AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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

March 18, 2014

HAND DELIVERED

Ms. Carlotta S. Stauffer Commission Clerk Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

Re:

Joint Petition of Tampa Electric Company and City of Lakeland

For Approval of Second Amendment to Territorial Agreement

Dear Ms. Stauffer:

Enclosed for filing in the above docket are the original and fifteen (15) copies of a Joint Petition of Tampa Electric Company and City of Lakeland 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

JDB/pp **E**nclosure

ECO

ENG

GCL

IDM TEL CLK Paula K. Brown (w/enc.) Timothy J. McCausland (w/enc.) Roger Lewis (w/enc.)

FILED MAR 18, 2014 **DOCUMENT NO. 01207-14 FPSC - COMMISSION CLERK**

DOCKET NO. 140054-EU

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of Tampa Electric)	
Company and City of Lakeland for)	DOCKET NO
Approval of Second Amendment to)	
Territorial Agreement.)	FILED: March 18, 2014
)	

JOINT PETITION OF TAMPA ELECTRIC COMPANY AND CITY OF LAKELAND

Tampa Electric Company ("Tampa Electric" or "the company") and the City of Lakeland ("Lakeland"), pursuant to Section 366.04(2)(d), Florida Statutes, and Rules 25-6.0440 and 28-106.301, Florida Administrative Code, hereby jointly petition the Commission for approval of Second Amendment to Territorial Agreement and, as grounds therefore, say:

- 1. Tampa Electric is a Florida corporation which is a wholly-owned subsidiary of TECO Energy, Inc. with its headquarters located at 702 North Franklin Street, Tampa, Florida 33601. Tampa Electric is an investor-owned electric utility operating under the jurisdiction of the Florida Public Service Commission ("the Commission"), pursuant to the provisions of Chapter 366, Florida Statutes. Tampa Electric provides generation, transmission and distribution service to approximately 684,000 retail customers in Hillsborough and portions of Polk, Pasco and Pinellas Counties in Florida. The City of Lakeland is a Florida municipal corporation that provides retail electric service to approximately 120,000 customers in and around the City of Lakeland, Florida. Tampa Electric and Lakeland are collectively referred to herein as "the Parties."
- 2. Copies of all notices and pleadings with respect to this Petition should be furnished to:

Tampa Electric Company
James D. Beasley
J. Jeffry Wahlen
Ashley M. Daniels
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302

City of Lakeland
Timothy J. McCausland, City Attorney
City of Lakeland
228 S. Massachusetts Avenue
Lakeland, Florida 33801

Paula K. Brown, Manager Regulatory Coordination Tampa Electric Company Post Office Box 111 Tampa, FL 33602

- 3. Tampa Electric and Lakeland are parties to a Territorial Agreement dated May 20, 1991 ("Agreement") that was approved by the Commission in Docket No. 920251-EU, <u>Joint Petition of Tampa Electric Company and the City of Lakeland for Approval of Territorial Agreement</u>. The Agreement was first amended by an amendment dated August 17, 1998 by and between the Parties, which amendment was approved in Order No. PSC-99-0024-FOF-EU, issued January 4, 1999 in Docket No. 981263-EU.
- 4. Tampa Electric and Lakeland have continued to review their existing territorial boundary prescribed in the Agreement. The Parties have determined that an adjustment to their territorial boundary line is in order to accommodate service to future load in a more efficient and cost-effective manner so as to avoid unnecessary duplication of transmission and distribution facilities and to better serve the future needs of their respective customers.
- 5. Attached hereto as Exhibit "A" is an Agreement entitled Second Amendment to Territorial Agreement ("Second Amendment") entered into by and between the Parties on February 3, 2014, the effectiveness of which is subject to the approval of the Commission. The Second Amendment makes certain adjustments to the territorial boundary separating the service

areas of the Parties in the areas depicted on the attached Lakeland/TEC Boundary Changes Overall Sketch and legally described on the attached Composite Exhibit "A", ("the Subject Area"), which will enable the Parties to better serve future load in that area.

