

FILED OCT 30, 2015

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October 30, 2015

Ms. Carlotta S. Stauffer Commission Clerk Florida Public Service Commission Betty Easley Conference Center 2540 Shumard Oak Boulevard, Room 110 Tallahassee, FL 32399-0850

Joint Petition for Approval of Amendment to Territorial Agreement

Dear Ms. Stauffer:

Re:

Enclosed for filing on behalf of Florida Power & Light Company and Peace River Electric Cooperative, Inc. ("PRECO") are the original and seven (7) copies of their Joint Petition for Approval of Amendment to Territorial Agreement, along with a CD containing the Petition in MS Word format and the exhibits in PDF format.

Please contact me at (561) 304-5633 if you or your Staff has any questions regarding this filing.

Sincerely.

Scott A. Goorland

Attachments

AFD \_\_\_\_

CC: Martin McDonnell

ECO 3+CD

ENG 2

GCL 2

IDM \_

CLK \_\_\_\_

### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Florida Power & Light Company and Peace	Docket No.
River Electric Cooperative, Inc.'s Joint	<u>,                                      </u>
Petition for Approval of Transfer of Customers	Filed: October 30, 2015
1	

### JOINT PETITION FOR APPROVAL OF AMENDMENT TO TERRITORIAL AGREEMENT

Peace River Electric Cooperative, Inc. ("PRECO") and Florida Power and Light Company ("FPL"), hereby submit this Joint Petition for Approval of Amendment to their existing Territorial Agreement (the "Amendment") entered into on October 19, 2015, by and between PRECO and FPL, and state:

- The affected agency is the Florida Public Service Commission ("Commission" or "FPSC"), 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.
  - 2. The names and addresses of the parties are:

Peace River Electric Cooperative, Inc.

P.O. Box 1310

Wauchula, Florida 33873

Attention: Randy Shaw, General

Manager/CEO

Florida Power & Light Company

700 Universe Boulevard

DOE/JW

Juno Beach, FL 33408

Attention: Manny Miranda, Vice

President, Power Delivery

3. All notices, pleadings, or other documents in connection with this matter should be served upon the following counsel:

For Peace River Electric Cooperative:

For Florida Power & Light Company:

Martin P. McDonnell, Esq. Rutledge Ecenia, P.A. 119 S. Monroe Street, Suite 202 Tallahassee, Florida 32301 (850) 681 6788 (850) 681-6515 marty@rutledge-ecenia.com

Scott A. Goorland, Esq. Senior Attorney Florida Power & Light Company 700 Universe Boulevard, LAW/JB Juno Beach, FL 33408 (561) 304-5633 (561) 691-7135

Scott.gorland@fpl.com

- 4. The Commission has jurisdiction pursuant to Florida Statutes §366.04(2)(d) to approve territorial agreements between electric utilities. This Petition is filed pursuant to Chapters 25-6.0439 and 25-6.0440, Florida Administrative Code.
- 5. PRECO is an electric cooperative organized under Chapter 425, Florida Statues, and is an electric utility as defined in Section 366.02(2), Florida Statutes. FPL is a corporation organized and existing under the laws of the State of Florida and is an electric utility as defined in Section 366.02(2), Florida Statutes.

### BACKGROUND

- 6. FPL and PRECO entered into a Territorial Agreement on July 17, 1987, which was approved on October 22, 1987 by Order No. 18332 in Docket No. 870816-EU, delineating FPL's and PRECO's respective service territories in DeSoto, Hardee, Manatee and Sarasota Counties. Order No. 18332 was then finalized by Order No. 19140 issued on April 13, 1988, following a prospective customer's filing of an objection to the Territorial Agreement. The Agreement was later amended to alter the territorial boundary by Order No. 24671, issued on June 17, 1991 in Docket No. 910148-EU; and Order No. PSC-98-0735-FOF-EU, issued on May 28, 1998 in docket No. 980274-EU. and to transfer customers between the utilities (Order No. 25118, September 25, 1991; Order No PSC-01-0965-PAA-EU, issued April 19, 2001 in Docket No. 001707-EU; Order No. PSC-13-0661-PAA-EU, issued December 18, 2013 in Docket No. 130260-EU).
- 7. The current Amendment will alter the territory between the parties in Manatee County. The Amendment is attached as Exhibit A. A new private development is under way in an area south of State Road 70 and west of Dam Road. Phase 1 of the development (the "Affected Area") is currently divided between PRECO and FPL service territories, with the

larger portion within PRECO's existing territory. PRECO plans to extend its facilities to provide electric service to the Affected Area.

