



April 10, 2008

VIA ELECTRONIC FILING

Ms. Ann Cole, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Petition to Amended Territorial Agreement between Withlacoochee River  
Electric Cooperative and Progress Energy Florida, Inc. Regarding Extension of  
Time to Finalize Phase II of Customer Transfers; Docket No. \_\_\_\_\_

Dear Ms. Cole:

On behalf of Progress Energy Florida, Inc. ("PEF"), please find enclosed for filing the Petition to Amended Territorial Agreement between Withlacoochee River Electric Cooperative and Progress Energy Florida, Inc. Regarding Extension of Time to Finalize Phase II of Customer Transfers.

Please acknowledge your receipt of the above filing as provided in the Commission's electronic filing procedures. Thank you for your assistance in this matter.

Sincerely,

  
John T. Burnett

JTB/lms

cc: WREC

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition to Amended Territorial Agreement between Withlacoochee River Electric Cooperative and Progress Energy Florida, Inc. Regarding Extension of Time to Finalize Phase II of Customer Transfers

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Docket No. \_\_\_\_\_

Filed: April 10, 2008

**PETITION TO AMENDED TERRITORIAL AGREEMENT**

Progress Energy Florida, Inc. (“PEF”) petitions the Florida Public Service Commission (“the Commission”) to amend the current territorial agreement between PEF and Withlacoochee River Electric Cooperative (“WREC”) that was approved by the Commission per Order No. PSC-06-0202-PAA-EU on March 14, 2006. In support of this petition, PEF states as follows:

1. PEF is an electric utility organized under the laws of Florida and is subject to the regulatory jurisdiction of the Commission pursuant to Section 366.04(2), F.S. PEF’s principal office location is:

Progress Energy Florida, Inc.  
299 First Avenue North  
St. Petersburg, FL 33701

2. All pleadings, notices and other communications in this matter should be served on the undersigned attorney for PEF.

3. WREC and PEF are parties to a currently effective territorial agreement delineating their respective territories which was approved by the Commission in Order No. PSC-06-0202-PAA-EU, issued March 14, 2006, in Docket No. 040133-EU. As a part of that agreement, Article III, "Transfer of Customers", Section 3.1 states:

*"...no later than 24 months after the Effective Date, all customers located in the Cooperative service territory who are served by the Company on the effective date shall be served by the Cooperative, and all customers located in the Company service territory who are served by the Cooperative on the effective date shall be served by the Company."*


In order to effectuate Section 3.1, transfers were to take place through two phases and were to be completed no later than 24 months after the effective date of Order No. PSC-06-0202-PAA-EU, which became effective on April 10, 2006. Thus, under the terms of the agreement, all transfers are to be completed by April 10, 2008. Phase I transfers are complete. Some Phase II transfers are still underway. As of the date of this filing, there are approximately 689 Phase II customers that remain to be transferred from WREC to PEF territory.

4. PEF hereby requests an extension of time of twelve months to finalize and complete the Phase II transfers. PEF requests this extension because logistical and operational issues regarding these transfers have been more involved than originally anticipated, and it is in the mutual interest of the subject customers, WREC, and PEF to have additional time to complete the Phase II transfer. Other than changing the date by which all customers must be transferred under Section 3.1 of the current agreement, there are no other proposed changes to the current territorial agreement approved by the Commission per Order No. PSC-06-0202-PAA-EU.

5. WREC has authorized the undersigned to represent that WREC does not object to the amendment to the current agreement proposed in this Petition.

WHEREFORE, the PEF respectfully requests that the Commission grant this Petition and approve a minor amendment to the current agreement between the parties to allow an additional twelve months to complete the aforementioned Phase II customer transfers.

Respectfully submitted,

A handwritten signature in blue ink that reads "John T. Burnett, Esq." with a horizontal line underneath the name.

John T. Burnett  
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Progress Energy Service Company, LLC  
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St. Petersburg, FL 33733-4042  
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Facsimile: (727) 820-5519

Attorney for  
PROGRESS ENERGY FLORIDA, INC.