

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by City of Parker for declaratory statement concerning City's application of its Comprehensive Plan, Land Development Regulations, and City Codes and Ordinances to Gulf Power Company's proposed aerial power transmission line planned to travel from private property located within the City, crossing the shoreline of the City, and running across St. Andrew Bay.

DOCKET NO. 030159-EU  
ORDER NO. PSC-03-0371-PCO-EU  
ISSUED: March 19, 2003

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By petition, dated March 10, 2003, Gulf Power Company requested permission to intervene in this proceeding. The City of Parker, in its Petition for Declaratory Statement, asks whether the Commission's jurisdiction under Chapter 366, Florida Statutes, preempts the City's authority to require that Gulf install certain transmission lines underwater, instead of above water. The City claims its authority derives from its Comprehensive Plan, Land Development Regulations, and City Codes and Ordinances ("Comprehensive Planning Laws").

Gulf states that it has a substantial interest in the outcome of this proceeding because: 1) it will own and operate the transmission lines; 2) it owns the land from which the lines originate, and which the City claims is subject to its Comprehensive Planning Laws; and, 3) if the City prohibits installation of the lines above water, it will directly affect the cost to Gulf Power, and the reliability of service to Gulf's customers.

Having reviewed the Petition, it appears that Gulf's substantial interests may be affected by this proceeding. There has been no response filed in opposition to this request. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, Gulf takes the case as it finds it.

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Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by Gulf Power Company is hereby granted. It is further

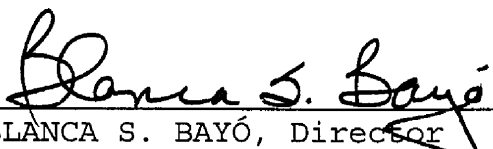
ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

Jeffrey A. Stone  
Russell A. Badders  
Beggs & Lane  
Pensacola, FL 32520-0780

Richard D. Melson  
Douglas S. Roberts  
Hopping Green & Sams  
P.O. Box 6526  
Tallahassee, FL 32314

Susan D. Ritenour  
Assistant Secretary and Assistant Treasurer  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

By ORDER of the Florida Public Service Commission, this 19th day of March, 2003.

  
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BLANCA S. BAYÓ, Director  
Division of the Commission Clerk and  
Administrative Services

( S E A L )

MKS

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.