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COMMISSION  
CLERK

September 2, 2009

VIA HAND DELIVERY

090428-EJ

Ms. Ann Cole, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Joint Petition to Amended Territorial Agreement between Withlacoochee River Electric Cooperative, Inc. and Progress Energy Florida, Inc. to modify the territorial boundaries;  
Docket No. \_\_\_\_\_

Dear Ms. Cole:

On behalf of Progress Energy Florida, Inc. ("PEF") and Withlacoochee River Electric Cooperative, Inc. ("WREC"), please find enclosed for filing the joint petition to amend the territorial agreement between WREC and PEF approved by the Commission per Order No. PSC-06-0202-PAA-EU on March 14, 2006, modifying the boundaries in four areas to resolve outstanding issues between WREC and PEF.

Please acknowledge your receipt of the above filing as provided in the Commission's electronic filing procedures. Thank you for your assistance in this matter.

Sincerely,

*John T. Burnett* cms  
John T. Burnett

JTB/lpw

COM \_\_\_\_\_  
ECR 3  
GCL 2  
OPC 1  
RCP \_\_\_\_\_  
SSC \_\_\_\_\_  
SGA 1  
ADM \_\_\_\_\_  
CLK \_\_\_\_\_

cc: Gail T. Simpson (PEF)  
Billy Brown, Esq. (WREC)

DOCUMENT NUMBER-DATE

09150 SEP-28

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition to amend territorial agreement between Withlacoochee River Electric Cooperative, Inc. and Progress Energy Florida, Inc. to modify territorial boundaries

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Docket No. 090428-EI

Filed: September 2, 2009

**JOINT PETITION TO AMENDED TERRITORIAL AGREEMENT**

Progress Energy Florida, Inc. ("PEF") and Withlacoochee River Electric Cooperative ("WREC") (collectively, the "Parties") petition the Florida Public Service Commission ("the Commission") to amend the current territorial agreement between PEF and WREC that was approved by the Commission per Order No. PSC-06-0202-PAA-EU on March 14, 2006, for the purposes of boundary modifications in four areas to resolve outstanding issues and hereby stipulate and agree as follows:

1. PEF and WREC are electric utilities organized under the laws of Florida and are subject to the regulatory jurisdiction of the Commission pursuant to Section 366.04(2), F.S. PEF's principal offices are located in St. Petersburg, Florida. WREC's principal offices are located in Dade City, Florida.

2. All pleadings, notices and other communications in this matter should be served on the undersigned representatives for the Parties.

3. WREC and PEF are parties to a currently effective amended and consolidated territorial agreement delineating their respective territories which was approved by the Commission in Order No. PSC-06-0202-PAA-EU, issued March 14, 2006, in Docket No. 040133-EU.

4. The Parties have finalized the transfers of customers pursuant to the above stated Order with the exception of 115 customers located in Pasco County as identified in Exhibit A.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Furthermore, 33 customers on Handcart Road in Pasco County will be transferred on September 10, 2009. The Parties recognize that operational constraints and good engineering practices indicate that the area identified in Exhibit A should be served by WREC and, therefore the 115 customers will not be transferred.

5. The Parties have further agreed to boundary modifications in three areas of Pasco County due to operational constraints and potential safety issues. The boundary modifications are shown in Exhibits B-1, B-2, C-1, C-2, D-1 and D-2.

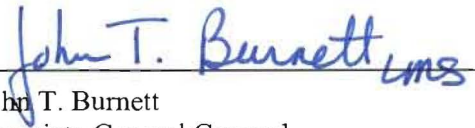
6. The boundary modification in Exhibit B-1 is known as the Lykes Brother's Inc. parcel and is located in Hernando County. Based on operational constraints and potential safety issues that have been identified, the Parties have agreed to modify the boundary as shown in Exhibit B-2. This modification involves the transfer of one customer having four accounts on the parcel identified in Exhibit B-1 from PEF to WREC. The customer has agreed to the transfer.

7. There are two boundary modifications located in Zephyrhills, Pasco County. These customers (Mr. Ammon at 5833 Linwood Lane, Zephyrhills, Pasco County, Florida and Mr. Banks at 5433 Ryals Road, Zephyrhills, Pasco County, Florida) were to be transferred to PEF from WREC pursuant to the amended territorial agreement approved in Order No. PSC-06-0202-PAA-EU, issued March 14, 2006, in Docket No. 040133-EU as shown in Exhibits C-1 and D-1. Due to easement issues and operational constraints, the boundary modifications will result in the service territory and the two customers being in WREC's service territory as shown in Exhibits C-2 and D-2, respectively. The customers are currently being served by WREC and, therefore, no transfers will be required at these locations.

