

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendment of ) DOCKET NO. 951316-EU  
Rules 25-6.0440(1), F.A.C., ) ORDER NO. PSC-95-1564-NOR-EU  
Territorial Agreements For ) ISSUED: December 15, 1995  
Electric Utilities; and 25- )  
6.0441, F.A.C., Territorial )  
Disputes For Electric Utilities )  

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The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rules 25-6.0440 and 25-6.0441, Florida Administrative Code, relating to territorial disputes for electric utilities.

The attached Notice of Rulemaking will appear in the December 22, 1995 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at the following time and place:

Florida Public Service Commission  
9:30 a.m., January 18, 1996  
Betty Easley Conference Center  
Room 152, 4075 Esplanade Way  
Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0870, no later than January 12, 1996.

DOCUMENT NUMBER-DATE

12624 DEC 15 95

FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 15th  
day of December, 1995.

BLANCA S. BAYÓ, Director  
Division of Records & Reporting

by: Kay Dejean  
Chief, Bureau of Records

( S E A L )

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 951316-EU

RULE TITLE:	RULE NO.:
Territorial Agreements for Electric Utilities	25-6.0440
Territorial Disputes for Electric Utilities	25-6.0441

PURPOSE AND EFFECT: To provide for standardized Department of Transportation Maps of boundaries established for territorial agreements and resolutions of territorial disputes.

SUMMARY: The rule amendments provide that submissions of territorial agreements pursuant to Rule 25-6.0440 and petitions for territorial dispute proceedings pursuant to Rule 25-6.0441 include an official Florida Department of Transportation general highway county map depicting for each affected county boundary lines established by the territorial agreement or territorial dispute resolution, respectively.

RULEMAKING AUTHORITY: 366.05(1), F.S.

LAW IMPLEMENTED: 366.04(2), 366.04(4), 366.05(7), F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., January 18, 1996.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399.

THE FULL TEXT OF THESE RULES ARE:

**25-6.0440 Territorial Agreements for Electric Utilities.**

(1) All territorial agreements between electric utilities shall be submitted to the Commission for approval. Each territorial agreement shall clearly identify the geographical area to be served by each utility. The submission shall include: (a) a map and a written description of the area, (b) the terms and conditions pertaining to implementation of the agreement, and any other terms and conditions pertaining to the agreement, (c) the number and class of customers to be transferred, (d) assurance that the affected customers have been contacted and the difference in rates explained, ~~and~~ (e) information with respect to the degree of acceptance by affected customers, i.e., the number in favor of and those opposed to the transfer, and (f) an official Florida Department of Transportation (DOT) General Highway County map for each affected county depicting boundary lines established by the territorial agreement. Upon approval of the agreement, any modification, changes, or corrections to this agreement must be approved by this Commission.

(2) Standards for Approval. In approving territorial agreements, the Commission may consider, but not be limited to consideration of:

(a) the reasonableness of the purchase price of any facilities being transferred;

(b) the reasonable likelihood that the agreement, in and of itself, will not cause a decrease in the reliability of electrical service to the existing or future ratepayers of any utility party to the agreement; and

(c) the reasonable likelihood that the agreement will eliminate existing or potential uneconomic duplication of facilities.

(3) The Commission may require additional relevant information from the parties of the agreement, if so warranted.

Specific Authority: 366.05(1), F.S.

Law Implemented: 366.04(2), 366.04(4), 366.05(7), F.S.

History: New 3/4/90.

**25-6.0441 Territorial Disputes for Electric Utilities.**

(1) A territorial dispute proceeding may be initiated by a petition from an electric utility requesting the Commission to resolve the dispute. Additionally the Commission may, on its own motion, identify the existence of a dispute and order the affected parties to participate in a proceeding to resolve it. Each utility which is a party to a territorial dispute shall provide a map and

(4) Upon resolution of each territorial dispute, the parties to the dispute shall submit to the Commission an official Florida Department of Transportation (DOT) General Highway County map for each affected county depicting boundary lines established by the resolution of the territorial dispute.

Specific Authority: 366.05(1), F.S.

Law Implemented: 366.04(2), 366.04(4), 366.05(7), F.S.

History: New 3/4/90.

NAME OF PERSON ORIGINATING PROPOSED RULES: Roberta Bass

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULES:  
Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: November 21, 1995

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 413-6770 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).