

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint Petition for) DOCKET NO. 920538-EU
Approval of Territorial Agreement) ORDER NO. PSC-92-1214-FOF-EU
between Florida Power Corporation) ISSUED: 10/27/92
and Tri-County Electric)
Cooperative, Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION

ORDER APPROVING 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.

Florida Power Corporation (FPC) and Tri-County Electric Cooperative, Inc. (TCEC) filed a Joint Petition for Approval of a Territorial Agreement on May 26, 1992. The agreement will remain in effect for a period of 20 years from the date of our order approving the agreement. The agreement will be automatically renewed for additional 20 year periods unless either party gives written notice to the other of its intent not to renew at least six months prior to the expiration of any 20 year period. Each such renewal of the agreement will require Commission approval.

The agreement represents the continued effort by the parties to minimize costs to their respective customers by avoiding unnecessary duplication of generation, transmission and distribution facilities. The agreement more accurately delineates the parties' respective service areas which are contiguous in many places.

DOCUMENT NUMBER-DATE

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The agreement contemplates the transfer of 871 customer accounts from TCEC to FPC and 188 customer accounts from FPC to TCEC. The agreement does not provide for the forced or involuntary transfer of any customers unless there is a change in use of the currently served property. According to Section 2.3 of the agreement, there will be a transition period in order to minimize any inconvenience to customers choosing to be transferred. To insure the continued efficient service to their customers, the parties have established a phase-in series of limits to the number of customers which may transfer between utilities in any given year. Under the transition, during any calendar year, beginning January 1st of the year following our approval, up to but not exceeding 200 of the affected customers may request to become customers of the other utility and such customers will then be transferred.

We have carefully reviewed the agreement, and we believe that it satisfies the provisions of Subsection 366.04(2)(d), Florida Statutes and Rule 25-6.0440, Florida Administrative Code. We also believe that the agreement satisfies the intent of Subsection 366.04(5), Florida Statutes to avoid further uneconomic duplication of generation, transmission, and distribution facilities in the state. We find that the agreement is in the public interest and we approve it. It is therefore

ORDERED that the joint petition for approval of a territorial agreement between Florida Power Corporation and Tri-County Electric Cooperative is granted and the territorial agreement is thereby approved. It is further

ORDERED that this Order shall become final unless a substantially affected person files a timely request for a formal proceeding. It is further

ORDERED that this docket will be closed if no request for a formal proceeding is timely filed.

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



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 November 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.

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.