

Dorothy Menasco

From: Michelle Hershel [mhershel@feca.com]
Sent: Thursday, June 09, 2011 3:23 PM
To: Filings@psc.state.fl.us
Cc: Bill Willingham
Subject: FW: FECA post hearing brief
Attachments: scan0002.pdf

Please find attached for filing the Florida Electric Cooperatives Association, Inc.'s Post-Hearing Brief in Docket No. 100304-EU.

Sincerely,

s/Michelle L. Hershel

Michelle Hershel
Director of Regulatory Affairs
Florida Electric Cooperatives Assoc.
2916 Apalachee Parkway
Tallahassee, FL 32301
(850)877-6166 ext.3
(850)656-5485 (fax)

The contents of this email and any attachments are confidential.
It is intended for the named recipients only.
If you have received this email in error please notify the system manager or the sender immediately and do not disclose the contents to any one or make copies.

6/9/2011

DOCUMENT NUMBER- DATE
03998 JUN-9 =
FPSC-COMMISSION CLERK



FECA

Florida Electric Cooperatives Association, Inc.

2916 Apalachee Parkway
Tallahassee, Florida 32301
(850) 877-6166
FAX: (850) 656-5485

June 9, 2011

Ms. Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Docket No. 100304-EU

Dear Ms. Cole:

Enclosed for filing for the Florida Electric Cooperatives Association, Inc. is an electronic version of its Post-Hearing Brief in the above-referenced docket.

Thank you for your assistance.

Sincerely,


William B. Willingham, Esq.

DOCUMENT NUMBER-DATE
03998 JUN-9 =
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Territorial Dispute Between)
Choctawhatchee Electric Cooperative, Inc.) Docket No. 100304-EU
and Gulf Power Company) Filed: June 9, 2011

POST-HEARING STATEMENT OF
FLORIDA ELECTRIC COOPERATIVES ASSOCIATION, INC.

Comes now, the Florida Electric Cooperatives Association, Inc. ("FECA"), through undersigned counsel, and pursuant to Order No. PSC-10-0615-PCO-EU, Order Establishing Procedure dated October 13, 2010, as subsequently amended, and the schedule directed at the conclusion of the hearing herewith, submits this posthearing statement. FECA has not addressed those issues which were stipulated and accepted at the hearing.

BASIC POSITION

This docket involves a territorial dispute between Choctawhatchee Electric Cooperative, Inc. ("CHELCO") and Gulf Power Company ("GPC") over service to an undeveloped tract which is proposed to become a development called Freedom Walk. FECA intervened in this proceeding primarily to address GPC's most recent allegation that the Commission can resolve territorial disputes involving electric cooperatives pursuant to Chapter 425 without any consideration of the factors that the Legislature has directed the Commission to consider when resolving territorial disputes in Sections 366.04(2) through 366.04(5), Florida Statutes, (the "Grid Bill"), and the Commission's Rule 25-6.0441, Florida Administrative Code. GPC

DOCUMENT NUMBER-DATE

03998 JUN-9 =

FPSC-COMMISSION CLERK

claims that electric cooperatives are prohibited from serving in cities with a population of more than 2,500, and that service to persons in non-rural areas may not exceed 10 percent of the cooperative's total membership. GPC's self-serving assertions related to Chapter 425 fly in the face of the legislative intent and the clear language of the Grid Bill and are inconsistent with the Commission's previous orders regarding territorial disputes and approving territorial agreements. Under GPC's illogical argument, new customers and developers in an area that can readily be served by an electric cooperative would not be able to take service from the cooperative if they want to develop land that has been annexed or is in a newly formed municipality. This would require a distant utility to bring in lines and uneconomically duplicate the cooperative's facilities, and create economic waste for the ratepayers of all utilities including GPC's ratepayers. GPC's disregard for the plight of its and CHELCO's ratepayers is evident, but GPC appears undeterred as long as it is allowed to compete for customers that it otherwise is prevented from serving pursuant to the Grid Bill. However, the Commission has responsibility for all of Florida's ratepayers and cannot ignore this inherent problem with GPC's argument.

Pursuant to the Grid Bill, the disputed area must be awarded to CHELCO. The Grid Bill is a comprehensive territorial scheme that is designed to prevent competition between utilities and reduce the price of electricity for all ratepayers

by preventing the further uneconomic duplication of facilities. The Grid Bill was enacted in 1974 to give the Commission exclusive jurisdiction to resolve territorial disputes between utilities¹ and “to assure . . . the avoidance of further uneconomic duplication of generation, transmission, and distribution facilities”² that was caused by competition in the electric utility industry. While the legislative history of the Grid Bill is sparse, Commission attorneys Richard Bellak and Martha Carter Brown’s law review article on this subject is illuminating. See Drawing the Lines: Statewide Territorial Boundaries for Public Utilities in Florida, Florida State University Law Review, 19 Fla. St. U.L. Rev. 407, Fall 1991. On page 414, the authors note that prior to 1974 the Commission did not have any jurisdiction over electric cooperatives or municipal utilities. The Grid Bill “resulted from a study of the energy problems of the State” that “concluded that a coordinated energy grid, to include investor-owned utilities, municipally-owned utilities, and rural electric cooperatives, would use energy more efficiently and would help control the dramatic rise in the cost of electricity.” Id. at 414. The authors believe that “[t]erritorial agreements displace competition among utility service providers with the goal of eliminating uneconomic duplication of utility facilities.” Id. at 411. The article notes that GPC “was opposed to the notion of a coordinated grid in Florida, because Gulf Power was already part of the Southern Company’s energy

¹ §366.04(2)(e), Fla. Stat.

² §366.04(5), Fla.Stat.

grid.” Id. at 415. While that argument may have been applicable to the generation and transmission portions of the grid, it ignored the Legislature’s desire for a coordinated distribution grid that is expressly set forth in Section 366.04(5). It is evident from the testimony that GPC is still “competing for” attractive loads in electric cooperative’s service areas. (Tr. 320, see also 215). It appears that GPC refuses to accept that the 37-year-old Grid Bill has been enacted. (Tr. 214).

The instant case is yet another example of GPC’s unwillingness to accept the Commission’s jurisdiction under the “Grid Bill” and another desperate³ attempt to interpret Chapter 425 in order to achieve its self-serving interest.⁴ In 1976, CHELCO and GPC came to the Commission with a dispute over what is now a development called Bluewater Bay. In re: Choctawhatchee Electric Cooperative v. Gulf Power, 1976 Fla. PUC Lexis 51 (Docket No. 74551-EU, Order No. 7516 at 4) November 19, 1976 (“Bluewater Bay”). In Bluewater Bay, GPC unsuccessfully moved to dismiss the dispute, arguing that the Grid Bill only gave the Commission jurisdiction to resolve territorial disputes that involved territorial agreements, and

³ In its Motion for Final Summary Order, GPC went so far as to compare Florida’s territory scheme to South Carolina’s, a state that has certified service territories, a very different enabling act for electric cooperatives, and that enabling act was amended in 2004 to specifically address municipal annexation. Any references to South Carolina’s laws are not relevant.

