

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendments to Rules 25-6.0440, F.A.C., Territorial Agreements for Electric Utilities, and 25-6.0441, F.A.C., Territorial Disputes for Electric Utilities.

DOCKET NO. 20200094-EU
ORDER NO. PSC-2020-0236-FOF-EU
ISSUED: July 16, 2020

The following Commissioners participated in the disposition of this matter:

GARY F. CLARK, Chairman
ART GRAHAM
JULIE I. BROWN
DONALD J. POLMANN
ANDREW GILES FAY

NOTICE OF ADOPTION OF RULE

BY THE COMMISSION:

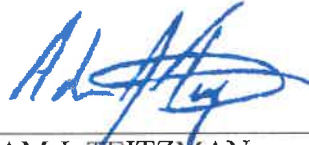
NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted without changes Rules 25-6.0440, Territorial Agreements for Electric Utilities, and 25-6.0441, Territorial Disputes for Electric Utilities, Florida Administrative Code.

The rules were filed with the Department of State on July 16, 2020 and will be effective on August 5, 2020. A copy of the rules as filed with the Department is attached to this Notice.

This docket is closed upon issuance of this Notice.

ORDER NO. PSC-2020-0236-FOF-EU
DOCKET NO. 20200094-EU
PAGE 2

By ORDER of the Florida Public Service Commission this 16th day of July, 2020.



ADAM J. TEITZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

KGWC

25-6.0440 Territorial Agreements for Electric Utilities.

(1) All territorial agreements between electric utilities must ~~shall~~ be submitted to the Commission for approval. Each territorial agreement must ~~shall~~ clearly identify the geographical area to be served by each utility. The submission must ~~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,
- (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; ~~and-~~
- (d) Any other factor the Commission finds relevant in reaching a determination that the territorial agreement is in the public interest.

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

Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2), (4), (5), 366.05(7) FS. History—New 3-4-90, Amended 2-13-96, _____.

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 ~~that~~ ~~which~~ is a party to a territorial dispute ~~must shall~~ provide a map and a written description of the disputed area along with the conditions that caused the dispute. Each utility party ~~must shall~~ also provide a description of the existing and planned load to be served in the area of dispute and a description of the type, additional cost, and reliability of electrical facilities and other utility services to be provided within the disputed area.

(2) In resolving territorial disputes, the Commission may consider, in addition to the factors listed in Section 366.04(2)(c), F.S.: ~~but not be limited to consideration of:~~

(a) The capability of each utility to provide reliable electric service within the disputed area with its existing facilities and the extent to which additional facilities are needed;

(b) The nature of the disputed area, including population and the type of utilities seeking to serve it, ~~the and~~ degree of urbanization of the area and its proximity to other urban areas, and the present and reasonably foreseeable future requirements of the area for other utility services;

(c) The cost of each utility to provide distribution and subtransmission facilities to the disputed area presently and in the future; ~~and~~

(d) Any other factor the Commission finds relevant in reaching a determination that the resolution of the territorial dispute is in the public interest; and

(e) ~~(d)~~ If all other factors are substantially equal, customer ~~Customer~~ preference ~~if all other factors are substantially equal.~~

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

(4) Upon resolution of each territorial dispute, the parties to the dispute ~~must 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.

ORDER NO. PSC-2020-0236-FOF-EU

DOCKET NO. 20200094-EU

PAGE 5

*Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2), (4), (5), 366.05(7) FS. History—New
3-4-90, Amended 2-13-96,_____.*