



# Public Service Commission

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**DATE:** JUNE 18, 1998

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAKER)

**FROM:** DIVISION OF LEGAL SERVICES (ELIAS, JAYE)  
DIVISION OF ELECTRIC AND GAS (BASS, BREMAN, BOHRMANN)

**RE:** DOCKET NO. 970512-EU - PETITION TO RESOLVE TERRITORIAL DISPUTE WITH CLAY ELECTRIC COOPERATIVE, INC. IN BAKER COUNTY BY FLORIDA POWER & LIGHT COMPANY.

**AGENDA:** 06/30/98 - REGULAR AGENDA - POST HEARING DECISION - PARTICIPATION LIMITED TO COMMISSION AND STAFF

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\LEG\WP\970512-7.RCM

### CASE BACKGROUND

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 and 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-97-0178-FOF-EU, issued January 28, 1998, FPL was awarded service to RCP and the surrounding industrial park in Baker County. The transfer of service from Clay to FPL was to take place within four weeks of the date of the issuance of the Final Order. The parties were also required to submit to the Commission general highway maps showing the territory which had been awarded to FPL.

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FPSC-RECORDS/REPORTING

DOCKET NO. 970512-EU

DATE: June 18, 1998

On March 6, 1998, FPL filed its general highway map depicting the territory awarded to FPL by Order No. PSC-98-0170-FOF-EU. Clay responded by filing a Disclaimer of Clay Electric Cooperative, Inc. to the Map Submission by Florida Power & Light Company on April 7, 1998. On April 27, 1998, Clay filed its general highway map. On May 5, 1998, FPL filed a Response to Submission of General Highway Map in which it withdrew the map it submitted to the Commission on March 6, 1998, in favor of Clay's map.

On April 29, 1998, FPL filed a Motion for Extension of Time for Transfer of Service. FPL's Motion for Extension of Time to Transfer Service was granted in Order No. PSC-98-0745-PCO-EU, issued May 29, 1998, which left the docket open to deal with the transfer of service from Clay to FPL and to deal with the controversy over the maps. On June 8, 1998, Clay filed a Notice of Completion of Transfer of Service.

With FPL's filing its Response to Submission of General Highway Map on May 5, 1998, acceding to Clay's map of the territory awarded to FPL by the final Order in this docket, and with the final transfer of service from Clay to FPL on June 8, 1998, there are no outstanding issues to be addressed in this docket. All conditions required of the parties in Order No. PSC-97-0178-FOF-EU, issued January 28, 1998, and Order No. PSC-98-0745-PCO-EU, issued May 29, 1998, have been met.

#### DISCUSSION OF ISSUES

ISSUE 1: Should this docket be closed?

RECOMMENDATION: Yes.

STAFF ANALYSIS: With FPL's May 5, 1998, accession to Clay's map of the territory awarded to FPL, and with the transfer of service from Clay to FPL on June 8, 1998, there are no remaining issues to be addressed in this docket. Therefore, this docket should be closed.