- 8. It is neither desirable nor economically sound for both PRECO and FPL to extend facilities to serve portions of the new development. Accordingly, in order to avoid uneconomic duplication of facilities, FPL and PRECO jointly request that the Commission approve realignment of their existing territorial boundary so that Phase 1 of the new development, including the Affected Area, will lie entirely within PRECO's service territory. Attached to the Amendment as Attachments A, B, and C are a Florida Department of Transportation General Highway Map showing the current territorial boundary lines and general location of the new development, a map illustrating the Affected Area and proposed territorial boundary realignment, and a legal description of the new territorial boundary lines pursuant to the Amendment.
- The Commission's approval of the Amendment is a condition precedent to the effectiveness of the Amendment.
- 10. Because the area subject to the Amendment is currently under development, no customer accounts will be transferred between the parties, and written notice to customers is not required.
- 11. The parties recognize that upon approval of this Amendment, any additional modifications, changes or amendments must be approved by the Commission.
- 12. PRECO and FPL represent that approval of this Petition will not cause a decrease in the reliability of electrical service to the existing or future members of either utility, and there is a reasonable likelihood that this Agreement will eliminate or prevent uneconomic duplication

of facilities and will promote the Commission's stated policy of encouraging territorial agreements between and among Florida's electric utilities.

13. Neither PRECO nor FPL is aware of any disputed issues of material facts.

Remainder of page intentionally left blank

WHEREFORE, PRECO and FPL respectfully request that the Commission enter an order approving the Amendment to the Territorial Agreement between the parties.

Respectfully submitted: October 30 , 2015

Martin P. McDonnell, Esq. Rutledge Ecenia, P.A. 119 South Monroe Street, Suite 202 Tallahassee, FL 32301 (850) 681 – 6788

Attorneys for PRECO

R. Wade Litchfield, Esq.
Vice President and General Counsel
John T. Butler, Esq.
Assistant General Counsel – Regulatory
Scott A. Goorland, Esq.
Senior Attorney
700 Universe Boulevard
Juno Beach, FL 33408

Attorneys for Florida Power & Light

Martin P. McDonnell, Esq.

Scott A. Goorland

## Exhibit A

# AMENDMENT TO TERRITORIAL AGREEMENT BETWEEN FLORIDA POWER AND LIGHT COMPANY AND PEACE RIVER ELECTRIC COOPERATIVE

- WHEREAS, Florida Power and Light Company (FPL) and the Peace River Electric Cooperative (PRECO) have an existing Territorial Agreement entered into in 1987 (Territorial Agreement). The Agreement was later amended to alter the territorial boundary (June 17, 1991) and transfer customers between the utilities (September 25, 1991; December 18, 2013); and,
- WHEREAS, there are currently no existing customers or electric facilities in the region subject to this Amendment to the Territorial Agreement; and,
- WHEREAS, amending the Territorial Agreement to allow PRECO to provide service to Phase 1 of the development will avoid unnecessary duplication of services and provide for the most cost effective provision of service to utility customers;
- 5. NOW THEREFORE, FPL and PRECO agree to amend the territorial boundary between the utilities as provided in Attachments A, B, and C to this Amendment. Attachment A is a general highway map of Manatee County, Florida, showing the existing territorial boundaries and area to be transferred. Attachment B is a more detailed map identifying the existing and new territorial boundary lines. Attachment C provides legal description of the new territorial boundary lines pursuant to this Amendment.
- 6. All other parts of the Territorial Agreement shall remain in effect.
- 7. Approval of this Amendment to the Territorial Agreement by the Florida Public Service Commission is a condition precedent to the effectiveness of this Amendment.

