



May 20, 2022

Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
Attn: Sevini Guffey

Re: Docket No. 20220075-EU Joint petition for approval of modification to territorial agreement in Polk County, by City of Lakeland and City of Bartow.

Dear Mr. Teitzman,

Pursuant to Staff's Second Date Request regarding Docket No. 20220075-EU City of Lakeland/Lakeland Electric and City of Bartow hereby submit our responses to the Staff's second data request via the Commission's electronic platform.

If you have questions please contact me at 863-834-6595.

Sincerely,

/s/Cynthia Clemmons

Cynthia Clemmons
City of Lakeland
Manager of Legislative and Regulatory Relations
Lakeland Electric
863-834-6595 Work
Cindy.Clemmons@LakelandElectric.com
501 E Lemon St.
Lakeland, Florida 33801

Enclosure

Staff's Second Data Request

Filed by Cities of Lakeland and Bartow

May 20, 2022

Docket No. 20220075-EU: Joint petition for approval of modification to territorial agreement in Polk County, by City of Lakeland and City of Bartow

1. In 2006, when portions of service territory were swapped between Lakeland and Bartow, did the respective utility representatives sign an agreement formalizing the swap? If so, please provide a copy of such signed documentation as proof of the 2006 territory swap.

Please find requested document in Exhibit A: Letter Agreement dated May 19, 2006 regarding the Exchange of Electric Service Territory between Lakeland and Bartow.

2. When was the Wind Meadows subdivision (territory swapped to Bartow) built? Is the subdivision fully built out now or would there be new houses and new customers to come online for electric service?

The first homes in Wind Meadows were built in 2006. The subdivision is fully built out now. Please see timeline in Exhibit B: Timeline and Exhibit C: Map with Timeline.

3. Were there any customers in Wind Meadows subdivision when the service territory was swapped in 2006 or was it only a platted subdivision at that time?

There were no customers in Wind Meadows subdivision when the service territory was swapped. It was only a platted subdivision at that time. Please see timeline in Exhibit B: Timeline and Exhibit C: Map with Timeline.

4. Is the new Wind Meadows South subdivision (in Lakeland's service territory) fully built out? When did the 145 customers in the Wind Meadows South subdivision come online as Lakeland's customers?

No, Wind Meadows South subdivision is not fully built out. The builder just started pouring foundation on a few homes. Therefore we can estimate about six months for about ten homes to be completed. We do not have an exact date from the builder as of yet for when all 145 customers will come online but the construction process is underway.

5. Are there additional phases of Wind Meadows South to be constructed? Would additional new electric customers be coming online?

Yes, there will be additional phases of Wind Meadows South to be constructed to the west of the subdivision. However, we have not been notified by the builder when construction on phase two will occur as they have just begun construction on phase one.

6. With reference to the statement “because of the planning and construction of new facilities by the parties...” in paragraph 9 of the petition, please explain if the new facilities are to serve the new customers in the new developments or a combination of existing and future customers (Request #2 in Staff’s First Data Request).

This statement referencing “the planning and construction of new facilities” is representative of the past – 2006 - as well as the present - 2022. The intent is to memorialize what the parties have been doing since 2006, as well as address the present needs of new customers coming into the respective electric territories. Wind Meadows subdivision, which is fully built out, will continue to be served by Bartow. Alternatively, Wind Meadows South, which has ongoing construction for its first phase, will be served by Lakeland as it relates to new customers.

EXHIBIT A

Territory Swap Agreement between cities



TIMOTHY J. McCAUSLAND
CITY ATTORNEY

228 S. Massachusetts Avenue
Lakeland, Florida 33801

BUS: (863) 834-6010

FAX: (863) 834-8204

e.mail – timothy.mccausland@lakelandgov.net

May 19, 2006

George T. Dunlap III, Esquire
Boswell & Dunlap
245 South Central Avenue
Bartow, Florida 33830

RE: Exchange of Electric Service Territory

Dear George:

As you are aware, I am working on a joint petition to the Public Service Commission by the Cities of Lakeland and Bartow for the purpose of amending our existing service territories. What we have discussed and agreed is that there are certain areas in each others territories that are more appropriately served by the other. We have agreed to exchange certain parts of each other's territory.