Other than the changes identified above, there are no other proposed changes to the current territorial agreement approved by the Commission.

WHEREFORE, the Parties respectfully requests that the Commission grant this Petition and approve this minor amendment to the current agreement between the Parties to allow the boundary modifications as set forth herein.

Respectfully submitted,



John T. Burnett

Associate General Counsel  
Progress Energy Service Company, LLC  
Post Office Box 14042  
St. Petersburg, FL 33733-4042  
Telephone: (727) 820-5184  
Facsimile: (727) 820-5519  
Attorney for  
Progress Energy Florida, Inc.

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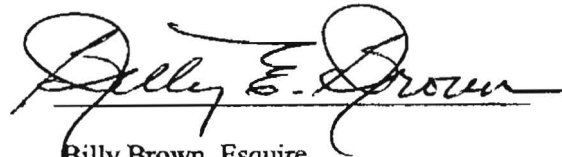
Billy Brown, Esquire  
Withlacoochee River Electric Cooperative, Inc.  
P.O. Box 278  
Dade City, Florida 33526-0278  
Telephone: (352) 567-5133  
Facsimile: (352) 521-5971  
Attorney for  
Withlacoochee River Electric Cooperative, Inc.

WHEREFORE, the Parties respectfully requests that the Commission grant this Petition and approve this minor amendment to the current agreement between the Parties to allow the boundary modifications as set forth herein.

Respectfully submitted,

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Telephone: (727) 820-5184  
Facsimile: (727) 820-5519  
Attorney for  
Progress Energy Florida, Inc.

A handwritten signature in black ink, appearing to read "Billy E. Brown". The signature is written in a cursive style with a horizontal line underneath it.

Billy Brown, Esquire  
Withlacoochee River Electric Cooperative, Inc.  
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Attorney for  
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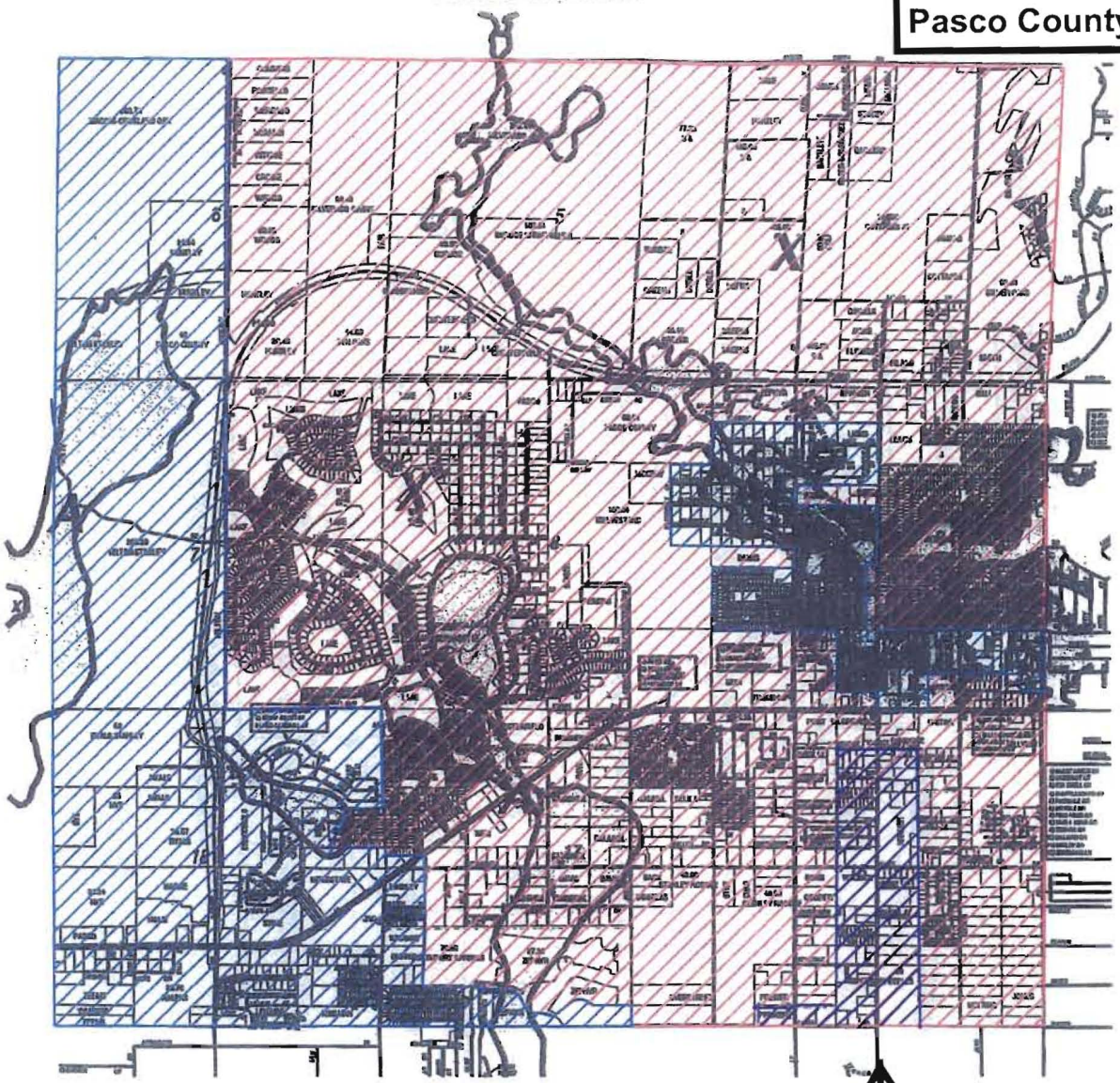
Exhibits  
A, B, C, D

