

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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October 5, 1998

RECEIVED FPSC
93 OCT -5 PM 4:32
RECORDS AND
REPORTING

BY HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

981263-EU

Re: Joint Petition of Tampa Electric Company and the City of Lakeland
For Approval of Amendment to Territorial Agreement; Docket No.

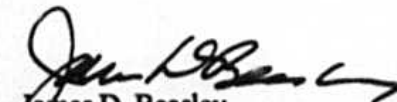
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of the Joint Petition for Approval of Amendment to Territorial on behalf of Tampa Electric Company and the City of Lakeland.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Sincerely,


James D. Beasley

JDB/bjd

Enclosures

DOCUMENT NUMBER-DATE

10949 OCT-5

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of Tampa) DOCKET NO.
Electric Company and the City of)
Lakeland for Approval of Amendment)
to Territorial Agreement.)
_____)

JOINT PETITION
FOR APPROVAL OF AMENDMENT
TO TERRITORIAL AGREEMENT

Tampa Electric Company ("Tampa Electric" or the "company") and the City of Lakeland, Department of Electric and Water Utilities ("Lakeland") jointly petition the Commission to approve an amendment to their Commission approved territorial agreement and in support thereof say:

1. The full names and address of joint petitioners are as follows:

Tampa Electric Company
Post Office Box 111
Tampa, FL 33601

City of Lakeland
Department of Electric
and Water Utilities
501 E. Lemon Street
Lakeland, FL 33601-5079

2. The names and addresses of the Tampa Electric representatives to whom copies of all pleadings, notices and other filings herein should be sent are:

Angela Llewellyn
Regulatory Specialist
Tampa Electric Company
Post Office Box 111
Tampa, FL 33601

Lee L. Willis
James D. Beasley
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302

DOCUMENT NUMBER-DATE

10949 OCT-58

FPSC-RECORDS/REPORTING

3. The names and addresses of the Lakeland representatives to whom copies of all pleadings, notices and other filings herein should be sent are:

Gregory D. James
City of Lakeland
Department of Electric
and Water Utilities
501 E. Lemon Street
Lakeland, FL 33801

Mark N. Miller
Lane, Trohn, Clarke,
Bertrand, Vreeland & Jacobsen
P. O. Box 3
Lakeland, FL 33802-0003

4. On November 24, 1997, the Commission issued its Order¹ approving a joint petition by Tampa Electric and Lakeland to allow the city to provide temporary electric service to Tenorock Fish and Game Preserve ("Tenorock"). As the Commission Order stated, under the Territorial Agreement between Tampa Electric and Lakeland approved by the Commission in Order No. PSC-92-0570-FOF-EU, issued June 25, 1992, Tenorock is located within Tampa Electric's service area.

5. In approving the temporary power service arrangement, the Commission required that Lakeland and Tampa Electric return to the Commission for further review of the temporary power service arrangement and possible modification of the Territorial Agreement if Tampa Electric had not begun providing permanent electric service to Tenorock by April 30, 1998.

¹Order No. PSC-97-1485-FOF-EU issued November 24, 1997 in Docket No. 970999-EU, In re: Joint Petition of Tampa Electric Company and the City of Lakeland for Approval of Temporary Power Service by Lakeland to a Customer Located in Tampa Electric's Service Area.

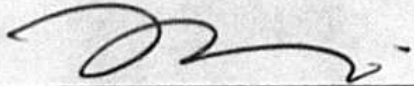
6. After carefully considering the temporary service arrangement, the relative economics and logistics of Tampa Electric, as opposed to Lakeland, providing service to the Tenorock site and other relevant considerations, Tampa Electric and Lakeland have concluded that it would be more appropriate for Lakeland to continue providing electric service to the Tenorock site on a permanent basis. Accordingly, Tampa Electric and Lakeland have entered into the attached Amendment to their existing Commission approved Territorial Agreement ("the Amendment") with such amendment being subject to and conditioned upon the approval of this Commission.

7. Pursuant to Fla. Admin. Code, Rule 25-6.0440, the Amendment contains a map and written description of the area in question. There are no terms or conditions pertaining to implementation of the Amendment other than as stated in the Amendment. The only customer affected is Tenorock which will continue to be served by Lakeland. No customers will be transferred as Tenorock is already being served by Lakeland. Tenorock has been contacted and the difference between Lakeland's rates and Tampa Electric's rates have been explained. Tenorock agrees to continue receiving electric service from Lakeland.

WHEREFORE, the parties jointly petition the Commission to approve the attached Amendment.


DATED this 5th day of Oct., 1998.