- 6. There are no customers of any class of either of the Parties who will be transferred when the Second Amendment is implemented. With no customers being transferred, there is no need to provide information to customers under subsection (e) of Rule 25-6.0440, Florida Administrative Code.
- No facilities will be transferred between Tampa Electric and Lakeland when the
 Second Amendment is implemented and no purchase price will be involved.
- 8. There is a strong likelihood that the Second Amendment, in and of itself, will not cause a decrease in the reliability of electrical service to the existing or future ratepayers of Tampa Electric or Lakeland. Indeed, there is a strong likelihood that approval and implementation of the Second Amendment will increase the reliability of electric service for customers of Tampa Electric and Lakeland on a going-forward basis. There is also a strong likelihood that approval and implementation of the Second Amendment will help avoid uneconomic duplication of facilities in the future.
- The Second Amendment is in the public interest and will enable Tampa Electric
 and Lakeland to better serve their respective customers in the Subject Area.
- Commission approval of the Second Amendment is a condition precedent to the effectiveness of the Second Amendment.
- 11. Neither Tampa Electric nor Lakeland is aware of any disputed issues of material fact relative to the matters alleged herein or the relief requested in this Petition.

WHEREFORE, Tampa Electric and Lakeland respectfully request the Commission to consider and approve the Second Amendment to Territorial Agreement attached hereto as Exhibit "A".

DATED this 17 day of March, 2014.

Respectfully submitted,

IAMES D. BEASLEY

J. JEFFRY WAHLEN

ASHLEY M. DANIELS

Ausley & McMullen

Post Office Box 391 Tallahassee, FL 32302

ATTORNEYS FOR TAMPA ELECTRIC COMPANY TIMOTHY J. MCCAUSLAND

City Attorney City of Lakeland

228 S. Massachusetts Avenue

Lakeland, FL 33801

Exhibit "A"

SECOND AMENDMENT TO TERRITORIAL AGREEMENT

THIS SECOND AMENDMENT TO TERRITORIAL AGREEMENT ("Second Amendment") is made and entered into this 3rd day of February, 2014 by and between the City of Lakeland, a Florida municipal corporation ("Lakeland"), and Tampa Electric Company ("Tampa Electric"), a private Florida corporation. Collectively, Lakeland and Tampa Electric will be referred to herein as the "Parties".

WHEREAS, pursuant to the approval of the Florida Public Service Commission ("Commission") in Docket No. 920251-EU, <u>Joint Petition of Tampa Electric Company and the City of Lakeland for Approval of Territorial Agreement</u>, Tampa Electric and Lakeland are Parties to a Commission approved Territorial Agreement dated May 20, 1991 ("Agreement"); and

WHEREAS, that Agreement was first amended by an amendment dated August 17, 1998 by and between the Parties, which amendment was approved in Order No. PSC-99-0024-FOF-EU, issued January 4, 1999 in Docket No. 981263-EU; and

WHEREAS, Tampa Electric and Lakeland have continued to review their existing territorial boundary prescribed in the Agreement; and

WHEREAS, the Parties desire to adjust their territorial boundary line to accommodate service to future load in an efficient and cost-effective manner so as to avoid unnecessary duplication of transmission and distribution facilities and better serve the future needs of their respective customers; and

WHEREAS, certain adjustments to the territorial boundary separating the service areas of the Parties in the areas delineated on the attached Lakeland/TEC Boundary Changes Overall Sketch (the "Subject Area") will enable the parties to better serve future load.

NOW, THEREFORE, in consideration of the mutual covenants and commitments set forth herein, the Parties agree as follows:

- 1. Attached hereto as Exhibit "A" is an excerpt of an official Florida Department of Transportation General Highway County map of Polk County, Florida showing the general location of the Subject Area. Attached hereto as Exhibit "B" is a more detailed map of the Subject Area showing the current boundary line separating the service territories of Tampa Electric and Lakeland as well as the proposed new boundary line in the Subject Area.
- 2. Subject to the Commission's approval, Tampa Electric and Lakeland agree to modify the boundary line separating their respective service territories as shown in Exhibit "B" hereto. Adjusting the boundary line as reflected in Exhibit "B" will facilitate the Parties' provision of electric service to future loads of each utility in the Subject Area.
- 3. The terms and conditions pertaining to implementation of the Second Amendment are to adjust the territorial boundary line separating the Parties' respective service territories upon the Commission's approval of this Second Amendment. Commission approval of this Second Amendment is a condition precedent to its effectiveness.
- 4. Except to the extent it is modified by this Second Amendment and the Amendment dated August 17, 1998, all of the terms and conditions of the 1991 Territorial Agreement between the Parties which was approved in Order No. PSC-92-0570-FOF-EU in Docket No. 920251-EU shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have caused this Second 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:

THE CITY OF LAKELAND

R. Howard Wiggs, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

Timothy J. McCausland, City Attorney

ATTEST:

Secretary

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COMPOSITE EXHIBIT A

TERRITORIAL BOUNDARY

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BETWEEN TAMPA ELECTRIC COMPANY AND THE CITY OF LAKELAND, FLORIDA

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the Northeast

DESCRIPTION;

9 Commence at the Southwest corner of Section 19, Township 29 South, Range 23 East, Polk County, 10 Florida for A POINT OF BEGINNING; thence on the West boundary of said Range 23 East (the same 11 being the County line between Hillsborough County to the West and Polk County to the East), proceed 12 in a Northerly direction to the Northwest corner of Section 6, Township 27 South, Range 23 East the 13 same being the Southwest corner of Section 31, Township 26 South, Range 23 East; thence departing 14 aforementioned Hillsborough-Polk County line and on the West boundary of said Range 23 East, 15 proceed in a Northerly direction to the Northwest corner of the South one-half of the North one-half of 16 17 Section 30, Township 26 South, Range 23 East; thence on the North boundary of said South one-half of the North one-half of Sections 30 and 29, Township 26 South, Range 23 East, proceed in an 18 Easterly direction to the West boundary of the East one-half of said Section 29; thence on said West 19 boundary of the East one-half of Sections 29 and 20, Township 26 South, Range 23 East, proceed in a 20 Northerly direction to the North boundary of the South one-half of said Section 20, thence on the North 21 boundary of the South one-half of Sections 20 and 21, Township 26 South, Range 23 East, proceed in 22 an Easterly direction to an intersection with the centerline of Sherouse Road; thence departing said 23 North boundary and on centerline of said road, proceed in an Easterly direction to an intersection with 24 the North boundary of the South one-half of aforesaid Section 21; thence departing centerline of said 25 road and on said North boundary, proceed in an Easterly direction to a point which is located 769.80 26 feet West of the intersection of said North boundary with the Westerly right-of-way boundary of State 27 Road No. 700 & 35 (U.S. 98); thence on a course 553.84 feet Westerly of and parallel to said Westerly 28 29 right-of-way boundary as shown on D.O.T. right-of-way map for said State Road No. 700 & 35 (U.S. 98) (Section 1621), proceed in a southeasterly direction to the beginning of curve concave 30 Southwesterly, having a radius of 5,095.74 feet and a central angle of 17°26'31"; thence proceed on the 31 arc of said curve a distance of 1,551.23 feet to the curve's end, the same being at the point of 32 intersection with the South boundary of Section 21; thence on the South boundaries of Sections 21 and 33 22, Township 26 South, Range 23 East, proceed in an Easterly direction to the East boundary of the 34 West one-half of the West one-half of said Section 22; run thence North along said East boundary 35 36 2616.65 feet, run thence East and parallel to the North boundary of the South half of Section 22 to the East boundary of Section 22, run thence North along said East boundary to the North boundary thereof, 37 thence North along the West boundaries of Sections 14, 11, and 2, Township 26 South, Range 23 East 38 39 to the Northwest corner of said Section 2, Township 26 South Range 23 East; thence on the North boundary of Sections 2 and 1, Township 26 South, Range 23 East (the same being the County line 40

corner of said Section 1; thence departing said County line and on the East line of said Range 23 East,

between Pasco County to the North and Polk County to the South), proceed in an Easterly direction to

