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July 30, 1991

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Mr. Steve C. Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

910811-EC

Re: Petition of Tampa Electric Company for
Resolution of Territorial Uncertainty.

Dear Mr. Tribble:

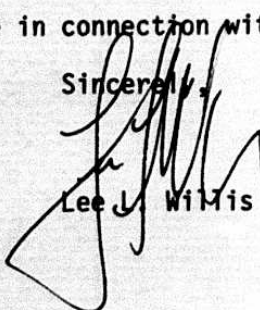
Enclosed for filing in the above-styled matter are the original and fifteen (15) copies of Petition of Tampa Electric Company.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

ET 806
EC 910

Sincerely,


Lee L. Willis

LLW/pp
encls.

RECEIVED & FILED


FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

07649 JUL 30 1991

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Tampa Electric
Company for Resolution of
Territorial Uncertainty.

DOCKET NO. 910811-EU
Submitted for filing 7/30/91

PETITION OF TAMPA ELECTRIC COMPANY

Tampa Electric Company ("Tampa Electric" or "the company") hereby petitions the Commission for resolution and guidance concerning uncertainty as to whether Tampa Electric should provide electric service to certain facilities of an industrial phosphate customer. As grounds therefor, the company says:

1. Tampa Electric is a Commission regulated electric utility with its principal offices located at 702 North Franklin Street, Tampa, Florida 33602.

2. Tampa Electric requests that copies of all pleadings, orders, notices and other documents submitted in this proceeding be furnished to the following:

Mr. Russell D. Chapman
Manager, Regulatory
Coordination
Tampa Electric Company
Post Office Box 111
Tampa, FL 33601

Mr. Lee L. Willis
Mr. James D. Beasley
Ausley, McMullen, McGehee,
Carothers and Proctor
Post Office Box 391
Tallahassee, FL 32302

3. Tampa Electric for many years has provided electric service on an interruptible basis to International Minerals and Chemicals Corporation ("IMC") a phosphate mining company located near the area known as "Four Corners" where Hillsborough, Polk, Hardee and Manatee Counties meet.

4. By letter dated July 25, 1991 and received by Tampa Electric on July 29, 1991, IMC has requested that Tampa Electric continue providing

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

service to IMC to facilities as they relocate to Manatee County for the reasons described by IMC. (See Exhibit "A").

5. This Commission has and continues to provide active continuous supervision over the territories served by electric utilities in Florida.

6. Tampa Electric and the Peace River Electric Cooperative, Inc. ("PRECO") are parties to a territorial agreement dated January 9, 1987. This territorial agreement was approved by the Commission in Order Nos. 17585 and 17714. (See Exhibit "B")

7. Under the Tampa Electric/PRECO Agreement, the draglines and associated facilities in question are and have been located within PRECO's distribution level service area since prior to the execution of the Agreement. However, the Agreement addresses transmission level service in Article II, paragraph 3 thereof as follows:

3. TRANSMISSION CUSTOMERS -- The parties, by execution of this agreement, acknowledge that TECO presently provides retail electric service to certain phosphate customers and other customers served at transmission voltage (69 KV and above) in the area of Polk and Hillsborough Counties reserved for PRECO. TECO shall have the right to continue to serve these existing customers.

Either party shall have the right to serve any such customer applying for service after the effective date of this agreement. Should both parties desire to serve the same customer, the decision as to which company shall serve will be determined on the basis of relative costs to construct additional facilities necessary to serve the customer in question.

8. Also Article III, paragraph 1 of the Tampa Electric/PRECO Agreement provides as follows:

1. RETENTION OF CUSTOMERS - Each of the parties hereto shall continue to serve their respective Extra-Territorial Customers as they presently exist, or until such time as they are transferred to the party in whose territorial area they reside.

