this site, and the distance of existing JEA electric infrastructure to this site, FPL and JEA have agreed to modify the territorial boundary to allow FPL to serve the electric needs of the new private development.

7. The Commission's approval of the Amendment is a condition precedent to the effectiveness of the Amendment.

¹ Order No. 3799, Docket No. 7421-EU, Issued April 28, 1965.

² In re: Petition of Jacksonville Electric Authority for approval of a territorial agreement between JEA and Florida Power and Light Company, Order No. 9363, Docket No. 790886-EU, Issued May 9, 1980.

³ In Re: Petition to Resolve a Territorial Dispute with Florida Power and Light Company in St. Johns County by Jacksonville Electric Authority, Order No. PSC-96-0212-FOF-EU, Docket No. 950307-EU, Issued February 14, 1996, finalized by Order No. PSC-96-0755-FOF-EU, Docket No. 950307, issued on June 10, 1996.

⁴ In Re: Joint Petition of Florida Power and Light Company and Jacksonville Electric Authority to Approve a new territorial agreement between the two utilities, Order No. PSC-98-1687-FOF-EU, Issued December 14, 1998.

8. The Amendment has been entered into by the parties after lengthy deliberation and consideration of the best interests of their electric consumers and the citizens of the areas served by both parties, and is intended to prevent uneconomic, costly and unnecessary duplication of electric facilities in the territorial areas covered by the Amendment. It is, therefore, the parties' position that the Amendment is in the best interests of the public.

9. The Amendment identifies the geographic boundary between the two utilities by the maps attached to the Amendment as Exhibit A. Exhibit A is a general highway map of St. Johns County, Florida, showing the existing territorial boundaries and the area to be transferred as required by Rule 25-6.0440(1)(f). Exhibit B is a more detailed map identifying the existing and new territorial boundary lines. Exhibit C provides a written description of the new territorial boundary lines pursuant to the Amendment.

10. Because the area subject to the Amendment is currently undeveloped, no customer accounts will be transferred between the parties, and written notice to customers is not required.

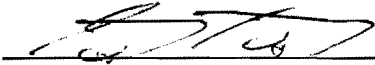
11. The parties recognize that upon approval of this Amendment, any additional modifications, changes or amendments must be approved by the Commission.

12. The parties represent that approval of this Amendment will not cause a decrease in the reliability of electrical service to the existing or future members of either utility, and there is a reasonable likelihood that this Amendment will eliminate uneconomic duplication of facilities and will promote the Commission's stated policy of encouraging territorial agreements between and among Florida's electric utilities.


WHEREFORE, FPL and JEA respectfully request that the Commission enter an order approving the Amendment to the Territorial Agreement between the parties..

DATED this 11 day of JUNE, 2012.


FLORIDA POWER & LIGHT COMPANY JEA



Scott A. Goorland, Esq.
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Florida Power & Light Company
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Juno Beach, FL 33408-0420
(561) 304-5633 (telephone)
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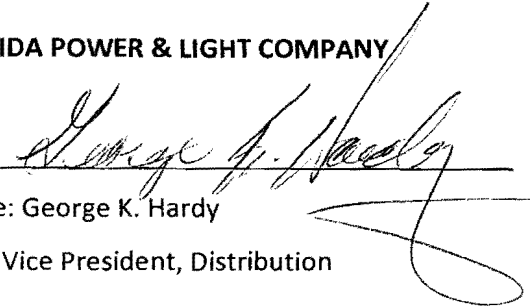
James A. Dickenson
Chief Executive Officer
21 West Church Street T-16
Jacksonville, FL 32202
(904) 665-6243 (telephone)
(904) 665-4238 (fax)
dickja@jea.com

