

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light Company for enforcement of Order 4285, which approved a territorial agreement and established boundaries between the Company and the City of Homestead.

DOCKET NO. 970022-EU
ORDER NO. PSC-01-0305-FOF-EU
ISSUED: February 5, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER GRANTING MOTION FOR APPROVAL OF TRANSFER OF CUSTOMERS

BY THE COMMISSION:

On December 1, 1967, by Order No. PSC 4285, in Docket No. 9056-EU, we approved the Territorial Agreement between Florida Power & Light Company (FPL or Company) and the City of Homestead (City). On January 6, 1997, FPL filed a Petition for Enforcement of PSC Order No. 4285. By Order No. PSC-97-1132-FOF-EU, issued September 29, 1997, we ordered that electric service for Silver Eagle Distributors, Ltd. and Contender Boats shall be transferred from the City to FPL. Additionally, we ordered that the City and FPL shall negotiate in good faith to develop a plan for the transfer of electric service and shall file a petition with the Commission for approval of the transfer.

In March, 2000, the Florida Supreme Court upheld our 1997 decision regarding FPL's right to serve the area known as the Park of Commerce, located within FPL's service territory. As a result, the City must transfer two customers, Silver Eagle, Ltd. and Contender Boats, to FPL. On December 1, 2000, FPL filed a Motion for Approval of Transfer of Customers (Motion) with the Commission.

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Jurisdiction over this matter is pursuant to Section 366.04, Florida Statutes.

The Motion for which FPL seeks approval requests the Commission to approve a transfer of customers pursuant to Order No. PSC-97-1132-FOF-EU, issued September 29, 1997, and affirmed by the Florida Supreme Court in Opinion No. SC-91820, issued March 16, 2000, which enforced the FPL-City of Homestead Territorial Agreement, established in Order No. PSC-4285, Docket No. 9056-EU.

Paragraph 1 of the Motion describes the terms and conditions pertaining to the implementation of the territorial agreement between FPL and the City of Homestead. Paragraph 2 contains a purchase option. Any facilities not purchased by FPL will be removed at the expense of the City. Paragraph 3 provides that associated easements, streetlight contracts, franchise agreements and joint use agreements necessary for FPL to provide electrical service to the Park of Commerce will be included with the purchase of the facilities by FPL. Additionally, Paragraph 3 details the procedures in handling major repairs caused by hurricanes, tropical storms, tornadoes, etc. during the transfer period. Paragraph 4 contains the agreement by the City to refund customer deposits and FPL has agreed to require no greater deposit from the customers than the previous deposit with the City. FPL states that the transfer will be scheduled to be completed within one year of Commission approval of its Motion. Further, the Motion provides that if relocation of existing facilities scheduled to be transferred is required, due to government mandate, prior to the transfer of the facilities, the City shall timely notify FPL by letter to allow for FPL to carry out the relocation.

There does not appear to be any reasonable likelihood that the transfer of customers will cause a decrease in the reliability of electric service to the existing or future ratepayers of City of Homestead and FPL. We believe that the transfer is in the public interest and consistent with our goal to eliminate all existing and potential uneconomic duplication of electrical facilities in the State of Florida. Therefore, we grant FPL's Motion for Approval of Transfer of Customers.

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Based on the foregoing, it is'

ORDERED by the Florida Public Service Commission that Florida Power & Light Company's Motion for Approval of Transfer of Customers is granted. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 5th Day of February, 2001.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

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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.

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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.