

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

ORIGINAL
RECORDED AND REPORTING
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RECEIVED-FPSC

September 25, 2000

HAND DELIVERED

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

001448-ET

Re: Joint Petition for Approval of Amendment to Territorial Agreement

Dear Ms. Bayo:

Enclosed for filing in the above-styled matter, on behalf of Tampa Electric Company and Florida Power Corporation, are the original and fifteen (15) copies of a Joint Petition for Approval of Second Amendment to Territorial Agreement.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,

James D. Beasley

- APP
- CAF
- COMP
- COM
- CTR
- ECR
- LEG
- OPC
- PAI
- RGO
- SEC
- SER
- OTH

JDB/pp
Enclosures

cc: James A. McGee (w/enc.)

RECEIVED & FILED
man
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
12049 SEP 25 8
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition for Approval of)
Amendment to Territorial Agreement.)
_____)

DOCKET NO. 001448-EI
FILED: September 25, 2000

**JOINT PETITION FOR APPROVAL
OF SECOND AMENDMENT TO TERRITORIAL AGREEMENT**

Tampa Electric Company ("TEC") and Florida Power Corporation ("FPC") jointly petition the Commission for approval of the second amendment (the "Second Amendment") to the companies' territorial agreement (the "Territorial Agreement") dated November 13, 1990 and approved in Commission Order No. 24593 issued in Docket No. 910085-EI on May 29, 1991 and, in support thereof, say:

1. The names, addresses and telephone numbers of joint petitioners are as follows:

Tampa Electric Company
Post Office Box 111
Tampa, Florida 33601
(813) 228-4111
(813) 228-1770 (Fax)

Florida Power Corporation
Post Office Box 14042
St. Petersburg, Florida 33733
(727) 820-5151
(727) 820-5519 (Fax)

2. All notices and pleadings in this matters shall be served on the following:

FOR TAMPA ELECTRIC COMPANY

Angela L. Llewellyn
Administrator, Regulatory Coordination
Tampa Electric Company
Post Office Box 111
Tampa, Florida 33601

Lee L. Willis
James D. Beasley
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302

DOCUMENT NUMBER-DATE

12049 SEP 25 8

FPSC-RECORDS/REPORTING

FOR FLORIDA POWER CORPORATION

James A. McGee
Senior Counsel
Florida Power Corporation
Post Office Box 14042
St. Petersburg, Florida 33733
(727) 820-5184
(727) 820-5519 (Fax)

3. TEC and FPC are both investor owned electric utilities that are regulated by the Florida Public Service Commission (the "Commission"). The present Territorial Agreement between FPC and TEC and the first amendment thereto ("First Amendment") were approved by the Commission in Order No. 24593, issued in Commission Docket No. 910085-EI on May 29, 1991. The Territorial Agreement defines the Parties' respective territorial areas in a composite Exhibit A to the Territorial Agreement which consists of maps and legal descriptions defining a territorial boundary line separating the Parties' respective Commission approved territorial areas.

4. Subsequent to the Commission's approval of the Territorial Agreement and First Amendment TEC was contacted by the developer of a new subdivision located in Section 28, Township 29 South, Range 26 East, in Polk County, Florida. The subdivision is known as Ridge Acres Phase III, Unit I, (as per Plat Book 107, page 1) and Proposed Ridge Acres Phase II, Unit II and is referred to herein as the "Subdivision." The developer requested that TEC provide service within the Subdivision. The present Commission approved FPC/TEC territorial boundary line bisects the Subdivision. In view of this, TEC and FPC met and attempted to determine the most efficient and effective means of providing electric service to the Subdivision, subject to this Commission's approval.

5. The proposed Second Amendment addressed in this petition represents the continuing efforts of the parties to minimize costs to their respective customers by avoiding

unnecessary duplications of generation, transmission and distribution facilities. The proposed Second Amendment would modify the currently approved territorial boundary line in the vicinity of the Subdivision to enable TEC and FPC to serve the Subdivision in a manner that avoids unnecessary duplication of the Parties' facilities.

