

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to Resolve)
Territorial Dispute between)
Suwannee Valley Electric Cooperative,)
Inc. and Florida Power and Light)
Company)

DOCKET NO. 900915-EI
ORDER NO. 25074
ISSUED: 9/17/91

The following Commissioners participated in the disposition of this matter:

BETTY EASLEY
MICHAEL McK. WILSON

ORDER RESOLVING TERRITORIAL DISPUTE

BY THE COMMISSION:

On October 12, 1990 Florida Power and Light (FPL) petitioned the Commission for a declaratory statement with respect to FPL's obligation to serve Mr. H.R. Driggers pursuant to Section 366.03, Florida Statutes in Docket No. 900825-EI. On November 9, 1990 Suwannee Valley Electric Cooperative (SVEC) filed a response to FPL's petition. SVEC requested that the Commission dismiss the petition for declaratory statement and resolve the matter as a territorial dispute.

On November 29, 1990, FPL submitted a notice of voluntary dismissal of its petition so that the matter could be resolved as a territorial dispute in Docket No. 900915-EI. On December 11, 1990 the Commission issued Order No. 23861 approving the notice of voluntary dismissal.

The SVEC petition to resolve the territorial dispute alleged that FPL received a written request for electric service from Mr. H. R. Driggers to serve his property located in Columbia County, Florida. Mr. Driggers property is located in an area traditionally served by SVEC. SVEC has existing service surrounding Mr. Driggers and FPL would have to run over 9,000 feet of distribution line to serve Mr. Driggers.

On June 19, 1991, FPL and SVEC filed a Joint Motion for Resolution of the Territorial Dispute.

Both parties have asked that the Commission resolve the territorial dispute based on the stipulated facts filed with the Joint Motion.

We find that SVEC can provide service to Mr. Driggers with less expenditure for additional facilities. The Stipulation of Facts indicates that FPL will need to expend approximately \$16,479 to

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serve the Driggers property. SVEC will be required to expend only approximately \$ 2,310 for a transformer and a service drop to serve the Driggers property. While both utilities have the ability to logically extend their existing facilities to serve this customer, SVEC has historically provided service (to the previous owner of the property) in this area. The installation by FPL of over 9,000 feet of distribution line would constitute an uneconomic duplication of facilities already available from SVEC.

In consideration of the above, it is

ORDERED by the Florida Public Service Commission that Suwannee Valley Electric Cooperative, Inc. shall provide the electric service to the H. R. Driggers property. It is further

ORDERED that this docket shall be CLOSED.

By ORDER of the Florida Public Service Commission, this 17th
day of SEPTEMBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RVE

91000

by: Kay Flynn
Chief, Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

MEMORANDUM

September 16, 1991

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (ELIAS) RVE
SUBJECT: DOCKET NO. 900915-EI PETITION TO RESOLVE TERRITORIAL
DISPUTE BETWEEN SUWANNEE VALLEY ELECTRIC COOPERATIVE,
INC. AND FLORIDA POWER AND LIGHT COMPANY (H. R. Driggers
Property)

25074

Attached is an Order Resolving Territorial Dispute to be
issued in the above-referenced docket.

RVE
attachment/Order

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