

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint application for)
approval of amendment for)
territorial agreement between)
Florida Power & Light Company and)
Peace River Electric Cooperative,)
Inc.)
_____)

DOCKET NO. 910148-EU
ORDER NO. 24671
ISSUED: 6/17/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
J. TERRY DEASON
BETTY EASLEY
GERALD L. GUNTER
MICHAEL MCK. WILSON

NOTICE OF 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.

On February 12, 1991, Florida Power and Light Company (FPL) and Peace River Electric Cooperative, Inc. (PRECO) filed a Joint Application (Document No. 1412-91) with this Commission requesting that we approve an Amendment to their Territorial Agreement (Document No. 5617-91). In Docket No. 870816-EU - Joint Petition for Approval of Territorial Agreement Between Florida Power & Light Company and Peace River Electric Cooperative, Inc., we approved the Territorial Agreement by Order No. 18332, issued October 22, 1987. This previously approved Territorial Agreement covers FPL and PRECO territories in Manatee, Sarasota, Desoto, and Hardee counties, Florida.

DOCUMENT NUMBER-DATE

06044 JUN 17 1991

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The Amendment to the Territorial Agreement modifies a portion of the territorial boundary between FPL and PRECO in Manatee County. The modification allocates a parcel of property in PRECO's territory to FPL. We find that because of the nature of this parcel, which sits on the territorial boundary, FPL and PRECO requested that we approve the Amendment to their Territorial Agreement in order to avoid inefficient use of facilities and to improve safety. We find that the Amendment to this Territorial Agreement affects only Section 2 - Scope. In addition, we find that the Amendment will not modify the terms and conditions of the previously approved Territorial Agreement, and that no customers will be transferred nor facilities sold. We also find that the owner of the parcel affected by the boundary change was contacted, and that he expressed no objections to the Amendment.

We find that this Amendment, dated January 28, 1991, will allow both utilities to make economical, long-range plans for expansion of electrical facilities in their respective service areas. Accordingly, we approve this Amendment to the Territorial Agreement between FPL and PRECO.

Finally, we find that if no protest, notice of appeal, or motion for reconsideration is timely filed, this docket shall be closed.

In consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that the Amendment to the Territorial Agreement between Florida Power & Light Company and Peace River Electric Cooperative, Inc., dated January 28, 1991 (Document No. 5617-91), is hereby approved. It is further

ORDERED that this Order shall become final and this docket shall be closed unless an appropriate petition for a formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

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By ORDER of the Florida Public Service Commission, this
17th day of JUNE, 1991.



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.

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 Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on JULY 8, 1991.

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.

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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.