Depending on how the Public Service Commission docket our petition, it may be several months until these service territories are legally amended. In the interim, I propose that we observe an informal agreement between the two cities that would facilitate operational decisions made by both staffs. Both staffs could rely on this agreement and could serve new customers across existing territorial boundaries while our petition is being processed.

The petition will include the area described on the attached Exhibit "A" which is presently in the Lakeland service territory to be conveyed to Bartow. Bartow may make all planning and operational decisions with regard to providing service to customers in the area described on the attached Exhibit "A" as if it were within Bartow's territory. In the unlikely event that the petition to the Public Service Commission is denied or amended in such a way that would frustrate the intent of this agreement, both cities agree to reimburse the appropriate party for its actual costs in installing equipment in the other city's service territory.

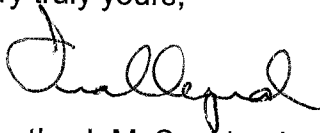
The petition will also include the area described on the attached Exhibit "B" which is presently in the Bartow service territory to be conveyed to Lakeland. Lakeland may make all planning and operational decisions with regard to providing service to customers in the area described on the attached Exhibit "B" as if it were within Lakeland's territory. In the unlikely event that the petition to the Public Service Commission is denied or amended in such a way that would frustrate the intent of this agreement, both cities agree to reimburse the appropriate party for its actual costs in installing equipment in the other city's service territory.

George T. Dunlap III, Esquire
May 19, 2006
page 2

Lastly, the area described in Exhibit "C" and depicted on the sketch thereto, is presently within the Lakeland service territory, but has been recently annexed by the City of Bartow. You and I have discussed the possibility of entering into an interlocal agreement between our two cities that would provide for Lakeland's right to serve those customers subject to conditions similar to those imposed on other franchised electric service providers within Bartow's corporate limits. I am working on such an interlocal agreement and will provide you a draft when it is available.

Please present this agreement to Joe DeLegge for his signature if you consider this approach acceptable. Once it is executed, you may retain one original for your files. Please return the other original to me.

Very truly yours,



Timothy J. McCausland
City Attorney

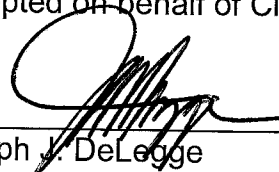
TJM/cs

Accepted on behalf of City of Lakeland by:



Douglas B. Thomas
City Manager

Accepted on behalf of City of Bartow by:



Joseph J. DeLegge
City Manager

EXHIBIT "A"

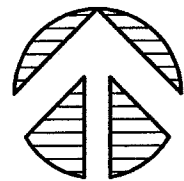
Prepared for: Highland-Cassidy
Description: Windmeadows

Date: May 16, 2006
File: 13362lgl-LakelandToBartow.doc

LEGAL DESCRIPTION

A portion of W.F. Hallam & Company's Club Colony Tract of Lakeland Highlands as recorded in Plat Book 1, page 102 of the public records of Polk County, Florida and a portion of Section 23, Township 29 South, Range 24 East, Polk County, Florida described as follows;

Begin at the southeast corner of said Section 23; thence S 89°42'36" W along the south line of said Section 23 a distance of 1316.94 feet to the east maintained right of way line of Kitty Fox Lane as recorded in Map Book 11, page 123 of the public records of Polk County, Florida; thence along said right of way line for the following nine calls; (1) N 00°29'00" E a distance of 100.12 feet; (2) thence N 00°39'41" W a distance of 100.00 feet; (3) thence N 00°05'18" W a distance of 100.00 feet; (4) thence N 00°22'30" W a distance of 100.00 feet; (5) thence N 00°22'30" W a distance of 100.00 feet; (6) thence N 00°39'41" W a distance of 100.00 feet; (7) thence N 00°09'53" W a distance of 57.53 feet; (8) thence S 89°45'57" W a distance of 4.57 feet; (9) thence N 00°39'09" W a distance of 655.63 feet to the north line of Lot 50 in Section 23 of said Club Colony Tract; thence N 89°44'02" E along the north line of said Lot 50 & the north line of Lot 49 in said Section 23 of said Club Colony Tract a distance of 1316.69 feet to the northeast corner of Lot 49 of said Club Colony Tract and the east line of said Section 23; thence S 00°40'16" E along the east lines of Lots 49 & Lot 64 and the east line of said Section 23 a distance of 1312.74 feet to the Point of Beginning.