⁴ See, e.g., In re: Choctawhatchee Electric Cooperative v. Gulf Power, 1976 Fla. PUC Lexis 51 (Docket No. 74551-EU, Order No. 7516 at 4) November 19, 1976; In re: Petition of Gulf Power Company involving a territorial dispute with Gulf Coast Electric Cooperative, Inc., 84 F.P.S.C. 146 (Docket No. 830154-EU; Order No. 12858) January 10, 1984; In re: Territorial dispute between Gulf Power Company and Gulf Coast Electric Cooperative, Inc., 84 F.P.S.C. 121 (Docket No. 830484-EU; Order No. 13668) September 10, 1984; In re: Petition of Gulf Power Company involving complaint and territorial dispute with Alabama Electric Cooperative, Inc., 84 F.P.S.C. 103 (Docket No. 830428-EU, Order No. 13926) December 21, 1984.

that the Commission lacked authority to award a disputed area to one utility or another. In dismissing GPC's motion, the Commission stated

We believe that each of these arguments flies in the face of the clear language of the statute quoted above. To give credence to such contentions would defeat the purpose of the statutory provisions, which was to create an avenue by which disputes such as the one before us may be finally settled, and thereby avoid unnecessary and uneconomic duplication of facilities in a given area. We conclude that we do possess jurisdiction over the dispute, and that we are empowered by statute to determine which utility shall serve the controverted area, to the exclusion of the other. *Id* at 4.

In Bluewater Bay, GPC also claimed that Chapter 425 prevented CHELCO from serving the area because it was likely to become "urbanized." In dismissing GPC's argument the Commission stated

Section 425.02, Florida Statutes, authorizes rural electric cooperatives such as Chelco to supply electric energy to "rural areas." "Rural area" is defined in *Section 425.03, Florida Statutes*, as ". . . any area not included within the boundaries of any incorporated or unincorporated city, town, village, or borough having a population in excess of 2500 persons. . .". Gulf argues that, should the area in question ever lose the characteristics of a "rural area" as defined by statute, Chelco would have to abandon service to the area. We do not believe that such is the intent and meaning of the statutory provision. More importantly, any contention that the area might at some point be annexed or otherwise lose the characteristics of a "rural area" is speculative at best. We do not believe that *Section 425.02, Florida Statutes*, is an obstacle to service in the area by Chelco, where the criteria enumerated in *Section 366.04(2), Florida Statutes* and other relevant considerations indicate that such should be the result. *Id.* at 8-9.

The Commission recognized that it must abide by its directives in the Grid Bill.

In a subsequent dispute, GPC unsuccessfully argued that if it is able to serve an area, an electric cooperative is prohibited from doing so pursuant to Section 425.04(4). In re: Territorial dispute between Gulf Power Company and Gulf Coast Electric Cooperative, Inc., 84 F.P.S.C. 121 (Docket No. 830484-EU; Order No. 13668) September 10, 1984 (“Gulf Coast”). In Gulf Coast the Commission awarded the disputed area to Gulf Coast Electric Cooperative because it would have cost the cooperative either \$27,000 or \$61,000 to build facilities to serve the area, but GPC would have to spend \$200,480. *Id.* at 6-7. This time it was the second sentence in Section 425.04(4) that was at issue, which states that

However, no cooperative shall distribute or sell any electricity, or electric energy to any person residing within any town, city or area which person is receiving adequate central station service or who at the time of commencing such service, or offer to serve, by a cooperative, is receiving adequate central station service from any utility agency, privately or municipally owned individual partnership or corporation;

Gulf Power pled that Section 425.04(4) prohibits a cooperative from serving an area where central station service is merely available from an investor-owned utility. In dismissing GPC’s argument, the Commission stated

[t]hat is not what the statute says. In this case, although Gulf Power's service was available, the parties stipulated that neither utility had served the area in the past. A proper interpretation of Chapter 425, Florida Statutes, results in the conclusion that Gulf Coast is not prohibited from serving Leisure Lakes.

The Commission again determined that Chapter 425 was not a barrier to a cooperative serving the disputed area and looked to the Grid Bill to determine which utility should serve the area. Gulf Coast and Bluewater involved factual scenarios that clearly were going to result in an unfavorable decision for GPC if the Commission applied the Grid Bill. GPC surely realizes that under the facts of the instant case, it cannot prevail if the Grid bill is applied. Therefore, they are again asking the Commission to ignore the Grid Bill, which the Commission has consistently recognized it cannot do. It is time for GPC to accept the enactment of the Grid Bill so that all of the ratepayers in the panhandle can benefit from a coordinated grid and the resulting lower rates for GPC's and CHELCO's ratepayers. (See Tr. 203-204).

Due to both the creation of new municipalities, the expansion of municipalities through annexations, and population growth, it is not a surprise that some rural areas that electric cooperatives have served for decades are now in cities that have a population of 2,500 or more.⁵ Since the Rural Electric Cooperative Law was enacted in 1939, at least 166⁶ municipalities have

⁵ GPC witness Mr. Spangenberg stated "[it] is an accepted fact that CHELCO - and other rural electric cooperatives in Florida - currently provide electric service in some limited non-rural areas. (Tr. 332).

⁶ Alford, Atlantis, Aventura, Bal Harbour, Bascom, Bay Harbor Islands, Bay Lake, Bellair Beach, Bellair Bluffs, Bellair Shore, Beverly Beach, Bonita Springs, Bradenton Beach, Branford, Briny Breezes, Bristol, Bronson, Brooker, Callaway, Cape Canaveral, Cape Coral, Caryville, Casselberry, Century, Cinco Bayou, Cloud Lake, Coconut Creek, Cooper City, Coral Springs, Cutler Bay, Davie, Daytona Beach Shores, DeBary, Deltona, Doral, Ebro, Esto, Everglades City, Fanning Springs, Freeport, Ft. Myers Beach, Ft. Walton Beach, Glen Ridge, Glen St. Mary, Golf, Grand Ridge, Grant-Valkaria, Gulf Breeze,

incorporated in Florida, and numerous square miles have been annexed by municipalities. In most cases where a cooperative serves in a city with a population in excess of 2,500, it is pursuant to a Commission approved territorial agreement. The Commission has approved territorial agreements that require electric cooperatives to serve within the following cities, all of which had a population of more than 2,500 when the order was issued: Green Cove Springs, Gainesville, Alachua, Newberry, Mount Dora, Ocala and Leesburg.⁷ This list does