6. Attached hereto as Exhibit "A" is a copy of the proposed Second Amendment to the Parties' Commission approved Territorial Agreement. The map and legal description attached to the Second Amendment show the slight modifications to the Parties' presently approved territorial boundary line in the vicinity of the Subdivision.

7. This Commission is authorized by Section 366.04(2)(d), Florida Statutes, to approve and enforce territorial agreements by and between electric utilities. The Commission has promulgated Rule 25-6.0440, Florida Administrative Code, to implement this authority. The Commission has often recognized the wisdom of such agreements, and has held that such agreements, when properly presented to the Commission, are advisable in proper circumstances, and, indeed, in the public interest.

Effect on Existing Customers

8. There are no customers currently being served in the Subdivision and the developer of the Subdivision is in agreement with the manner in which FPC and TEC propose to provide electric service to the Subdivision. Attached hereto as Exhibit "B" is the developer's consent to the manner in which FPC and TEC propose to provide electric service to the Subdivision.

Effect on Service

9. There is no reasonable likelihood that the Second Amendment will cause a decrease in the reliability of electric service to the existing or future ratepayers of FPC or TEC.

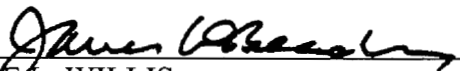
The Parties believe the provisions of the proposed Second Amendment will help avoid future uneconomic duplication of facilities and prevent disputes and uncertainties.

10. Both Parties believe that Commission approval of the proposed Second Amendment would be consistent with the criteria set forth in Section 366.04, Florida Statutes, and would further the objectives of assuring an adequate and reliable source of energy in Florida and avoiding uneconomic duplications of generation transmission and distribution facilities.

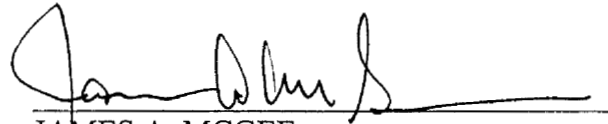
11. The Parties are not aware of any disputed issues of material fact relating to the matters set forth in this Petition or to the granting of the relief requested herein.

WHEREFORE, FPC and TEC urge that the Commission enter its order approving the Second Amendment to their Territorial Agreement attached hereto as Exhibit "A".

DATED this 25th day of September, 2000.


LEE L. WILLIS
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC
COMPANY


JAMES A. MCGEE
Senior Counsel
Florida Power Corporation
Post Office Box 14042
St. Petersburg, Florida 33733
(727) 820-5184

ATTORNEY FOR FLORIDA POWER
CORPORATION

SECOND AMENDMENT TO AGREEMENT

On this 25th day of September 2000, FLORIDA POWER CORPORATION, (herein called "FPC") and TAMPA ELECTRIC COMPANY, (herein called "TEC"), each of which are corporations organized and existing under the laws of the state of Florida and electric utilities as defined in, and whose retail service territories are subject to regulation pursuant to Chapter 366, Florida Statutes, and which corporations are herein collectively called the "Parties," have made and executed this their second amendment ("Second Amendment") to the territorial agreement made and entered into by and between the parties on November 13, 1990 ("Territorial Agreement"), which Territorial Agreement was first amended on May 22, 1991.

WITNESSETH:

WHEREAS, the present Territorial Agreement between FPC and TEC and the first amendment thereto ("First Amendment") were approved by the Florida Public Service Commission ("Commission") in Order No. 24593, issued in Commission Docket No. 910085-EI on May 29, 1991. The Territorial Agreement defines the Parties' respective territorial areas in a composite Exhibit A to the Territorial Agreement which consists of maps and legal descriptions defining a territorial boundary line separating the Parties' respective Commission approved territorial areas; and

WHEREAS, subsequent to the Commission's approval of the Territorial Agreement and First Amendment TEC was contacted by the developer of a new subdivision located in Section 28, Township 29 South, Range 26 East, in Polk County, Florida. The subdivision is known as Ridge Acres Phase III, Unit I, as per Plat Book 107, page 1) and Proposed Ridge Acres Phase II,



Unit II and is referred to herein as the "Subdivision." The developer requested TEC to provide electric service within the Subdivision; and

WHEREAS, the present Commission approved FPC/TEC territorial boundary line bisects the Subdivision; and

WHEREAS, representatives of FPC and TEC have met and agree, subject to Commission approval, how the Subdivision can and should be most efficiently and effectively served by FPC and TEC; and

WHEREAS, there are no residences currently being served in the Subdivision and the developer is in agreement with the manner in which FPC and TEC plan to provide electric service to the Subdivision; and

WHEREAS, the agreed upon plan for serving the Subdivision requires some minor adjustments to the Parties' Commission approved territorial boundary line in the vicinity of the Subdivision.

