

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Motion of Sebring Utilities)	DOCKET NO. 881192-EU
Commission for Enforcement of Order)	ORDER NO. 22214
No. 19432, Which Approved a Joint)	ISSUED: 11-21-89
Plan to Resolve Overlapping Service)	
of Sebring Utilities Commission)	
and Florida Power Corporation.)	

The following Commissioners participated in the disposition of this matter:

GERALD L. GUNTER
JOHN T. HERNDON

ORDER DENYING MOTION FOR RECONSIDERATION

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On March 27, 1989 a hearing was held on Sebring Utilities Commission's ("Sebring's") Motion for Enforcement of Commission Order No. 19432, which approved a joint plan between Sebring and Florida Power Corporation ("FPC") to resolve overlapping services in the Sebring, Florida area. On June 29, 1989, we issued Order No. 21478, which denied Sebring's Motion for Enforcement on the grounds that FPC's refusal to transfer certain customer accounts to Sebring did not constitute a violation of the joint plan. We also, on our own motion, directed Commission Staff to open a new docket to determine whether the ultimate goals of resolving overlap, eliminating duplication of service, and providing the best service to customers in the Sebring area are being met by the two utilities. Thereafter, Sebring filed its Motion For Limited Reconsideration And Clarification Of Order No. 21478.

In its Motion, Sebring requested that the Commission reconsider its finding, contained in Order No. 21478, that the Joint Plan between Sebring and FPC was not intended to comprehensively resolve all problems of overlapping services and duplication in the greater Sebring area. In support, Sebring

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argued that the Commission should not have relied upon a particular section of the parties' territorial agreement. In its Motion, Sebring merely reargued issues which were fully considered by the Commission, and which were resolved against Sebring. The motion fails to state a proper ground for reconsideration in that it does not point to a mistake which requires correction, but rather indicates disagreement with the Commission's interpretation of an admittedly confusing and ambiguous document.

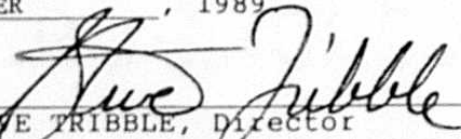
Sebring also requested that the Commission "clarify" its order to "prohibit the utilities from allowing foreign customers to extend lines from existing points of delivery to reach new foreign services so as to avoid the boundary and service restrictions in the Territorial Agreement and Joint Plan". Sebring further requested, as clarification, that the Commission "establish a formal methodology under [which] the parties can true-up any imbalance of the energy exchanged pursuant to Paragraph 3.E. of the Plan". Sebring can point to no section of the order in question which is unclear or imprecise regarding these topics. Rather, Sebring attempts to raise new issues which, although discussed at hearing, were not submitted to the Commission for resolution. Accordingly, we decline to grant either reconsideration or modification of the order based on these issues.

Therefore, in consideration of the above, it is

ORDERED by the Florida Public Service Commission that Sebring Utilities Commission's Motion For Limited Reconsideration and Clarification of Order No. 21478 is hereby denied. It is further

ORDERED that this docket be closed after the time has run in which to file a notice of appeal, if such action is not taken.

BY ORDER of the Florida Public Service Commission,
 this 21st day of NOVEMBER, 1989


 STEVE TRIBBLE, Director
 Division of Records and Reporting

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