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Maps Depicting the  
Current Service Territories  
and the Requested  
Boundary Modifications  
of Customers

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**EXHIBIT A -  
Coats Road,  
Pasco County**



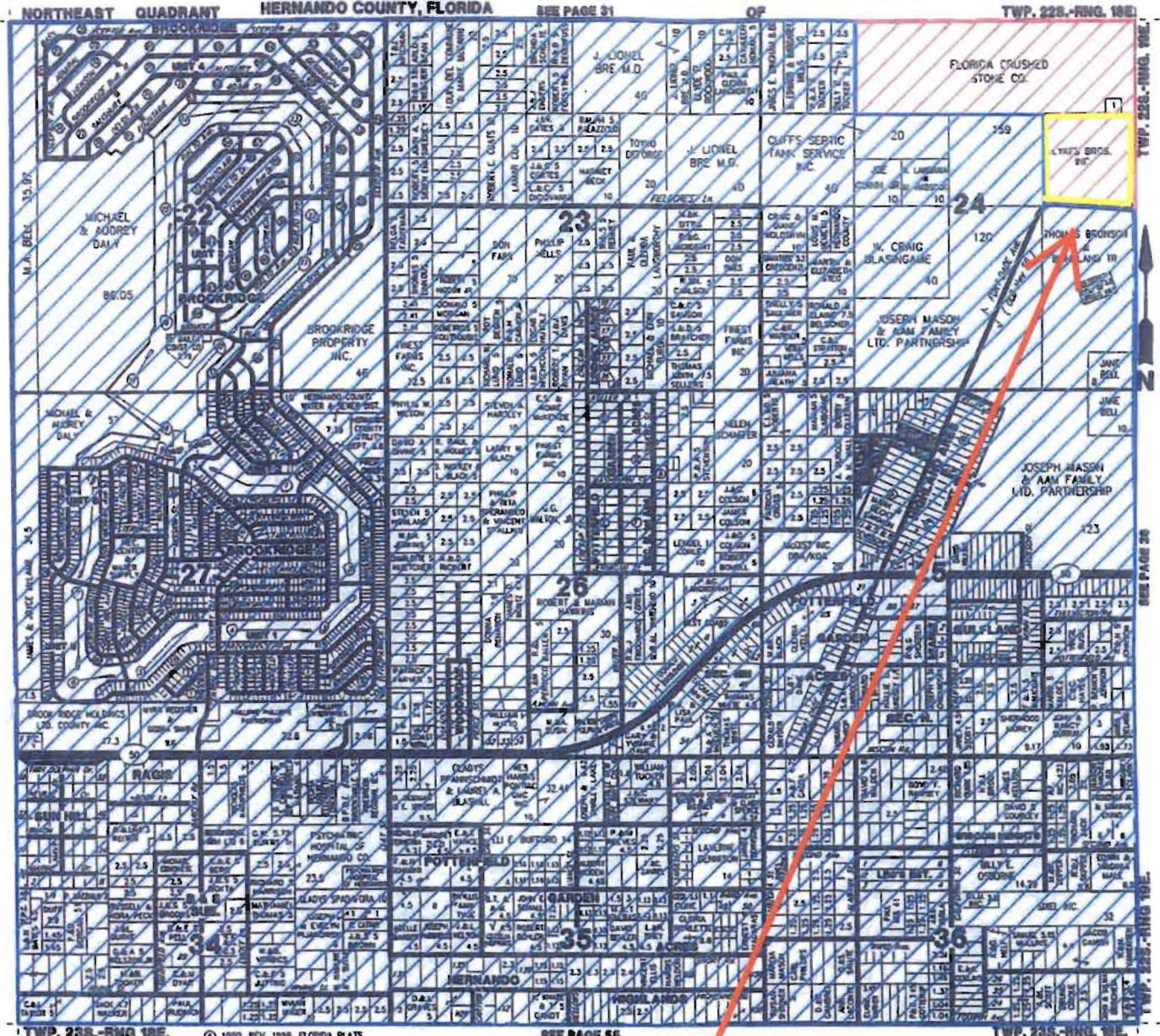
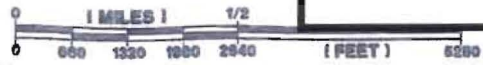
Coats Road, Pasco County

