

AUSLEY McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

123 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

August 25, 2017

VIA: ELECTRONIC FILING

Ms. Carlotta S. Stauffer
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

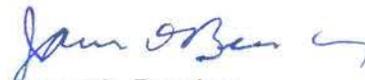
Re: Petition of Tampa Electric Company for Expedited Approval of Temporary
Territorial Variance

Dear Ms. Stauffer:

Attached for filing in the above-styled matter is Tampa Electric Company's Petition for Expedited Approval of Temporary Territorial Variance.

Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley

JDB/pp
Attachment

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Tampa Electric)
Company for expedited approval of)
temporary territorial variance.)
_____)

DOCKET NO. _____
FILED: August 25, 2017

**TAMPA ELECTRIC COMPANY'S PETITION
FOR EXPEDITED APPROVAL OF TEMPORARY TERRITORIAL VARIANCE**

Tampa Electric Company ("Tampa Electric" or "the company") hereby petitions the Florida Public Service Commission ("the Commission") for expedited approval of a temporary territorial variance to enable Tampa Electric to provide retail electric service to a customer located outside Tampa Electric's Commission approved service territory and, as grounds therefor, says:

1. The name, address, telephone number and facsimile number of the petitioner are:

Tampa Electric Company
Post Office Box 111 Tampa, FL 33601
(813) 228-4111
(813) 228-1770 (facsimile)

2. Tampa Electric is an investor-owned public utility subject to the jurisdiction of the Commission under Chapter 366, Florida Statutes.

3. Any pleadings, motions, notices, orders or other documents required to be served upon the petitioner or filed by any party to this proceeding should be served upon the following individuals:

James D. Beasley
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302
(850) 224-9115
(850) 222-7952 (fax)
jbeasley@ausley.com

Paula K. Brown
Manager, Regulatory Coordination
Tampa Electric Company
Post Office Box 111
Tampa, FL 33601
(813) 228-1444
(813) 228-1770 (fax)
regdept@tecoenergy.com

4. Mosaic Fertilizer LLC ("Mosaic") receives existing electric service at its Peacock mining facility ("Peacock facility"), located in rural northern Manatee County Florida, from Duke Energy Florida. A map and legal description of the Peacock facility are attached hereto as Exhibits "A" and "B", respectively. The facility in question is an industrial phosphate mining operation and associated pump operations located in a portion of Manatee County. The Peacock facility requires transmission level retail electric service.

5. Certain existing Commission approved electric utility territorial agreements are relevant to the provision of electric service to the Peacock facility. The first is a territorial agreement by and between Tampa Electric and Florida Power & Light Company ("FPL"). Under this agreement, the Peacock facility is located in FPL's service territory, although FPL does not presently have transmission facilities readily available with which to serve the Peacock facility's needs. There is also a Commission approved territorial agreement by and between Tampa Electric and Peace River Electric Cooperative, Inc. ("PRECO"). Under this

agreement the Peacock facility is located within PRECO's service territory. However, PRECO does not have facilities in place to provide the requested service and is unable to provide the requested service in an economically feasible manner. The third Commission approved territorial agreement to be considered is between PRECO and Duke Energy Florida, LLC ("Duke"). That agreement addresses the relative rights and obligations as between PRECO and Duke regarding the provision of retail electric service in six Florida counties, including that portion of Manatee County where the Peacock facility is located.

6. The various territorial agreements and the provisions of Chapter 366, Florida Statutes, contemplate the consideration, among other things, of good engineering practices and facilities in determining the appropriate provision of electric service by an electric utility to an applicant therefor.

7. The Peacock facility is currently being served by Duke at subtransmission voltage (69kV). However, because of circumstances regarding that service, the load of the Peacock mining activity (including dragline and pump operations) is causing adverse voltage effects on both the Duke facilities associated with the service and on PRECO retail load served from the same substation which serves the Mosaic Peacock facility. Mosaic expects the mining activity at Peacock, which is causing the adverse voltage effects, to continue for a period of six months to a year. Duke has indicated that it could take as much as twenty-four (24) to thirty-six (36) months to make system improvement in the Peacock area to address the adverse voltage effects.

