

MEMORANDUM

September 24, 1991

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (ELIAS) RVE
SUBJECT: DOCKET NO. 910599-EU - JOINT APPLICATION FOR TRANSFER OF CUSTOMERS BY FLORIDA POWER AND LIGHT COMPANY AND PEACE RIVER ELECTRIC COOPERATIVE, INC.

25118

Attached is a Notice of Proposed Agency Action - Order Approving Transfer of Customers to be issued in the above-referenced docket.

RVE
attachment/Order

xc: Division of Electric and Gas Regulation (Colson)

Protests
due 10/12/91

DOCUMENT NUMBER-DATE

09562 SEP 25 1991

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Application for) DOCKET NO. 910599-EU
transfer of customers by FLORIDA) ORDER NO. 25118
POWER AND LIGHT COMPANY and) ISSUED: 9/25/91
PEACE RIVER ELECTRIC COOPERATIVE, INC.)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING TRANSFER OF CUSTOMERS

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.

Florida Power & Light (FPL) and Peace River Electric Cooperative, Inc. (PRECO) filed an application for approval of a transfer of customers with the Commission on May 10, 1991. The customers are being transferred in accordance with Section 6 of their Territorial Agreement. This Agreement was approved by the Commission on October 22, 1987, in Order No. 18332. The Commission also approved an amendment to this agreement on June 17, 1991, in Order No. 24671.

FPL and PRECO have identified 12 customers PRECO is currently serving in FPL's territory which will be transferred to FPL. This transfer will eliminate electric service to the identified customers by PRECO in FPL's service area and eliminate the duplication of facilities. There will be no transfer of facilities. PRECO will remove its facilities after the customers are connected to FPL's facilities.

These 12 customers are located in three separate areas within FPL's territory. Each customer has been contacted and the difference in FPL and PRECO's rates explained. There has been no opposition to the transfer by the affected customers.

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We find that the joint application for transfer of customers should be approved.

Based on the foregoing it is

ORDERED by the Florida Public Service Commission that the joint application for transfer of customers is APPROVED. It is further

ORDERED that the transfer shall be completed within 90 days of the date of this order. It is further

ORDERED that this Order shall become final and this docket shall be closed unless an appropriate petition for 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 25th day of SEPTEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)
RVE

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.

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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 10/18/91.

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.