-  WITHLACOOCHEE RIVER ELECTRIC
-  PROGRESS ENERGY

**EXHIBIT B - 1  
Lykes Brothers Parcel**

**TWP. 22S.-RNG. 18E.**

**SOUTHEAST QUADRANT  
HERNANDO COUNTY, FLORIDA**



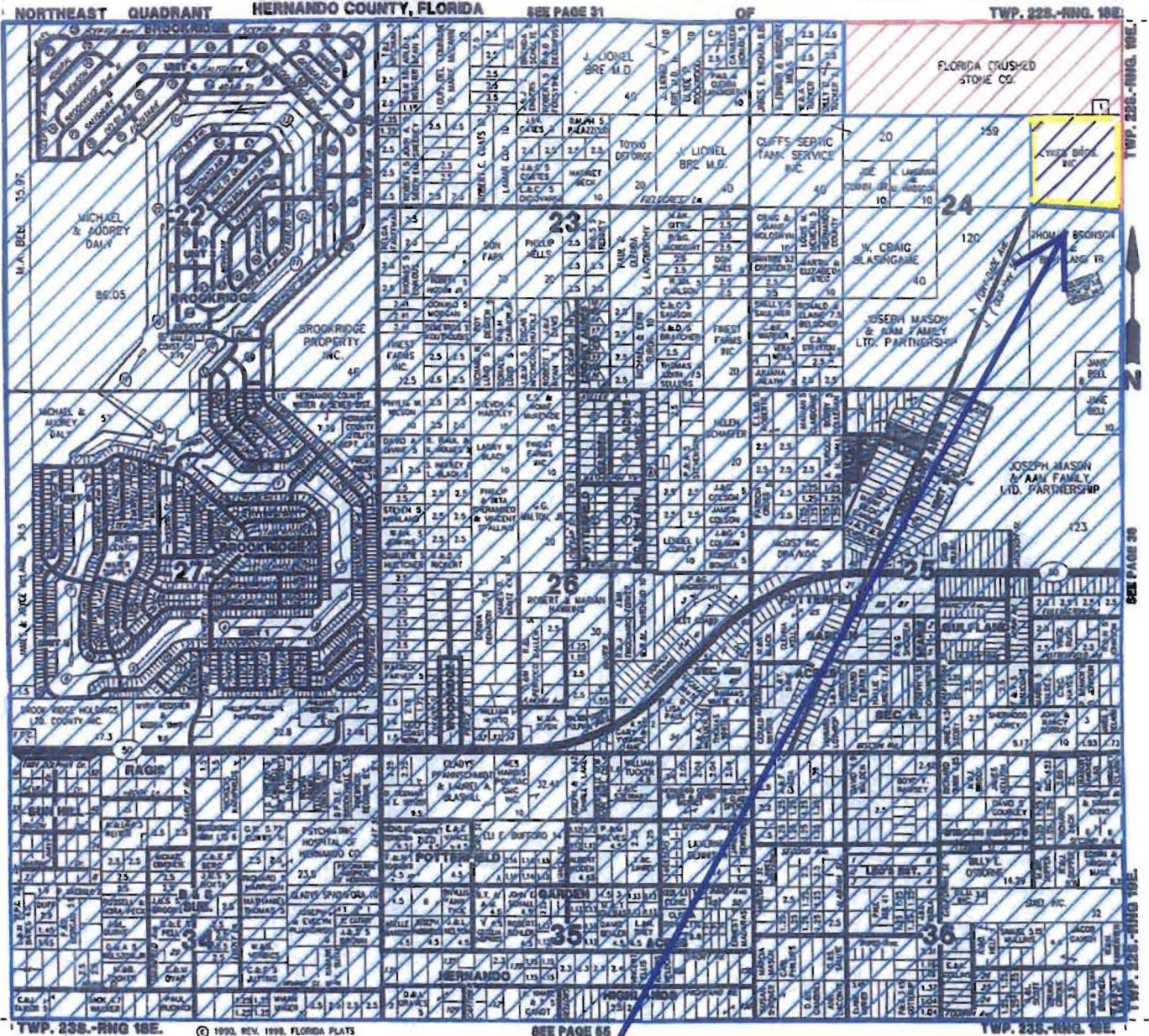
Lykes Brothers Parcel -  
16485 Fort Dade Avenue, Brooksville, Florida  
located in **PEF's service territory** as shown in the  
current agreement Order No. PSC-06-0202-PAA-EU,  
issued March 14, 2006, in Docket No. 040133-EU.