NORTH
SCALE: 1" = 300'

LEGAL DESCRIPTION:

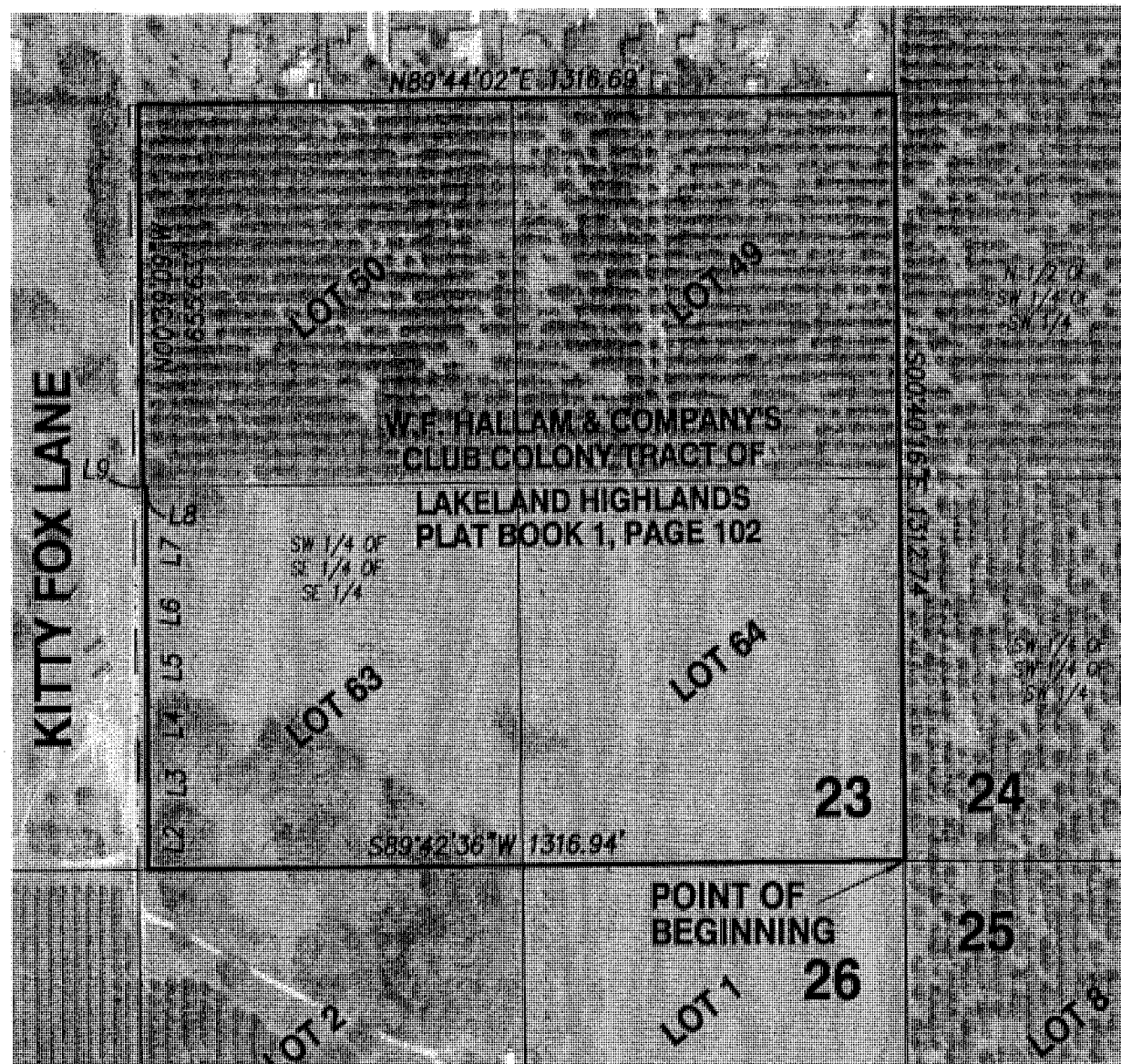
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SURVEYOR'S NOTES:

