

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition of Withlacoochee River Electric Cooperative, Inc. to modify territorial agreement or, in the alternative, to resolve territorial dispute with Progress Energy Florida, Inc. in Hernando County.

DOCKET NO. 040133-EU  
ORDER NO. PSC-04-0337-PCO-EU  
ISSUED: March 31, 2004

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

On February 27, 2004, Majestic Oaks Partners, LLC (Majestic) filed a Petition for Leave to Intervene pursuant to Rules 25-22.039 and 28-106.205, Florida Administrative Code. No response to the petition was filed. In the petition, Majestic alleges that the relief sought by the Withlacoochee River Electric Cooperative, modification of its territorial agreement with Progress Energy Florida in order to serve the entire parcel of land owned by Majestic, will substantially affect Majestic's interests. Accordingly, Majestic asserts that it has a right to intervene in this proceeding because its substantial interests will be affected by the Commission's decision in this docket.

Having reviewed Majestic's Petition, it appears that Majestic's substantial interests may be affected by this proceeding. Therefore, the Petition for Leave to Intervene shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, Majestic takes the case as it finds it.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Majestic Oaks Partners, LLC's Petition for Leave to Intervene is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings, and other documents that are hereinafter filed in this proceeding to Kenneth A. Hoffman, Esquire, Rutledge, Ecenia, Purnell & Hoffman, P.A., P.O. Box 551, Tallahassee, Florida 32303.

DOCUMENT NUMBER-DATE

04096 MAR 31 3

FPSC-COMMISSION CLERK

ORDER NO. PSC-04-0337-PCO-EU  
DOCKET NO. 040133-EU  
PAGE 2

By ORDER of the Florida Public Service Commission this 31st day of March, 2004.

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

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

AEV

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; or (2) judicial review by the Florida Supreme Court, in

ORDER NO. PSC-04-0337-PCO-EU  
DOCKET NO. 040133-EU  
PAGE 3

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.