-  **WITHLACOOCHIEE RIVER ELECTRIC**
-  **PROGRESS ENERGY**



**TWP. 22S.-RNG. 18E.**

**SOUTHEAST QUADRANT**  
**HERNANDO COUNTY, FLORIDA**

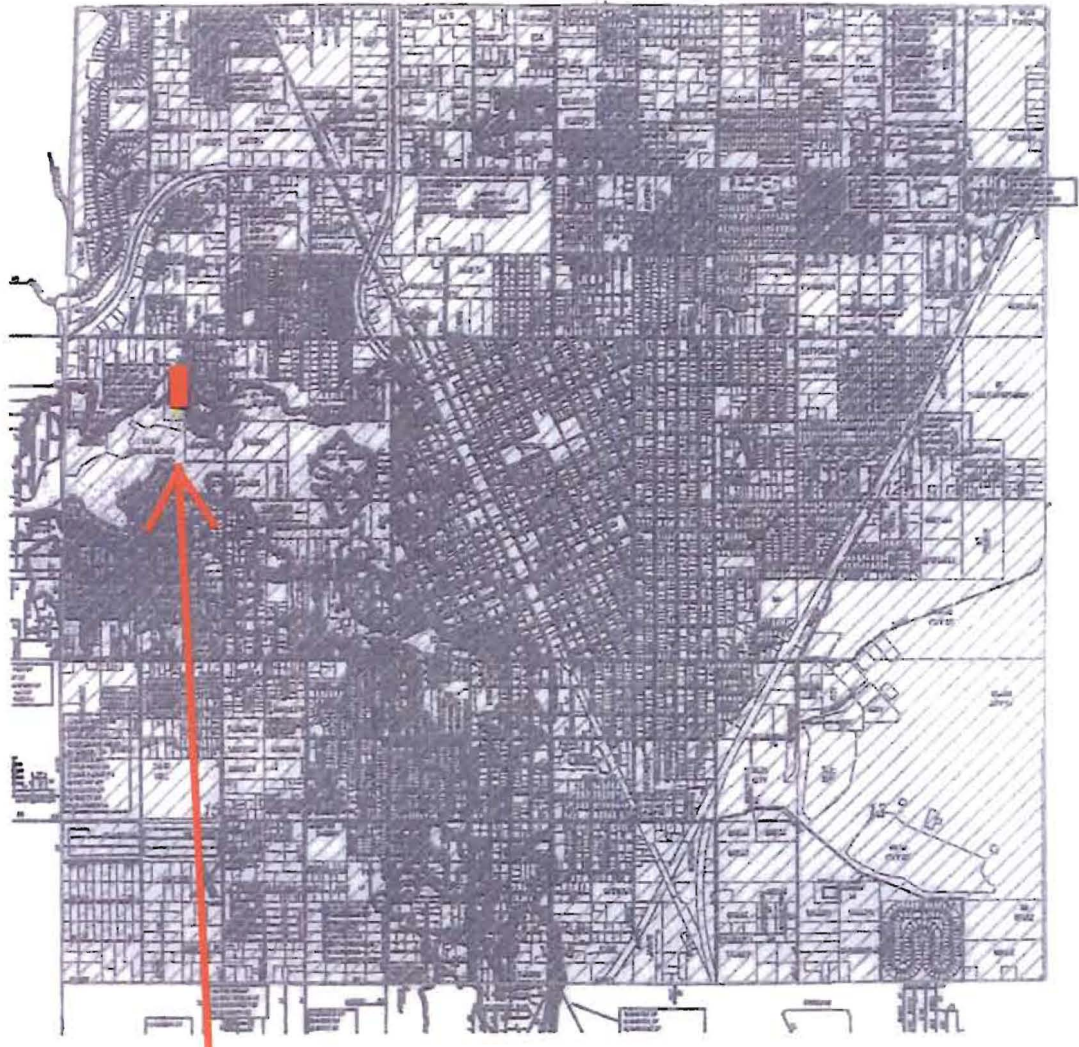


Lykes Brothers Parcel -  
 Fort Dade Avenue, Brooksville, Florida  
**Proposed boundary under amended agreement**