44 proceed in a Southerly direction to the Northeast corner of Section 25, Township 26 South, Range 23 East, the same being the Northwest corner of Section 30, Township 26 South, Range 24 East; thence 45 on the North boundary of Section 30, Township 26 South, Range 24 East, proceed to the Northeast 46 corner of said section 30, also being the Southwest corner of Section 20, Township 26 South, Range 24 47 48 East; thence Northerly along the West boundary line of said Section 20 proceed to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section 20; thence proceed Easterly to the 49 Northeast corner of the Southeast 1/4 of the Southwest 1/4 of said Section 20; thence proceed 50 Southerly to the Southeast corner of the of the Southwest 1/4 of said Section 20; thence proceed in an 51 Easterly direction along the North boundaries of Sections 29,28,27,26 25, Township 26 South, Range 52 24 East to the Northeast corner of said Section 25, also being the Northwest corner of Section 30, 53 Township 26 South, Range 25 East; thence Easterly along the North boundary of said Section 30 54 proceed to the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 30, Township 26 55 East, Range 25 East; thence Southerly to the Southwest corner of said Northeast 1/4 of the Northeast 56 1/4 of Section 30; thence Easterly to the Southeast corner of said Northeast 1/4 of the Northeast 1/4 of 57 Section 30; thence proceed Northerly along the East boundary of said Section 30 to the Northwest 58 corner of Section 29, Township 26 South, Range 25 East; thence Easterly along North boundary of 59 said Section 29 proceed to the Northwest corner of the Northeast 1/4 of said Section 29; thence 60 proceed Southerly to the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of said Section 61 29; thence Easterly along the Southerly boundary lines of the Northwest 1/4 of the Northeast 1/4 and 62 the Northeast 1/4 of the Northeast 1/4 of said Section 29 proceed to a point 900 feet Westerly of the 63 64 centerline of State Road-33, also known as Commonwealth Ave North; thence along a line 900 feet Westerly of and parallel to the centerline State Road 33 proceed Northerly to the North boundary of 65 Section 29; thence along the North line of Section 29 and 28, Township 26 South, Range 25 East 66 proceed Easterly to the Northeast corner of said Section 28; thence on the East boundaries of Sections 67 28 and 33, Township 26 South, Range 25 East proceed in a Southerly direction to a point 1,700.00 feet 68 South of the Northeast corner of said Section 33; proceed thence in a Westerly direction a distance of 69 2,000.00 feet; proceed thence in a Southerly direction to the South boundary of said Section 33; thence 70 on said South boundary, proceed in a Westerly direction to the Northeasterly shore of Lake Agnes; 71 thence along the Northeasterly shore of said Lake Agnes, proceed in a Northwesterly direction to the 72 intersection with the east line of the Northwest one-quarter of the Southeast one-quarter of Section 32, 73 Township 26 South, Range 25 East; thence North along the East line of said Northwest one-quarter of 74 the Southeast one-quarter of Section 32, to the Northeast corner of the Northwest one-quarter of the 75 Southeast one-quarter of Section 32; thence West along the North line of said Northwest one-quarter of 76 the Southeast one-quarter, to the intersection with the centerline of State Road 665; thence South along 77 said centerline to the Southerly limited access right-of-way boundary of State Road No. 400 (Interstate 78 Hwy. No. 4); thence on said Southerly limited access right-of-way boundary as shown on D.O.T. right-79 of-way map for said State Road No. 400 (Section 16320-2401) the following three (3) calls: proceed in 80 a Westerly direction a distance of 1,338 feet more or less to the beginning of a curve concave 81 Southerly, having a radius of 11,309.16 feet and a central angle of 16°24'00"; thence on arc of said 82 curve proceed in a Southwesterly direction a distance of 3,237.06 feet to the curve's end; thence in a 83 Southwesterly direction a distance of 1687 feet; thence proceed Northerly perpendicular to said 84 Southern right-of-way line a distance of 400.18 feet to a point on the Northern right-of-way line of I-4 85 as shown on the right-of-way map for I-4 Section 16320-2436; thence Westerly along said right-of-86 way line a distance of 429.03 feet to the centerline of construction for State Road 670, also known as 87 the Polk County Parkway, as shown on the right-of-way map for State Road 670, Section 97160-2312, 88 thence along the said centerline of construction the following three calls: thence Northerly a distance 89 of 714.07 feet to the beginning of curve concave to the South having a radius of 881.41 feet and a 90 central angle of 160°16'07"; thence along the arc of said curve a distance of 2465.67 feet to a point of 91

