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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for resolution)
of territorial uncertainty as to whether)
electric service should be provided to) Docket No. 910811-EU
certain facilities of an industrial)
phosphate customer by Tampa Electric)
Company or by Peace River Electric)
Cooperative)
/

PEACE RIVER ELECTRIC COOPERATIVE'S RESPONSE TO
FLORIDA POWER & LIGHT COMPANY'S OBJECTIONS TO
THE STIPULATION AND SETTLEMENT AGREEMENT FILED
BY TAMPA ELECTRIC, PEACE RIVER, AND IMCF;
AND MOTION FOR HEARING

PEACE RIVER ELECTRIC COOPERATIVE, INC. ("PRECO") files this
its Response to FLORIDA POWER & LIGHT COMPANY'S ("FPL")
Objections in the above referenced matter:

1. TAMPA ELECTRIC COMPANY'S ("TECO") petition was
submitted to resolve territorial uncertainty in regard to
providing electric service to IMC FERTILIZER ("IMCF") in Manatee
County, Florida. The Petition further raised the concerns of
cost of service and the fact that PRECO did not have an
interruptible rate.

2. PRECO petitioned to intervene alleging the right to
serve under existing territorial agreements. PRECO's concern was
the protection of its right to serve in its designated service
area as approved by FLORIDA PUBLIC SERVICE COMMISSION ("FPSC").

3. IMCF Petitioned to intervene expressing its concerns
about construction costs, generating capacity, line losses,

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uneconomical duplication of facilities and new demand on existing generating facilities.

4. FPL petitioned to intervene alleging a violation of the terms of the existing territorial agreements between FPL and TECO and FPL and PRECO. FPL recognized PRECO's right to serve in the area in question and asserted the right to serve IMCF, if, and only if, PRECO could not serve this load.

5. All parties agreed that the matter should be resolved without delay.

6. The Stipulation and Settlement Agreement, if approved, will answer all of the parties' expressed concerns in a positive manner:

(A) TECO's expressed concerns about the uncertainties in providing service, PRECO's cost to serve and PRECO's ability to provide an interruptible rate are all provided for in the Stipulation and Settlement Agreement;

(B) PRECO's concern about protecting its right to serve in the area in question is answered by the Stipulation and Settlement Agreement.

(C) IMCF's expressed concerns about construction costs, generation capacity, line losses, uneconomical duplication of facilities and new demand on existing generation facilities are all addressed and resolved by the Stipulation and Settlement Agreement; and


(D) FPL's concern that TECO would serve a new load in Manatee County is resolved in a manner consistent with FPL's position that PRECO has the primary right to serve and that FPL

does not have the right to serve if PRECO can serve the load.

WHEREFORE, PRECO believes that the Stipulation and Settlement Agreement addresses and resolves all of the concerns raised by the parties, is in the public interest, and therefore should be approved.


DATED this 18th day of February, 1992.

Respectfully submitted,


Andrew B. Jackson
Attorney for PRECO
Post Office Box 2025
Sebring, Florida 33871
(813) 382-3686

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the Original and 15 copies of the OBJECTION has been mailed by regular US Mail this to Mr. Steve C. Tribble, Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32301 and a copies of the Objection have been mailed by regular US Mail to James D. Beasley, Esquire, Post Office Box 391, Tallahassee, Florida 32302, John W. McWhirter, Esquire, P.O. Box 3350, Tampa, Florida, 33601-3350, Vicki G. Kaufman, Esquire, 522 East Park Avenue, Suite 200, Tallahassee, Florida 32301 and Wilton R. Miller, Esquire, 201 South Monroe Street, Suite 500, Tallahassee, Florida 32301, this 18th day of February, 1992.


Andrew B. Jackson, Esq.

ANDREW B. JACKSON

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February 18, 1991

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

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Re: Docket No. 910811-EU


Dear Mr. Tribble:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Peace River Electric Cooperative, Inc.'s Response to Florida Power & Light Company's Objections to the Stipulation and Settlement Agreement filed by Tampa Electric, Peace River and IMCF; and Motion for Hearing.

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


Thank you for your assistance in this matter.

Sincerely,


Andrew B. Jackson
Attorney for Peace River
Electric Cooperative, Inc.

ACK _____
AFA _____
APP _____
CAF _____
ABJ/cb CMU _____
CTR _____
Encls. EAG _____
LEG 1 _____
LIN 6 _____
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SEC 1 _____
WAS _____
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