

AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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TALLAHASSEE, FLORIDA 32301
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ORIGINAL
FILED

August 4, 1997

HAND DELIVERED

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

970999-EU

Re: Joint Petition of Tampa Electric Company and the City of
Lakeland for Approval of Temporary Power Service

Dear Ms. Bayo:

Enclosed for filing in the above-styled matter are the
original and fifteen (15) copies of a Joint Petition of Tampa
Electric Company and the City of Lakeland for Approval of Temporary
Power Service.

Please acknowledge receipt and filing of the above by stamping
the duplicate copy of this letter and returning same to this
writer.

Thank you for your assistance in connection with this matter.


Sincerely,


James D. Beasley

JDB/pp
Enclosures

cc: Mark N. Miller (w/enc.)

- ACK
- AFA
- AFB
- CAP
- CM
- GT
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RECEIVED & FILED

EPSC DIVISION OF RECORDS

DOCUMENT NO. 1 E
07871 AUG-4 5
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Joint Petition of Tampa Electric)
Company and the City of Lakeland)
for Approval of Temporary Power)
Service.)
_____)

DOCKET NO. _____
FILED: August 4, 1997

**PETITION FOR APPROVAL
OF TEMPORARY SERVICE**

Tampa Electric Company ("Tampa Electric") and the City of Lakeland, Department of Electric and Water Utilities ("Lakeland") jointly petition the Commission to approve a temporary power supply service by Lakeland to a customer located in Tampa Electric's service area, and in supply thereof, say:

1. The full names and address of joint petitioners are as follows:

Tampa Electric Company
Post Office Box 111
Tampa, FL 33601

City of Lakeland
Department of Electric
and Water Utilities
501 E. Lemon Street
Lakeland, FL 33601-5079

2. The names and addresses of the Tampa Electric representatives to whom copies of all pleadings, notices and other filings herein should be sent are:

Angela Llewellyn
Regulatory Specialist
Tampa Electric Company
Post Office Box 111
Tampa, FL 33601

Lee L. Willis
James D. Beasley
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302

3. The names and addresses of the Lakeland representatives to whom copies of all pleadings, notices and other filings herein should be sent are:

Gregory D. James
City of Lakeland
Department of Electric
and Water Utilities
501 E. Lemon Street
Lakeland, FL 33801

Mark N. Miller
Lane, Trohn, Clarke,
Bertrand, Vreeland & Jacobsen
P. O. Box 3
Lakeland, FL 33802-0003

4. Tampa Electric has been requested to provide electric service to a one horsepower pump owned by the Tenorock Fish and Game preserve located within Tampa Electric Company's Commission approved retail service territory. In analyzing the request for service, it appears it that it would be more economical for the City of Lakeland to provide electric service to this customer on a temporary basis within Tampa Electric's service territory, given the fact that Lakeland presently has distribution facilities that are closer to the customer's location than Tampa Electric's existing distribution facilities.

5. Tampa Electric and Lakeland entered into that certain Territorial Agreement dated May 20, 1991 ("the Agreement"), which Agreement was approved by this Commission in Order No. PSC-92-0570-FOF-EU dated June 25, 1992 in Docket No. 920251-EU. The Agreement provides in pertinent part:

TEC and LAKE LAND recognize that in exceptional circumstances, economic constraints on either utility or good engineering practices may indicate that a Customer's temporary end use and/or small discrete service areas and/or future retail Customers should not be immediately served by the utility in whose


service territory they are located. In such instances, upon written request by the utility in whose territory the end use facility is located to the other utility, the other utility may agree in writing to provide service to such Customer's temporary end use, small discrete service areas and future retail Customers. Such agreements shall be submitted to the Florida Public Service Commission in accordance with Article IV, Section 4.1 hereof.

6. Tampa Electric has requested that the City of Lakeland provide temporary service to the customer in question (see Exhibit "A"). The City of Lakeland has agreed to provide electric service on a temporary basis to the customer in question until such time as Tampa Electric has facilities in place which will enable it to take over the service. See Lakeland's June 18, 1997 letter to Tampa Electric attached hereto as Exhibit "B".

WHEREFORE, consistent with the provisions contained in the Commission approved territorial agreement between Tampa Electric and Lakeland, the parties jointly petition the Commission to approved the temporary provision of electric service by Lakeland to the above-referenced customer within Tampa Electric's service area.


DATED this 4th day of August, 1997.