**AMENDMENT TO TERRITORIAL AGREEMENT
BETWEEN
FLORIDA POWER AND LIGHT COMPANY
AND
JEA**

1. **WHEREAS**, Florida Power and Light Company (FPL) and JEA have an existing Territorial Agreement entered into in 1998 (Territorial Agreement); and,
2. **WHEREAS**, this Amendment to the Territorial Agreement entered into by the parties on this 25th day of May, 2012, alters the territory between the parties along Palm Valley Road south of the Nocatee Parkway in St. Johns County. A new private development is planned for this undeveloped area, for which there is currently no infrastructure in place to serve the electric needs. The new development lies just northwest of, and is contiguous with, the current territorial boundary between FPL and JEA, within JEA's territory. Due to the close proximity of existing FPL infrastructure to this site, and the distance of existing JEA electric infrastructure to this site, FPL and JEA have agreed to modify the territorial boundary to allow FPL to serve the electric needs of the new private development; and,
3. **WHEREAS**, there are currently no existing customers or electric facilities in the region subject to this Amendment to the Territorial Agreement; and,
4. **WHEREAS**, amending the Territorial Agreement to allow FPL to provide service to the region subject to this Amendment will avoid unnecessary duplication of services and provide for the most cost effective provision of service to utility customers;
5. **NOW THEREFORE**, FPL and JEA agree to amend the territorial boundary between the utilities as provided in Exhibits A, B, and C to this Amendment. Exhibit A is a general highway map of St. Johns County, Florida, showing the existing territorial boundaries and area to be transferred. Exhibit B is a more detailed map identifying the existing and new territorial boundary lines. Exhibit C provides a written description of the new territorial boundary lines pursuant to this Amendment.
6. All other parts of the Territorial Agreement shall remain in effect.

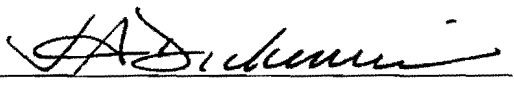
IN WITNESS WHEREOF, this Agreement has been cause to be executed by FPL in its name by its Vice President, and by JEA in its name by its Chief Executive Officer, on the day and year first written above.

FLORIDA POWER & LIGHT COMPANY

By: 
Name: George K. Hardy
Title: Vice President, Distribution

Date: 5-22-2012

JEA

By: 
Name: James A. Dickenson
Title: Chief Executive Officer

Date: May 25, 2012

Form Approved:

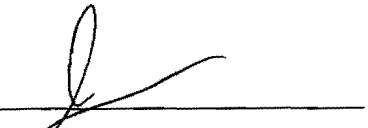

Office of General Counsel

EXHIBIT A

COM _____

APA _____

ECR _____

GCL _____

RAD _____

SRC _____

ADM _____

OPC _____

CLK _____

Map Forwarded

EXHIBIT B

COM _____

APA _____

~~ECR~~ *Map Forwarded*

GCL _____

RAD _____

SRC _____

ADM _____

OPC _____

CLK _____

EXHIBIT C



ROBERT M. ANGAS ASSOCIATES, INC.

EXHIBIT "C"

www.rmangas.com

tel 904-642-8550 • fax 904-642-4165

14775 Old St. Augustine Road • Jacksonville, Florida 32258

Revised November 7, 2011
October 24, 2011
Nocatee Towncenter Central

Work Order No. 11-115.00
File No. 121F-22.00A

FPL Service Area Addition

A portion of Section 31, Township 4 South, Range 29 East, St. Johns County, Florida, together with a portion of Nocatee Parkway, a variable width right of way as presently established, also being a portion of those lands described and recorded in Official Records Book 1462, page 667 of the Public Records of said county and being more particularly described as follows:

For a Point of Reference, commence at the Southwesterly corner of said Section 31; thence North $01^{\circ}06'12''$ West, along the Westerly line of said Section 31, a distance of 21.31 feet to its intersection with the former centerline of Palm Valley Road (County Road No. 210), a 100 foot right of way vacated by Resolution No. 2008-13 as recorded in Official Records Book 3101, page 739 of said Public Records; thence North $55^{\circ}19'25''$ East, departing said Westerly line and along said former centerline, 3234.38 feet to the Point of Beginning.

From said Point of Beginning, thence North $15^{\circ}51'21''$ East, departing said centerline, 1220.45 feet to a point lying on the Southerly right of way line of said Nocatee Parkway, said Southerly right of line being a curve concave Northerly having a radius of 5118.00 feet; thence Easterly along said curved Southerly right of way line, through a central angle of $01^{\circ}46'34''$, an arc length of 158.67 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South $83^{\circ}47'21''$ East, 158.66 feet; thence South $85^{\circ}49'32''$ East, departing said Southerly right of way line, 205.12 feet to a point lying on said Southerly right of way line; thence Easterly along said Southerly right of way line the following 3 courses: Course 1, thence South $87^{\circ}13'01''$ East, 43.43 feet; Course 2, thence South $86^{\circ}19'29''$ East, 600.12 feet; Course 3, thence South $87^{\circ}28'14''$ East, 238.91 feet to a point lying on said former centerline of Palm Valley Road; thence South $55^{\circ}19'25''$ West, departing said Southerly right of way line and along said former centerline, 1917.24 feet to the Point of Beginning.

Containing 16.92 acres, more or less.



ROBERT M. ANGAS ASSOCIATES, INC.

EXHIBIT "C"

www.rmangas.com

tel 904-642-8550 • fax 904-642-4165

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Containing 16.92 acres, more or less.