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PLEASE REPLY TO:  
TAMPA

August 8, 1991

JOHN W. BAKAS, JR.  
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KENNETH P. BROWN  
LEWIS J. CONWELL  
C. THOMAS DAVIDSON  
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JOHN W. McWHIRTER, JR.  
RICHARD W. REEVES  
BETH GILMORE REINEKE  
MATTHEW D. SOYSTER

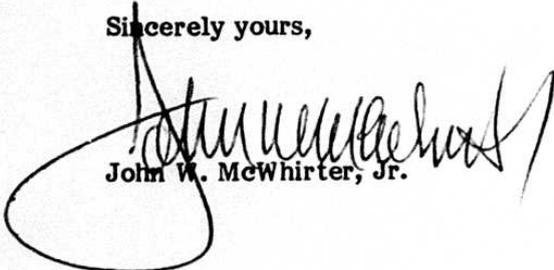
Honorable Steve Tribble, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32302

Re: In re: Petition of Tampa Electric Company for Resolution of  
Territorial Uncertainty, Docket No. 910811-EU  
Our File: I20-5226

Dear Mr. Tribble:

I enclose herewith an original and 15 copies of IMC Fertilizer Inc.'s Petition to Intervene in the above referenced matter, which I would appreciate your filing. An extra copy of this letter is also enclosed for you to date stamp and return to my attention as proof of receipt, in the enclosed self-addressed, stamped envelope.

Sincerely yours,



John W. McWhirter, Jr.

- ACK
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_

CTR JWMjr/caw

EAG Enclosures

LEG Vicki G. Kaufman, Esquire

OPC \_\_\_\_\_

RCH \_\_\_\_\_

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WAS \_\_\_\_\_

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EPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

08108 AUG 12 1991

EPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Tampa Electric  
Company for Resolution of  
Territorial Uncertainty.

)  
) Docket No. 910811-EU  
) Submitted for filing:

PETITION TO INTERVENE AND  
RESPONSE TO TAMPA ELECTRIC COMPANY'S PETITION

IMC Fertilizer, Inc. ("IMCF") through its undersigned attorney petitions the Commission to intervene in this cause and says:

1. IMCF is an industrial phosphate customer, consuming large amounts of electricity from Tampa Electric Company ("TEC") to serve two draglines and related mobile and fixed facilities at its 4 Corners Mine located on the boundary of Hillsborough and Manatee Counties. IMCF will be substantially affected by the Commission's determination of TEC's petition for resolution of territorial uncertainty and has a right to intervene in this docket under the provisions of Section 366.04(4), Florida Statutes.

2. IMCF requests that copies of all documents filed in this proceeding be furnished to:

John W. McWhirter, Jr., Esquire  
Lawson, McWhirter, Grandoff &  
Reeves  
Post Office Box 3350  
Tampa, FL 33601-3350

Vicki G. Kaufman, Esquire  
Lawson, McWhirter, Grandoff &  
Reeves  
522 East Park Avenue, Ste. 200  
Tallahassee, FL 32301

3. IMCF has examined and agrees to the factual accuracy of the allegations contained in paragraphs 3 through 8 of TEC's Petition.

4. TEC and Peace River Electric Cooperative, Inc. ("PRECO") appear to be in doubt as to the interpretation of the agreement between them relating to which company should be authorized to serve IMCF. IMCF prefers to be served by TEC for the following

reasons:  
FIP/5226Pet

DOCUMENT NUMBER-DATE

08108 AUG 12 1991

PSC-RECORDS/REPORTING

(a) TEC is presently serving IMCF's fixed facilities on both sides of the county boundary and the mobile facilities which are located north of the Hillsborough/Manatee County boundary line. When the mobile facilities move south of that line they will continue to have the same load characteristics. There will be no requirement for the construction of additional electric plant or line facilities by any electric utility to meet the demand of this equipment.

(b) The nature of the area involved is rural. The land which is the subject matter of TEC's petition is owned by IMCF and the service provided to IMCF will have no impact on the surrounding property with relation to the degree of urbanization in the area. The proximity to other urban areas will remain relatively the same as it is at present and will be for the reasonably foreseeable future.

(c) The future requirements of electric service will remain the same.

(d) PRECO does not operate generating capacity to serve its native load and has no nearby transmission lines.

(e) PRECO proposes to purchase electricity at wholesale from a generating utility and to construct substation facilities and a transmission line five miles to provide service to IMCF. It further proposes to impose a contribution in aid of construction on IMCF to construct the facilities. This proposal is costly, will involve additional line losses, and will cause an uneconomic duplication of transmission, substation and distribution facilities.

(f) PRECO does not presently offer interruptible service and under its existing tariffs would be required to render firm service to IMCF. This would not be in the public interest because it would place a significant new demand on existing

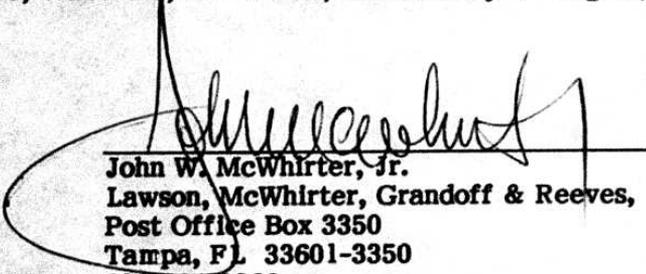
generating facilities of the companies from which PRECO purchases electricity wholesale for supplemental retail sale. In IMCF's contract with TEC for service, IMCF is required to give five years' notice prior to converting to firm service. If PRECO were allowed to provide service to IMCF, it could convert the interruptible service to firm service overnight.

5. IMCF concurs with the factual allegations contained in paragraphs 10 through 12 of the TEC petition.

WHEREFORE, IMCF requests the Commission to grant its petition to intervene and to resolve the TEC/PRECO territorial agreement dispute by allowing TEC to continue to serve IMCF as an interruptible customer.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered by U. S. Mail to JAMES D. BEASLEY, ESQUIRE, Ausley, McMullen, McGehee, Carothers and Proctor, Post Office Box 391, Tallahassee, FL 32302; ANDREW B. JACKSON, ESQUIRE, 150 North Commerce Avenue, Sebring, FL 33870; MR. RUSSELL D. CHAPMAN, Manager, Regulatory Coordination, Tampa Electric Company, Post Office Box 111, Tampa, FL 33601; and PEACE RIVER ELECTRIC COOPERATIVE, INC., Highway 17 North, Post Office Box 1310, Wauchula, FL 33873, this 8th day of August, 1991.



John W. McWhirter, Jr.  
Lawson, McWhirter, Grandoff & Reeves,  
Post Office Box 3350  
Tampa, FL 33601-3350  
813/224-0866

Vicki G. Kaufman  
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