8. Tampa Electric can provide immediate electric service to the Peacock facility from an existing meter located just over the Manatee/Hillsborough County border in Hillsborough County, within Tampa Electric's service territory. Such service would not result

in adverse voltage effects on the Tampa Electric system and would eliminate the adverse voltage effect on both Duke and PRECO systems. In addition, Tampa Electric has sufficient capacity to provide service to Mosaic's Peacock load from that existing meter.

9. After carefully considering the existing Commission approved territorial agreements, the relative proximity of transmission facilities of FPL, PRECO, Duke and Tampa Electric to the Peacock facility and other facts pertaining to the Peacock facility's current need for electric service, FPL, PRECO and Duke have concluded that the relief requested in this petition is economically sound for all affected persons and consistent with good engineering practices. Accordingly, FPL, PRECO and Duke agree that Tampa Electric should be authorized to serve the Peacock facility pursuant to the temporary territorial variance requested in this petition. See consents signed on behalf of FPL, PRECO and Duke, attached hereto collectively as Exhibit "C" and made a part hereof.

10. FPL, PRECO and Duke have agreed to Tampa Electric providing service to the Peacock facility from the Tampa Electric meter in Hillsborough County without the need for any payment or other compensation to FPL, PRECO or Duke or any other party. Duke will receive some benefit from the approval of this petition in that they will avoid having to attempt to make improvements to their system to address the adverse voltage effects at a time when that effort would only address a short-lived situation, be uneconomic and logistically challenging.

11. Mosaic indicates that although its remaining Peacock mining operations will be, by definition, temporary, it expects to require the provision of electric service to the Peacock facility for a period of approximately twenty four (24) to thirty-six (36) months. Tampa Electric is prepared to provide that service during the period that Peacock mining operations continue (or until Duke has implemented system improvements to resolve the adverse voltage issues) and to

report to the Commission at the end of one year regarding the status of such temporary service should additional time be required or earlier should the temporary service cease.

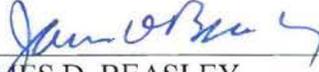
12. Mosaic has indicated it has a pressing need to continue taking electric service at the Peacock facility to complete its phosphate mining operations at that facility. To accommodate Mosaic's needs Tampa Electric requests that the Commission take up this petition at the earliest possible date, which is the September 7, 2017 Agenda Conference. Because of Mosaic's need to continue taking service at the Peacock facility and the benefits to Duke and PRECO's customers, the parties have agreed that Tampa Electric shall begin providing service to the Peacock facility while the Commission is considering this Petition, subject to the Commission's affirming the propriety of this solution.

13. The relief requested herein is of a temporary nature and does not require the amendment of any Commission approved territorial agreement.

WHEREFORE, Tampa Electric Company respectfully requests that the Commission take expedited action to authorize Tampa Electric to provide temporary retail electric service outside the company's Commission approved service territory to Mosaic's Peacock facility located in northern Manatee County for the period that such mining operations continue. Tampa Electric further commits to report to the Commission regarding Tampa Electric's continuing provision of such temporary electric service through the duration thereof.

DATED this 25th day of August 2017.

Respectfully submitted,



JAMES D. BEASLEY
J. JEFFRY WAHLEN
Ausley McMullen
Post Office Box 391
Tallahassee, Florida 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition has been served by electronic mail on this 25th day of August 2017, to the following:

