

FLORIDA PUBLIC SERVICE COMMISSION

Fletcher Building  
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Tallahassee, Florida 32399-0850

M E M O R A N D U M

July 21, 1994

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING [TRIBBLE]  
FROM : DIVISION OF LEGAL SERVICES [BROWN] *NCB MP*  
DIVISION OF ELECTRIC AND GAS [DUDLEY, BASS] *Rob* *BN* *RLT*  
RE : DOCKET NO. 911141-EU - TERRITORIAL DISPUTE BETWEEN  
OKEFENOKE RURAL ELECTRIC MEMBERSHIP CORPORATION AND THE  
JACKSONVILLE ELECTRIC AUTHORITY - JOINT PETITION FOR AN  
AMENDMENT TO ORDER NO. PSC-93-1676-FOF-EU APPROVING JOINT  
PLAN TO ELIMINATE DUPLICATE ELECTRIC FACILITIES AND  
RESOLVE TERRITORIAL DISPUTE.  
AGENDA: 8/2/94 - CONTROVERSIAL AGENDA - PROPOSED AGENCY ACTION  
PARTIES MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\EAG\WP\911141AR.RCM

CASE BACKGROUND

On November 19, 1991, Okefenoke Rural Electric Membership Corporation (Okefenoke) filed a petition to resolve a territorial dispute with Jacksonville Electric Authority (JEA) that involved all of northern Duval County, where uneconomic duplication of the parties' electric facilities was extensive. After a hearing on June 17, 1992, the Commission issued Order No. PSC-92-1213-FOF-EU, which, among other things, directed JEA to develop a plan to eliminate the extensive duplication of JEA's and Okefenoke's electric facilities in Duval County. The Commission retained jurisdiction of the dispute to review JEA's plan, and directed Okefenoke to cooperate in its development. Thereafter, the parties were able to reach a mutually acceptable agreement, which the Commission approved by Order No. PSC-93-1676-FOF-EU, issued November 18, 1993. The agreement established a territorial boundary between Okefenoke and JEA at the Duval County line, and it provided for the purchase by JEA of all Okefenoke's electric facilities in Duval County. The plan eliminated the extensive duplication problems in Northern Duval County.

DOCUMENT NUMBER-DATE

07312 JUL 20 94

FPSC-RECORDS/REPORTING

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Order No. PSC-93-1676-FOF-EU included the following language, which is the subject of the parties' present joint petition:

Section 1 of the agreement provides that Okefenoke relinquishes all rights to serve in Duval County. It also provides that JEA will not serve electric customers north or west of the Duval County line in areas where Okefenoke provides electric service, with the exception of a small number of customers near Yulee, Florida.  
(emphasis supplied).

The customers that JEA agreed to serve were identified on exhibit "C" to the petition the Commission approved in Order No. PSC-93-1676-FOF-EU. Apparently the parties inadvertently included the Florida Community College of Jacksonville among those customers. Both parties had agreed in other territorial negotiations with Florida Power and Light Company (FPL) that FPL would serve the college. When FPL brought the mistake to the parties' attention, they filed this petition to clarify Order No. PSC-93-1676-FOF-EU to reflect the parties' intent that the Florida Community College of Jacksonville would not be among the customers near Yulee, Florida that JEA agreed to serve. The parties have represented to staff that the college is aware of the petition and supports it.

**ISSUE 1:** Should the Commission clarify Order No. PSC-93-1676-FOF-EU as the parties have requested?

**RECOMMENDATION:** Yes. The Commission should clarify Order No. PSC-93-1676-FOF-EU to indicate that the parties did not intend that the Florida Community College of Jacksonville be included in the customers JEA agreed to serve in the Yulee area.

**STAFF ANALYSIS:** The clarification of Order No. PSC-93-1676 that the parties have requested will not alter the substantive decisions that the Commission made, or change the content of the Order. It will simply correct an inadvertent mistake in the supporting documents to the parties' Joint Plan. The clarification has the support of the customer affected, the Florida Community College of Jacksonville. Staff therefore recommends that the Commission issue the clarification.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if no request for hearing is timely filed.

STAFF ANALYSIS: If no person whose substantial interests are affected requests a hearing within 21 days of the date the Commission's Order is issued, the Order will become final, and the docket should be closed.