Hiaverhill, Hiialeah Gardens, Highland Beach, Hilliard, Holmes Beach, Horseshoe Beach, Hypoluxo, Indialantic, Indian Harbour Beach, Indian River Shores, Indian Rocks Beach, Indian Shores, Inglis, Islamorada, Jacob City, Jay, Juno Beach, Jupiter Inlet Colony, Jupiter Island, Kenneth City, Key Biscayne, Key Colony Beach, LaCrosse, Lake Buena Vista, Lake Clarke Shores, Lake Mary, Lauderdale Lakes, Lauderdale Hill, Laurel Hill, Layton, Lazy Lake, Lexhatchee Groves, Lighthouse Point, Longboat Key, Madeira Beach, Madison, Malafar, Mangonia Park, Marathon, Marco Island, Margate, Marineland, Mary Esther, Medley, Melbourne Village, Melbourne, Mexico Beach, Miami Gardens, Miami Lakes, Midway, Miramar, N. Palm Beach, N. Redington Beach, Noma, North Bay Village, North Lauderdale, North Point, Ocean Breeze Park, Orchid, Otter Creek, Palm Bay, Palm Beach Gardens, Palm Beach Shores, Palm Coast, Palm Shores, Palm Springs, Palmetto Bay, Panama City Beach, Parker, Parkland, Paxton, Pembroke Park, Pembroke Pines, Pinecrest, Plantation, Pompano Beach, Ponce DeLeon, Ponce Inlet, Port St. Lucie, Raiford, Redington Beach, Redington Shores, Royal Palm Beach, S. Palm Beach, S. Pasadena, S.W. Ranches, Sanibel, Satellite Beach, Sea Ranch Lakes, Seminole, Sewalls Point, Shalimar, Sopchoppy, South Bay, South Daytona, St. Augustine Beach, St. Lucie Village, St. Marks, St. Pete Beach, Sunny Isles Beach, Sunrise, Sweetwater, Tamarac, Tequesta, Treasure Island, Virginia Gardens, Wausau, Webster, Weeki Wachee, Wellington, West Melbourne, West Miami, West Park, Weston, Westville, Wewahhitchka, Wilton Manors, Winter Springs, Worthington Springs.

⁷ In Re: Joint Petition for approval of territorial agreement between Clay Electric Cooperative, Inc. and the City of Green Cove Springs, 92 F.P.S.C. 2:207, (Docket No. 911106-EU, Order No. 25707), February 11, 1992; In Re: Joint Petition of Clay Electric Cooperative, Inc., and Gainesville Regional Utilities/City of Gainesville for approval of territorial agreement in Alachua County, 02 F.P.S.C. 7:242, (Docket No. 020203-EU, Order No. PSC-02-0972-PAA-EU), July 17, 2002; In Re: Territorial Dispute Between Clay Electric Cooperative, Inc. and the City of Alachua, in Alachua County, Florida, 94 F.P.S.C. 7:171, (Docket No. 930655-EU, Order No. PSC-94-0861-AS-EU), July 8, 1994; In Re: Joint Petition of Clay Electric Cooperative, Inc. and City of Newberry, Florida for approval of territorial agreement, 91 F.P.S.C. 9:305, (Docket No. 910678-EU, Order No. 25080), September 18, 1991; In Re: Joint petition for approval of territorial agreement between Sumter Electric Cooperative, Inc. and City of Mount Dora, 96 F.P.S.C. 7:262, (Docket No. 960396-EU, Order No. PSC-96-0886-FOF-EU), July 9, 1996; In re: Joint petition for approval of territorial agreement between Sumter Electric Cooperative, Inc. and City of Ocala d/b/a Ocala Electric Utility, 03 FPSC 4:78 (Docket No.030117-EU; Order No. PSC-03-0477-PAA-EU), April 10, 2003; In Re: Joint Petition of City of Leesburg and Sumter Electric Cooperative, Inc. for

not include Marathon and Islamorada which were incorporated after the Commission's order was issued designating those areas within the Cooperative's exclusive service territory.⁸ Although it is very difficult to verify based upon the Commission's orders and the maps attached thereto, FECA believes the Commission also has approved territorial agreements that require electric cooperatives to serve inside the following cities with populations that exceed 2,500: Groveland, Mascotte, Minneola, Tavares, Bushnell, Inverness, Umatilla, Lady Lake, Wildwood, Belleview, Eustis, Clermont, Fruitland Park, Zephyrhills, Brooksville, New Port Richey and Crystal River.⁹

In some cases, the electric cooperative is the sole provider of electricity in the city, and there will not be an electric service provider if the local cooperative is prohibited from serving. Nevertheless, GPC has asked the Commission to determine that once a city's population reaches 2,500, or if ten percent of the cooperatives members are in non-rural areas, that new customers in a cooperative's

approval of Territorial Agreement, 91 FPSC 9:303, (Docket No. 910624-EM; Order No. 25079), September 18, 1991.

⁸ In Re: Joint Petition of Florida Keys Electric Cooperative Association, Inc., and the Utility Board of the City of Key West for approval of a territorial agreement, 91 F.P.S.C. 9:490, (Docket No. 910765-EU, Order No. 25127), September 27, 1991.

⁹ In re: Joint petition for approval of amended territorial agreement in Sumter, Lake, Marion, Citrus, and Levy Counties by Sumter Electric Cooperative, Inc. and Progress Energy Florida, Inc., 2009 Fla. PUC LEXIS 245, (Docket No. 080632-EU; Order No. PSC-09-0276-PAA-EU), April 29, 2009; In Re: Petition of Withlacoochee River Electric Cooperative, Inc. to modify territorial agreement or in the alternative to resolve territorial dispute with Progress Energy Florida, Inc. in Hernando County, 06 F.P.S.C. 3:402, (Docket No. 040133-EU, Order No. PSC-06-0202-PAA-EU), March 14, 2006; In Re: Joint Petition for approval of territorial agreement between Florida Power Corporation and Withlacoochee River Electric Cooperative, Inc., 91 F.P.S.C. 11:132, (Docket No. 910940-EU, Order No. 25309), November 7, 1991.

non-rural service area will have to turn to another provider. In making this argument, GPC acknowledges that the facilities of the closest alternative utility may be up to 25 miles away (Tr. 386). Obviously, this would require the distant utility to build facilities that duplicate the electric cooperative's facilities and could result in numerous electric cooperative facilities being underutilized or stranded. Not only would such a determination produce an uneconomic duplication of facilities, it also would conflict with the Commission's numerous orders approving territorial agreements that require electric cooperatives to serve customers within some cities that have a population in excess of 2,500. GPC witness Mr. Spangenberg acknowledged that this creates a "legal conundrum" that would have to be resolved. (Tr. 388). GPC's argument ignores a basic tenant of statutory construction that requires statutes to be interpreted to avoid a construction that would result in unreasonable or absurd consequences. See, e.g., State v. Atkinson, 831 So.2d 172, 174 (Fla. 2002). In this case, the "legal conundrum" would lead to economic waste for all utilities and ratepayers involved, and would require the Commission to violate the express legislative intent of Section 366.04(5).

