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**ORIGINAL  
 FILE COPY**

December 23, 1991

Mr. Steven C. Tribble, Director  
 Division of Records and Reporting  
 Florida Public Service Commission  
 101 East Gaines Street  
 Tallahassee, FL 32301

911141-EL

Re: Okefenoke Rural Electric Membership Corporation  
 JEA Duval County Territorial Issues

Dear Mr. Tribble:

Enclosed is Jacksonville Electric Authority's Response to the Petition in this matter. Despite the Certificate of Service on page 5 of the Petition, neither the Office of General Counsel nor the JEA was served a copy. That may be due to the incorrect JEA address, 233 West Duval Street, P. O. Box 53015, Jacksonville, Florida 32201, or possibly the incorrect zip code for the Office of General Counsel.

In any event, Mr. Thompson was kind enough to express mail a copy to me. That copy which constitutes service was received on December 18, 1991. In addition to this Response, you will soon receive a Motion to Dismiss.

Yours truly,

**BRUCE PAGE**  
 Assistant General Counsel

BP:rmp  
 Enclosure

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

12697 DEC 24 1991

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Territorial Dispute between)  
OKEFENOKE RURAL ELECTRIC MEMBERSHIP) )  
CORPORATION and THE JACKSONVILLE )  
ELECTRIC AUTHORITY OF THE CITY OF )  
JACKSONVILLE, IN DUVAL COUNTY )  
\_\_\_\_\_ )

DOCKET NO. 911141-EU  
Filed: November 19, 1991

JACKSONVILLE ELECTRIC AUTHORITY'S  
RESPONSE TO PETITION

The JACKSONVILLE ELECTRIC AUTHORITY (JEA), by and through its undersigned attorneys, files this Answer to OKEFENOKE RURAL ELECTRIC MEMBERSHIP CORPORATION'S (OREMC) Petition, and states:

1. JEA denies that the Petition states a proper dispute for resolution by the Commission. Duval County defines the incorporated municipal boundary of the Consolidated City of Jacksonville (City). Pursuant to its legislatively adopted Charter (Ch. 67-1320, Laws of Fla.), the City may exercise any and all powers which counties and municipalities are authorized or required to exercise throughout Duval County including the area which is the subject of OREMC's Petition. Art. 3, Powers of the Consolidated Government, Charter of the City of Jacksonville. The JEA exercises its powers pursuant to Art. 21 of the Charter to "furnish electricity to (all persons and entities) in any part of the City . . . and for said purposes shall have the right to construct and maintain electric lines in and along all public highways and streets throughout the City . . . ." Section 21.04, Powers, Charter.

2. JEA admits that OREMC is a rural electric cooperative operating under Chapter 425, Fla. Stat. Section 425.02 of that Chapter states the purpose of rural electric cooperative is "supplying electric energy and promoting and extending the use thereof in rural areas." Section 425.03(1) defines "rural areas" as "any area not included within the boundaries of any incorporated or unincorporated city, town, village, or borough having a population in excess of 2,500 persons." The area which is the subject of the Petition is not a rural area.

3. JEA admits the allegations in paragraph 3 of the Petition except the business address which should be:

JEA  
21 West Church Street  
Jacksonville, FL 32202

4. JEA admits the allegations in paragraph 4 of the Petition except the zip code of the Office of the General Counsel is 32202.

5. JEA admits the general allegations as stated in paragraph 5, but denies that the Florida Public Service Commission (FPSC) has jurisdiction in this matter.

6. JEA admits the general allegations as stated in paragraph 5, but denies that the Florida Public Service Commission (FPSC) has jurisdiction in this matter.

7. JEA admits that there is no FPSC approved territorial agreement between OREMC and JEA.

8. The Holiday Inn - Jacksonville Airport terminated their service arrangement with OREMC on November 25, 1991.

9. Admitted.

10. The Holiday Inn - Jacksonville Airport has at its own expense and on its own initiative installed the "electric facilities" necessary to accept electric service from JEA. JEA admits that it placed a service pole in order to provide service when Holiday Inn disconnected OREMC service.

11. The map included as Exhibit A to the Petition omits relevant information.

12. Denied. Allegations of "adequate and reliable service" are merely self serving conclusions.

13. Denied.

14. Denied. JEA's right to serve citizens in the incorporated municipal boundaries of the City are governed by the legislature in its enactment of the City Charter and in § 366.04, Fla. Stat. (1989) which state in relevant part:

No provision of this Chapter shall be construed or applied to impede, prevent, or prohibit any municipally owned electric utility system from distributing at retail electric energy within its corporate limits, as such corporate limits exist on July 1, 1974; however, existing territorial agreements shall not be altered or abridged hereby.

15. Denied.

16. The Florida Legislature's purpose and terms in defining the corporate limits of the City of Jacksonville, the

purpose of rural electric cooperatives to serve rural areas, and FPSC's jurisdiction are clear.

17. Denied.

18. Denied.

JOHN A. DELANEY  
GENERAL COUNSEL



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Florida Bar No. 651389

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ATTORNEYS FOR RESPONDENT JEA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished to the following, by U.S. Mail, this 23 day of December, 1991.

James Harold Thompson, Esquire  
Ausley, McMullen, McGehee,  
Carothers & Proctor  
P. O. Box 391  
Tallahassee, FL 32302

Robert V. Elias, Esquire  
Mary Anne Birchfield, Esquire  
Staff Counsel  
Florida Public Service Commission  
Fletcher Building - Room 226  
101 East Gaines Street  
Tallahassee, FL 32399-0863



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Attorney