



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

RECEIVED-FPSC  
01 FEB 28 PM 12:55  
RECORDING  
DO NOT  
MIND

DATE: February 26, 2001  
TO: Division of Records and Reporting (Purvis)  
FROM: Division of Safety and Electric Reliability (Brennan)  
RE: Docket 001834-EU Attachment

*JB WBM* *JDJ*

"Attachment A" to the staff recommendation filed February 21, 2001, in Docket Number 001834-EU was not included in the filing. I already distributed two copies of "Attachment A" to each Commissioner.

Enclosed is one original and 5 copies of the missing attachment for Item 19 scheduled for the March 6, 2001 Agenda.

JB:kb

*2/26/01*  
*OK*  
*Please distribute to recipients of original recommendations ASAP*  
*Mr "T"*

DOCUMENT NUMBER-DATE

02594 FEB 26 01

FPSC-RECORDS/REPORTING

**FIRST AMENDMENT TO TERRITORIAL AGREEMENT  
BETWEEN CLAY ELECTRIC COOPERATIVE, INC.  
AND THE CITY OF NEWBERRY, FLORIDA**

Section 0.1: This is the first Amendment to the Territorial Agreement between CLAY ELECTRIC COOPERATIVE, INC. ("Clay"), and THE CITY OF NEWBERRY, FLORIDA ("City"), which was initially approved by the Florida Public Service Commission by Order Number 25080, dated 9-18-91, in Docket Number 910678-EU.

Section 0.2: Because of a mutual mistake, twelve customers of Clay, who should have been transferred to the City in 1991 in accordance with the Territorial Agreement, were overlooked by both parties and were not notified of the Petition to Approve the Territorial Agreement, hence did not have the opportunity to agree or disagree with the Petition. Upon the discovery of the mistake, Clay notified the twelve customers and advised them of the 1991 Territorial Agreement. Nine of those customers have no objection to the transfer to the City. Three of the customers have objected. Hence, to accommodate those three customers while at the same maintaining the integrity of the territorial boundary between Clay and the City, the parties agree to amend Section 2.4 of the Territorial Agreement as hereinafter set-forth.

Section 1.0: Section 2.4 of the Territorial Agreement is hereby amended to provide that as to the three customers identified on Schedule "A" hereto, and as to any other customers of either party discovered to be in the territorial area of the other party, the transfer of such customers shall be deferred until there is a change in use of those customers' accounts.

Section 2.0: Under the Change and Use Policy, an affected customer shall remain a customer of the customer's current electric service provider until the customer:

- (a) Transfers his account to another person,
- (b) Closes his account,
- (c) Changes the use of the service from residential to commercial or from commercial to residential; or
- (d) Changes the service from single phase to three phase, adds meters, facilities, or increases the voltage.

Section 3.0: When a change in use occurs, the service location shall be promptly transferred to the utility, which has been assigned the territorial area in which the customer's service facilities are located.

Section 4.0: This Amendment shall have no force and effect, and shall not be deemed an Agreement, unless and until this Amendment is approved by the Commission.

Section 5.0: The parties hereto shall submit this Amendment to the Commission with a Joint Petition for Approval, and shall notify the customers listed on Schedule "A" of the filing of the Petition to approve this Agreement.

IN WITNESS WHEREOF the undersigned have hereunto set their hands and seals.

CLAY ELECTRIC COOPERATIVE, INC.

ATTEST:

By: Angus S. Hastings  
Angus S. Hastings, President  
Date: \_\_\_\_\_

By: Raymond Wingate  
Raymond Wingate, Secretary  
Date: 12-21-2000

CITY OF NEWBERRY, FLORIDA

ATTEST:

By: Grady W. Hartzog  
Grady W. Hartzog, Mayor  
Date: \_\_\_\_\_

By: Gayle B. Pons  
Gayle B. Pons, City Clerk  
Date: 12/12/00

Approved as to form/legality by:

S. Scott Walker  
S. Scott Walker, City Attorney  
for City of Newberry  
Date: 12-12-00

**Schedule "A"**

<u>Name</u>	<u>Customer Number(s)</u>
James Wallace	171801 and 172632
Davis W. Holt	172269 and 181364
Jean R. Bronson	178237