Mr. Spangenberg attempts to persuade the Commission there will be no uneconomic duplication in this case by presenting a ludicrous theory that the Commission is only required to determine whether service to the disputed area makes economic sense for GPC, and that the costs to CHELCO and any

duplication are irrelevant. (Tr. 340). This theory is exactly the opposite of how the Commission has consistently interpreted Section 366.04(5), and completely ignores the very clear intent of the law. (Tr. 214). In support of his theory, Mr. Spangenberg cites Gulf Coast Electric Cooperative, Inc. v. Clark, 674 So.2d 120 (Fla. 1996), for the proposition that “de minimis” costs are acceptable. However, he fails to mention that the Court was very careful to point out that the decision to award the disputed area to the cooperative was based on “the unique factual circumstances of this case”¹⁰ and that “but for the actions of Gulf Coast, there would be no prison to serve.”¹¹ In that case the amount at issue was \$14,583. In the instant case, GPC would have to spend \$89,000 to get to where CHELCO’s facilities already are, and there are no unique facts in the instant case that justify the uneconomic duplication.

Mr Spangenberg also cites a case¹² that involved the Commission’s approval of a territorial agreement for the proposition that uneconomic duplication must be defined “in terms of the costs and benefits accruing solely to Gulf Power.” (Tr. 343). While the Commission did agree with “the evidence presented by Gulf Power” that all factors were substantially equal and customer preference should be

¹⁰ Id. at 122.

¹¹ Id. at 123.

¹² In Re: Petition to Resolve Territorial Dispute with Gulf Coast Electric Cooperative, Inc. by Gulf Power Company, Docket No. 930885-EU, Order No. PSC-98-0174-FOF-EU.

considered, there is nothing to support a finding that the Commission determined that it only considers GPC's costs and benefits when evaluating uneconomic duplication. In fact, immediately following this statement, the Commission said there will not be further uneconomic investment because "both utilities are already in place" and "the incremental cost for either utility to serve additional customers is negligible."¹³ Clearly the Commission was not worried about GPC and its stockholders, but instead was worried about the ratepayers of both utilities.

If the Commission follows the directives that are mandated by the Grid Bill, the disputed area must be awarded to CHELCO. The area at issue is heavily wooded, undeveloped and surrounded by undeveloped or minimally developed property. In the words of GPC witness Mr. Spangenberg, "what is there now is a bunch of trees and dirt roads." (Ex. CSE-1 at 74). The area is not urbanized and is not in direct proximity to any urban areas. CHELCO has a line extending into the Freedom Walk property, a single-phase line on one side of the property and a three phase line along the northern boundary of the disputed area. CHELCO is capable of providing adequate and reliable service now and at full build out of the development. CHELCO has provided service in this general area for nearly 60 years and currently serves members within the platted boundary of the development. In contrast, GPC has never provided service to the property. GPC's

¹³ Id. at 6-7.

cost to provide service to the area would be \$89,000 more than CHELCO's cost, and obviously would result in an uneconomic duplication of CHELCO's facilities. The Grid Bill requires the Commission to award the disputed area to CHELCO.

ISSUES AND POSITIONS

ISSUE 1: What are the boundaries of the area that is the subject of this territorial dispute known as Freedom Walk Development?

SUMMARY OF FECA'S POSITION: *The boundaries of the disputed area are Old Bethel Road on the north, Normandy Road on the west, Jones Road on the east and a metes and bounds description on the south. The area is the development plat shown in the exhibits attached to CHELCO's petition.*

DISCUSSION: None.

ISSUE 2(a): Does the Commission have jurisdiction to enforce or apply provisions of Chapter 425, Florida Statutes, in the context of the instant territorial dispute?

SUMMARY OF FECA'S POSITION: *No. The Legislature has not granted the Commission authority to enforce Chapter 425. However, the Commission may consider many factors when resolving disputes, possibly including Chapter 425, but its decision must be pursuant to the Grid Bill.*

DISCUSSION: The Commission's jurisdiction to resolve territorial disputes was created by the Grid Bill. The Grid Bill gave the Commission limited jurisdiction

over electric cooperatives and municipals for the first time¹⁴, and gave the Commission comprehensive jurisdiction over electric cooperatives and all of the other utilities for territorial and grid issues. The Commission is expressly required to resolve territorial disputes pursuant to Section 366.04(2)(e), Florida Statutes, and to assure the avoidance of further uneconomic duplication of facilities pursuant to Section 366.04(5), Florida Statutes. Section 366.04(2)(e) lists several factors the Commission may consider when resolving disputes, and allows other factors to be considered. However, Chapter 366 does not include any references to Chapter 425. The Commission's "powers, duties and authority are those and only those that are conferred expressly or impliedly by statute of the State." City of Cape Coral v. GAC Utilities, Inc., 281 So. 2d 493 at 496 (Fla. 1973). In the instant case the Commission has not been given any authority to enforce Chapter 425.

Section 366.04(2)(e) lists several factors that the Commission must consider when resolving territorial disputes, but it also states that the Commission is not limited to those factors. In the past, the Commission has looked to Chapter 425 to determine whether an area is rural in nature for resolving a dispute between a cooperative and another utility. However, the Commission has always recognized that it must resolve the dispute pursuant to Chapter 366. The Commission has no powers to enforce Chapter 425, but has discretion to consider Chapter 425 and

¹⁴ §366.011, Fla.Stat.

other factors when resolving disputes, and it cannot resolve a dispute in such a way that it conflicts with any portion of the Grid Bill.

ISSUE 2(b): If the Commission determines that it has jurisdiction to enforce or apply provisions of Chapter 425, Florida Statutes, is the Freedom Walk Development a “rural area” as defined in Section 425.03(1), Florida Statutes?

SUMMARY OF FECA’S POSITION: *The disputed area is rural in nature even though a significant portion has been annexed by Crestview. The portion of the disputed area that has not been annexed is a “rural area”, but the annexed area does not meet the definition of “rural area” in Section 425.03(1).*

DISCUSSION: The Commission is required to determine “the nature of the area involved” when it resolves a territorial dispute. As set forth above, the disputed property is rural in nature as “what is there now is a bunch of trees and dirt roads.” (Ex. CSE-1 at 74). The mere fact of whether property has been annexed into a city is not determinative of whether it is rural in nature. Section 366.04(2)(e) utilizes the phrase “nature of the area involved”, which includes a review of the “population, the degree of urbanization of the area, its proximity to other urban areas, and the present and reasonably foreseeable future requirements of the area for other utility services.” It is noteworthy that the Legislature used the phrases “nature of the area” and “urbanization of the area” instead of using the term “rural area” that is in Section 425.03(1). It also is noteworthy that the Grid Bill does not establish a bright line rule regarding cooperatives serving within the corporate

limits of a municipality. Clearly “nature of the area involved” and “rural area” are unique terms with different meanings and they should not be randomly substituted for each other in territorial disputes. While portions of the disputed area are not in a rural area as defined by Section 425.03(1), it is not significant in the instant case and the Commission cannot resolve this matter in a way that is inconsistent with the Grid Bill.

ISSUE 2(c): If the Commission determines that it has jurisdiction to enforce or apply provisions of Chapter 425, Florida Statutes, and if the Freedom Walk Development is not found to be “rural” in nature, is CHELCO prohibited from serving the Freedom Walk Development by virtue of Section 425.02 or 425.04, Florida Statutes?

