

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to resolve territorial dispute with Clay Electric Cooperative, Inc. in Baker County by Florida Power & Light Company.

DOCKET NO. 970512-EU
ORDER NO. PSC-98-0951-FOF-EU
ISSUED: July 14, 1998

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JOE GARCIA

ORDER CLOSING DOCKET

BY THE COMMISSION:

Pursuant to Section 366.04(2)(e), Florida Statutes, and Rules 25-6.044(1) and 25-036(4)(b), Florida Administrative Code, Florida Power and Light Company (FPL) filed a petition on April 29, 1997, to resolve a territorial dispute between FPL and Clay Electric Cooperative, Inc. (Clay) in Baker County. FPL alleged that both FPL and Clay currently provided retail electric service to customers within an area of Baker County where River City Plastics, Inc. (RCP), was constructing a manufacturing facility. Pursuant to Order No. PSC-98-0178-FOF-EU, issued January 28, 1998, FPL was awarded service to RCP and the surrounding industrial park in Baker County. The transfer of service from Clay to FPL was to take place within four weeks of the date of the issuance of the Final Order. The parties were also required to submit to the Commission general highway maps showing the territory which had been awarded to FPL.

On March 6, 1998, FPL filed its general highway map depicting the territory awarded to FPL by Order No. PSC-98-0178-FOF-EU. Clay responded by filing a Disclaimer of Clay Electric Cooperative, Inc. to the Map Submission by Florida Power & Light Company on April 7, 1998. On April 28, 1998, Clay filed its general highway map. On May 5, 1998, FPL filed a Response to Submission of General Highway Map in which it withdrew the map it submitted to the Commission on March 6, 1998, in favor of Clay's map.

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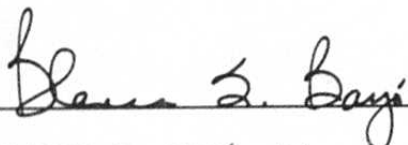
On April 29, 1998, FPL filed a Motion for Extension of Time for Transfer of Service. FPL's Motion for Extension of Time to Transfer Service was granted in Order No. PSC-98-0745-PCO-EU, issued May 29, 1998, which left the docket open to monitor the transfer of service from Clay to FPL. On June 8, 1998, Clay filed a Notice of Completion of Transfer of Service.

With FPL's filing its Response to Submission of General Highway Map on May 5, 1998, acceding to Clay's map of the territory awarded to FPL by the final Order in this docket, and with the final transfer of service from Clay to FPL on June 8, 1998, there are no outstanding issues to be addressed in this docket. All conditions required of the parties in Order No. PSC-97-0178-FOF-EU, issued January 28, 1998, and Order No. PSC-98-0745-PCO-EU, issued May 29, 1998, have been met. This docket should be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Docket No. 970512-EU shall be closed.

By ORDER of the Florida Public Service Commission this 14th day of July, 1998.



BLANCA S. BAYÓ, 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 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/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 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.