-  WITHLACOCHEE RIVER ELECTRIC
-  PROGRESS ENERGY

**EXHIBIT C - 1  
Ammon Parcel**

PASCO COUNTY  
TWP. 26S.-RNG 21E.

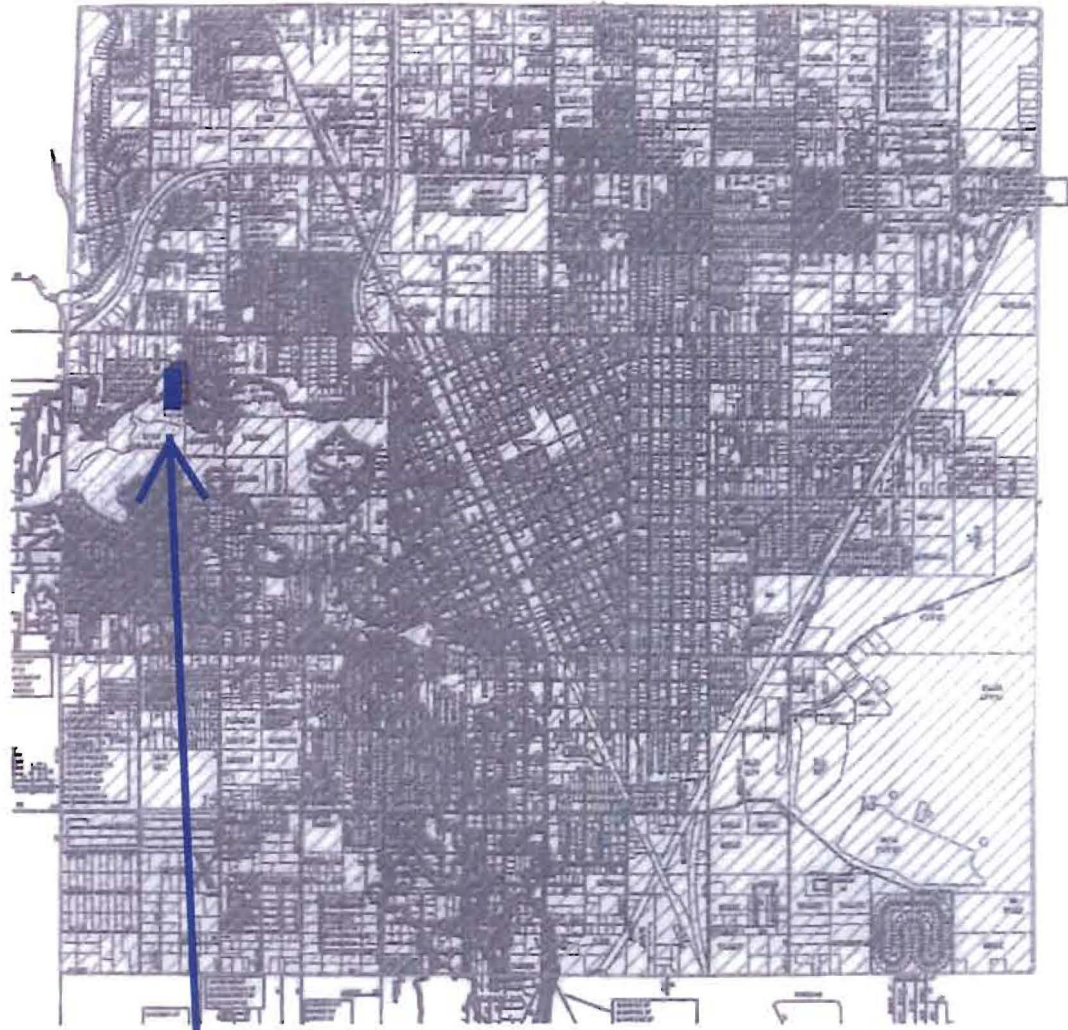


Ammon Parcel - 5833 Linwood Lane, Zephyrhills, Florida  
**located in PEF's service territory as shown in the  
current agreement** Order No. PSC-06-0202-PAA-EU,  
issued March 14, 2006, in Docket No. 040133-EU.



