

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Tampa Electric)	DOCKET NO. 890750-EI
Company for resolution of a)	ORDER NO. 22624
territorial dispute with Florida)	ISSUED: 3-1-90
Power Corporation regarding provision)	
of service to IMC Fertilizer, Inc.)	
)	

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 COMPLAINT AND CLOSING DOCKET

BY THE COMMISSION:

On June 5, 1989, Tampa Electric Company (TECO) filed a Complaint for Resolution of Territorial Dispute. In its complaint TECO asserted that Florida Power Corporation was in violation of a territorial agreement in providing electric service to IMC Fertilizer, Inc., a phosphate mining company.

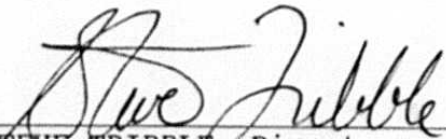
On December 5, 1989, a joint stipulation for dismissal without prejudice was filed by Tampa Electric Company, Florida Power Corporation and IMC Fertilizer, Inc. Pursuant to Commission Rule 25-22.035(3) and Rule of Civil Procedure 1.420(a)(1), a party may dismiss or withdraw his complaint at any time prior to submittal of his case to the trier of fact.

In consideration of the foregoing, it is

ORDERED that the petition be dismissed. It is further

ORDERED that this docket be closed on April 2, 1990, if no Motion for Reconsideration or Notice of Appeal is timely filed prior to that time.

BY ORDER of the Florida Public Service Commission,
 this 1st day of MARCH, 1990.


 STEVE TRIBBLE, Director
 DIVISION OF RECORDS AND REPORTING

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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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or 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 after the issuance 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.