

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In Re: Complaint of Elnora |) | DOCKET NO. 891167-EC |
| Armstead, Bert General, Henry Howard, |) | ORDER NO. 22872 |
| Rosa Scott and Celia Ziegler against |) | ISSUED: 4-30-90 |
| Tri-County Electric Cooperative, |) | |
| Inc. failure to provide electric |) | |
| service in Jefferson County. |) | |
| |) | |

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD
BETTY EASLEY

ORDER DENYING MOTION TO DISMISS

BY THE COMMISSION:

This docket was initiated by a group of citizens who live on property surrounded by Ted Turner's Avalon Plantation. The citizens assert that they have requested service from Tri-County Electric Cooperative, Inc. (TCEC or Tri-County) but that Tri-County has failed to provide service.

On November 8, 1989, the respondent, Tri-County Electric Cooperative, Inc., filed a motion to dismiss the complaint. The basis of the motion is that under Section 366.04, Florida Statutes, the Commission does not have jurisdiction over Tri-County, which is a rural electrical cooperative.

Tri-County's motion should be granted only if the petitioners have failed to state a cause of action upon which we can grant relief. Although our jurisdiction over rural electrical cooperatives is limited by Section 366.04, Florida Statutes, one matter over which we do have jurisdiction is the approval of "territorial agreements between and among rural electric cooperatives, municipal electric utilities and other electric utilities under its jurisdiction." Pursuant to a territorial agreement between Tri-County, and Florida Power Corporation, which we previously approved, each utility has

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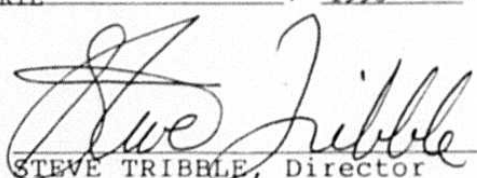
"the responsibility to provide retail electric service to all new customers within their respective territorial areas." We have jurisdiction to enforce that agreement.

Further, should the petitioners establish that Tri-County failed to abide by the terms of the above-cited territorial agreement, we would have the authority to withdraw our prior approval of the territorial agreement.

In consideration of the foregoing, it is

ORDERED that the Motion to Dismiss filed herein by the Tri-County Electric Cooperative is hereby denied.

By ORDER of the Florida Public Service Commission, this 30th day of APRIL, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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