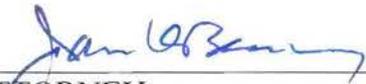
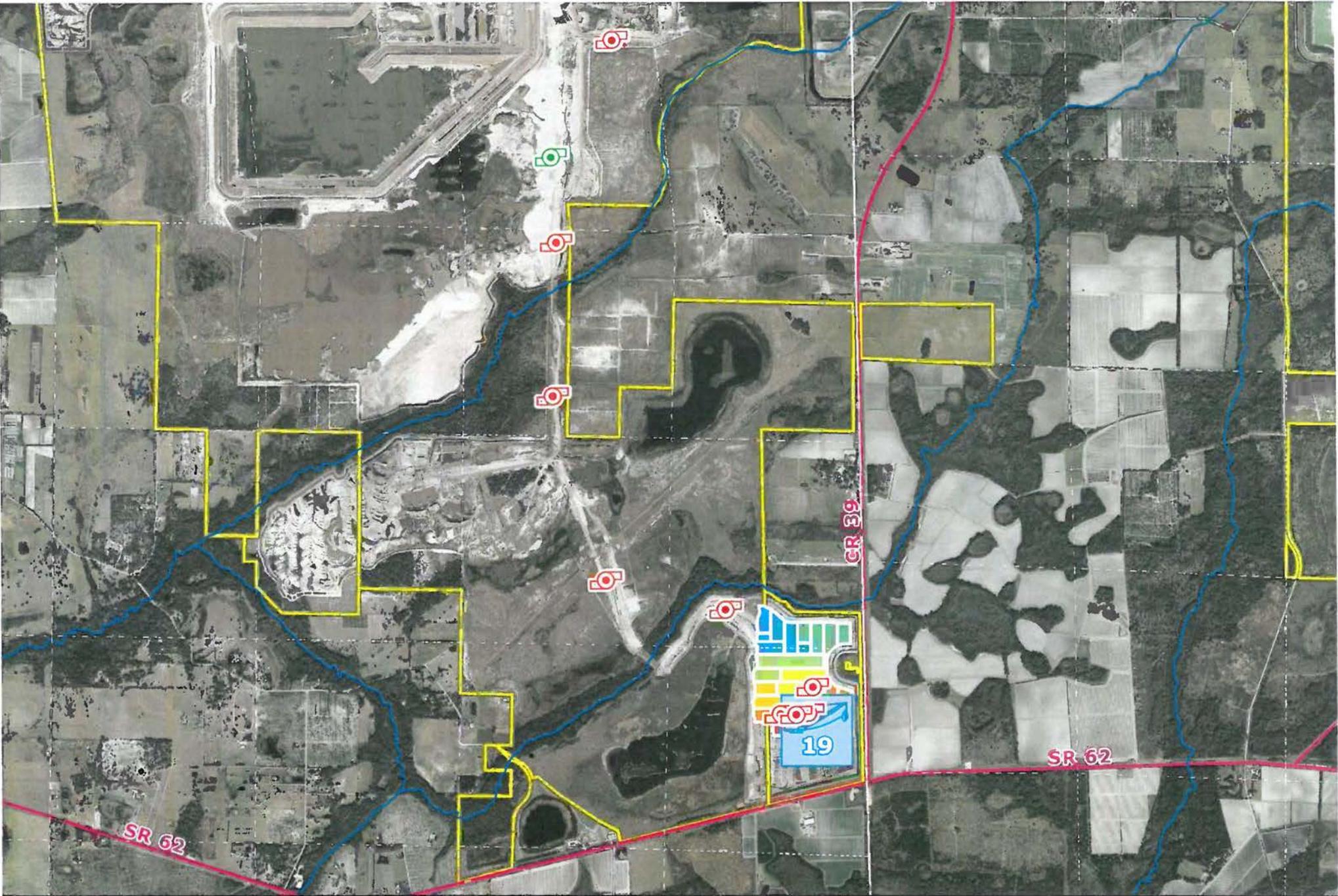
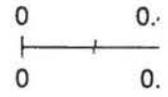
<p>Mr. Matthew R. Bernier Senior Counsel Duke Energy Florida, LLC 106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740 matthew.bernier@duke-energy.com</p> <p>Mr. Kevin Donaldson Law Department Florida Power & Light Company 700 Universe Boulevard Juno Beach, Florida 33408 Kevin.Donaldson@fpl.com</p>	<p>Mr. Martin P. McDonnell Law Office of Martin P. McDonnell P. O. Box 11188 Tallahassee, FL 32302 Marty@MartyMcDonnell.com</p> <p style="text-align: center;"> _____ ATTORNEY</p>
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Exhibit "A"

Map



- | | | | |
|---------------------------------|--------------------------------------|-----------|----------------------|
| — Major Streams / Rivers (USGS) | Mine Plan - Forecast (1 Year) | ■ 01/2018 | ■ 07/2018 |
| — Roads - Major (FDOT) | ■ 08/2017 | ■ 02/2018 | □ Overburden Wingate |
| — | ■ 09/2017 | — 03/2018 | □ Mosaic Holdings |



