

## BEFORE THE PUBLIC SERVICE COMMISSION

In Re: Petition to Resolve	)	DOCKET NO. 900476-EU
a territorial dispute with Florida	)	ORDER NO. 23607
Power & Light Company by Suwannee	)	ISSUED: 10-12-90
Valley Electric Cooperative.	)	
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	)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 FRANK S. MESSERSMITH

ORDER GRANTING JOINT MOTION  
FOR RESOLUTION OF TERRITORIAL DISPUTE

BY THE COMMISSION:

CASE BACKGROUND

On May 15, 1990, Suwannee Valley Electric Cooperative, Inc. (SVEC) filed with this Commission a Petition to Resolve Territorial Dispute. The petition alleged that (1) prior to November 3, 1989, SVEC was providing electric service to a certain customer but on that date service was temporarily discontinued for non-payment of electric bill; (2) on or about November 3, 1989 someone severed the customer's service wire connection and removed the weatherhead and meter previously provided by SVEC; (3) on or about that same date Florida Power & Light Company (FPL) connected its service to the customer's premises; and (4) SVEC was notified that its service line had been severed from the customer premises.

SVEC's petition further alleged that FPL's improper encroachment upon the service area previously established by SVEC was an uneconomic duplication of electric service. The petition also stated that FPL cross the distribution line of SVEC to provide service to the customer.

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On June 1, 1990 FPL filed an Answer to the petition denying and admitting in part, those allegations. FPL specifically alleged that it extended service to the customer after receiving of a written request from the customer's attorney. FPL stated service was provided the customer pursuant to its statutory obligation to serve as set forth in Section 366.03, Florida Statutes.

The parties on August 1, 1990 filed with the Commission a Stipulation of Facts and a Joint Motion for Resolution of Territorial Dispute.

#### CONCLUSIONS AND FINDINGS

In essence, in the Stipulation the parties agree to the facts outlined in the above Case Background. According to the Joint Motion the parties agree that given the stipulated facts the Commission should require SVEC to provide electric service to the customer in question.

We have reviewed the filings and find that the Joint Motion should be granted. The customer was receiving electric service from SVEC and for some unstated reason would not pay its electric bills. SVEC discontinued the customer's electric service for non-payment of the electric bill. Apparently the customer had SVEC's service line, weatherhead and meter disconnected. The customer through its attorney then demanded electric service from FPL.

It is not necessary, for the resolution of this matter, to understand how FPL determined it had a legal obligation under Section 366.03, Florida Statutes to provide service to an existing customer of SVEC's, who had been disconnected for non-payment of its electric bill. Presumably hindsight precipitated FPL's entering the Joint Motion. Under the stipulated facts, we approve the Joint Motion otherwise, we would establish a policy of encouraging a customer desiring to change utilities to not pay its electric bill.

In consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that the Joint Motion for Resolution of Territorial Dispute with

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Florida Power & Light Company by Suwannee Valley Electric Cooperative, Inc. is granted. It is further

ORDERED that Florida Power & Light Company shall within 30 days from the date of this Order discontinue electric service to the customer in question in deference to Suwannee Valley Electric Cooperative, Inc. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission, this 12th day of OCTOBER, 1990.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and

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Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.