

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to resolve territorial dispute with Clay Electric Cooperative, Inc. in Baker County by Florida Power & Light Company.

DOCKET NO. 970512-EU  
ORDER NO. PSC-98-0745-PCO-EU  
ISSUED: May 29, 1998

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK  
JOE GARCIA

ORDER GRANTING EXTENSION OF TIME FOR TRANSFER OF SERVICE

BY THE COMMISSION:

Pursuant to Section 366.04(2)(e), Florida Statutes, and Rules 25-6.044(1) and 25-036(4)(b), Florida Administrative Code, Florida Power & Light Company (FPL) filed a petition on April 29, 1997, to resolve a territorial dispute between FPL and Clay Electric Cooperative, Inc. (Clay) in Baker County. FPL alleged that both FPL and Clay currently provided retail electric service to customers within an area of Baker County where River City Plastics, Inc. (RCP) was constructing a manufacturing facility. Pursuant to Order No. PSC-98-0178-FOF-EU, issued January 28, 1998, FPL was awarded service to RCP and the surrounding industrial park in Baker County. The Final Order required transfer of service from Clay to FPL within four weeks of the date of the issuance of the Final Order. On April 29, 1998, FPL filed a Motion for Extension of Time for Transfer of Service. FPL's Motion states that Clay does not oppose the Motion.

Following the issuance of the Final Order in this docket, RCP informed FPL that it intended to continue to use Clay's transformers and other related facilities behind the primary metering point. This decision by the customer required Clay to purchase voltage regulators and additional transformers in order to accommodate FPL's primary electric service delivered to the primary metering point. FPL asserts that it will be able to bring primary electric service to RCP as required by Order No. PSC-98-0178-FOF-EU, issued January 28, 1998, within five days of Clay's

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installation of compatible facilities (transformers and/or regulators) and removal of existing overhead primary service to RCP.

We grant FPL's Motion for Extension of Time for Transfer of Service. FPL's Motion is unopposed by Clay and, given the explanation above, FPL's Motion appears to be reasonable. Granting FPL's Motion will allow Clay enough time to install the necessary voltage regulators and additional transformers to accommodate FPL's primary electric service delivered to the primary metering point. This docket shall remain open to monitor the transfer of permanent retail electric service from Clay to FPL. The parties must jointly report back to the Commission in the event that permanent electric service to the River City Plastics facility is not transferred from Clay to FPL by July 1, 1998.

Based on the foregoing, it is

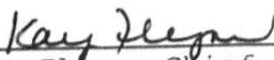
ORDERED by the Florida Public Service Commission that Florida Power & Light Company's Motion for Extension of Time for Transfer of Service is granted. It is further

ORDERED that the parties must jointly report back to the Commission in the event that permanent electric service to the River City Plastics facility is not transferred from Clay to FPL by July 1, 1998. It is further

ORDERED that this docket shall remain open to allow the Commission to dispose of pending issues relating to the territorial boundary drawn by the Final Order and to monitor the transfer of retail electric service from Clay Electrical Cooperative, Inc., to Florida Power & Light Company.

By ORDER of the Florida Public Service Commission this 29th day of May, 1998.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

  
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Kay Flynn, Chief  
Bureau of Records

( S E A L )

GAJ/RVE

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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 wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.