Respectfully submitted,



MARK N. MILLER
Lane, Trohn, Clarke, Bertrand,
Vreeland & Jacobsen, P.A.
P. O. Box 3
Lakeland, FL 33802-0003
(941) 284-2251

ATTORNEYS FOR CITY OF LAKELAND



LEE L. WILLIS
JAMES D. BEASLEY
Ausley & McMullen
P. O. Box 391
Tallahassee, FL 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC
COMPANY

LLWTECLAKELAND.JP

**AMENDMENT TO
TERRITORIAL AGREEMENT**

THIS AMENDMENT TO TERRITORIAL AGREEMENT ("Amendment") is made and entered into this 17th day of August, 1998, by and between **THE CITY OF LAKELAND**, a Florida municipal corporation ("Lakeland"), and **TAMPA ELECTRIC COMPANY**, a private Florida corporation ("TEC"). Collectively, LAKELAND and TEC will be referred to herein as the "Parties."

WHEREAS, pursuant to the approval of the Florida Public Service Commission ("FPSC") in Docket No. 920251-EU, Joint Petition of Tampa Electric Company and The City of Lakeland for Approval of Territorial Agreement, TEC and Lakeland are Parties to an FPSC approved territorial agreement dated May 20, 1991 ("the Agreement"); and

WHEREAS, Article I of the Agreement defines the respective territories of the Parties, and

WHEREAS, pursuant to Order No. PSC-97-1485-FOF-EU, Docket No. 970999-EU, TEC and Lakeland have requested from and received approval of the FPSC for Lakeland temporarily to serve a customer in TEC's service territory and to return to the FPSC in certain events relating to that service to effect an adjustment of their respective territories.

NOW THEREFORE, the Parties hereby amend the Agreement as follows:

1. The Parties agree, subject to the approval of the FPSC, the lands described and depicted as "Subject Area" in the map attached hereto as Exhibit A hereby and hereinafter shall be deleted from the TEC Territorial Area and added to the Lakeland Territorial Area.
2. The Parties agree, subject to the approval of the FPSC, that the territorial boundary between their respective areas, as recited in Exhibit A of the Agreement, is hereby amended by including within the metes and bounds description contained in Exhibit A of the Agreement, and at the place within said metes and

bounds description identified in Exhibit B of this Amendment, the additional language set forth in bold type in Exhibit B of this Amendment.

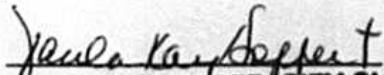
3. All other provisions of the Agreement shall remain in full force and effect.

PREREQUISITE APPROVAL

The provisions of this Amendment are subject to the regulatory authority of the FPSC, and appropriate approval by that body of the provisions of this Amendment shall be a prerequisite to the validity and applicability hereof and neither party shall be bound hereunder until that approval has been obtained.

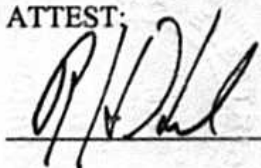
IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed in duplicate in their respective corporate names and their corporate seals affixed by their duly-authorized officers on the day and year first written above.

ATTEST:


BAULA KAY HOFFER, CITY CLERK

(SEAL)


ATTEST:



JOSEPH P. MAWHINNEY, CITY ATTORNEY

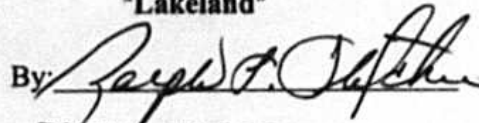
(SEAL)

APPROVED AS TO FORM AND CORRECTNESS



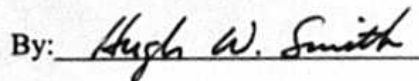
JOSEPH P. MAWHINNEY, CITY ATTORNEY

THE CITY OF LAKELAND
"Lakeland"

By: 

RALPH L. FLETCHER, MAYOR

TAMPA ELECTRIC COMPANY
"TEC"

By: 

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bounds description identified in Exhibit B of this Amendment, the additional language set forth in bold type in Exhibit B of this Amendment.

3. All other provisions of the Agreement shall remain in full force and effect.

PREREQUISITE APPROVAL

The provisions of this Amendment are subject to the regulatory authority of the FPSC, and appropriate approval by that body of the provisions of this Amendment shall be a prerequisite to the validity and applicability hereof and neither party shall be bound hereunder until that approval has been obtained.

