

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint petition of Tampa Electric Company and Withlacoochee River Electric Cooperative, Inc. for expedited interim approval of customer transfers pending consideration of joint application for permanent relocation of territorial boundaries.

DOCKET NO. 041408-EU
ORDER NO. PSC-05-0102-PCO-EU
ISSUED: January 25, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON
LISA POLAK EDGAR

ORDER APPROVING JOINT PETITION OF TAMPA ELECTRIC COMPANY
AND WITHLACOOCHEE RIVER ELECTRIC COOPERATIVE, INC.
FOR INTERIM APPROVAL OF CUSTOMER TRANSFERS

BY THE COMMISSION:

On December 17, 2004, Tampa Electric Company (TECO) and Withlacoochee River Electric Cooperative, Inc. (WREC) filed a joint petition for expedited interim approval of customer transfers pending Commission consideration of a joint application for permanent relocation of territorial boundaries (joint petition). The joint petition requests that TECO be permitted to provide interim electric service to those portions of the Belle Chase subdivision located in WREC's territory so that service can be provided to all of the Belle Chase lots in January, 2005. According to the joint petition, TECO and WREC intend to file a joint application for a comprehensive amendment to their existing territorial agreement as a subsequent filing.

The Belle Chase subdivision is currently under construction and is located in southern Pasco County on County Line Road. When completed, the subdivision will consist of 84 lots. Approximately 50 of the 84 lots contemplated in the development are located in WREC's service territory.

We have jurisdiction pursuant to Sections 366.04 and 366.05, Florida Statutes.

The existing Service Territory Agreement was approved by Order No. 23905, issued December 20, 1990, in Docket No. 900752-EU, In re: Amendment to Tampa Electric Company/Withlacoochee River Electric Cooperative, Inc. Territorial Agreement. Section 2.2 of the Service Territory Agreement, provides that:

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TECO and WREC recognize that in exceptional circumstances, economic constraints on either utility or good engineering practices may on occasion indicate that a Customer's end use temporarily cannot be served by the utility in whose service territory they are located. In such instances, upon written request by the utility in whose territory the end use facility is located, to the other utility, the other utility may tentatively agree in writing to provide service to such Customer's end use. Such agreements shall be submitted to the Florida Public Service Commission for approval in accordance with Article IV, Section 4.1 hereof.

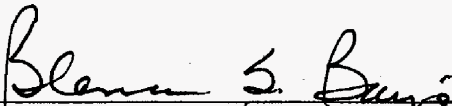
In order to comply with this provision of the Service Territory Agreement, TECO and WREC request Commission approval of interim electric service pending consideration of a subsequently filed joint application for modification of territorial boundaries. We approve the joint petition for the reasons discussed below. No uneconomic duplication of facilities is expected because TECO has neared completion of electric facilities in the proposed Belle Chase subdivision that would be adequate to provide service to the entire subdivision. WREC presently has no comparable electric facilities in place. Service by TECO is necessary to accommodate the developer's need to move forward quickly to make lots available to builders for construction. According to the joint petition, TECO and WREC intend to file a joint application for modification of territorial boundaries in January, 2005. Our staff will bring a recommendation to us for final action after the joint application for modification is filed. The order resulting from staff's recommendation on the final territorial boundary will be issued as Proposed Agency Action affording a point of entry for substantially affected persons.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that joint petition of Tampa Electric Company and Withlacoochee River Electric Cooperative, Inc. for expedited interim approval of customer transfers pending consideration of joint application for permanent relocation of territorial boundaries is approved. It is further

ORDERED that this docket shall remain open for consideration of the joint application for modification of territorial boundaries that will subsequently be submitted for Commission approval.

By ORDER of the Florida Public Service Commission this 25th day of January, 2005.



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

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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.

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.

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 25-22.0376, Florida Administrative Code; or (2) 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 the Commission Clerk and Administrative Services, 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.