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May 12, 1995

VIA HAND DELIVERY

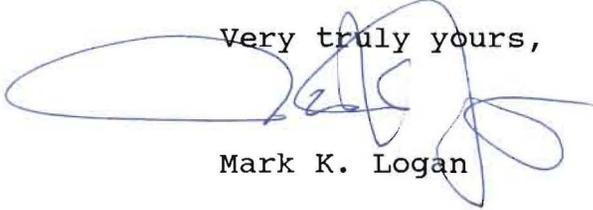
Ms. Blanco S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0850

**RE: In Re: Petition of Jacksonville Electric Authority to
Resolve a Territorial Dispute with Florida Power & Light
Company in St. Johns County, Docket No.: 950307-EU**

Dear Ms. Bayo:

Enclosed please find an original and 15 copies of Florida
Power & Light Company's Second Amended Answer to Jacksonville
Electric Authority's Petition to Resolve Territorial Dispute in St.
Johns County for filing in the above-referenced docket. Also
enclosed is a copy of the Amended Answer on disk in WP5.1 format.

Very truly yours,



Mark K. Logan

MKL/skr

Enclosures

cc: Bruce Page, Esquire
Kenneth A. Hoffman, Esquire
Edward Tancer, Esquire
Beth Culpepper, Esquire

- ACH
- AFA
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DOCUMENT NUMBER-DATE
04648 MAY 12 1995
FPSC-RECORDS/REPORTING

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition of Jacksonville)
Electric Authority to Resolve a)
Territorial Dispute with Florida)
Power & Light Company in St.)

DOCKET NO. 950307-EU
Filed: May 12, 1995

**FLORIDA POWER AND LIGHT COMPANY'S SECOND AMENDED ANSWER
TO JACKSONVILLE ELECTRIC AUTHORITY'S
PETITION TO RESOLVE TERRITORIAL DISPUTE
IN ST. JOHNS COUNTY AND COUNTERPETITION**

FLORIDA POWER AND LIGHT COMPANY ("FPL") files its Second Amended Answer and Counterpetition to JACKSONVILLE ELECTRIC AUTHORITY'S (JEA'S) Petition to Resolve Territorial Dispute in St. Johns County and states:

1. FPL has contacted counsel for JEA and obtained written consent to file a second amended answer to JEA's Petition.

2. FPL admits paragraph 1.

3. FPL admits paragraph 2.

4. FPL admits that JEA is a municipal electric utility. FPL is without knowledge as to the remainder of paragraph 3.

5. FPL admits paragraph 4.

6. FPL admits that JEA and FPL are subject to the jurisdiction of the Florida Public Service Commission pursuant to Section 366.04, Florida Statutes (1993). The statute speaks for itself. FPL denies the remainder of paragraph 5.

7. FPL states that Section 366.04, Florida Statutes, speaks for itself. FPL denies the remainder of paragraph 6.

8. FPL notes JEA's recitation of Commission Order No. PSC-92-1213-FOF-EU (October 27, 1992) and the approval of a staff recommendation on February 7, 1995 in Commission Docket No. 930885-EU [Commission Order No. PSC-95-0271-FOF-EU (March 1, 1995)].

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FPSC-RECORDS/REPORTING

These Commission actions, as JEA's references to Chapter 366, Florida Statutes, speak for themselves. FPL denies the remainder of paragraph 7.

9. FPL admits that the FPL and JEA entered into an agreement dated March 19, 1963. FPL denies the remainder of paragraph 8.

10. FPL admits that the Florida Public Utilities Commission issued Order No. 3799 on April 28, 1965. FPL denies the remainder of paragraph 9.

11. FPL admits that JEA and FPL entered into an agreement dated April 13, 1979. FPL denies the remainder of paragraph 10.

12. FPL admits that the Commission issued Order No. 9363 on May 9, 1980. FPL denies the remainder of paragraph 11.

13. FPL admits that JEA serves customers within FPL's territory. FPL denies the remainder of paragraph 12.

14. FPL denies paragraph 13.

15. FPL denies paragraph 14.

16. FPL denies paragraph 15.

17. FPL denies paragraph 16.

18. FPL denies paragraph 17.

19. FPL denies paragraph 18.

20. FPL denies paragraph 19.

21. FPL denies paragraph 20.

22. FPL denies paragraph 21.

23. FPL denies paragraph 22.

COUNTERPETITION

FPL counterpetitions JEA and alleges:

24. Any pleading, motion, notice, order or other document required to be served in this proceeding or filed by any other party to his proceeding shall be forwarded to the following:

Wilton Miller, Esquire
Mark K. Logan, Esquire
Bryant, Miller and
Olive, P.A.
201 South Monroe Street
Suite 500
Tallahassee, FL 32301

Edward Tancer, Esquire
Florida Power & Light
Company
11770 U.S. Highway One
North Palm Beach, FL 33408

25. FPL is seeking relief from the Commission against:

Sheldon R. Ferdman
Jacksonville Electric Authority
21 West Church Street
Jacksonville, Florida 32302-3139

26. FPL is an electric utility subject to the jurisdiction of the Florida Public Service Commission pursuant to Chapter 366, Florida Statutes (1993).

