

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Tampa Electric )	DOCKET NO. 890415-EI
Company for a Declaratory State- )	
ment Regarding Proposed Transfer )	ORDER NO. 21301
of Service. )	
_____ )	ISSUED: 5-31-89

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, CHAIRMAN  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 JOHN T. HERNDON

ORDER DISMISSING PETITION FOR DECLARATORY STATEMENT

BY THE COMMISSION:

On March 20, 1989, Tampa Electric Utility Company (TECO) submitted its Petition for Declaratory Statement regarding the proprietary of the proposed provision of electric service by Florida Power Corporation to Agrico Chemical Company.

On April 4, 1989, Florida Power Corp. (FPC) filed its Petition to Intervene. By petition dated April 7, 1989, Agrico filed its Petition to Intervene and alleged that its substantial interest are subject to determination in TECO's Petition for Declaratory Statement. Agrico also filed its response to the petition and a motion to dismiss. Agrico's response illustrates factual differences between its statements and the allegations in TECO's request for declaratory statement.

On May 9, 1989, TECO filed a complaint and request for resolution of a territorial dispute. The Division of Records and Reporting docketed this complaint as Docket No. 890646-EI.

After consideration of TECO's request for declaratory statement and review of the petitions to intervene by FPC and Agrico, it is apparent that responding to TECO's request for declaratory statement is not likely to resolve all the pending issues. It appears that there are disputes of material fact and that the substantial interests of the three noted companies are directly involved.

Therefore, TECO's request for declaratory statement should be dismissed. Resolution of the issues presented will be considered in Docket No. 890646-EI.

It is, therefore,

ORDERED by the Florida Public Service Commission that the Petition for Declaratory Statement be and hereby is dismissed.

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 31st  
 day of MAY, 1989.

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 STEVE TRIBBLE, Director  
 Division of Records and Reporting

( S E A L )  
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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

by: Kay Flynn  
 Chief, Bureau of Records