- 1.) North and the coordinates shown hereon are referenced to the West Zone of the Florida State Plane Coordinate System, NAD 83 (1990) adjustment. City of Lakeland horizontal control stations LKLD 06, LKLD 07, LKLD 11 and GPS 2294 were utilized for GPS control and as a basis for field traverse. The bearing of N 00°40'30" W along the west line of the northwest quarter of Section 26 was held as reference.
- 2.) Aerial imagery shown hereon was taken from the Polk County Property Appraiser's records and is based on photography taken in 2005. The imagery is shown as reference only and does not supersede the field located data.
- 3.) The legal description shown hereon was prepared by Pickett & Associates, Inc. per client request. The description is based on prior deeds taken from the public records of Polk County, Florida.

CONTAINS 39.65 ACRES



LINE TABLE:

LINE	LENGTH	BEARING
L2	100.12	N00°29'00"E
L3	100.00	N00°39'41"W
L4	100.00	N00°05'18"W
L5	100.00	N00°22'30"W
L6	100.00	N00°22'30"W
L7	100.00	N00°39'41"W
L8	57.53	N00°09'53"W
L9	4.57	S89°45'57"W

Eric M. Presnell 5/17/06
ERIC M. PRESNELL, PSM FLORIDA REGISTRATION No. 5568 DATE
PICKETT & ASSOCIATES, INC., FLORIDA REGISTRATION No. LB 364

DESCRIPTION SKETCH
OF PROPOSED LAKELAND TO BARTOW
TRANSFER
LOCATED IN SECTION 23,
TOWNSHIP 29 SOUTH, RANGE 24 EAST

NOT VALID WITHOUT
THE SIGNATURE AND
THE ORIGINAL RAISED
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER.

PICKETT
SURVEYING & PHOTOGRAMMETRY
PICKETT & ASSOCIATES, INC.
LICENSED BUSINESS NO. 1286

476 SOUTH FIRST AVENUE
BARTOW, FLORIDA 33800
PHONE (888) 584-1444
FAX (888) 584-1444

122 WEST MAIN STREET
WALCHULA, FLORIDA 33875
PHONE (888) 584-1444
FAX (888) 773-3922

Sheet No.	1 of 1	Project No.:	13362	Horiz. Scale:	1" = 300'	Drawing Name:	13362-LakelandToBartow
Drawn by:	EMP	Drawing No.:	SD 2631				Field Book N/A

EXHIBIT "B"

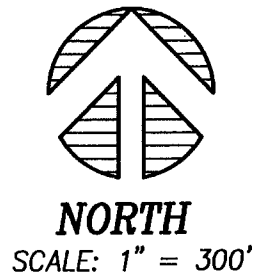
Prepared for: Highland-Cassidy
Description: Windmeadows

Date: May 16, 2005
File: 13362lgl-BartowToLakeland.doc

LEGAL DESCRIPTION

A portion of W.F. Hallam & Company's Club Colony Tract of Lakeland Highlands as recorded in Plat Book 1, page 102 of the public records of Polk County, Florida and a portion of Section 25, Township 29 South, Range 24 East, Polk County, Florida, described as follows;