27. JEA is a municipally-owned electric utility operated by the City of Jacksonville, Florida.

28. This Commission has jurisdiction pursuant to Section 366.04, Florida Statutes, to resolve territorial disputes involving service areas between municipally-owned electric utilities and investor-owned utilities.

29. On April 13, 1979, FPL and JEA entered into a territorial agreement. A copy of that agreement, incorporated herein by reference, is attached to JEA's Petition as Exhibit "D".

30. The Commission approved the territorial agreement between FPL and JEA on May 9, 1980. FPSC Order No. 9363. A copy

of that order, incorporated herein by reference, is attached to JEA's Petition as Exhibit "E."

31. Section 1.1 of the territorial agreement provides, in pertinent part:

" . . .[A]fter fifteen (15) years, from the date first written, but not before, either of the parties hereto shall have the right to initiate unilateral action before any entity with appropriate jurisdiction, seeking modification or cancellation of this AGREEMENT."

32. As the entity originally approving the territorial agreement between FPL and JEA, the Florida Public Service Commission is the entity with appropriate jurisdiction to modify or cancel the agreement between FPL and JEA.

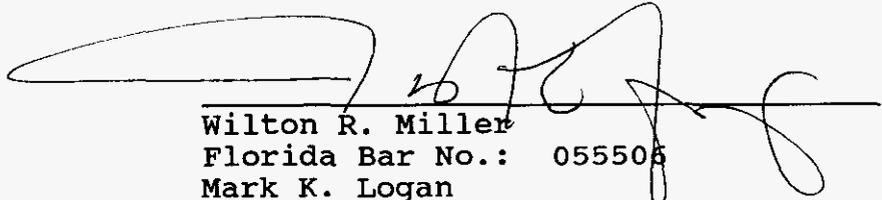
33. Pursuant to Section 1.1 of the territorial agreement FPL seeks modification of the agreement to establish a new territorial boundary between FPL and JEA. A copy of FPL's proposed new territorial boundary, incorporated herein by reference, is attached to FPL's amendment to its original answer, filed with the Commission on April 18, 1995.

34. The best interests of existing and future customers of both utilities will be served if the Commission orders JEA to relocate all existing electric service facilities located within FPL's modified service territory, at FPL's expense, and by transferring all customers currently served by JEA within FPL's modified service territory to FPL.

35. Alternatively, FPL seeks the Commission's cancellation of the current agreement and territorial boundary between FPL and JEA and that the Commission order the utilities to negotiate a new agreement.

WHEREFORE, FPL requests that this Commission: a) deny JEA's petition; b) redraw the territorial boundary in St. Johns County, pursuant to Section 1.1 of the Territorial Boundary Agreement dated April 13, 1979, between FPL and JEA, consistent with the proposed boundary previously submitted by FPL; c) approve the permanent transfer of all customers within the redrawn portion of St. Johns County to FPL; and d) order JEA to remove all electric service facilities located within FPL's modified service territory. Alternatively, FPL requests that this Commission cancel the existing territorial agreement between FPL and JEA and order the parties to negotiate a new territorial agreement.

Respectfully submitted,



Wilton R. Miller
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Florida Bar No.: 0494208
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and

Edward Tancer
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11770 U.S. Highway One
North Palm Beach, Florida 33408
(407) 625-7241
Florida Bar No.: 509159

**Attorneys for Florida Power & Light
Company**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
has been furnished by the method indicated to the parties listed
below on this 12th day of May, 1995.

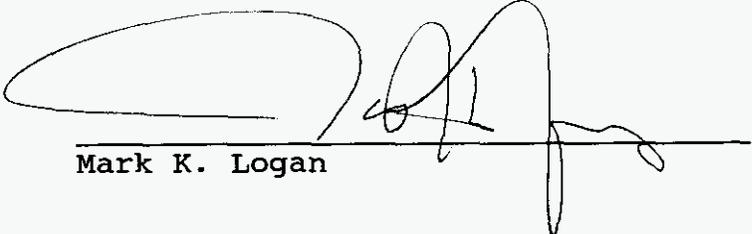
U.S. Mail

Bruce Page, Esquire
Assistant General Counsel
Office of the General Counsel
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Suite 600, City Hall
Jacksonville, Florida 32202

HAND DELIVERY

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William B. Willingham, Esquire
Rutledge, Ecenia, Underwood, Purnell
& Hoffman, P.A.
Post Office Box 551
Tallahassee, Florida 32302

Beth Culpepper, Esquire
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399


Mark K. Logan