tangency; thence southwesterly a distance of 1048.31 feet; thence departing said centerline of 92 construction on a line perpendicular to the said centerline of construction proceed Westerly a distance 93 of 324.21 feet to a point on the Westerly right-of-way line of State Road 670, said point being the 94 beginning of a non-tangent curve concave Northwesterly and a central angle of 10°36'21" and a radius 95 of 1343.79 feet; thence along the arc of said curve a distance of 248.74 feet to the Northern right-of-96 way line of I-4 as shown on the right-of-way map for I-4 Section 16320-2433; thence Westerly along 97 said right-of-way line to the East boundary of Section 12, Township 27 South, Range 24 East; thence 98 99 departing said Northerly limited access right-of-way line and on the East boundary of said Range 24 East, proceed in a Southerly direction to the intersection of said East boundary with the centerline of 100 the former Seaboard Coastline Railroad right of way; thence Northeasterly along said centerline to an 101 102 intersection with the East boundary of the West 1/2 of the Northwest 1/4 of Section 30, Township 27. 103 South; Range 25 East; thence departing said centerline, proceed South along said East boundary to the 104 South boundary of the Northwest 1/4 of said Section 30; thence West along the South boundary of the Northwest 1/4 of said Section 30 to the West boundary of said Section 30, also being the East 105 boundary of Section 25, Township 27 South, Range 24 East; thence on the East boundary of said 106 Range 24 East, proceed in a Southerly direction to the Southeast corner of Section 36, Township 27 107 South, Range 24 East; thence on the South boundary of said Section 36, proceed in a Westerly 108 direction to the Northeast corner of Section 1, Township 28 South, Range 24 East; thence on the East 109 boundary of said Range 24, proceed in a Southerly direction to the centerline of CR-546, also known 110 as Saddle Creek Road; thence run Easterly along said centerline to a point 150 feet Easterly of the 111 Northerly projected centerline of Old Dixie Highway; thence Southerly parallel to and 150 feet 112 Easterly of the projected centerline of Old Dixie Highway to the intersection with the North boundary 113 of Kimberly Court subdivision as recorded in Plat Book 73, Page 40 of the public records of Polk 114 County, Florida; thence Easterly along the North boundary of said subdivision to the Easterly 115 boundary of said subdivision; thence Southerly along said Easterly boundary to the Southerly 116 boundary of said subdivision; thence westerly along said Southerly boundary to a point 150 easterly of 117 Old Dixie Highway; thence Southerly parallel to and 150 feet Easterly of the centerline of Old Dixie 118 Highway to the centerline of the CSX railroad track as shown on valuation Map V 3 Fla 50, lying 119 120 Southerly of US-92; thence Northeasterly along said railroad track centerline to the East line of Section 17, Township 28 South, Range 25 East; thence South along the East line of Sections 17, 20, and 29 of 121 Township 28 South, Range 25 East to the Southeast corner of the North one-half, of the North one-122 half, of the North one-half, of said Section 29. Township 28 South, Range 25 East; thence on the South 123 boundaries of the North one-half, of the North one-half, of the North one-half, of both said Section 29 124 and Section 30 Township 28 South, Range 25 East, proceed in a Westerly direction, to an intersection 125 with the centerline of Saddle Creek; thence on the centerline of said creek, proceed in a Southeasterly 126 direction to the Northerly shore of Lake Hancock; thence on said Northerly shore of said Lake 127 Hancock; proceed in an Easterly direction to the East Boundary of Section 31, Township 28 South, 128 Range 25 East; thence on a line being the Southerly extension the said East boundary of Section 31, 129 proceed Southerly to the theoretical Northeast corner of Section 19, Township 29 South, Range 25 130 East; thence Westerly on the theoretical North boundary (of said Section 19) 2,600.00 feet; thence 131 Southwesterly to the point of intersection of the Southwesterly shoreline of aforesaid Lake Hancock 132 with the Easterly extension of the South boundary of the North one-half of the North one-half of 133 Section 24, Township 29 South, Range 24 East; thence proceed on said Easterly extension in a 134 Westerly direction to the Southeast corner of the North one-half of the aforesaid North one-half of 135 Section 24; thence on the South boundary thereof; proceed in a Westerly direction to the East boundary 136 of the West one-half of the West one-half of said Section 24; thence on said East boundary, proceed in 137 a Southerly direction to the South boundary of the North one-half of the North one-half of the South 138 one-half of said Section 24; thence on said South boundary, proceed in a Westerly direction to the 139

