

BEFORE THE STATE OF FLORIDA
PUBLIC SERVICE COMMISSION

951295-EU

IN RE:
TERRITORIAL AGREEMENT BETWEEN
THE CITY OF TALLAHASSEE AND
TALQUIN ELECTRIC RURAL COOPERATIVE

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
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**PETITION TO INVALIDATE OR MODIFY
TERRITORIAL AGREEMENT**

The undersigned hereby petitions the Commission to identify the existence of a dispute and to, on its own motion, direct the parties to participate in a proceeding to modify or hold invalid the Territorial Agreement by and between the City of Tallahassee (hereinafter "City") and Talquin Electric Rural Cooperative (hereinafter "Talquin") and would show:

1. This Petition, pursuant to Section 25-6.0441 F.A.C., requests that the Commission file its Motion to Direct the City, Talquin and the undersigned customers participate in a proceeding to resolve the matter of inadequate electrical service to the customers.

2. Petitioners Paul A. Lehrman and Randall E. Denker (hereinafter "Customers") are substantially affected customers of the Electric Department of the City of Tallahassee. The electrical service is provided to the customers at 7600 Bradfordville Road, Tallahassee, Florida.

3. The City and Talquin have entered into an exclusive Territorial Agreement whereby the City would provide electrical service to the Customers.

4. The City provides service to the Customers by means of overhead wire service, and the Customers are at the end of their respective electrical circuit. The only other customer located beyond the undersigned Customers is a City of Tallahassee Water Pumping Station.

5. Since 1992, the City has unsuccessfully attempted to deliver continuous electrical

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service to the Customers. However, the Customers have been experiencing unusually frequent power outages since the inception of service. These power interruptions occur at least several times a month and often are of a duration of one hour or more. Some outages have extended beyond 24 hours, on occasions several days, and sometimes the Customers suffer power interruptions in excess of two times per week. This low level of service has been occurring since 1992.

6. As a result, the City has not operated and maintained its electric utility in a manner consistent with the mandates of Section 25-6.037 F.A.C. as regards the undersigned Customers.

7. The employees of the City have extended their sympathies and sincere efforts toward providing the Customers with efficient service. They have attempted switching electrical circuits which serve the Customers, and have attempted to clear obvious potential obstructions to service, such as dead tree limbs. All of their efforts have been ineffective.

8. The Customers have allowed Talquin to run its electrical lines along the front of their property. Talquin maintains an electrical power substation approximately 100 feet from Customer's property. However, Talquin maintains that it cannot offer electrical service to the Customers, however, because the Customers fall just outside the Territorial Agreement boundaries.

9. Recognizing that the properties in close proximity to power substations have vastly lower interruption rates than properties at the end of long electrical circuits, the City has suggested that they would hook the Customers into the Talquin electrical lines which run along the front of Customer's property, utilizing a City meter. However, the City has not acted on their own suggestion to the benefit of the Customers.

10. The City now maintains that the Territorial Agreement prevents it from providing

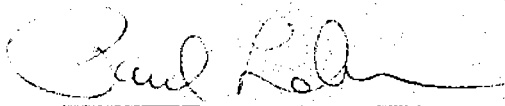
relatively uninterrupted electrical service to the Customers by providing electric service through Talquin.

11. The power interruptions have caused and are continuing to cause the Customers damage to electrical equipment as well as extreme inconvenience and financial expense.


12. If the Territorial Agreement were invalidated or modified it would allow Talquin to provide electrical service to the Customers.

WHEREFORE, the undersigned request that the Commission direct the parties to participate in a proceeding to modify or hold invalid the Territorial Agreement by and between the City of Tallahassee and Talquin Electric Rural Cooperative, so as to allow Customers Paul A. Lehrman and Randall E. Denker to receive their electrical service through Talquin Electric Rural Cooperative.

Dated this 15th day of November, 1995.



Paul A. Lehrman
7600 Bradfordville Road
Tallahassee, Florida 32308
(904) 893-6753
Fax (904) 668-2090



Randall E. Denker
7600 Bradfordville Road
Tallahassee, Florida 32308
(904) 893-6753
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served by United States mail to each of the persons listed on the attached Service List on

Paul A. Lehrman, Esquire
7600 Bradfordville Road
Tallahassee, Florida 32308
Telephone: (904) 893-6753
Facsimile: (904) 668-2090

SERVICE LIST

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