9. IMC contends that Tampa Electric is authorized to continue serving its draglines and associated mobile facilities even if these facilities are relocated south of the Hillsborough/Manatee County line. Tampa Electric Company is concerned that this may not be what the Commission intended, but Tampa Electric is ready, willing and able to provide service to IMC as directed by the Commission. Since the Commission has approved the Tampa Electric/PRECO Agreement, it is appropriate for the Commission to interpret such Agreement in its supervisory capacity over the parties to the Agreement.

10. IMC reasons that Tampa Electric's continuing service of these draglines as they move into Manatee County is authorized under the above-quoted provisions of the Agreement since such draglines are and have been located within the territory assigned to PRECO for distribution level service since prior to the execution of the Agreement. Under this Commission's direction and supervision, existing transmission level service has been provided by Tampa Electric to IMC in the area assigned to PRECO for distribution level service in Hillsborough County.

11. Tampa Electric has existing transmission and substation facilities in place to serve IMC. No additional construction will be required of Tampa Electric to continue providing service to IMC. Additionally, PRECO does not offer interruptible service which IMC requires. (See Exhibit "A")

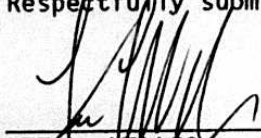
12. In order to meet the Customer's immediate need Tampa Electric hereby expresses its intent to continue providing electric service to IMC on an interim basis pending this Commission's final resolution of this matter. The company requests that the Commission provide guidance to the

company on whether this service should be continued. Unless ordered to do otherwise, Tampa Electric will continue to provide service to IMC on an interim basis until the Commission makes its decision in this matter.

WHEREFORE, Tampa Electric Company requests that the Commission resolve the foregoing issues as to whether Tampa Electric is the appropriate electric utility to continue providing electric service to IMC as it moves its draglines and associated mobile facilities into Manatee County.

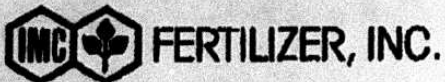
DATED this 30th day of July, 1991.

Respectfully submitted,



LEE L. WILLIS
JAMES D. BEASLEY
Ausley, McMullen, McGehee,
Carothers and Proctor
Post Office Box 391
Tallahassee, Florida 32302
(904) 224-9115

Attorneys for Tampa Electric Company



July 25, 1991

Mr. John Owen, Marketing Engineer
Tampa Electric Company
P.O. Box 111
Tampa, FL 33601-0111

Dear John:

We are to the point that we must have a written reply to our request that TECO supply service to our loads which will soon be returning to Manatee County. At your urging we have pursued all available alternatives and have found major disadvantages in each of them:

- Peace River Electric Cooperative indicates that they would like to serve the load, but they have no nearby infrastructure and no interruptible rate schedule. Their suggestion that we receive service from TECO but pay them a surcharge is unreasonable and unacceptable.
- Florida Power and Light is not interested in serving the load owing to their territorial agreement with PRECO and to their lack of nearby facilities.
- Florida Power Corporation is interested but they would have to build five miles of transmission line to reach the mine site.

We are going to be delayed in effecting the relocation of our facilities unless someone moves off dead center immediately. Inasmuch as TECO is in the best position to serve our load from any reasonable perspective; inasmuch as the utilities' cost to serve would be least to TECO; and inasmuch as TECO in fact has served this load as recently as early 1989, we feel that we are due a statement of your intentions in this regard and the reasons for those intentions.

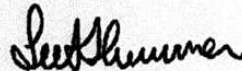


Mr. John Owen

Page 2

Please respond to this letter at the earliest possible time.

Sincerely,



L. F. Thurner
Manager, Engineering
and Production Services

dh

cc: J. V. Burleson
K. A. Dickinson
B. E. Pryor
J. W. McWhirter (Lawson, McWhirter; Tampa)
M. E. R. Hogan (Northbrook)
K. Lippincott (TECO)
K. Donohue (TECO)

**TERRITORIAL AGREEMENT BETWEEN
TAMPA ELECTRIC AND PRECO
APPROVED BY ORDERS 17585 AND 17714**

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EXHIBIT
"B"