

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

In Re: Territorial Dispute)
Between Okefenoke Rural Electric)
Membership Corporation and the)
Jacksonville Electric Authority)
of the City of Jacksonville, in)
Duval County.)
_____)

DOCKET NO. 911141-EU
FILED: April 10, 1992

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. 25506, the Staff of the Florida Public Service Commission files its Prehearing Statement.

A. All Known Witnesses

None.

B. All Known Exhibits

None at this time.

C. Staff's Statement of Basic Position

None at this time.

D. Staff's Position on the Issues

ISSUE 1: Does the Commission have the jurisdictional authority to grant exclusive territorial rights to a rural electric cooperative within the municipal corporate limits of Jacksonville in the absence of an approved territorial agreement between the JEA and the rural electric cooperative?

POSITION: The Commission ruled on this issue in Order No. PSC-92-0058-FOF-EU, denying JEA's motion to dismiss. The issue has been resolved and should no longer be considered an issue in this case.

ISSUE 2: Does the Commission have the jurisdictional authority to order the JEA to refrain from providing at retail electric service to a customer located entirely within the municipal corporate limits of Jacksonville when there exists no approved territorial agreement regarding the customer's site?

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FPC-RECORDS/REPORTING

POSITION: The Commission ruled on this issue in Order No. PSC-92-0058-FOF-EU, denying JEA's motion to dismiss. The issue has been resolved and should no longer be considered an issue in this case.

ISSUE 3: Does JEA have the exclusive right to serve in Duval County even where other utilities served prior to October 1, 1968?

POSITION: No position at this time.

ISSUE 4: If the 1974 Clause preserved JEA's right to serve throughout Duval County, does JEA have an unconditional obligation to serve throughout Duval County?

POSITION: No position at this time.

ISSUE 5: What is the geographical description of the area in dispute?

POSITION: All of Northern Duval County.

ISSUE 6: Which utility has historically served the area in dispute?

POSITION: No position at this time.

ISSUE 7: What is the location, purpose, type, and capacity of each utility's facilities existing as of the filing of the petition in this case?

POSITION: No position at this time.

ISSUE 8: Are there other areas of potential conflict between the service areas of Okefenoke and JEA?

POSITION: No position at this time.

ISSUE 9: Is either utility presently serving the area in dispute?

POSITION: Both utilities are presently serving the area in dispute.

ISSUE 10: What is the expected customer load and energy growth in the disputed area and surrounding areas?

POSITION: No position at this time.

ISSUE 11: What additional facilities would each party have to build to serve the disputed area?

POSITION: No position at this time.

ISSUE 12: What is the existing ability of each utility to extend existing facilities to the area in question?

POSITION: No position at this time.

ISSUE 13: How long would it take each utility to provide service to the disputed area?

POSITION: No position at this time.

ISSUE 14: Has unnecessary duplication of electric facilities occurred in the vicinity of the disputed area or in other areas of potential dispute between the parties?

POSITION: Staff believes that this issue should be combined with Issue 15 to read as follows; **Has unnecessary and uneconomical duplication of electric facilities occurred in the vicinity of the disputed area or in other areas of potential dispute between the parties?**
Staff's position on this issue is: Yes.

ISSUE 15: Staff believes that this issue should be combined with Issue 14 as stated above.

ISSUE 16: Do the parties have a formal territorial agreement that covers the area in dispute, or any other areas of potential dispute?

POSITION: No.

ISSUE 17: Have the parties made any attempts to reach agreement on who should serve the disputed area, or any other areas of potential dispute?

POSITION: No position at this time.

ISSUE 18: Have the parties operated under any informal agreements or "understandings" regarding who should serve the disputed area?

POSITION: No position at this time.

ISSUE 19: What would be the additional cost to each utility to provide electric service to the area in dispute?

POSITION: No position at this time.

ISSUE 20: What would be the cost to each utility if it were not permitted to serve the area in dispute?

POSITION: No position at this time.

ISSUE 21: What would be the effect on each utility's ratepayers if it were not permitted to serve the disputed area?

POSITION: No position at this time.

ISSUE 22: If all other things are equal, what is the customer preference for utility service in the disputed area?

POSITION: No position at this time.

ISSUE 23: Which party should be permitted to serve the area in dispute?

POSITION: No position at this time.

ISSUE 24: What conditions, if any, should accompany the Commission's decision regarding which party should be permitted to serve the disputed area?

POSITION: No position at this time.

E. Pending Motions

No motions are pending at this time.

F. Other Matters

Staff is not aware of any other matters presently pending.

Respectfully submitted this 10th day of April,
1992.

Martha Carter Brown
MARTHA CARTER BROWN
MARY ANNE BIRCHFIELD
Staff Counsel
FLORIDA PUBLIC SERVICE COMMISSION
101 East Gaines Street
Fletcher Building - Room 226
Tallahassee, Florida 32399-0863
(904) 487-2740

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of **Staff's Prehearing Statement**, has been served by U.S. Mail, Postage Prepaid on Bruce Page, Esquire, Assistant General Counsel, Office of the General Counsel, 1300 City Hall, Jacksonville Florida, 32202, and on the following parties of record, this 10th day of April, 1992.

James Harold Thompson, Esquire
Ausley, McMullen, McGehee,
Carothers & Proctor
P.O. Box 391
Tallahassee, Florida, 32302

Martha Carter Brown
MARTHA CARTER BROWN
Staff Counsel
FLORIDA PUBLIC SERVICE COMMISSION
101 East Gaines Street
Fletcher Building - Room 226
Tallahassee, Florida 32399-0863
(904) 487-2740

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