NOW, THEREFORE, the Parties agree as follows:

1. Attached hereto as composite Exhibit "A" is a copy of a March 14, 2000 letter from TEC to FPC setting forth the legal description of a revised territorial boundary line between FPC and TEC in the vicinity of the Subdivision. Also contained in composite Exhibit "A" is a map showing both the existing territorial boundary line and the proposed territorial boundary line between FPC and TEC in the vicinity of the Subdivision.

2. In order to afford safe, adequate and reliable electric service to the Subdivision, FPC and TEC agree to the above referenced revisions to the territorial boundary line between their respective territorial areas in the vicinity of the Subdivision, subject to the Commission's approval.

3. The provisions and the Parties' performance of this Second Amendment are subject to the regulatory authority of the Commission, and appropriate approval by that body of the provisions of this Second Amendment shall be an absolute condition precedent to the validity, enforceability and applicability hereof. This Second Amendment shall have no effect whatsoever until that approval has been obtained, and the date of the Commission's order granting Commission approval of this Second Amendment shall be deemed to be the effective date of this Second Amendment. Any proposed modification to this Second Amendment shall be submitted to the Commission for approval. In addition, the Parties agree to jointly petition the Commission to resolve any dispute concerning the provisions of this Second Amendment or the Parties' performance of this Second Amendment.

4. In the event approval of this Second Amendment is not obtained, neither party will have any cause of action against the other arising under this document or on account of such nonattainment of approval.

5. Except for the minor modifications of the territorial boundary line dividing the Parties' respective territorial areas in the vicinity of the Subdivision as set forth in this Second Amendment, the provisions of the Parties' November 13, 1990 Territorial Agreement, as amended by the First Amendment dated May 22, 1991, remain in full force and effect as approved by the Commission on May 29, 1991.

IN WITNESS WHEREOF, the Parties hereto have caused this Second Amendment to Agreement to be executed in duplicate in their respective corporate names and their corporate seals affixed by their duly authorized officers on the day and year first above written.

ATTEST:

FLORIDA POWER CORPORATION

Kathleen M. Haley
Secretary
(SEAL)

By: Wayne C. Furbush
Its V.P. ENERGY DISTRIBUTION

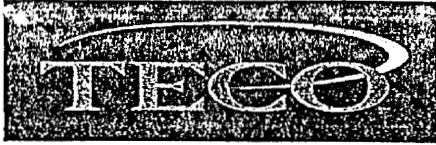
ATTEST:

TAMPA ELECTRIC COMPANY

D. E. Schmitt
Secretary
(SEAL)

By: Hugh W. Smith
Its Vice President, Energy Services

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TAMPA ELECTRIC

March 14, 2000

John C. Martz, Area Manager
Florida Power Corporation
321 N. Mango Street
Sebring, FL 33870

RE: Territorial Boundary Line Revision in Section 28, Township 29 South,
Range 26 East, Polk County, Florida.

Dear Mr. Martz,

Enclosed please find EXHIBIT "A" which describes the proposed new territorial boundary line we discussed in our previous meeting in TECO's Winter Haven business office on 2-2-2000. Please review this document and notify me in writing whether or not this legal description is acceptable with Florida Power Corporation.

