

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of Florida)	DOCKET NO. 891253-EU
Power Corporation and Withlacoochee)	ORDER NO. 22523
River Electric Cooperative, Inc.)	ISSUED: 2-12-90
for Approval of Amendment to)	
Territorial Agreement)	
)	

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

PROPOSED AGENCY ACTION
ORDER APPROVING AMENDMENT TO TERRITORIAL AGREEMENT

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.

This Commission is empowered to approve territorial agreements between and among rural electric cooperatives, municipal electric utilities, and other electric utilities under its jurisdiction, pursuant to Section 366.04(2)(d), Florida Statutes.

By Joint Petition filed on October 30, 1989, Florida Power Corporation (FPC) and Withlacoochee River Electric Cooperative, Inc. (WREC) requested approval of an amendment to a territorial agreement.

DOCUMENT NUMBER-DATE

01286 FEB 12 1990

FPSC-RECORDS/REPORTING

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Originally, the utilities entered into a territorial agreement in 1988, delineating their respective service territories in East Pasco County with the intent to avoid uneconomic duplication of electric service and facilities in that area. That agreement was approved by Order 20368 issued on November 30, 1988. It was agreed at that time that no extra-territorial customers' would be transferred however, the parties agreed to use reasonable efforts to eliminate overlapping services where it would avoid unnecessary duplication of facilities or remove hazardous conditions.

According to the proposed amendment, the continued service by WREC to five customers located on U.S. 301 in East Pasco County is no longer economically feasible since WREC would have to upgrade its facilities to serve these customers located in FPC's service area shown on Attachment 1 to this Order. FPC has agreed to pay WREC one year of annual revenue for the five customers. The basis for this amount is the period August 1988 to August 1989.

The amended agreement is consistent with the Commission's philosophy that duplication of facilities is uneconomic and that agreements eliminating duplication should be approved. Having reviewed all of the documents filed in the docket, we find that it is in the best interest of the public and the utilities to approve, on a proposed agency action basis, the amendment to the territorial agreement.

Therefore, it is

ORDERED by the Florida Public Service Commission that Florida Power Corporation's and Withlacoochee River Electric Cooperative, Inc.'s Joint Petition for Approval of Amendment to Territorial Agreement is granted. It is further

ORDERED that Attachment 1 is hereby made a part of this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall be final unless a petition in the form provided for by Rule 25-22.036, Florida

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Administrative Code is received by the office of the Director of the Division of Records and Reporting at 101 East Gaines Street, Tallahassee, Florida 32301 by the close of business on March 5, 1990.

By Order of the Florida Public Service Commission
this 12th day of FEBRUARY, 1990.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

(5977L)MRC:bmi

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the

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Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on March 5, 1990.

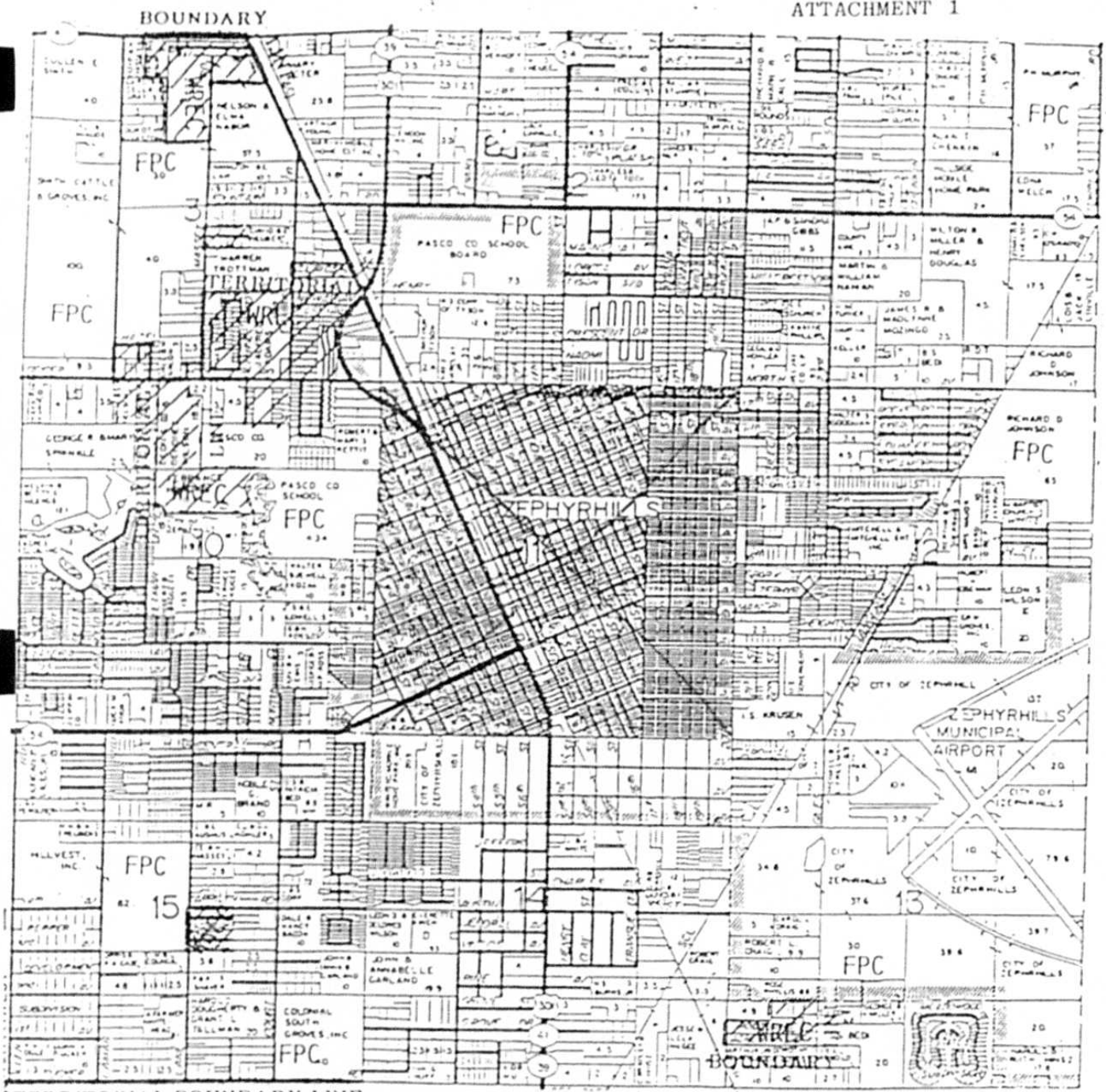
In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.



If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

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ATTACHMENT 1



TERRITORIAL BOUNDARY LINE

- CODE
-  W.R.E.C. (WITHLACOOCHEE)
 -  F.P.C. (COMPANY)

TERRITORIAL AGREEMENT
BETWEEN

WITHLACOOCHEE RIVER ELECTRIC COOP. INC. and FLORIDA POWER CORP. INC.