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ATTEST:

Paula Kay Hoffer
PAULA KAY HOFFER, CITY CLERK

(SEAL)

ATTEST:

[Signature]

(SEAL)

THE CITY OF LAKELAND

"Lakeland"

By: *Ralph L. Fletcher*
RALPH L. FLETCHER, MAYOR

TAMPA ELECTRIC COMPANY

"TEC"

By: *Hugh W. Smith*

APPROVED AS TO FORM AND CORRECTNESS

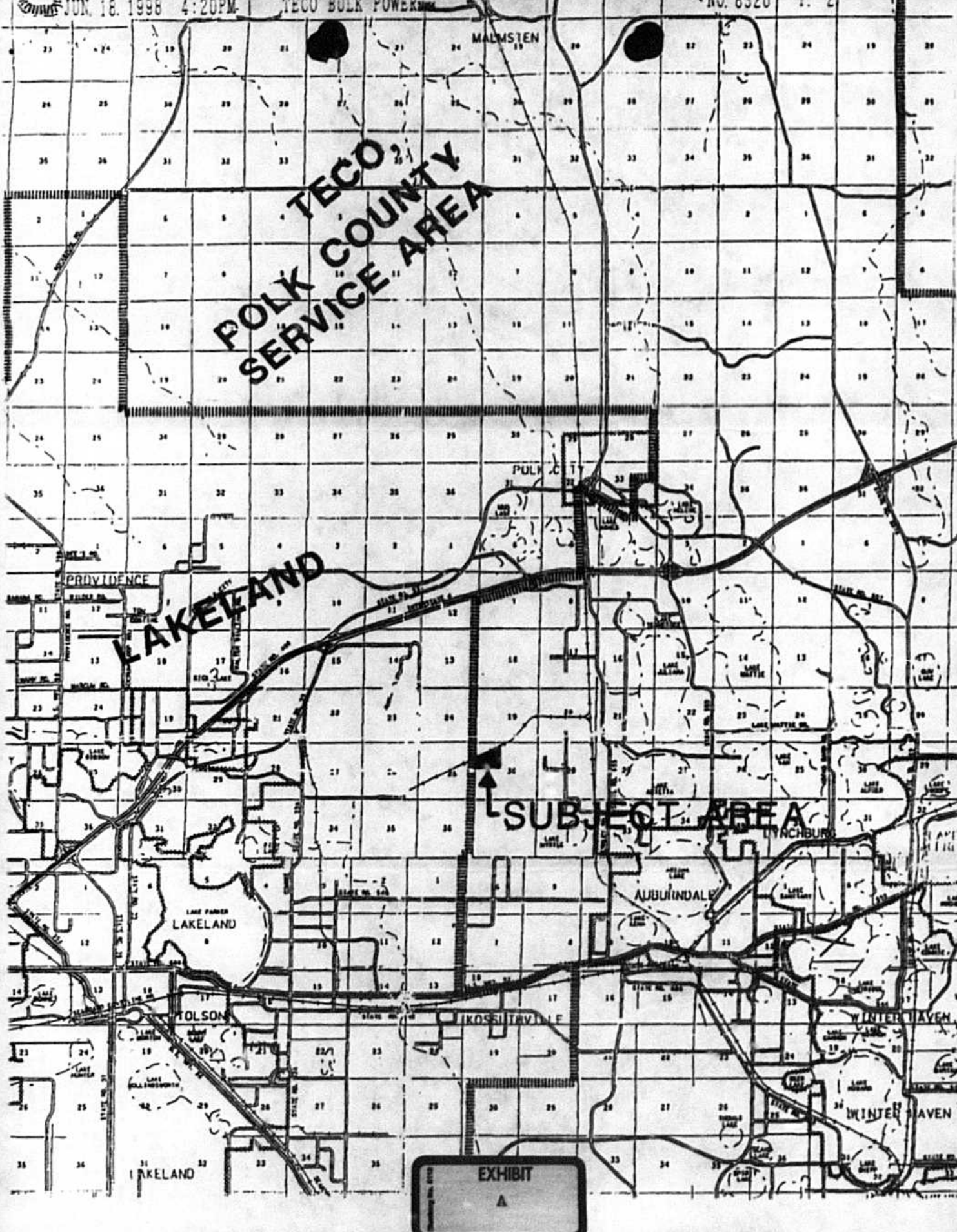
Joseph P. Mawhinney
JOSEPH P. MAWHINNEY, CITY ATTORNEY

TECO,
POLK COUNTY
SERVICE AREA

LAKELAND

SUBJECT AREA

EXHIBIT
A



ADDITIONAL LEGAL DESCRIPTION (in bold type below)

thence departing said Southerly limited access right of way boundary and on the East boundary of said Range 24 East

....proceed in a Southerly direction to the intersection of said East boundary with the centerline of the former Seaboard Coastline Railroad right of way; thence Northeasterly along said centerline to an intersection with the East boundary of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 30, Township 27 South, Range 25 East; thence departing said centerline, proceed South along said East boundary to the South boundary of the Northwest $\frac{1}{4}$ of said Section 30; thence West along the South boundary of the Northwest $\frac{1}{4}$ of said Section 30 to the East boundary of Section 25, Township 27 South, Range 24 East; thence on the East boundary of said Range 24 East,....

....proceed in a Southerly direction to the Southeast corner of Section 36, Township 27 South, Range 24 East;