Thank you and please call me if you have any questions. 863-298-6096
Sincerely,

Daniel W. Breznay
Daniel W. Breznay
R/W and Govt. Liaison
Polk County District

4-10-00 RECEIVED VERBAL FROM JOHN MARTZ THAT THIS
"EXHIBIT A" IS ACCEPTABLE, HE WILL BE CONTACT FOR
FLORIDA POWER TO HELP EXPEDITE PSC FILING OF
(REVISED) NEW TERRITORIAL BOUNDARY.

xc: Gene West, Director Eastern Business Region
Lee Collins, Manager of Engineering and Operations, Polk County
file

TAMPA ELECTRIC COMPANY
P. O. BOX 111 TAMPA, FL 33601-0111

AN EQUAL OPPORTUNITY COMPANY
HTTP://WWW.TAMPAELECTRIC.COM

Blumberg No. 5118
**EXHIBIT
"A" to 2nd
Amendment to
Agreement**

(813) 228-4111

CUSTOMER SERVICE:
HILLSBOROUGH COUNTY (813) 223-0800
OUTSIDE HILLSBOROUGH COUNTY 1 (888) 223-0800

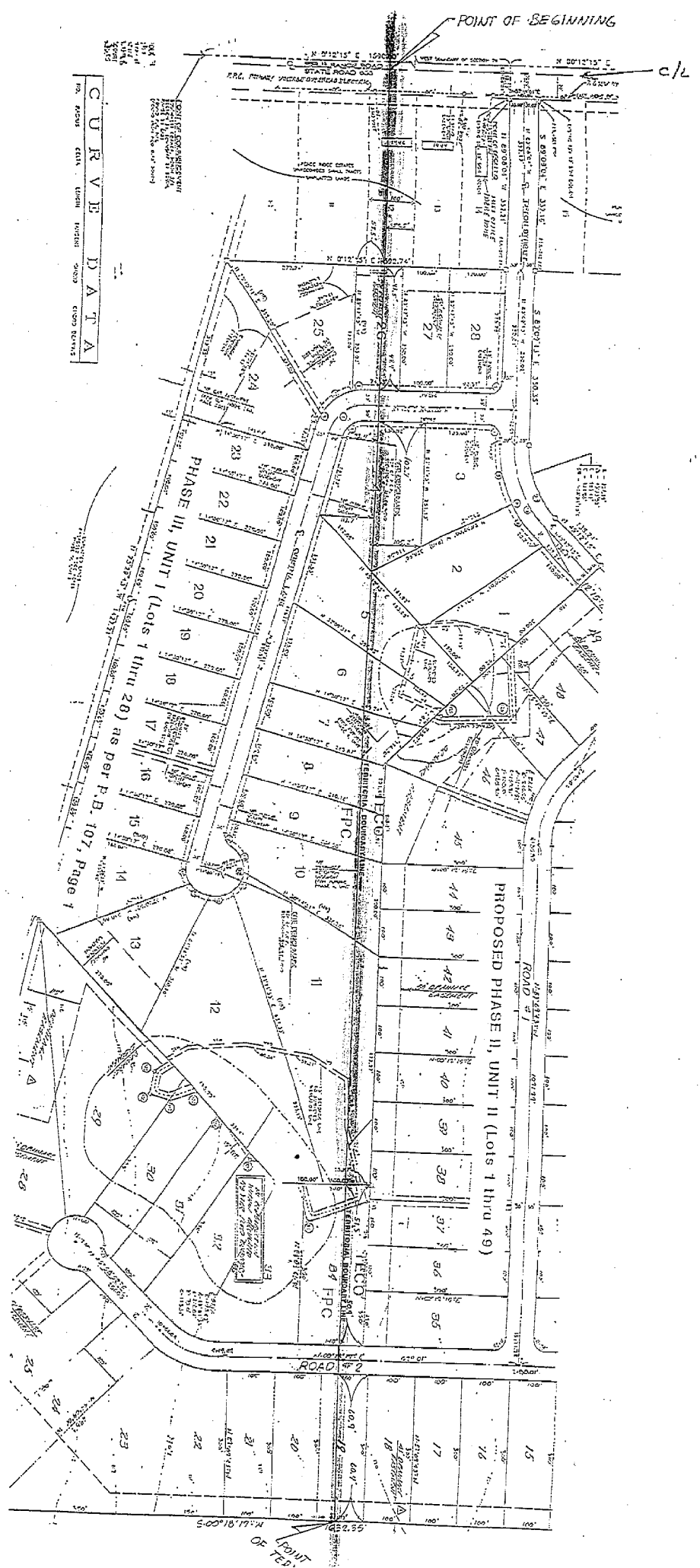
EXHIBIT "A"

