

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to resolve) DOCKET NO. 911141-EU
territorial dispute between) ORDER NO. PSC-94-0989-FOF-EU
OKEFENOKE RURAL ELECTRIC) ISSUED: August 15, 1994
MEMBERSHIP CORPORATION and)
JACKSONVILLE ELECTRIC AUTHORITY)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK

NOTICE OF PROPOSED AGENCY ACTION
CLARIFYING ORDER

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

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, we issued Order No. PSC-92-1213-FOF-EU, which, among other things, directed JEA to develop a plan to eliminate duplication of JEA's and Okefenoke's electric facilities in Duval County. We 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 we 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 duplication problems in Northern Duval County.

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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 we 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 that the college is aware of the petition and supports it.

The clarification of Order No. PSC-93-1676 that the parties have requested will not alter the substantive decisions we 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. Therefore, we hereby clarify Order No. PSC-93-1676-FOF-EU to indicate that JEA will not serve the Florida Community College of Jacksonville.

It is therefore,

ORDERED that the clarification explained above shall be made to Order No. PSC-93-1676-FOF-EU. It is further

ORDERED that this docket shall be closed if no substantially affected person timely files a protest to the Commission's proposed agency action.

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By ORDER of the Florida Public Service Commission, this 15th
day of August, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Deegan
Chief, Bureau of Records

(S E A L)

MCB

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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on September 6, 1994.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and 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 of the effective date 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.