SUMMARY OF FECA’S POSITION: *No. Chapter 425 does not bar cooperatives from serving in non-rural areas. The Commission must resolve this territorial dispute in a manner that is consistent with the Grid Bill. Arguably, the Grid Bill is comprehensive territorial legislation which repealed by implication any territorial provisions in Chapter 425.*

DISCUSSION: Chapter 425 does not bar electric cooperatives from serving in non-rural areas. (Tr. 208). FECA asserts that Section 425.04 does not impose the ten percent limit that GPC refers to (Tr. 332), but even if it did, the percentage of CHELCO’s members that are in non-rural areas is much less than ten percent. (Tr. 83). GPC relies on Alabama Electric Cooperative, Inc. v. First National Bank of Akron, Ohio, 684 F 2d 789 (11th Cir. 1982), for its ten percent

test. AEC is an eminent domain case that did not even mention Chapter 366. The Commission cannot ignore the Grid Bill. AEC is noteworthy though because that court held Section 425.04(4) “does permit service to some non-rural areas.” Id. at 792. In holding that the statute allowed the cooperative to serve four municipalities,¹⁵ the court only determined what the statute allows, and did not determine what the statute prohibits.

The Commission has historically considered Chapter 425 in the territorial disputes where the issue has been raised, but has always relied on the Grid Bill to resolve the dispute. The Grid Bill was enacted in 1974 to give the Commission exclusive jurisdiction to resolve territorial disputes between utilities and to end the disputes with municipal electric utilities that attempted to utilize annexation to expand their service territories. §366.04(2), Fla. Stat. While the legislative history is somewhat sparse, it is clear that the Legislature wanted a coordinated grid and wanted to avoid further uneconomic duplication of facilities. §366.04(5), Fla. Stat.

In the instant case GPC’s arguments and the Grid Bill cannot be reconciled without creating an absurd result that undermines Section 366.04(5). To interpret Sections 425.03(1) and 425.04(4) as prohibiting cooperatives from serving in municipalities would hinder the ability of electric cooperatives to plan and forecast the future needs of their consumer-owners; impact the economic viability of

¹⁵ Id.

Florida's electric cooperatives; thwart the obligation of electric cooperatives to serve existing and future members situated in a city or in areas that may be annexed in the future; and would require other utilities to serve existing and prospective cooperative members by uneconomically duplicating the cooperative's facilities. Even GPC witness Mr. Spangenberg admits that this creates a "legal conundrum" that would have to be resolved. (Tr. 388).

When GPC made its assertions regarding Chapter 425 to the Commission in this proceeding, it was aware that "CHELCO - and other rural electric cooperatives in Florida -currently provide electric service in some limited non-rural areas" and that "those limited areas were rural in nature at the time service was initially commenced." (Tr. 332). Mr. Spangenberg even explained that "[a]reas can change in character over time and those that do typically change from rural to urban." (Tr. 332). On this we agree. Section 425.03(1) has not been amended since 1939 and at least 166 cities have been incorporated since then.

The City of Freeport provides an example of the "legal conundrum" that would be created by GPC's warped interpretation of Chapter 425 as it relates to the Grid Bill. Freeport is served exclusively by CHELCO and GPC's closest facilities are somewhere between 8 and 25 miles away. (Tr. 386). GPC witness Mr. Spangenberg testified that Freeport is not a rural area under Section 425.03 (Tr. 384), and that CHELCO would be prohibited from serving a new development like

Freedom Walk if it were to be built in Freeport, even though no one else could readily provide service. (Tr. 387). Clearly those new customers could not be served by another utility unless CHELCO's facilities that already are in place to serve the new development are duplicated.

This same situation will arise in other cities as municipals continue to annex, new cities are formed, and populations increase. There are several places in Florida like the disputed area that were rural when the cooperative began serving, but the area subsequently was annexed into a municipality or a new municipality was created. In some cases, such as Islamorada and Marathon which were incorporated in 1997 and 1999 respectively, the municipalities were formed more than 50 years after the Florida Keys Cooperatives Association, Inc., began serving the area, and several years after the Commission approved the territorial agreement that awarded the exclusive right to serve that area to the Cooperative.¹⁶ Since the Cooperative served a total of 31,119¹⁷ customers in 2009, and the populations of Islamorada and Marathon were estimated by the U. S. Census Bureau to be 6,435 and 9,680 respectively and 16,115 combined in 2009¹⁸, prospective members of the Cooperative would have a big problem obtaining electric service under GPC's

¹⁶ In Re: Joint Petition of Florida Keys Electric Cooperative Association, Inc., and the Utility Board of the City of Key West for approval of a territorial agreement, 91 F.P.S.C. 9:490, (Docket No. 910765-EU, Order No. 25127), September 27, 1991.

¹⁷ See page 42 of the Florida Public Service Commission 2009 Statistics of the Florida Electric Utility Industry, published September 2010 and Attachment "A" hereto.

¹⁸ Attachment "B", U.S. Census Bureau data for Islamorada and Marathon.

flawed theory. Pursuant to the Commission approved territorial agreement between the Cooperative and the Keys Energy Services (formerly the Utility Board of the City of Key West), Keys Energy Services is prohibited from serving customers in Marathon and Islamorada. The only other options are Florida Power & Light and Homestead, both of which are so far away that even if they were willing to provide service they would have to uneconomically duplicate the Cooperative's facilities. Ironically, GPC wants the Commission to find that the very entities that were created to provide electricity where GPC and others once refused to serve, are now prohibited from serving Floridians that have no other choice of electric provider. If GPC were to prevail on this issue, the results would be catastrophic for many of Florida's electric cooperatives, their members, and prospective members. The uneconomic duplication of facilities by other utilities would have to be paid for by the ratepayers of those utilities, which is exactly what the Grid Bill was intended to prevent.

FECA asserts that any alleged territorial provisions in Chapter 425 were repealed by implication with the enactment of the Grid Bill. In Alvarez v. Board of Trustees of the City Pension Fund for Firefighters and Police Officers in the City of Tampa, 580 So.2d 151, 153 (Fla. 1991), the Court impliedly repealed a statute that conflicted with a more recent statute. The Court explained that

a general law may be impliedly repealed in part or in whole by a subsequently enacted general law, where it appears that there is an

irreconcilable conflict between the two or that the later enactment was clearly intended to prescribe the only rule that should govern the area to which it is applicable or that the later act revises the subject matter of the former.

GPC admits that the conflict between any alleged territorial provisions in Chapter 425 and the Grid Bill create a “legal conundrum” (Tr. 388). If electric cooperatives are precluded from serving a new customer that is situated within a municipal’s limits, it would upend the cooperatives’ ability to plan for future growth, could cause large areas of Florida to have uneconomic duplication of facilities and stranded facilities, and more importantly could prevent some areas from having any electric provider. Although repeal by implication is not favored by the courts, FECA believes GPC’s assertions regarding Chapter 425 would create an irreconcilable conflict and the only resolution is that any alleged territorial provisions in Chapter 425 were repealed by the Grid Bill.

