

MEMORANDUM

September 17, 1991

TO : DIVISION OF RECORDS AND REPORTING *mp* *mab*  
FROM : DIVISION OF LEGAL SERVICES (PALECKI, BIRCHFIELD)  
RE : DOCKET NO. 910624-~~EM~~<sup>EU</sup> - Joint Petition of City of Leesburg  
and Sumter Electric Cooperative, Inc. for approval of  
Territorial Agreement.

*25074*

Attached please find a PROPOSED AGENCY ACTION - ORDER APPROVING TERRITORIAL AGREEMENT in the above referenced docket which is ready to be issued.

MAB:bmi  
Attachment  
910624.bmi

*Protest  
due 10/9/91*

DOCUMENT NUMBER-DATE  
09286 SEP 18 1991  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint Petition of City )	DOCKET NO. 910624-EM
Of Leesburg and Sumter Electric )	ORDER NO. 25079
Cooperative, Inc. for approval of )	ISSUED: 9-18-91
Territorial Agreement. )	
_____ )	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
SUSAN CLARK  
J. TERRY DEASON  
BETTY EASLEY  
MICHAEL MCK. WILSON

PROPOSED AGENCY ACTION

ORDER APPROVING TERRITORIAL AGREEMENT

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On February 15, 1991, the City of Leesburg (Leesburg) and Sumter Electric Cooperative (SECO) entered into a territorial agreement. On May 23, 1991, Leesburg and SECO filed a joint petition seeking Commission approval of this territorial agreement. The territorial agreement concerns geographical areas in and around Leesburg in Lake County, Florida. This agreement shall continue and remain in effect for twenty (20) years.

According to the terms of the agreement, the parties shall each have the right and the responsibility to provide retail electric service to all new customers within its respective territory. A party may provide interim service in the territory of the other, if requested to do so, under Section 2.4 of the agreement.

The agreement contemplates no transfer of current customers or facilities. Section 2.5 states that each party will retain its existing customers located in the other party's service area, as defined by the territorial agreement, until such time as a reconnect is requested at the meter for any reason other than seasonal disconnect or nonpayment of account.

DOCUMENT NUMBER-DATE

09286 SEP 18 1991

FPSC-RECORDS/REPORTING

ORDER NO. 25079  
DOCKET NO. 910624-EM  
PAGE 2

The agreement is not intended to prevent either party from providing bulk power supply to wholesale customers for resale, wherever they may be located.

Section 3.4 of the agreement provides that "[n]othing herein shall be construed to prevent or in any way inhibit the right and authority of Leesburg or SECO to serve any of its own facilities if the party is obligated by law to provide the services . . . ." We find that this provision shall apply to services required by state and/or federal law only.

We find that this agreement helps to eliminate duplication of facilities, and that it provides for a coordinated electrical system. Accordingly, we find that this agreement is in the best interest of the general body of ratepayers, and that it is approved.

Finally, this docket shall be closed if no protest, notice of appeal, or motion for reconsideration is timely filed.

It is, therefore,

ORDERED by the Florida Public Service Commission that the Territorial Agreement entered into by the City of Leesburg and Sumter Electric Cooperative on February 15, 1991, is hereby approved. It is further

ORDERED that this Order shall become final and this docket shall be closed unless an appropriate petition for a formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

By ORDER of the Florida Public Service Commission, this  
18th day of September, 1991.

  
\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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ORDER NO. 25079  
DOCKET NO. 910624-EM  
PAGE 3

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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on  
10-9-91.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by 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 of the effective date 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.