IN WITNESS WHEREOF, this Agreement has been cause to be executed by FPL in its name by its Vice President, and by the Peace River Electric Cooperative in its name by its <u>Central Manager ICEO</u> on the day and year first written above.

### FLORIDA POWER & LIGHT COMPANY

By:	Date: (0) 7/15

Name: Manny Miranda

Title: Vice President, Power Delivery

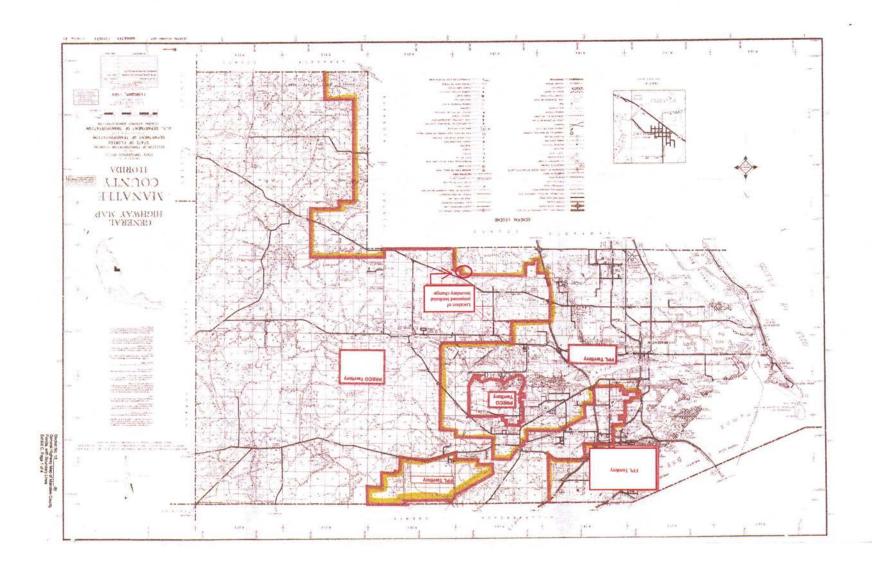
#### PEACE RIVER ELECTRIC COOPERATIVE

By: Du w She	Date: 10-19.2015	

Name: Randall W. Shaw Title: General Manager 1060

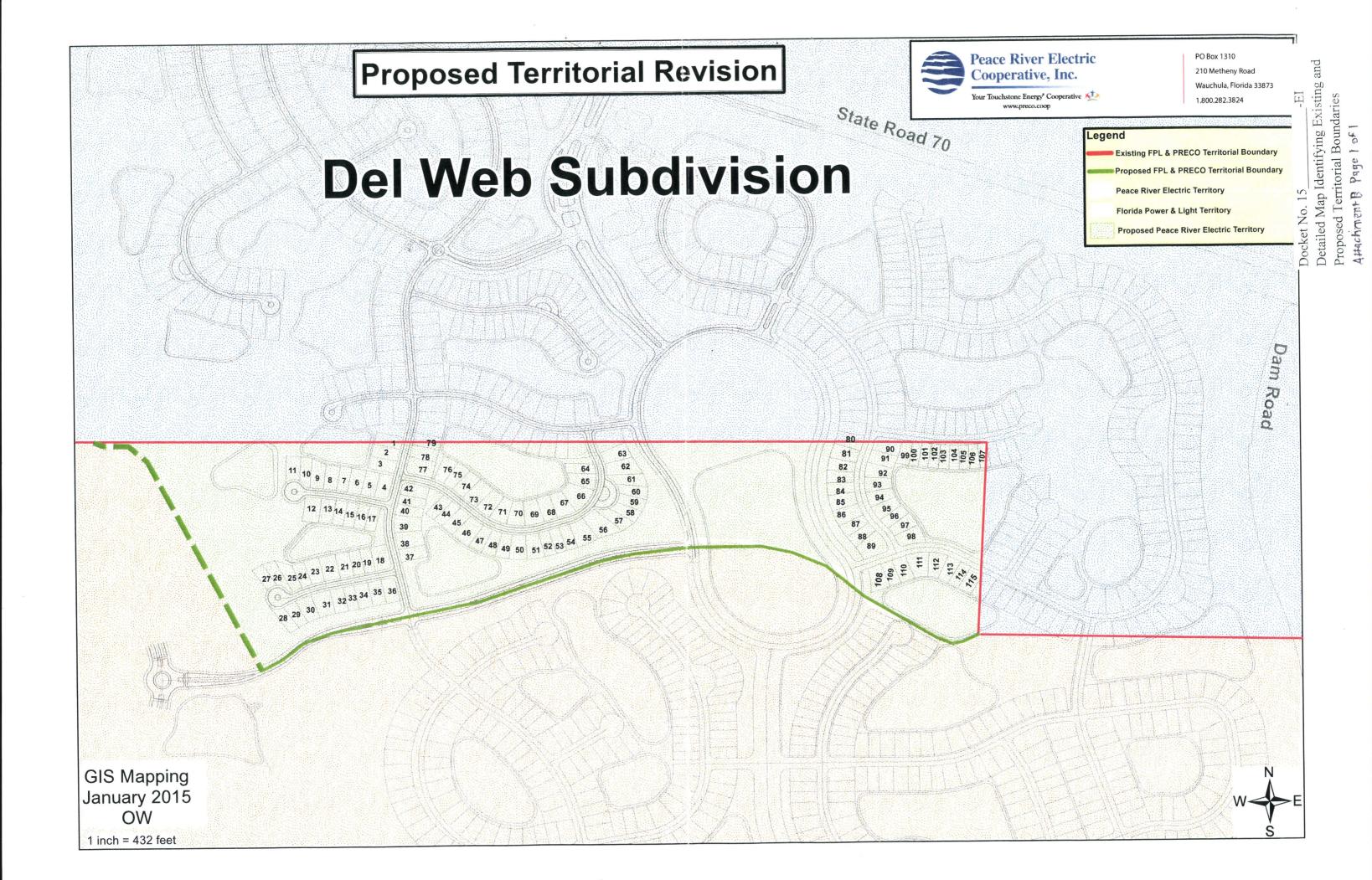
## Attachment

A



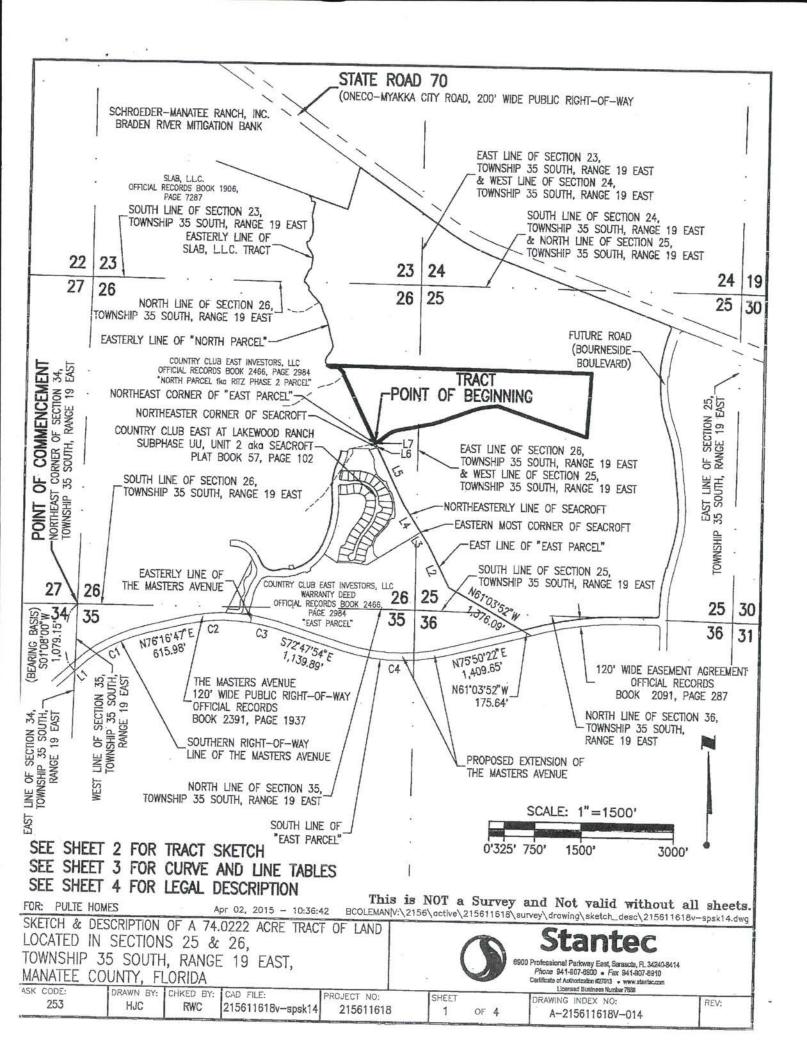
Attachment

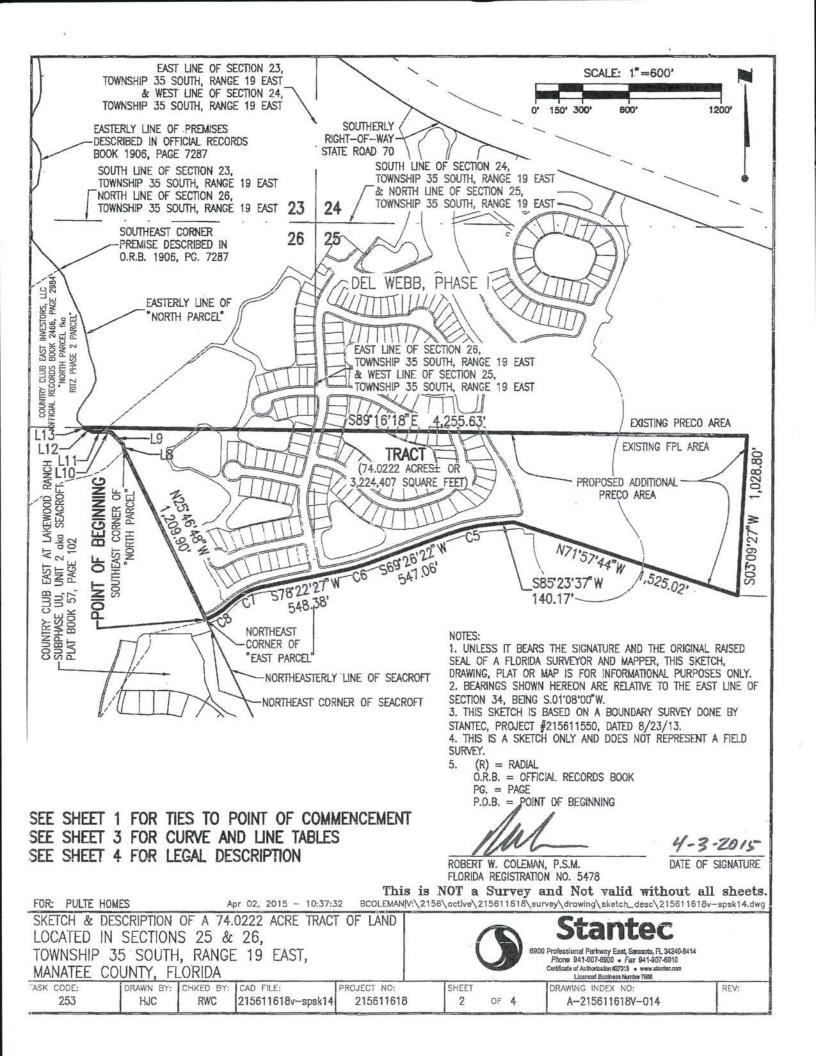
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### Attachment

C





	LINE TABLE		
LINE	BEARING	DISTANCE	
L1	N47"46'50"E	80.18'	
L2	N26"20'12"W	771.07'	
L3	N32*47'59"W	224.08'	
L4	N32*47*59"W	505.58'	
L5	N25*46'48"W	1,029.86	
L6	N25*46'48"W	69.72	
L7	N25*46'48"W	9.91'	
L8	N14"16'58"W	.38.36'	
L9	N45*05'19"W	111.73	
L10	N85°44'48"W	30.22	
L11	S89°47'09"W	82.13'	
L12	N66'37'53"W	64.05'	
L13	N41*44'47"W	1.76'	