As set forth above, FECA also asserts the Grid Bill was intended to be a comprehensive territorial bill, making it the only rule that should govern electric utility service areas. Moreover, the Commission appears to have determined that the Grid Bill trumps Sections 425.02 and 425.04(4) for purposes of resolving territorial disputes. In re: Choctawhatchee Electric Cooperative v. Gulf Power Company, 1976 Fla. PUC Lexis 51 (Docket No. 74551-EU, Order No. 7516) November 19, 1976. In Bluewater Bay, the Commission rejected GPC’s argument that CHELCO will have to abandon service to the disputed area if the area ever

loses its rural character. The Commission stated that Section 425.02 is not “an obstacle to service in the area by CHELCO, where the criteria enumerated in Section 366.04(2), Florida Statutes, and other relevant considerations indicate that such should be the result.” Id. at 8-9. Repeal by implication also would be consistent with the Commission’s numerous orders that award exclusive service territories to electric cooperatives within cities that do not fit within the definition of “rural” under Chapter 425.

If CHELCO is prohibited from serving the Freedom Walk Development by virtue of Section 425.02 or 425.04, the Commission would not be able to coordinate the grid. Municipalities, not the Commission, would be the ultimate decision maker as to where an electric cooperative can serve, and where another utility must serve regardless of the costs involved. The simple act of annexation would be enough to prevent an electric cooperative from serving a new member, and possibly existing members, even if the electric cooperative has historically served the area, has facilities in place to serve the prospective customer, and the customer prefers the electric cooperative over another utility. The Commission must resolve territorial disputes based on the criteria in the Grid Bill, and surely the Legislature did not intend to give municipalities powers that are superior to the Commission’s in this area.

ISSUE 3: What is the nature of the Freedom Walk Development with respect to its population, the type of utilities seeking to serve it, degree of urbanization,

proximity to other urban areas, and the present and reasonable foreseeable future requirements of the area for other utility services?

SUMMARY OF FECA'S POSITION: *The nature of the property in dispute is rural, with very low population, and the only utilities with facilities on or adjacent to the property are CHELCO and the rural Auburn Water System Inc.*

DISCUSSION: The area which will be developed by Freedom Walk is currently heavily wooded with no paved roads. In the words of GPC witness Mr. Spangenberg "what is there now is a bunch of trees and dirt roads." (Ex. CSE-1 at 74). When CHELCO first served the property in 1967 it was rural by anyone's definition, and annexation of the property has not changed its rural nature. It is still just a bunch of trees and dirt roads.

CHELCO has historically served the area that includes the proposed Freedom Walk Development. The first meter was set in the disputed area in 1965 and service was provided to a home in the interior of the property in 1967. (Tr. 61). CHELCO had a single-phase line along Old Bethel Road (north boundary of the development) in 1946 and a single-phase line along Normandy Road on the west by 1967. (Tr. 61). The single phase service along Old Bethel was upgraded to three-phase service sometime before 1983. (Tr. 61-62).

CHELCO is the only electric utility that has historically served the area. Even though it is not specifically listed in the Grid Bill or the Commission's Rule 6-25.0441, whether either utility has historically provided the type of service in the

disputed area that the customer requires is something the Commission almost always looks at in territorial disputes. An evaluation of historical service territory is a natural starting point to evaluate the factors set forth in the Grid Bill and the Rule. As explained by the Supreme Court in West Florida Electric Cooperative Association, Inc., v. Jacobs, 887 So. 2d 1200 (Fla. 2004), “[t]he historical presence of one utility in an area thus may be relevant in determining whether uneconomic duplication would result from an award of service to another.” GPC witness Mr. Spangenberg attempts to minimize the importance of CHELCO’s historic service in the disputed area with his statement that the historical presence “has been given little consideration in the resolution of territorial disputes.” (Tr. 359). The only case he cites for this proposition involved 230KV service to a new compressor station, where neither utility had 230KV facilities within 6 miles of the disputed area¹⁹, and which happens to be the same decision the Supreme Court was reviewing in the above-cited West Florida case.

Obviously, if neither utility has historically provided the type of service in the disputed area that the customer requires, there is no historic service to consider and there is no reason for the Commission to make it a factor in the case. However, in situations like the instant case where CHELCO has been serving the

¹⁹ In re: Petition to resolve territorial dispute with Gulf Power Company in Washington County by of West Florida Electric Cooperative Association, Inc., 01 F.P.S.C. 12:426, (Docket No. 010441-EU, Order No. PSC-01-2499-FOF-EU) December 21, 2001.

area for 60 years and can serve the customer with its existing facilities, and GPC has neglected the area, the Commission has always considered historic presence.²⁰

ISSUE 4: What is the existing and planned load to be served in the Freedom Walk Development?

SUMMARY OF FECA'S POSITION: *The existing load to members residing on the property of the proposed Freedom Walk Development is approximately 53KW and the planned load is approximately 4700 KW.*

DISCUSSION: None.

ISSUE 5(a): What are the necessary facilities and associated costs for CHELCO to extend adequate and reliable service to the Freedom Walk Development?

SUMMARY OF FECA'S POSITION: *CHELCO has lines and facilities in place at the property now that can be used to provide adequate and reliable service to the disputed area. CHELCO is able to serve the projected load of 4700kW without any additions, except those that were already planned for 2014.*

DISCUSSION: CHELCO's existing facilities are adequate to serve the disputed area for the immediate future, and the Construction Work Plan (CWP) that is scheduled for 2014 includes an upgrade project for the facilities that serve the

²⁰See, e.g., In re: Petition of West Florida Electric Cooperative, Inc. to resolve a territorial dispute with Gulf Power Company in Holmes County, 88 F.P.S.C. 280, (Docket No. 870944-FU, Order No. 19044, March 25, 1988); In re: Petition of Peace River Electric cooperative, Inc. against Florida Power and Light Company for resolution of a Territorial Dispute, 85 F.P.S.C. 120, (Docket No. 840293-EU, Order No. 15210), October 8, 1985; In re: Petition of Suwannee Valley Electric Cooperative, Inc. for Settlement of a Territorial Dispute with Florida Power Corporation, 83 F.P.S.C. 90 (Docket No. 830271-EU, Order No. 12324, August 4, 1983); In re: Choctawhatchee Electric Cooperative v. Gulf Power Company, Order No. 7516 (November 19, 1976).

disputed area. (Tr. 128). CHELCO is prepared to accelerate the completion of the CWP if necessary to accommodate Freedom Walk, but does not believe this will be necessary.

ISSUE 5(b): What are the necessary facilities and associated costs for Gulf to extend adequate and reliable service to the Freedom Walk Development?

SUMMARY OF FECA'S POSITION: *GPC has no presence at or on the area of the proposed Freedom Walk development.*

DISCUSSION: At a minimum, GPC would have to extend their existing lines 2130 feet at a cost of at least \$89,000.

ISSUE 5(c): What are the necessary facilities and associated costs for CHELCO to provide adequate and reliable service within the Freedom Walk Development?

SUMMARY OF FECA'S POSITION: *This issue has been stipulated.*

DISCUSSION: None.

