

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition of Tampa Electric Company and Withlacoochee River Electric Cooperative, Inc. for approval of customer transfers to conform to territorial boundaries and for other relief.

DOCKET NO. 020147-EU
ORDER NO. PSC-02-0790-PAA-EU
ISSUED: June 10, 2002

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

ORDER GRANTING PETITION FOR TRANSFER OF CUSTOMERS

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose substantial interests are substantially affected files a petition for a formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

The Commission approved a territorial agreement between Tampa Electric Company (TECO) and Withlacoochee River Electric Cooperative, Inc. (WREC) in Order No. 6281, issued September 16, 1974 in Docket No. 74485-EU. An amendment to the territorial agreement was approved by Order No. 23905, issued December 20, 1990, in Docket No. 900752-EU. The subject of this Order is a Joint Petition of Tampa Electric Company and Withlacoochee River Electric Cooperative, Inc. for Approval of Customer Transfers to Conform to Territorial Boundaries and For Other Relief filed on February 21, 2002. We have jurisdiction under Section 366.04, Florida Statutes.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

In their Joint Petition the parties explain that they completed a voluntary inventory of the geographic locations of customers served by each utility. The inventory revealed that each utility is serving a small number of customers in the other's territory. The utilities requested approval for the transfer of the customers, identified below, so that each utility will serve those customers within its territory.

The following customers are located in TECO's territory and are currently served by WREC:

- (a) A wireless telecommunication service provider, which is a cell tower site on the same property as the WREC corporate office.
- (b) Another wireless telecommunication service provider, which is also a cell tower on the same property as the WREC corporate office.
- (c) One residential account located on S.R. 575 North of Honey Lane.
- (d) One residential account located in the northwest corner S.R. 577 and South Curley Street.
- (e) Six residential accounts located within Sec. 34, T26S, R21E, north of the Pasco/Hillsborough County Line Road and West of S.R. 35A.

The following customers are located in WREC's territory and are currently served by TECO:

- (a) One residential account with one well water pump account located on the north side of the old railroad right-of-way and west of Emmaus Cemetery Road.
- (b) A water pump that is located on Handcart Road South of S.R. 579A.
- (c) One residential account that is located on the west side of a private lane leading South of S.R. 579A or South Curley St.

The utilities state that they informed each affected customer of a possible transfer and gave them rate comparison information. All the affected customers except one either favored the transfer or had no opinion. One customer refused to accept the rate comparison information and considered either the contact by the companies or the transfer a form of harassment.

Both utilities assert that they are able to provide service to the customers who would be transferred. Each utility will compensate the other for the distribution facilities that need to be transferred in order to serve the transferred customers. To accomplish the exchange of facilities, each utility will sell its distribution facilities to the other at the original cost less accumulated book depreciation at the time of the exchange.

The utilities also asked that we confirm that each utility may continue to serve that part of its own infrastructure located in the other's territory. Section 3.1 of the current territorial agreement, quoted below, allows this:

Section 3.1 Facilities to Remain. Except as provided herein all generating plants, transmission lines, substations, distribution lines and related facilities now or hereafter constructed and/or used by either Party in conjunction with their respective electric utility systems, and which are directly or indirectly used and useful in service to Customers in their respective service areas or in fulfilling the requirements of law shall be allowed to remain where situated and shall not be subject to removal or transfer hereunder; provided, however, that each Party shall operate and maintain said lines and facilities in such manner as to minimize any interference with the operations of the other Party. Nothing contained herein shall be construed to apply to the Parties' facilities or locations thereof except as such facilities relate to providing retail service to the Parties' Customers in their respective service territories. (Emphasis supplied in Joint Petition.)

We find that the Joint Petition shall be granted for the following reasons. Each utility is capable of serving the transferred customers. There will not be uneconomic duplication of

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facilities, or adverse effects to service reliability or safety because of the transfers. The method of determining payment for transferred distribution lines is the same as was used for the transfer of facilities when the 1990 Territorial Agreement was executed and this method is reasonable. Finally, we find that, as currently written, the Territorial Agreement allows each utility to serve its own facilities that are located in the other utility's territory, so we reaffirm our approval of the agreement.

Based on the foregoing, it is


ORDERED by the Florida Public Service Commission that the Joint Petition of Tampa Electric Company and Withlacoochee River Electric Cooperative, Inc. for Approval of Customer Transfers to Conform to Territorial Boundaries and For Other Relief shall be granted. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 10th
Day of June, 2002.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

MKS

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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of

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the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 1, 2002.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.