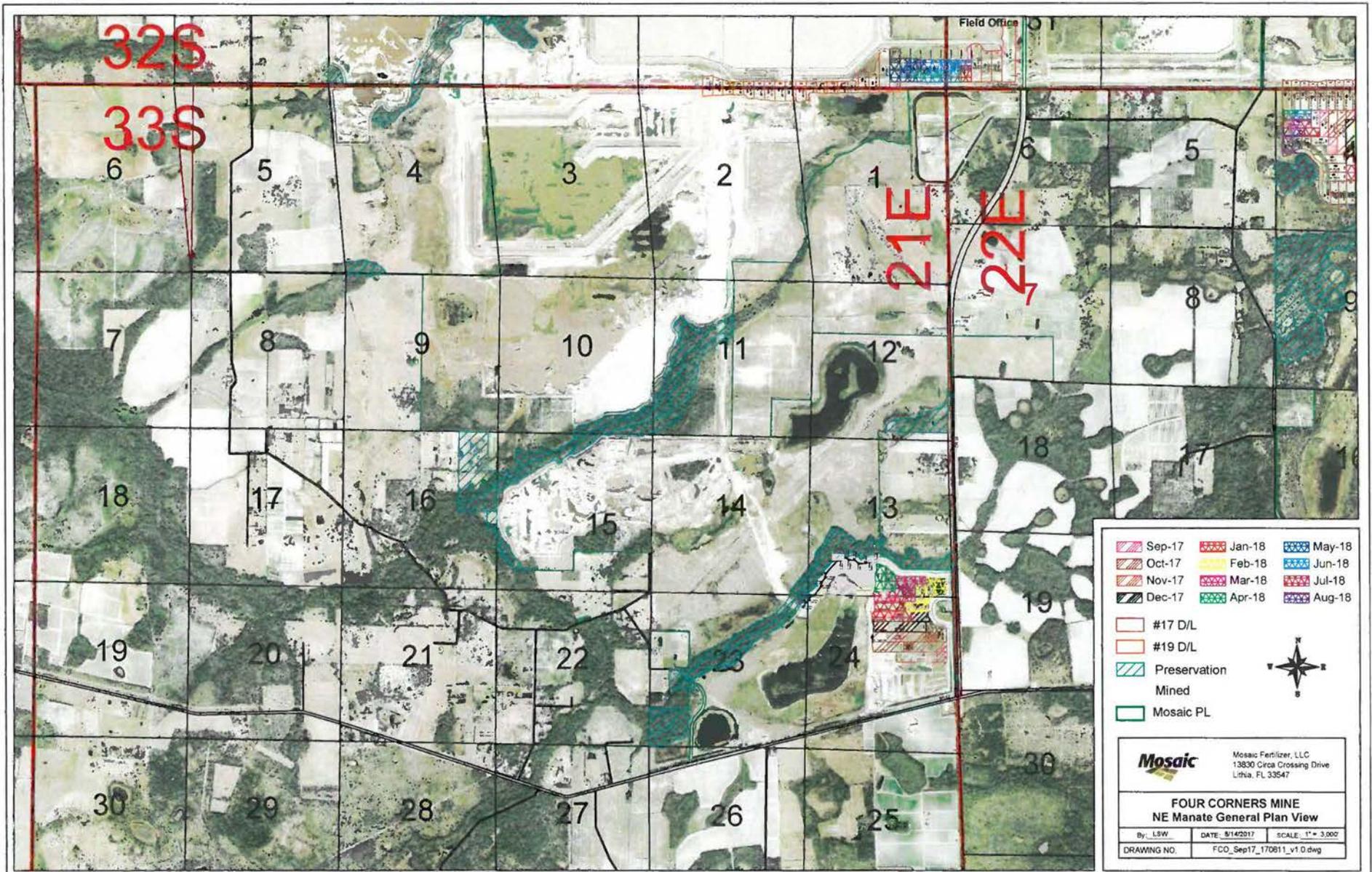


Exhibit "B"

Legal Description

Pump loads will be located in S1 T33S R21E, S2 T33S R21E, S11 T33S R21E and S14 T33S R21E. Mining will be approximately located in the south $\frac{1}{2}$ of the SE $\frac{1}{4}$ of S13 T33S R21E, and the NE $\frac{1}{4}$ of S24 T33S R21E.