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	2,490.00'	28'29'57"	1,238.54	1,225.81	N62'01'49"E
C2	2,800.00'	22'03'28"	1,077.94	1,071.30	N87'18'31"E
C3	2,800.00'	08'51'51"	433.19'	432.75'	S77"13"49"E
C4	3,060.00	31'21'44"	1,674.96	1,654.13	S88°28'46" E
C5	1,002.00'	15'57'15"	279.01	278.11	S77"24'59"W
C6	998.00'	08'56'05"	155.63'	155.47'	S73"54"24"W
C7	402.00	32'40'35"	229.26'	226.17'	S62"02'10"W
C8	498.00	21'08'04"	183.701	182.66	S56"15'54"W

SEE SHEET 1 FOR TIES TO POINT OF COMMENCEMENT

SEE SHEET 2 FOR TRACT SKETCH

SEE SHEET 4 FOR LEGAL DESCRIPTION

This is NOT a Survey and Not valid without all sheets. BCOLEMANN:\2156\octive\215611618\survey\drawing\sketch\_desc\215611618v-spsk14.dwg

FOR: PULTE HOMES APR 02. 2015 - 10:38:02 BCOLEMA
SKETCH & DESCRIPTION OF A 74.0222 ACRE TRACT OF LAND
LOCATED IN SECTIONS 25 & 26,

TOWNSHIP 35 SOUTH, RANGE 19 EAST,

MANATEE COUNTY, FLORIDA

TASK CODE: DRAWN BY: CHKED BY: CAD FILE: 253 HJC RWC 215611618v-spsk14

PROJECT NO: 4 215611618 SHEET 3 OF 4 Certificate of Authorization #27013 \* www.stantes.com
Licensed Business Number 7698

DRAWING INDEX NO:
A—215611618V—014

6900 Professional Parkway East, Seesota, R. 34240-8414

Phone 941-907-8900 • Fax 941-907-6910

REV:

DESCRIPTION: (Prepared by the signing Surveyor & Mapper)

A tract of land lying in Sections 25 and 26, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

