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June 17, 1991

Mr. Steve Tribble, Director  
Division of Records & Reporting  
Public Service Commission  
Fletcher Building  
101 E. Gaines Street  
Tallahassee, Florida 32399-0870

Re: In Re: Petition of Suwannee Valley Electric  
Cooperative, Inc. to Resolve a Territorial  
Dispute with Florida Power & Light Company  
(H. R. Driggers Property) - Docket #900915-EU

Dear Mr. Tribble:

Attached is the original and fifteen (15) copies of Joint Motion  
for Resolution of Territorial Dispute and Stipulation of Facts  
Between Florida Power & Light Company and Suwannee Valley Electric  
Cooperative, Inc., which I would appreciate your filing in the  
above case.

Thank you for your attention to this matter.

Sincerely,

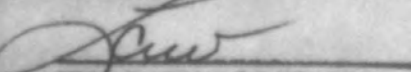
  
S. Christian Meffert

bbk

enclosures

ACK   
AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
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OTHER RECEIVED & FILED

  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

06070 JUN 17 1991

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Suwannee Valley )  
Electric Cooperative, Inc. to Resolve ) Docket No. 900915-EU  
a Territorial Dispute with Florida )  
Power & Light Company (H. R. Driggers )  
Property) )

JOINT MOTION FOR RESOLUTION  
OF TERRITORIAL DISPUTE

Petitioner, Suwannee Valley Electric Cooperative, Inc. (hereinafter SVEC) and Respondent, Florida Power & Light Company (hereinafter FPL), jointly move the Commission for resolution of the instant territorial dispute upon the stipulated facts filed herewith by SVEC and FPL, and dispense with the Commission's present Case Assignment and Scheduling Record which has this matter set for hearing on September 4, 1991. In support thereof SVEC and FPL state the following:

1. Pursuant to Section 366.04(2)(e), Florida Statutes, the Commission has jurisdiction to resolve any territorial dispute between public utilities and rural electric cooperatives.

2. There are no issues of fact regarding the circumstances and conditions that caused the dispute. See SVEC's and FPL's Stipulation of Facts filed concurrently herewith.

3. Pursuant to §366.03, F.S., FPL has an obligation to "furnish to each person applying therefore ... service ...." Therefore, absent an order of the Commission relieving FPL of its obligation to serve, FPL may not refuse service to H. R. Driggers.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

4. Through the resolution of a territorial dispute pursuant to §366.04(2)(e), the Commission may relieve a public utility of its obligation to service under §366.03, F.S.

5. In the interest of judicial economy, FPL and SVEC request resolution of this matter on the basis of the stipulated facts presented. As there are no material facts in dispute, a hearing in this matter and the prefiling of testimony by the parties would not aid the Commission in the resolution of this dispute.

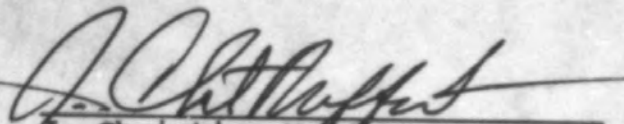
WHEREFORE, SVEC and FPL request that the Commission resolve the instant territorial dispute upon the stipulated facts presented herewith.

Respectfully submitted,



C. Dean Lewis  
Florida Bar No.: 047076  
James W. Prevatt, Jr.  
Florida Bar No.: 352012  
AIRTH, SELLERS, LEWIS & PREVATT  
Post Office Drawer 8  
Live Oak, Florida 32060  
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Attorneys for  
SUWANNEE VALLEY ELECTRIC  
COOPERATIVE, INC.



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and

K. Crandal McDougall  
Florida Power & Light Company  
Post Office Box 029100  
Miami, Florida 33102-9100  
(305) 552-3921  
Florida Bar No.: 763284

Attorneys for FLORIDA POWER &  
LIGHT COMPANY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 17 day of June, 1991 to: H. R. Driggers, Route 4, Box 794, Lake City, Florida 32055

  
J. Christian Meffert, Esq.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Suwannee Valley )  
Electric Cooperative, Inc. to Resolve ) Docket No. 900915-EU  
a Territorial Dispute with Florida )  
Power & Light Company (H. R. Driggers )  
Property) )

STIPULATION OF FACTS BETWEEN  
FLORIDA POWER AND LIGHT COMPANY AND  
SUWANNEE VALLEY ELECTRIC COOPERATIVE, INC.

Petitioner, Suwannee Valley Electric Cooperative, Inc.  
(hereinafter SVEC) and Respondent, Florida Power & Light Company  
(hereinafter FPL), jointly stipulate to the following facts:

1. By letter dated June 22, 1990, H. R. Driggers applied to FPL for single phase electric service at his proposed residence and business to be located in Sections 5 and 6, Township 3 South, Range 16 East.

2. On November 8, 1990, SVEC filed the instant territorial dispute. The area identified in Mr. Driggers' letter of June 22, 1990 is the area in dispute.

3. SVEC has distribution lines adjacent to and about the applicant's property, which are capable of providing the service requested. No new facilities will be necessary for SVEC to serve the applicant save a transformer and a service drop.

4. FPL has distribution facilities in the immediate area which are capable of providing service. However, those facilities would require an extension of FPL's service lines by approximately 9,000 feet in order to provide service to the applicant.

5. The area is rural in nature.
6. The approximate cost to SVEC to provide service to the applicant is \$2,310.00.
7. The approximate cost to FPL to provide service to the applicant is \$16,479.00.
8. There is no territorial agreement between SVEC and FPL regarding the area in dispute or otherwise.

Respectfully submitted,



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