Respectfully submitted,



MARK N. MILLER
Lane, Trohn, Clarke, Bertrand,
Vreeland & Jacobsen, P.A.
P. O. Box 3
Lakeland, FL 33802-0003
(941) 284-2251

ATTORNEYS FOR CITY OF LAKELAND



LEE L. WILLIS
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC
COMPANY



May 6, 1997

Greg James
City of Lakeland
Department of Electric and Water Utilities
501 E. Lemon St.
Lakeland, FL 33801

Dear Mr. James:

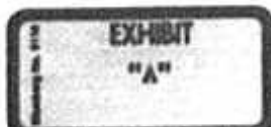
Tampa Electric had been requested to provide electric service to a one horsepower pump owned by the Tenorock Fish and Game reserve located within Tampa Electric Company's Florida Public Service Commission ("FPSC") approved retail service territory. In analyzing the request for the request for service it was more economical for the City of Lakeland to provide electric service to this customer on a temporary basis within Tampa Electric's service territory, given the fact that Lakeland presently has distribution facilities that are closer to the customer's location than Tampa Electric's existing distribution facilities.

The FPSC approved territorial agreement between the City of Lakeland and Tampa Electric Company dated May 20, 1991, provides in pertinent part in Section 2.2 thereof:

TEC and LAKELAND recognize that in exceptional circumstances, economic constraints on either utility or good engineering practices may indicate that a Customer's temporary end use and/or small discrete service areas and/or future retail Customers should not be immediately served by the utility in whose service territory they are located. In such instances, upon written request by the utility in whose territory the end use facility is located to the other utility, the other utility may agree in writing to provide service to such Customer's temporary end use, small discrete service areas and future retail Customers. Such agreements shall be submitted to the Florida Public Service Commission in accordance with Article IV, Section 4.1 hereof.

Pursuant to the above contractual provision, Tampa Electric requested that the City of Lakeland provide electric service to the above referenced customer on a temporary basis until such time as Tampa Electric's normal build out of distribution facilities enables it to take over service to the customer in question. This is only a request for temporary service and is without prejudice to Tampa Electric's FPSC approved right to serve this customer and without conceding any modification to the territorial boundary line approved by the FPSC in the order approving the May 20, 1991 territorial agreement between the City of Lakeland and Tampa Electric's

TAMPA ELECTRIC COMPANY
P.O. Box 111 Tampa, Florida 33601-0111



An Equal Opportunity Company

Hillsborough County 923-0800
Outside of Hillsborough County: 1-888-923-0800

The customer indicated that the pump in question is used to aerate a fish pond and for that reason requested that service be provided as soon as possible. We would appreciate the City's prompt written response to this request so that we may present an agreement to the FPSC for approval as contemplated in Section 2.2 of the agreement.

Sincerely,



Gary M. Garrett

cc: Dan Breznay
Harry Long

'Order No. PSC-92-0570-FOF-EU issued June 25, 1992 in Docket No. 920251-EU, In re: Joint Petition of Tampa Electric Company and the City of Lakeland for Approval of Territorial Agreement.

**LAKELAND
ELECTRIC & WATER***Excellence Is Our Goal, Service Is Our Job***CONTRACTS AND RIGHT-OF-WAY DIVISION**Gregory D. James
(941) 499-6493

June 18, 1997

Gary M. Garrett
Tampa Electric Company
Post Office Box 111
Tampa, FL 33601-0111

RE: Tenoroc Fish and Game Reserve Electric Service

Dear Mr. Garrett:

The City has received Tampa Electric's request to provide the subject electric service which is located within Tampa Electric's service territory. The City agrees to provide electric service to the subject customer on a temporary basis until such time that Tampa Electric has facilities in place that will enable it to take over the service.

The City has provided the subject service without charge to Tampa Electric. However, at such time as Tampa Electric takes over this service, the City requests, through this letter, that Tampa Electric reimburse the City its removal costs of the facilities that were built within Tampa Electric's service territory to provide the subject electric service.

Please provide me a copy of the agreement that will be submitted to the Florida Public Service Commission for approval.

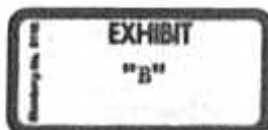
Sincerely,

Gregory D. James
Utilities Liaison

GDJ/slj

xc: R. Snyder
B. Butler

TENSERV.DOC



City of Lakeland • Department of Electric & Water Utilities