Begin at the northwest corner of said Section 25; thence S 89°34'43" E along the north line of said Section 25 a distance of 1296.26 feet to the west maintained right of way line of E.F. Griffin Road; thence S 00°34'12" E along said right of way line a distance of 1339.22 feet; thence S 00°35'53" E along said right of way line a distance of 550.10 feet; thence N 89°41'25" W a distance of 587.79 feet; thence S 00°35'52" E a distance of 120.19 feet; thence N 89°43'08" W a distance of 708.00 feet to the west line of said Section 25; thence N 00°35'29" W along said west line a distance of 2012.40 feet to the Point of Beginning



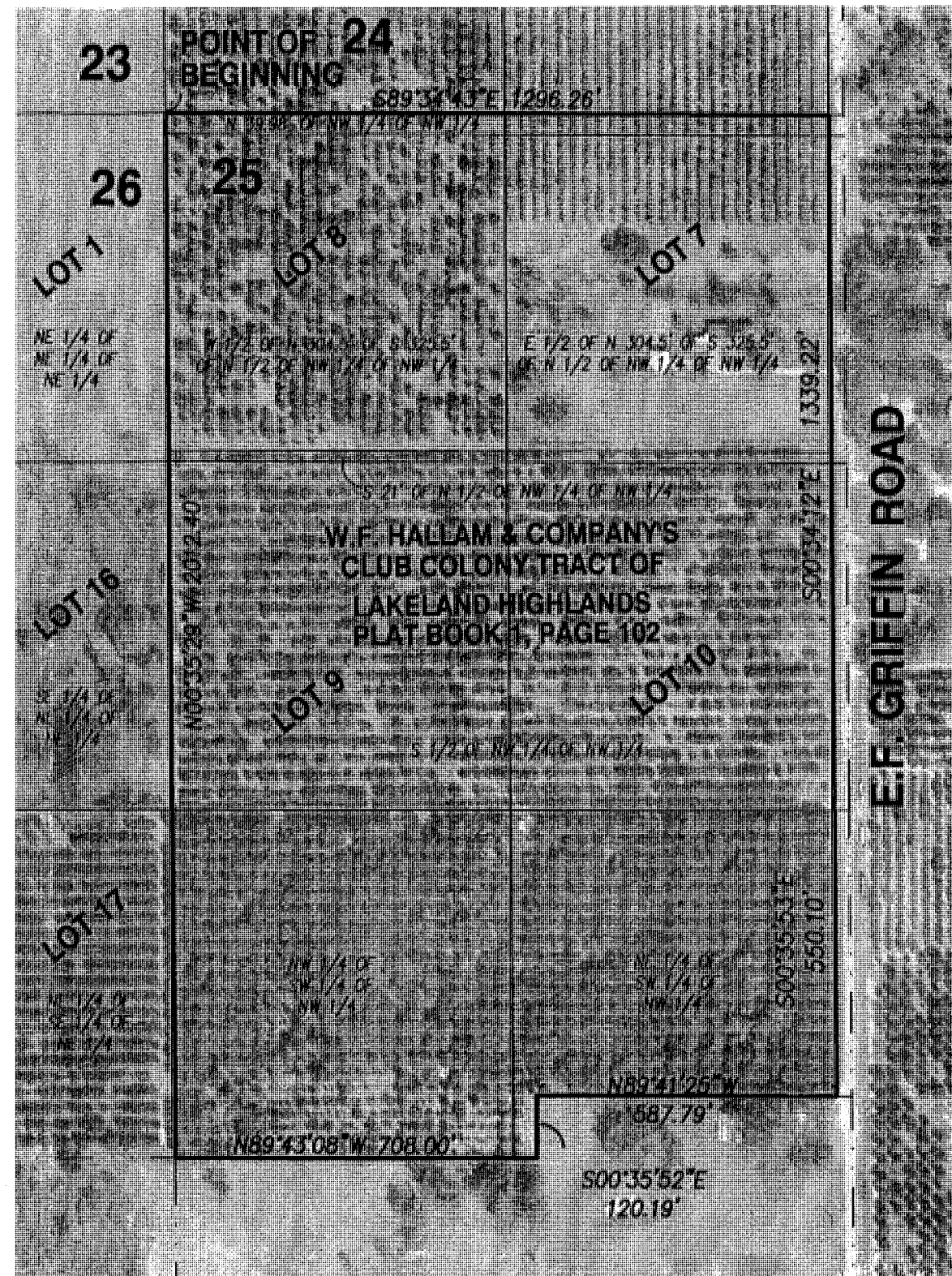
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SURVEYOR'S NOTES:

- 1.) North and the coordinates shown hereon are referenced to the West Zone of the Florida State Plane Coordinate System, NAD 83 (1990) adjustment. City of Lakeland horizontal control stations LKLD 06, LKLD 07, LKLD 11 and GPS 2294 were utilized for GPS control and as a basis for field traverse. The bearing of N 00°40'30" W along the west line of the northwest quarter of Section 26 was held as reference.
- 2.) Aerial imagery shown hereon was taken from the Polk County Property Appraiser's records and is based on photography taken in 2005. The imagery is shown as reference only and does not supersede the field located data.
- 3.) The legal description shown hereon was prepared by Pickett & Associates, Inc. per client request. The description is based on prior deeds taken from the public records of Polk County, Florida.



CONTAINS 58.19 ACRES

Eric M. Presnell 5/17/06
ERIC M. PRESNELL, PSM FLORIDA REGISTRATION No. 5568 DATE
PICKETT & ASSOCIATES, INC., FLORIDA REGISTRATION No. LB 364

DESCRIPTION SKETCH
OF PROPOSED BARTOW TO LAKELAND
TRANSFER
LOCATED IN SECTION 25,
TOWNSHIP 29 SOUTH, RANGE 24 EAST

<p>PICKETT SURVEYING & PHOTOGRAMMETRY PICKETT LABORATORIES, INC. LICENSED BUSINESS IN FLORIDA</p>	
Sheet No.	1 of 1
Project No.:	13362
Horiz. Scale:	1" = 500'
Drawing Name:	13362-BartowToLakeland
Drawing No.:	SD 2630
Drawn by:	EMP
Field Book No./A	N/A

NOT VALID WITHOUT
THE SIGNATURE AND
THE ORIGINAL RAISED
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER.

EXHIBIT "C"

Prepared for: Highland-Cassidy
Description: Windmeadows

Date: May 16, 2005
File: 13362lgl-Service.doc

LEGAL DESCRIPTION

A portion of W.F. Hallam & Company's Club Colony Tract of Lakeland Highlands as recorded in Plat Book 1, page 102 of the public records of Polk County, Florida and a portion of Sections 25 & 26, Township 29 South, Range 24 East, Polk County, Florida, described as follows;