West boundary of said Section 24, the same being the East boundary of Section 23, Township 29 South, Range 24 East; thence on the East boundaries of Section 23 and 26, Township 29 South, Range 24 East, proceed in a Southerly direction to the Southeast corner of the North one-half of the South one-half of the North one-half of said Section 26; thence on the South boundary of the North one-half of the South one-half of the North one-half of said Section 26, proceed in a Westerly direction to the East boundary of the West one-half of said Section 26; thence on said East boundary, proceed in a Southerly direction to the South boundary of the North one-half of said Section 26: thence on said South boundary, proceed in a Westerly direction to the West boundary of the East one-half of the East one-half of the West one-half of said Section 26; thence on said West boundary, proceed in a Southerly direction to the North boundary of the South one-half of the South one-half of said Section 26; thence on said North Boundary, proceed in an Easterly direction to the East boundary of the West one-half of said Section 26; thence on said East boundary, proceed in a Southerly direction to the Southeast corner of the West one-half of said Section 26; thence on the South boundaries of Sections 26, 27 and 28, Township 29 South, Range 24 East, proceed in a Westerly direction to the Southwest corner of said Section 28; thence on the West boundary of said Section 28, the same being the East boundary of Section 29, Township 29 South, Range 24 East, proceed in a Northerly direction to the Southeast corner of the North one-half of the North one-half of said Section 29; thence on the South boundary of the North one-half of the North one-half of Section 29 and 30, Township 29 South, Range 24 East and on the South boundary of the North one-half of the North one-half of Section 25 and 26, Township 29 South, Range 23 East, proceed in a Westerly direction across said Sections 29, 30, 25 and 26 to an intersection with the centerline of State Road No. 37; thence on said centerline as shown on D.O.T. right-of-way map for said State Road No. 37 (Section 16250-2514), proceed in a Northerly direction to the North boundary of said Section 26, the same being the South boundary of Section 23, Township 29 South, Range 23 East; thence on the South boundaries of Sections 23, 22, 21, 20 and 19, Township 29 South, Range 23 East, proceed in a Westerly direction to the Southwest corner of said Section 19 and the POINT OF BEGINNING.

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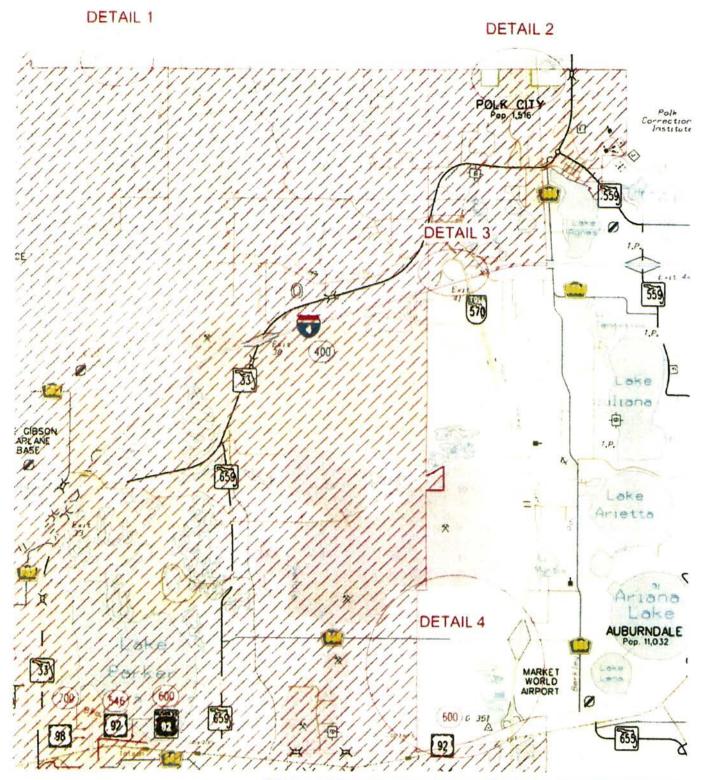
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Cropped Image of the cs_polk.dgn and the ILakeland Service Territory with proposed modifications.