ISSUE 5(d): What are the necessary facilities and associated costs for Gulf to provide adequate and reliable service within the Freedom Walk Development?

SUMMARY OF FECA'S POSITION: *This issue has been stipulated.*

DISCUSSION: None.

ISSUE 6: Will the provision of service to the Freedom Walk Development by CHELCO or Gulf result in uneconomic duplication of any existing facilities?

SUMMARY OF FECA'S POSITION: *Yes. Any extension of service to the Freedom Walk development by GPC would constitute an uneconomic duplication of CHELCO's existing facilities.*

DISCUSSION: CHELCO has existing single and three phase lines on and around the Freedom Walk development, and has provided service to members on and adjacent to the property for 60 years. GPC would have to extend and upgrade its existing lines at a cost of \$89,000 to duplicate CHELCO's facilities. CHELCO made the prudent business decision to invest in infrastructure to serve current and future members in this area. GPC has never provided service to any portion of the Freedom Walk property.

ISSUE 7: Is each utility capable of providing adequate and reliable service to the Freedom Walk Development?

SUMMARY OF FECA'S POSITION: *CHELCO is currently capable of providing adequate and reliable electric service to the disputed area. GPC is not.*

DISCUSSION: Though both utilities have the means to capably provide adequate and reliable electric service to Freedom Walk, only CHELCO can provide this service with existing facilities.

ISSUE 8: What utility does the customer prefer to serve the Freedom Walk Development?

SUMMARY OF FECA'S POSITION: *This issue is moot since customer preference is considered by the Commission only when all other items of consideration are equal and, in this case, the facts heavily favor CHELCO.*

DISCUSSION: None.

ISSUE 9: Which utility should be awarded the right to serve the Freedom Walk Development?

SUMMARY OF FECA'S POSITION: *CHELCO.*

DISCUSSION: CHELCO has provided service in this general area for nearly 60 years and currently serves members within the platted boundary of the development. In contrast, GPC has never provided service to the property. GPC's costs to provide service to the area would be \$89,000 more than CHELCO's cost, and would result in an uneconomic duplication of CHELCO's facilities. The area at issue is heavily wooded, undeveloped and surrounded by undeveloped or minimally developed property. The area is not urbanized and is not in direct proximity to other urban areas. CHELCO has a line extending into the Freedom Walk property, a single-phase line on one side of the property and a three phase line along the northern boundary of the disputed area. CHELCO is capable of providing adequate and reliable service now and at full build out of the development. Therefore, the disputed area must be awarded to CHELCO.

CONCLUSION

Pursuant to the Grid Bill the Commission must award the Freedom Walk Development to CHELCO. CHELCO has existing lines in and around the property, is capable of providing adequate and reliable service to the disputed area, and has served members in the area for over 60 years. Any extension of service to the Freedom Walk development by GPC would constitute an uneconomic duplication existing facilities in violation of Section 366.04(5).

Dated this 9th day of June, 2011.

Respectfully submitted,



William B. Willingham, Esquire

Florida Bar No. 0879045

Michelle Hershel, Esquire

Florida Bar No. 0832588

Florida Electric Cooperatives Association, Inc.

2916 Apalachee Parkway

Tallahassee, FL 32301

(850) 877-6166

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Electronic Mail and/or U.S. Mail this 14 day of June, 2011.

Ralph Jaeger, Esq.
Mary Ann Helton, Esq.
Office of the General Counsel
Florida Public Service Commission
rjaeger@psc.state.fl.us

Ms. Leigh V. Grantham
CHELCO
P.O. Box 512
DeFuniak Springs, FL 32435-0512
wthompson@chelco.com

Ms. Susan D. Ritenour
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780

Steven R. Griffin, Esq.
Russell Badder, Esq.
Jeffery Stone, Esq.
Beggs and Lane
P.O. Box 12950
Pensacola, FL 32591-2950

Norman H. Horton, Esq.
Gary Early, Esq.
Messer Law Firm
P.O. Box 15579
Tallahassee, FL 32317
nhorton@lawfla.com

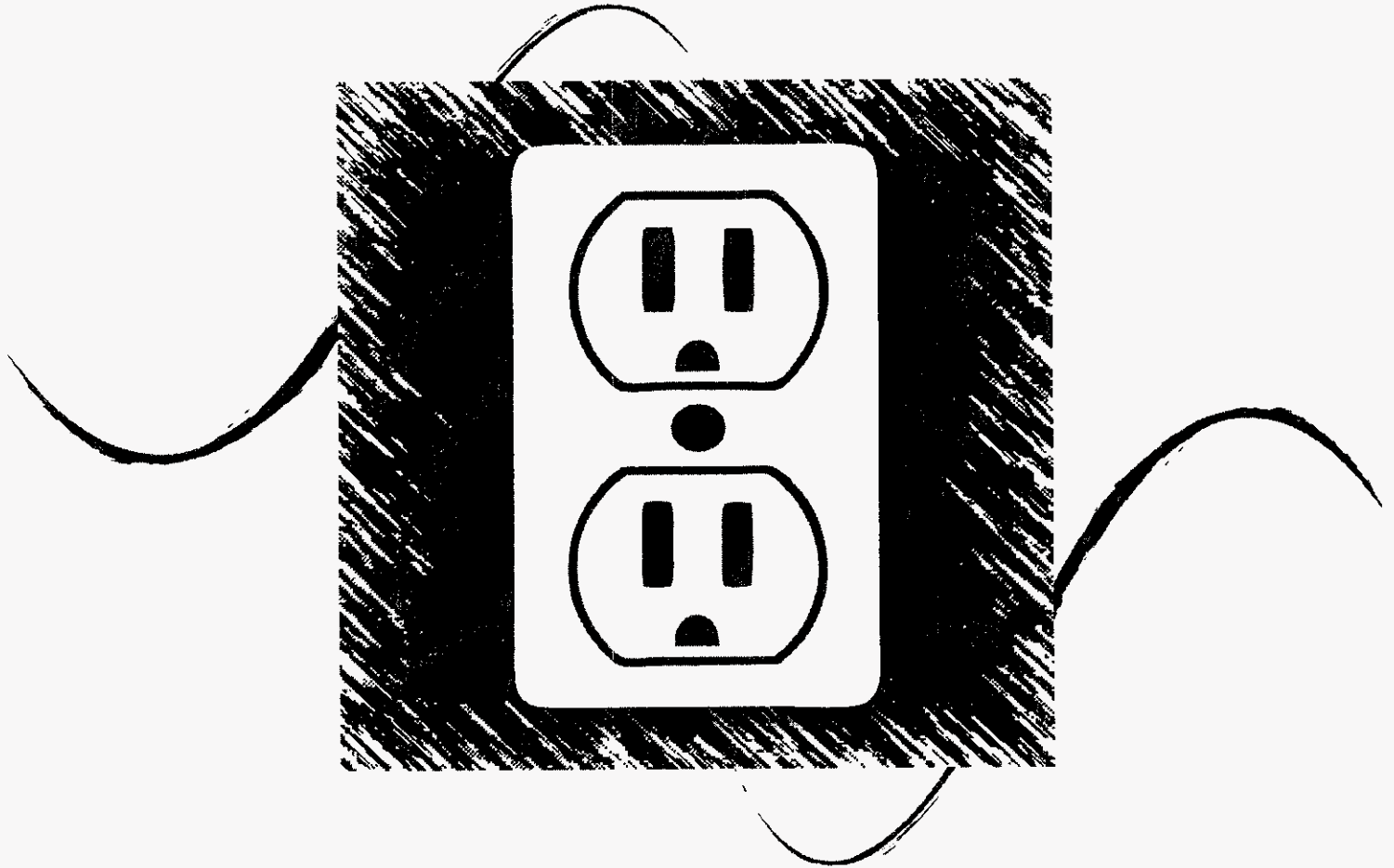


William B. Willingham, Esquire

Attachment "A"

