

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Review of Interim Service) DOCKET NO. 920135-EU
Arrangement Between Peace River) ORDER NO. PSC-92-0415-FOF-EU
Electric Cooperative, Inc. and) ISSUED: 05/27/92
Tampa Electric Company Pursuant)
to Their Territorial Agreement)
Approved in Order No. 17585.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION

ORDER APPROVING INTERIM SERVICE ARRANGEMENT

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 January 30, 1992, Peace River Electric Cooperative, Inc. (PRECO) requested that Tampa Electric Company (TECO) provide interim retail electric service at the transmission level to Hardee Power Plant. The plant is located in PRECO's service territory, but in an area presently served by TECO transmission facilities. PRECO's request to TECO was made under the interim service provisions of the territorial agreement that the Commission approved for the two utilities in Order No. 17585, May 22, 1987. PRECO specifically stated in its interim service request that it reserved the right to serve the Hardee Power Plant at some future date as facilities become available.

We opened a docket to review this interim service arrangement, because we are concerned with such arrangements when they are made under a provision of a territorial agreement that does not establish a specific duration for interim service. Our concern is that "interim service" will actually be provided indefinitely by one utility in the other utility's service territory on a virtually permanent basis outside of our purview, in violation of the intent of the Commission in approving the territorial agreement.

DOCUMENT NUMBER-DATE

05420 MAY 27 1992

FPSC-RECORDS/REPORTING

ORDER NO. PSC-92-0415-FOF-EU
DOCKET NO. 920135-EU
PAGE 2

In response to our staff's interrogatories, PRECO stated that the interim service that TECO will provide to Hardee Power Plant will be terminated upon completion of Seminole Electric Cooperative's 230 KV facilities that are presently under construction and scheduled for completion as early as July 1992. PRECO anticipates that no additional major facilities, other than those already under construction by Seminole Electric Cooperative, will be required to provide service to the Hardee Power Plant. Permanent service will be provided via a PRECO 230 KV delivery point from Seminole. The new delivery point will require additional metering equipment at a cost not to exceed \$10,000.

It appears that the requested service arrangement between TECO and PRECO to serve the Hardee Power Plant is truly an interim service arrangement, with permanent service by PRECO to begin around July 1992. Thus it is consistent with the intent of the territorial agreement we approved for the two utilities. We approve the interim service arrangement with the condition that TECO and PRECO return to the Commission for further review of the interim service arrangement, and possible modification of the territorial agreement, if PRECO has not begun providing permanent service to the plant by September 1, 1992.

It is therefore

ORDERED by the Florida Public Service Commission that for the reasons stated above, the interim service arrangement to serve the Hardee Power Plant is approved with the condition that TECO and PRECO return to the Commission for further review of the interim service arrangement, and possible modification of the territorial agreement, if PRECO has not begun providing permanent service to the plant by September 1, 1992. It is further

ORDERED that this Order shall become final unless an appropriate petition for formal proceeding is timely filed herein. It is further

ORDERED that this docket shall be automatically closed if no objections are filed within the 21 day protest period.

ORDER NO. PSC-92-0415-FOF-EU
DOCKET NO. 920135-EU
PAGE 3

By ORDER of the Florida Public Service Commission, this 27th
day of May, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

MCB:bmi

by: Kay Flynn
Chief, Bureau of Records

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 June 17, 1992.

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.

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.

ORDER NO. PSC-92-0415-FOF-EU
DOCKET NO. 920135-EU
PAGE 4

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 wastewater 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.