Commence at the Southwest corner of the North $\frac{3}{4}$ of Section 28, Township 29 South, Range 26 East, Polk County, Florida; thence N.00°12'15"E., along the West boundary of said Section 28, a distance of 1325.63 feet to the North Boundary of the South $\frac{1}{2}$ of said Section 28; thence S.89°15'16"E., along said North boundary, a distance of 12.57 feet to the centerline of Rifle Range Road (State Road 655), a 50 foot right of way, for a POINT OF BEGINNING; thence N.00°15'06"E., along said centerline, a distance of 174.34 feet to the North boundary of the South 1500 feet of the North $\frac{3}{4}$ of said Section 28; thence S.89°08'04"E., along said North boundary, a distance of 402.28 feet to the East boundary of the West 415 feet of the North $\frac{3}{4}$ of said Section 28, also being the West boundary of RIDGE ACRES PHASE III, UNIT 1, as recorded in Plat Book 107, Page 1, Public Records of Polk County, Florida; thence S.00°12'15"W., along said boundary, a distance of 230.00 feet to the Southwest corner of Lot 26 of said RIDGE ACRES PHASE III, UNIT 1; thence S.89°47'45"E., along the South boundary of said Lot 26 and its Easterly projection, a distance of 317.46 feet to a point on the curved Southerly boundary of Lot 4 of said RIDGE ACRES PHASE III, UNIT 1; thence Southeasterly along the Southerly boundary of said Lot 4, 35.47 feet along the arc of a curve to the left having a radius of 47.21 feet, a central angle of 43°02'58", and a chord bearing and distance of S.53°58'14"E., 34.64 feet to a point of tangency; thence continue along the Southerly boundary of said Lot 4, S.75°29'43"E., a distance of 169.27 feet to the Southeast corner of said Lot 4, also being the Southwest corner of Lot 5 of said RIDGE ACRES PHASE III, UNIT 1; thence N.45°12'15"E., along the Westerly boundary of said Lot 5, a distance of 483.98 feet to the Northwest corner of said Lot 5, said point being on the Northerly boundary of said RIDGE ACRES PHASE III, UNIT 1; thence S.44°47'45"E., along said Northerly boundary, a distance of 255.20 feet; thence continue along said Northerly boundary, S.89°09'43"E., a distance of 878.09 feet to the East boundary of said RIDGE ACRES PHASE III, UNIT 1; thence S.00°18'17"W., along said East boundary, a distance of 140.00 feet; thence departing said boundary, S.89°09'43"E., a distance of 410.00 feet; thence N.00°18'17"E., a distance of 50.00 feet; thence S.89°09'43"E., a distance of 300.00 feet; thence N.00°18'17"E., a distance of 39.60 feet to a point on the North boundary of the South $\frac{1}{2}$ of said Section 28 for a POINT OF TERMINATION.

LEGEND

= Proposed Territorial Boundary Line

= Existing Territorial Boundary Line



R.F.H. III, Inc.

P.O. Box 5400
Lakeland, Florida 33807-5400
(941) 647-5554
(941) 644-7618 FAX


August 18, 2000

Mr. Daniel Breznay
Right-of-Way Liaison
Tampa Electric Company
1770 Sixth Street NW
Winter Haven, FL 33881

Dear Mr. Breznay:

I have reviewed the proposed revision to the territorial boundary line separating the service areas of Tampa Electric and Florida Power Corporation in the vicinity of our development, known as Ridge Acres Phase III, Unit I (as per Plat book 207, Page 1), and Proposed Ridge Acres Phase II, Unit II, all of which is referred to as "the Subdivision." It appears the proposed revision will accommodate the orderly provision of electric service within the Subdivision, and you are free to provide a copy of this letter to the Florida Public Service Commission in support of your request for approval of the proposed revision.

Sincerely,



Robert F. Harper, III
President