-  WITHLACOCHEE RIVER ELECTRIC
-  PROGRESS ENERGY

**EXHIBIT C - 2  
Ammon Parcel**

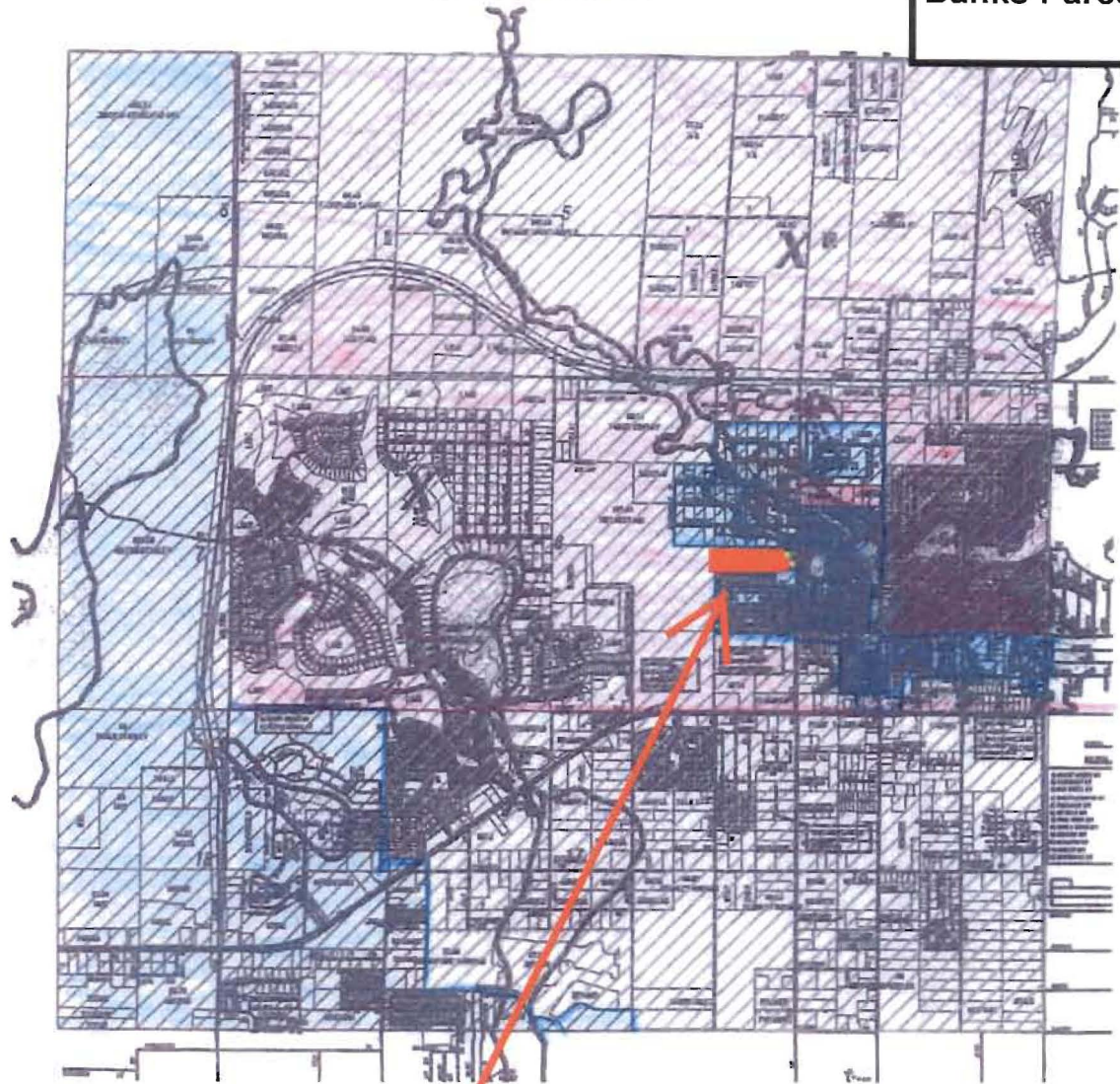
PASCO COUNTY  
TWP. 26S.-RNG 21E.





