

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Amendment to Tampa Electric Company/Withlacoochee River Electric Cooperative, Inc. Territorial Agreement.)	DOCKET NO. 900752-EU
)	
)	ORDER NO. 23905
)	
)	ISSUED: 12-20-90

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 FRANK S. MESSERSMITH

NOTICE OF PROPOSED AGENCY ACTIONORDER APPROVING AMENDMENT TO TERRITORIAL AGREEMENT

BY THE COMMISSION:

NOTICE is hereby given by the Florida Power Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On September 10, 1990, Tampa Electric Company (TECO) and Withlacoochee River Electric Cooperative, Inc. (WREC) filed a joint application for approval of an amendment to their territorial agreement.

As stated in the joint application, a territorial agreement exists between TECO and WREC pursuant to Commission Order No. 6281, issued on September 16, 1974 approving a territorial boundary in Pasco County, Florida. As part of the amendment to the territorial agreement TECO is transferring to WREC a customer located near the boundary separating the service areas. TECO is presently providing electric service, and will continue serving the customer until July 1, 1992, then WREC will provide electric service. According to data provided by the joint applicants, the customer was notified of the transfer and had no apparent disagreement with being transfer.

DOCUMENT NUMBER-DATE

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In consideration of the foregoing it is

ORDERED by the Florida Public Service Commission that the joint application filed by Tampa Electric Company and Withlacoochee River Electric Cooperative, Inc. amending a territorial agreement is granted. It is further

ORDERED that this docket be closed if no petition for formal proceeding is timely filed.

By ORDER of the Florida Public Service Commission, this 20th day of DECEMBER, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by

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Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on January 10, 1991.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.