Begin at the northwest corner of said Section 25; thence S 89°34'43" E along the north line of said Section 25 a distance of 1296.26 feet to the west maintained right of way line of E.F. Griffin Road; thence S 00°34'12" E along said right of way line a distance of 1339.22 feet; thence S 00°35'53" E along said right of way line a distance of 550.10 feet; thence N 89°41'25" W a distance of 587.79 feet; thence S 00°35'52" E a distance of 120.19 feet; thence N 89°43'08" W a distance of 708.00 feet to the southeast corner of Lot 17 in said Section 26 of said Club Colony Tract; thence along the south line of Lots 17, 18, 19 & 20 in said Section 26 of said Club Colony Tract for the following four calls; (1) S 89°43'54" W a distance of 665.41 feet; (2) thence S 89°45'10" W a distance of 665.59 feet; (3) thence S 89°45'10" W a distance of 665.57 feet; (4) thence S 89°47'38" W a distance of 665.43 feet to the southeast corner of the north half of the southeast quarter of the northwest quarter of said Section 26; thence S 89°43'29" W along the south line of said north half a distance of 1331.01 feet to the southeast corner of the northeast quarter of the southwest quarter of the northwest quarter of said Section 26; thence S 89°44'16" W along the south line of said northeast quarter and the south line of Lot 24 in said Section 26 of said Club Colony Tract a distance of 1330.76 feet to the southwest corner of said Lot 24; thence N 00°40'30" W along the west line of Lots 24 & 9 in said Section 26 of said Club Colony Tract a distance of 1338.17 feet; thence N 89°41'00" E along the north line of Lots 9 & 10 in said Section 26 of said Club Colony Tract a distance of 1330.97 feet to the southwest corner of the northwest quarter of the northeast quarter of the northwest quarter of said Section 26; thence along the west, north and east line of said northwest quarter of the northeast quarter of the northwest quarter for the following three calls; (1) N 00°39'56" W a distance of 669.71 feet; (2) thence N 89°39'35" E a distance of 665.54 feet; (3) thence S 00°39'40" E a distance of 669.98 feet; thence N 89°40'57" E a distance of 665.48 feet to the southwest corner of Lot 4 in said Section 26 of said Club Colony Tract; thence N 00°39'23" W along the west line of said Lot 4 a distance of 670.24 feet; thence N 89°43'46" E along the north line of said Lot 4 and the north line of Lot 3 in said Section 26 of said Club Colony Tract a distance of 1332.36 feet; thence N 89°42'36" E along the north line of Lot 2 and Lot 1 of said Club Colony Tract a distance of 1332.16 feet to the Point of Beginning.



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CONTAINS 273.26 ACRES

SURVEYOR'S NOTES:

- 1.) North and the coordinates shown hereon are referenced to the West Zone of the Florida State Plane Coordinate System, NAD 83 (1990) adjustment. City of Lakeland horizontal control stations LKLD 06, LKLD 07, LKLD 11 and GPS 2294 were utilized for GPS control and as a basis for field traverse. The bearing of N 00°40'30" W along the west line of the northwest quarter of Section 26 was held as reference.
- 2.) Aerial imagery shown hereon was taken from the Polk County Property Appraiser's records and is based on photography taken in 2005. The imagery is shown as reference only and does not supersede the field located data.
- 3.) The legal description shown hereon was prepared by Pickett & Associates, Inc. per client request. The description is based on prior deeds taken from the public records of Polk County, Florida.

Eric M. Presnell

ERIC M. PRESNELL, PSM FLORIDA REGISTRATION No. 5568 DATE 5/17/06
 PICKETT & ASSOCIATES, INC., FLORIDA REGISTRATION No. LB 364

DESCRIPTION SKETCH
OF LAKELAND SERVICE LIMITS
WITHIN THE CITY OF BARTOW
LOCATED IN SECTIONS 25 & 26,
TOWNSHIP 29 SOUTH, RANGE 24 EAST


PICKETT
 SURVEYING & PHOTOGRAMMETRY
 PICKETT & ASSOCIATES, INC.
 LICENSED BUSINESS IN FLORIDA

Sheet No. 1 of 1	Project No. 13362	Horiz. Scale 1" = 500'	Drawing Name 13362-SERVICE
Drawn by EMP	Drawing No. SD 2632	Field Book N/A	

NOT VALID WITHOUT
 THE SIGNATURE AND
 THE ORIGINAL RAISED
 SEAL OF A FLORIDA
 LICENSED SURVEYOR
 AND MAPPER.

EXHIBIT B

Timeline of Subdivisions and Territory Swap

- Wind Meadows Subdivision - Wind Meadows South Subdivision	Land Deeded to Builder (Highland Cassidy LLC)	January 4, 2004
-Lakeland Electric -Bartow	Cities sign territory swap agreement (Exhibit A)	May 19, 2006
-Wind Meadows Subdivision	Land Platted by Builder	June 30, 2006
-Wind Meadows Subdivision	First home metered	August 22, 2006
-Wind Meadows South Subdivision	Land Platted by Builder	March 22, 2022
-Wind Meadows Subdivision	Last home metered	April 29, 2022
-Wind Meadows South Subdivision	First homes under construction	May 2022

EXHIBIT C

Map with Timeline