**Ammon Parcel - 5833 Linwood Lane, Zephyrhills, Florida**  
***Proposed boundary under amended agreement***

-  WITHLACOCHEE RIVER ELECTRIC
-  PROGRESS ENERGY

**EXHIBIT D - 1  
Banks Parcel**

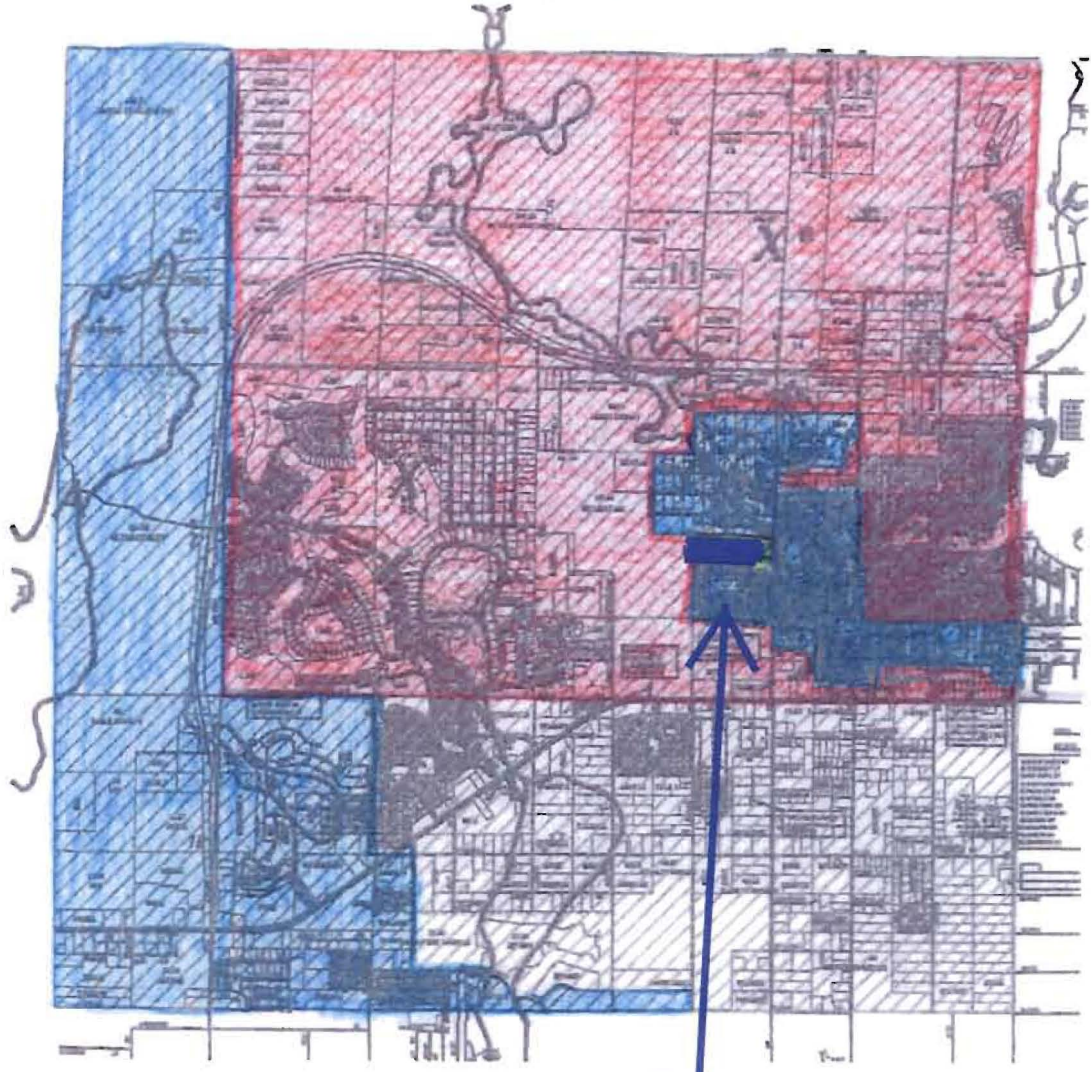


Banks Parcel - 5433 Ryals Road, Zephyrhills, Florida *located in PEF's service territory as shown in the current agreement* Order No. PSC-06-0202-PAA-EU, issued March 14, 2006, in Docket No. 040133-EU.



-  WITHLACOOCHEE RIVER ELECTRIC
-  PROGRESS ENERGY

**EXHIBIT D - 2  
Banks Parcel**

PASCO COUNTY  
TWP. 26S. RNG 21E.



**Banks Parcel - 5433 Ryals Road, Zephyrhills, Florida  
*Proposed boundary under amended agreement***

-  WITHLACOCHEE RIVER ELECTRIC
-  PROGRESS ENERGY