COMMENCE at the northeast corner of Section 34, Township 35 South, Range 19 East, Manatee County, Florida; thence S.01'08'00"W., along the east line of said Section 34, a distance if 1,079.15 feet to its intersection with the south right-of-way line of The Masters Avenue (120 foot wide public right-of-way) recorded in Official Records Book 2391. Page 1937, Public Records of Manatee County, Florida; thence along said south right-of-way line for the following four (4) courses; (1) N.4746'50"E, a distance of 80.18 feet to the point of curvature of a curve to the right having a radius of 2,490.00 feet and a central angle of 28°29'57"; (2) thence northeasterly along the arc of said curve, a distance of 1,238.54 feet to the point of tangency of said curve; (3) thence N.76°16'47"E., a distance of 615.98 feet to the point of curvature of a curve to the right having a radius of 2,800.00 feet and a central angle of 22'03'28"; (4) thence easterly along the arc of said curve, a distance of 1,077.94 feet to the end of said The Masters Avenue and a point on the southerly line of the "East Parcel" as recorded in Official Records Book 2466, Page 2984, said Public Records: thence along said southerly and easterly line of the "East Parcel" for the following eight (8) calls: (1) thence continue easterly along the arc of said curve having a radius of 2,800.00 feet, through a central angle of 08'51'51", a distance of 433.19 feet to the point of tangency of said curve; (2) thence S.72'47'54"E., a distance of 1,139.89 feet to the point of curvature of a curve to the left having a radius of 3,060.00 feet and a central angle of 31°21'44"; (3) thence easterly along the arc of said curve, a distance of 1,674.96 feet to the point of tangency of said curve; (4) thence N.75'50'22"E., a distance of 1,409.65 feet; (5) thence N.61'03'52"W., a distance of 175.64 feet; (6) thence continue N.61°03'52"W., a distance of 1,376.09 feet; (7) thence N.26°20'12"W., a distance of 771.07 feet; (8) thence N.32'47'59"W., a distance of 224.08 feet to the easternmost most corner of Country Club East at Lakewood Ranch Subphase UU, Unit 2 aka Seacroft, as recorded in Plat Book 57, Page 102 of said Public Records; thence along the northeasterly line of said Country Club East at Lakewood Ranch Subphase UU, Unit 2 aka Seacroft, and along said easterly line of the "East Parcel", for the following two (2) calls: (1) thence continue N.32'47'59"W., a distance of 505.58 feet; (2) thence N.25°46'48"W., a distance of 1,029.86 feet to the northeast corner of said Country Club East at Lakewood Ranch Subphase UU, Unit 2 aka Seacroft; thence N.25'46'48"W. along the northwesterly extension of said northeasterly line of Country Club East at Lakewood Ranch Subphase UU, Unit 2 aka Seacroft, and along said easterly line of the "East Parcel", a distance of 69.72 feet to the northeast corner of said "East Parcel"; thence continue N.25'46'48"W., a distance of 9.91 feet to the POINT OF BEGINNING; thence continue N.25'46'46"W., a distance of 1,209.90 feet to the southeast corner of a parcel referred to as "North Parcel fka Ritz Phase 2 Parcel" as recorded in Official Records Book 2466, Page 2984 of said Public Records; the following six (6) calls are along the easterly line of said "North Parcel fka Ritz Phase 2 Parcel": (1) thence N.14"16'58"W., a distance of 38.36 feet; (2) thence N.45"05"19"W., a distance of 111.73 feet; (3) thence N.85"44"48"W., a distance of 30.22 feet; (4) thence S.89"47"09"W., a distance of 82.13 feet; (5) thence N.66\*37'53"W., a distance of 64.05 feet; (6) thence N.41\*44'47"W., a distance of 1.76 feet; thence S.89°16'18"E., a distance of 4,255.63 feet; thence S.03'09'27"W., a distance of 1,028.80 feet; thence N.71°57′44"W., a distance of 1,525.02 feet; thence S.85°23'37"W., a distance of 140.17 feet to the point of curvature of a curve to the left having a radius of 1,002.00 feet and a central angle of 15'57'15"; thence westerly along the arc of said curve, a distance of 279.01 feet to the point of tangency of said curve; thence S.69'26'22"W., a distance of 547.06 feet to the point of curvature of a curve to the right having a radius of 998.00 feet and a central angle of 08'56'05"; thence westerly along the arc of said curve, a distance of 155.63 feet to the point of tangency of said curve; thence S.78°22'27"W., a distance of 548.38 feet to the point of curvature of a curve to the left having a radius of 402.00 feet and a central angle of 32'40'35"; thence southwesterly along the arc of said curve, a distance of 229.26 feet to the point of reverse curvature of a curve to the right having a radius of 498.00 feet and a central angle of 21°08'04"; thence southwesterly along the arc of said curve, a distance of 183.70 feet to the POINT OF BEGINNING.

Said tract contains 3,224,407 square feet or 74.0222 acres, more or less.

This is NOT a Survey and Not valid without all sheets.

BCOLEMANIV:\2156\active\215611618\survey\drawing\sketch\_desc\215611618v-spsk14.dwg

FOR: PULTE HOMES Apr 02, 2015 - 10:38:27 BCOLEMA
SKETCH & DESCRIPTION OF A 74.0222 ACRE TRACT OF LAND

LOCATED IN SECTIONS 25 & 26, TOWNSHIP 35 SOUTH, RANGE 19 EAST,

MANATEE COUNTY, FLORIDA

ASK CODE:

253

 DRAWN BY:
 CHKED BY:
 CAD FILE:
 PROJECT NO:

 HJC
 RWC
 215611618v-spsk14
 215611618

SHEET 4

OF 4

DRAWING INDEX NO: A-215611618V-014

6900 Professional Parkway East, Serasota, FL 34240-8414

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Licensed Business Number 7686

REV: