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May 12, 1992

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Mr. Steven C. Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
The Fletcher Building
101 East Gaines Street
Tallahassee, FL 32399

920420-ELP

Re: Petition of Florida Power & Light Company ^{EZ 802}
against Okefenoke Rural Electric Membership ^{EC909}
Corporation in Baker County, Florida

Dear Mr. Tribble:

Enclosed for filing are the original and fifteen (15) copies of Florida Power & Light Company's Petition to Resolve Territorial Dispute in the above matter. Please acknowledge receipt and filing of the above by stamping the copy of this letter attached and returning same to me. We would also appreciate being advised as to the docket number assigned to this matter.

Yours truly,

Wilton R. Miller
Wilton R. Miller

WRM:lms
Enclosures
Cc: Okefenoke Rural Electric
Membership Corporation
Mr. R. H. Davis

RECEIVED & FILED

LCW
FPC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

04775 MAY 12 1992

FPC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power &)
Light Company Against Okefenoke Rural) Docket No.
Electric Membership Corporation in)
Baker County, Florida)
_____)

PETITION TO RESOLVE TERRITORIAL DISPUTE

COMES NOW, FLORIDA POWER & LIGHT COMPANY (hereinafter referred to as FPL) by and through its undersigned attorneys, pursuant to Section 366.04, Florida Statutes, Chapter 89-292, Laws of Florida, and files this Petition to Resolve a Territorial Dispute against the Okefenoke Rural Electric Membership Corporation (hereinafter referred to as OREMC) and says:

1. The name and address of Petitioner is:

FLORIDA POWER & LIGHT COMPANY
P.O. Box 029100
Miami, Florida 33102-9100

2. The name and address of Respondent is:

OKEFENOKE RURAL ELECTRIC
MEMBERSHIP CORPORATION
P.O. Box 602
Nahunta, GA 31553

3. Any pleading, motion, notice, order or other document required to be served upon Petitioner should be addressed to Petitioner's counsel:

DOCUMENT NUMBER-DATE

04775 MAY 12 1992

FPSC-RECORDS/REPORTING

Wilton R. Miller, Esquire
Bryant, Miller and Olive, P.A.
201 South Monroe Street, Suite 500
Tallahassee, Florida 32301

and

W.G. Walker, III
Vice President, Regulatory Affairs
P.O. Box 029100
Miami, Florida 33102

4. FPL is an electric utility under Section 366.02(2), Florida Statutes, Chapter 89-292, Laws of Florida.

5. OREMC is an electric utility under Section 366.02(2), Florida Statutes, Chapter 89-292, Laws of Florida.

6. The FLORIDA PUBLIC SERVICE COMMISSION (hereinafter referred to as the Commission) has jurisdiction pursuant to Section 366.04, Florida Statutes, Chapter 89-292, Laws of Florida, to resolve territorial disputes involving service areas between rural electric cooperatives and investor-owned electric utilities.

7. The Commission also has jurisdiction over this action pursuant to its statutory jurisdiction over the development and maintenance of a coordinated electric power grid throughout Florida, and its jurisdiction to, among other things, assure the avoidance of uneconomic duplication of transmission and

distribution facilities as provided in Section 366.04, Florida Statutes, Chapter 89-292, Laws of Florida.

8. FPL presently provides service in the City of MacClenny and other parts of Baker County, Florida.

9. A new residential subdivision is under construction within the city limits of MacClenny adjacent to State Road 23A, within Section 30, Township 2 South, Range 22 East. This proposed subdivision constitutes the area in dispute. See Attachment A.

10. Upon information and belief FPL alleges that OREMC has contracted with the developer of the subdivision, Dickie Davis, to supply electric facilities and electric service.

11. The City of MacClenny is an incorporated city with a population in excess of 2,500 persons.

12. FPL asserts that OREMC is not authorized to provide electric service to areas which are not rural, (i.e. cities with populations in excess of 2,500 people) as that term is defined by Section 425.03, F.S. See Section 425.04, F.S. wherein rural electric cooperatives are empowered to provide electric service in "rural" areas only.

13. FPL asserts that an extension of service by OREMC to serve in the City of MacClenny will result in a duplication of FPL's facilities in the City of MacClenny in violation of Section 366.045(5).

14. FPL asserts that the nature of the area in dispute is urban and that FPL can extend its electrical distribution facilities at a lower cost than ORMEC.

15. FPL maintains that the property identified herein is disputed territory consistent with the meaning of territorial dispute as that term is used in Section 366.04(2)(e), F.S. and hereby requests that the Commission resolve the dispute herein identified and order OREMC to decline service to the Dickie Davis development in the City of MacClenny.

16. As OREMC is not authorized to provide electric service in the City of MacClenny, and, as the proposed extension of electric service by OREMC into the City of MacClenny will result in an uneconomic duplication of FPL's facilities, FPL requests that the Commission issue an order enjoining and prohibiting OREMC from extending electric service to the area in dispute.

WHEREFORE, FPL requests that the Commission enter an order prohibiting OREMC from extending service to the area in dispute.

Respectfully submitted,



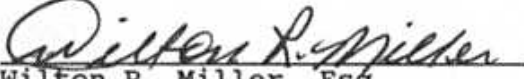
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Attorneys for Florida Power &
Light Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and fifteen copies of the foregoing Petition to Resolve Territorial Dispute have been filed with the Florida Public Service Commission, Division of Records and Reporting, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0850 and a true and correct copy has been furnished to Okefenoke Rural Electric Membership Corporation, P.O. Box 602, Nahunta, GA 31553 and Mr. R.H. Davis, P.O. Box 387, MacClenny, FL 32063, this 12 day of May, 1992.

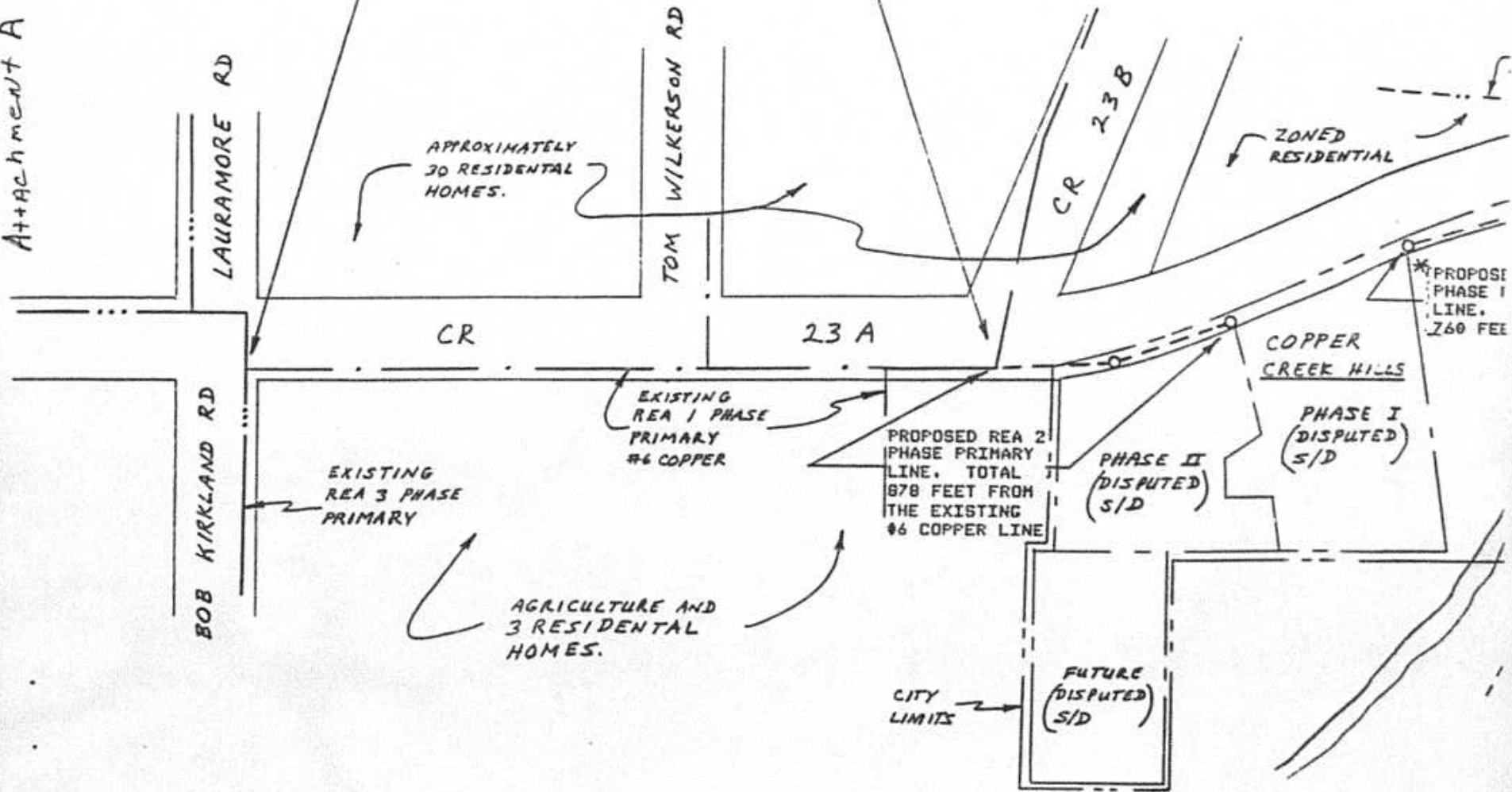

Wilton R. Miller, Esq.
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Attachment A

Attachment A

PROPOSED - REA TO REPLACE 1#6 COPPER PRIMARY AND NEUTRAL WITH 3#1/0 ALUMINUM PRIMARY AND 1#1/0 ALUMINUM NEUTRAL. TOTAL 1860 FEET.

INACCESSIBLE 13kV FUTURE 23kV 23kV SAL



THIS EXISTING #6 COPPER PRIMARY AND NEUTRAL IS LOADED AND IT WILL TAKE 2 NEW PRIMARIES TO SERVE THE LOAD FOR THE PROPOSED 230 LOT SUBDIVISION (THE FUTRUE SECTION WILL ALSO NEED 3 PHASE SERVICE FOR A LIFT STATION).

2 PHASE PRIMARY IS NECESSARY TO SERVE THIS 230 LOT SUBDIVISION (THE FUTRUE SECTION WILL ALSO NEED 3 PHASE SERVICE FOR A LIFT STATION).

| | | | | | | | | | |
|--|--|---|--|---|--|---------------------|--|--------------------|--|
| AS-BUILT CREW PRINT | | | | ALL REQUIRED SPACING FROM THIS DISTANCE IS VERIFIED TO BE WITHIN 10', 20' AND 30' WALKERS ARE SHOWN AT ALL LOCATIONS. | | | | JOB COST | |
| FORSEMAN'S SIGNATURE | | DATE | | FORSEMAN'S SIGNATURE | | DATE | | SUPERVISOR | |
| Easement? Yes <input type="checkbox"/> No <input type="checkbox"/> | | Survey/State? Yes <input type="checkbox"/> No <input type="checkbox"/> | | Work with SMO? Yes <input type="checkbox"/> No <input type="checkbox"/> | | FPL | | | |
| Tree Work? Yes <input type="checkbox"/> No <input type="checkbox"/> | | Designer/State? Yes <input type="checkbox"/> No <input type="checkbox"/> | | CT/Speed/MV? Yes <input type="checkbox"/> No <input type="checkbox"/> | | | | | |
| City | | County Rd. | | County Air | | State Road | | FAA | |
| WMD | | RR King | | Dr. Dist. | | Transm. | | | |
| Request Tel. Co. Set Poles? Yes <input type="checkbox"/> No <input type="checkbox"/> | | Request Tel. Co. Transfer? Yes <input type="checkbox"/> No <input type="checkbox"/> | | Request CATV Transfer? Yes <input type="checkbox"/> No <input type="checkbox"/> | | Tel. Attachment Per | | Designed By: B. L. | |
| POLE LINE FEET | | TRENCH FT. | | RURAL LOCATION SEC. 3 | | SCALE: | | | |
| POLE LINE FT. ON TRANSM. POLES | | DUCT BANK FT. | | | | | | | |