Exhibit "C"

**FPL Consent DUKE Consent
PRECO Consent**

**FLORIDA POWER & LIGHT COMPANY'S CONSENT TO APPROVAL OF TAMPA
ELECTRIC COMPANY'S PETITION FOR
EXPEDITED APPROVAL OF TEMPORARY TERRITORIAL VARIANCE**

Florida Power & Light Company ("FPL"), by and through its undersigned counsel or representative, states as follows:

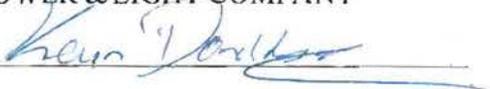
1. FPL has read the Petition for Expedited Approval of Temporary Territorial Variance filed on behalf of Tampa Electric Company ("Tampa Electric") wherein Tampa Electric has asked the Florida Public Service Commission to authorize Tampa Electric to provide temporary retail electric service to Mosaic Fertilizer LLC's Peacock facility located in northern Manatee County, Florida.

2. FPL believes that the relief requested by Tampa Electric in its Petition is economically sound for all affected persons and consistent with good engineering practices.

3. Accordingly, FPL hereby consents to the approval of the temporary territorial variance requested by Tampa Electric to serve the Peacock facility located in northern Manatee County, Florida, as more particularly described in Tampa Electric's Petition for approval of such temporary territorial variance.

DATED this 27 day of August 2017.

FLORIDA POWER & LIGHT COMPANY

By: 

**DUKE ENERGY FLORIDA, LLC'S CONSENT TO APPROVAL
OF TAMPA ELECTRIC COMPANY'S PETITION FOR
EXPEDITED APPROVAL OF TEMPORARY TERRITORIAL VARIANCE**

Duke Energy Florida, LLC ("Duke"), by and through its undersigned counsel or representative, states as follows:

1. Duke has read the Petition for Expedited Approval of Temporary Territorial Variance filed on behalf of Tampa Electric Company ("Tampa Electric") wherein Tampa Electric has asked the Florida Public Service Commission to authorize Tampa Electric to provide temporary retail electric service to Mosaic Fertilizer LLC's Peacock facility located in northern Manatee County, Florida.

2. Duke believes that the relief requested by Tampa Electric in its Petition is economically sound for all affected persons and consistent with good engineering practices.

3. Accordingly, Duke hereby consents to the approval of the temporary territorial variance requested by Tampa Electric to serve the Altman Peacock facility located in northern Manatee County, Florida, as more particularly described in Tampa Electric's Petition for approval of such temporary territorial variance.

DATED this 24th day of August 2017.

DUKE ENERGY FLORIDA, LLC

By: s/s Matthew R. Bernier
Matthew R. Bernier

**PEACE RIVER ELECTRIC COOPERATIVE, INC.'S CONSENT TO APPROVAL
OF TAMPA ELECTRIC COMPANY'S PETITION FOR EXPEDITED APPROVAL
OF TEMPORARY TERRITORIAL VARIANCE**

Peace River Electric Cooperative, Inc. ("PRECO"), by and through its undersigned counsel or representative, states as follows:

1. PRECO has read the Petition for Expedited Approval of Temporary Territorial Variance filed on behalf of Tampa Electric Company ("Tampa Electric") wherein Tampa Electric has asked the Florida Public Service Commission to authorize Tampa Electric to provide temporary retail electric service to Mosaic Fertilizer LLC's Peacock facility located in northern Manatee County, Florida.

2. PRECO believes that the relief requested by Tampa Electric in its Petition is economically sound for all affected persons and consistent with good engineering practices.

3. Accordingly, PRECO hereby consents to the approval of the temporary territorial variance requested by Tampa Electric to serve the Peacock facility located in northern Manatee County, Florida, as more particularly described in Tampa Electric's Petition for approval of such temporary territorial variance.

DATED this 24th day of August 2017.

PEACE RIVER ELECTRIC COOPERATIVE, INC.

By: /s/ Martin P. McDonnell

Martin P. McDonnell
Law Office of Martin P. McDonnell
P. O. Box 11188
Tallahassee, FL 32302