

# BRYANT, MILLER AND OLIVE, P.A.

TAMPA  
NATIONSBANK PLAZA  
101 EAST KENNEDY BLVD  
SUITE 2100  
TAMPA, FLORIDA 33602  
TELEPHONE: (813) 273-6677  
FACSIMILE: (813) 223-2705

THE EXCHANGE BUILDING  
201 SOUTH MONROE STREET, SUITE 500  
TALLAHASSEE, FLORIDA 32301  
TELEPHONE: (850) 222-8611  
FACSIMILE: (850) 222-8969

ORLANDO  
CENTURY PLAZA  
135 WEST CENTRAL BLVD  
SUITE 1230  
ORLANDO, FLORIDA 32801  
TELEPHONE: (407) 426-7001  
FACSIMILE: (407) 426-7262

ATLANTA  
430 MARGATE  
ATLANTA, GEORGIA 30328  
TELEPHONE: (770) 399-7700  
FACSIMILE: (770) 399-6462

December 1, 2000

ORIGINAL

PLEASE REPLY TO:

WILTON R. MILLER  
TALLAHASSEE OFFICE  
WMILLER@BMOLAW.COM

## BY HAND DELIVERY

Ms. Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
Room 110, Betty Easley Conference Center  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RECEIVED-FPSC  
00 DEC -1 AM 11: 29  
RECORDS AND REPORTING

Re: Petition by Florida Power & Light Company for Enforcement of Order No. 4285 in Docket No. 9056-EU, which approved a territorial agreement and established boundaries between the Company and the City of Homestead (Docket No. 970022-EU)

Dear Ms. Bayó:

Enclosed for filing are the original and fifteen (15) copies of Florida Power & Light Company's Motion for Approval of Transfer of Customers in the above-referred to docket. We would appreciate your acknowledging receipt and filing of the above by stamping the copy of this letter attached and returning the same to me.

Yours truly,

Wilton R. Miller

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WRM:lms  
Enclosures  
cc: Parties of Record

*Parsons*

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

15372 DEC-18

FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by Florida Power & Light )  
Company for Enforcement of )  
Order No. 4285 in Docket No. )  
9056-EU, which approved a terri- )  
torial agreement and established )  
boundaries between the Company )  
and the City of Homestead. )  
\_\_\_\_\_ )

DOCKET NO.970022-EU

**MOTION FOR APPROVAL OF TRANSFER OF CUSTOMERS**

Florida Power & Light Company (hereinafter "FPL") hereby moves and requests the Commission to approve a transfer of customers pursuant to Commission Order No. PSC-97-1132-FOF-EU, dated September 29, 1997, and upheld by the Florida Supreme Court in its Opinion No. SC91820, dated March 16, 2000, which enforced the FPL-City of Homestead Territorial Agreement established in the Commission's Order No. 4285 in Docket No. 9056-EU. In support of this Motion, FPL further states:

1. Following the Florida Supreme Court's decision upholding the Order of the Florida Public Service Commission, FPL and the City of Homestead have agreed that the City of Homestead will transfer Silver Eagle, Ltd. and Contender Boats to FPL in order to carry out the Order of this Commission and the Florida Supreme Court.

2. FPL will have the option to purchase existing facilities owned by the City of Homestead which are being used to supply electricity to Silver Eagle, Contender and the Park of Commerce that are useful to them at Net Book Value to be determined at the time the facilities are transferred. Any facilities not purchased by FPL will be removed at the expense of the City of Homestead.

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3. Associated easements, streetlight contracts, franchise agreements, and joint use agreements necessary for FPL to provide electrical service to the Park of Commerce will be included with the purchase of the facilities by FPL. During the transfer period, if major repairs to the facilities are needed due to damage from a hurricane, tropical storm, tornado, etc., FPL will have the opportunity to do the repairs itself or to allow the City of Homestead to make the repairs and to bill FPL for those expenses.

4. The City of Homestead has agreed to refund customer deposits and FPL will require no greater deposit from the customers than the previous deposit made with the City of Homestead.

5. The transfer will be scheduled to be completed within one (1) year of Commission approval of this Motion.

6. If relocation of existing facilities scheduled to be transferred is required, due to government mandate, prior to the transfer of the facilities, the City of Homestead shall timely notify FPL by letter to allow for FPL to carry out the relocation.

7. FPL represents that the proposed transfer is in the best interest of the public.

WHEREFORE, FPL respectfully requests approval of the proposed transfer of customers.

Respectfully submitted this 1st day of December, 2000.



Wilton R. Miller, Esquire  
Bryant, Miller and Olive, P.A.  
201 South Monroe Street, Suite 500  
Tallahassee, Florida 32301  
(850) 222-8611  
Florida Bar No. 055506

ATTORNEY FOR FLORIDA POWER &  
LIGHT COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion for Approval of Transfer of Customers has been furnished to L. Lee Williams, Jr., Esquire, Williams, Gautier, Gwynn and DeLoach, Post Office Box 4128, Tallahassee, FL 32315-4128, by United States Mail, postage prepaid, this 1st day of December, 2000.

  
WILTON R. MILLER