Excerpt from the Florida Public Service Commission
2009 Statistics of the Florida Electric Utility Industry

FLORIDA
PUBLIC SERVICE COMMISSION



2009

STATISTICS OF THE

FLORIDA ELECTRIC
UTILITY INDUSTRY

Published September 2010

Table 34
Average Number of Customers by Utility
2005-2009

Utility	2005	2006	2007	2008	2009
Florida Power & Light	4,054,135	4,321,767	4,496,438	4,509,696	4,499,115
Florida Public Utilities	26,796	27,546	28,310	28,518	28,355
Gulf Power Company	389,809	404,087	425,793	429,302	428,206
Progress Energy Florida	1,510,493	1,583,391	1,632,347	1,638,911	1,630,172
Tampa Electric Company	590,199	635,747	666,354	667,266	666,747
Alachua	3,150	3,525	4,077	4,164	4,188
Bartow	11,714	11,563	11,690	11,632	11,733
Blountstown	1,330	1,314	1,353	1,355	1,670
Bushnell	0	1,044	1,081	1,081	1,100
Central Florida	30,146	31,702	32,731	32,905	32,920
Chattahoochee	1,299	1,284	1,268	1,254	1,246
Choctawhatchee	35,627	38,894	42,326	42,656	42,572
Clay	146,531	155,591	164,619	165,425	165,720
Clewiston	4,124	4,164	4,186	4,160	4,147
Escambia River	9,454	9,581	9,878	9,923	10,014
Florida Keys	30,890	30,968	31,126	31,177	31,119
Fort Meade	NR	2,696	2,789	2,787	2,769
Fort Pierce	25,646	25,841	27,279	28,632	28,306
Gainesville	86,400	90,660	90,939	95,975	93,045
Glades	15,763	15,715	196,198	NR	16,136
Green Cove Springs	3,379	3,545	3,778	NR	3,801
Gulf Coast	18,427	19,530	20,424	20,608	20,389
Havana	1,295	1,349	1,378	NR	1,351
Homestead	16,576	18,094	21,078	21,286	20,911
JEA	378,921	402,438	420,550	424,012	403,543
Jacksonville Beach	31,474	31,942	33,032	33,132	33,331
Key West	NR	29,223	29,558	29,444	29,601
Kissimmee	51,183	56,028	60,997	62,227	61,899
Lake Worth	24,965	26,823	25,766	25,396	24,983
Lakeland	114,334	118,262	122,464	122,353	121,832
Lee County	160,902	177,634	196,633	NR	NR
Leesburg	19,731	20,659	21,086	NR	NR
Moore Haven	1,014	977	984	NR	957
Mount Dora	6,763	5,855	5,366	5,420	5,732
New Smyrna Beach	22,284	22,935	24,621	24,867	24,446
Newberry	0	0	1,478	1,478	1,485
Ocala	47,180	49,884	52,282	NR	48,234
Okfeenoke*	8,744	9,318	9,849	9,959	9,980
Orlando Utilities**	188,056	201,461	215,110	217,804	217,508
Peace River	27,401	29,973	32,906	32,837	32,785
Quincy	0	4,761	4,923	NR	NR
Reedy Creek	1,208	1,231	1,265	1,251	1,286
Starke	2,600	2,725	2,777	2,787	2,753
Sumter	123,129	142,357	161,649	165,772	168,080
Suwannee Valley	21,900	23,047	24,282	24,595	24,703
Tallahassee	93,809	107,780	112,152	NR	NR
Talquin	50,696	52,178	53,468	NR	52,358
Tri-County	16,340	17,018	17,751	NR	17,608
Vero Beach	32,354	32,688	33,548	33,392	33,445
Wauchula	0	2,625	2,695	2,709	2,686
West Florida	24,684	26,967	27,697	28,044	27,939
Williston	1,304	1,410	1,532	1,528	1,501
Winter Park	0	13,750	13,872	13,856	13,825
Withlacoochee	173,589	186,112	199,928	200,361	199,658
Respondent Total***	8,663,582	9,238,943	9,827,659	9,211,937	9,307,891
FRCC State Total	8,528,117	8,980,184	9,383,196	9,417,985	9,399,539

NR=Not Reported

*Okfeenoke sells power in Florida and Georgia; These figures reflect Florida customers only.

**St. Cloud data is included as part of Orlando.

***Respondent total includes sales to other public authorities. Therefore, respondent totals are not comparable to FRCC totals.

Attachment "B"

U.S. Census Bureau Data

Islamorada and Marathon



POPULATION FINDER

United States | Florida | Marathon city

Marathon city, Florida

Marathon city, Florida is 9,680.

The 2009 population estimate for

city/ town, county, or zip

marathon

state

Florida



GO

search by address »

Note: Information about challenges to population estimates data can be found on the Population Estimates Challenges page.

View population trends...

	2009	2000
Population	9,680	10,255

Source: U.S. Census Bureau, 2009 Population Estimates, Census 2000

View more results...

Population for all cities and towns in Florida, 2000-2009:

alphabetic | ranked

Map of Persons per Square Mile, City/Town by Census Tract:

2000

See more data for Marathon city, Florida on the Fact Sheet.

The letters PDF or symbol  indicate a document is in the Portable Document Format (PDF). To view the file you will need the Adobe® Acrobat® Reader, which is available for free from the Adobe web site.



POPULATION FINDER

United States | Florida | Islamorada, Village of Islands village

Islamorada, Village of Islands village, Florida

Florida is 6,435.

The 2009 population estimate for Islamorada, Village of Islands village,

city/ town, county, or zip

Islamorada

state

Florida

GO

search by address »

Note: Information about challenges to population estimates data can be found on the Population Estimates Challenges page.

View population trends...

	2009	2000
Population	6,435	6,846

Source: U.S. Census Bureau, 2009 Population Estimates, Census 2000

View more results...

Population for all cities and towns in Florida, 2000-2009:

alphabetic | ranked

Map of Persons per Square Mile, City/Town by Census Tract:

2000

See more data for Islamorada, Village of Islands village, Florida on the Fact Sheet.

The letters PDF or symbol  indicate a document is in the Portable Document Format (PDF). To view the file you will need the Adobe® Acrobat® Reader, which is available for free from the Adobe web site.