

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

June 1, 2018

VIA: ELECTRONIC FILING

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

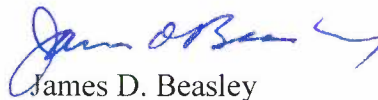
Re: Petition of Tampa Electric Company for approval of temporary territorial variance

Dear Ms. Stauffer:

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

Thank you for your assistance in connection with this matter.

Sincerely,



James D. Beasley

JDB/pp
Attachment

cc: All Parties of Record (w/attachment)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. _____

FILED: June 1, 2018

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

Tampa Electric Company ("Tampa Electric" or "the company") hereby petitions the Florida Public Service Commission ("the Commission") for 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
J. Jeffrey Wahlen
Ausley McMullen
Post Office Box 391
Tallahassee, FL 32302
(850) 224-9115
(850) 222-7560 (fax)
jbeasley@ausley.com
jwahlen@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 Four Corners South mining facility ("Four Corners South facility"), located in rural northern Hardee County Florida, from Duke Energy Florida. A map and legal description of the Four Corners South 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 Hardee County. The Four Corners South 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 Four Corners South facility. The first is a territorial agreement by and between Tampa Electric and Florida Power & Light Company ("FPL"). The Four Corners South facility is located in Hardee County and under the FPL-Tampa Electric territorial agreement Tampa Electric cannot provide retail electric service in Hardee County. FPL does not presently have transmission facilities readily available with

which to serve the Four Corners South 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 Four Corners South 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 Hardee County where the Four Corners South 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 Four Corners South facility is currently being served by Duke at subtransmission voltage (69kV). Mosaic has indicated that it intends to increase its mining activity (including dragline and pump operations) at the Four Corners South facility, and Duke expects that the increase of the load will cause adverse voltage effects on both the Duke facilities associated with the service and on PRECO retail load served from the same transmission line which serves the Mosaic Four Corners South facility. Mosaic expects the mining activity at Four Corners South, which is expected to cause the adverse voltage effects, to begin October 1, 2018. Duke expects that it will be able to serve this additional mining load, without adverse voltage

effects, once a new 230 kV line and substation are constructed in the area. Duke currently expects that line and substation to be complete in May 2019.

8. Tampa Electric can provide immediate electric service to the Four Corners South facility from an existing 69 kV line 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 expected adverse voltage effect on both Duke and PRECO systems. In addition, Tampa Electric has sufficient capacity to provide service to Mosaic's Four Corners South load from that existing line.

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 Four Corners South facility and other facts pertaining to the Four Corners South 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 Four Corners South 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 Four Corners South 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 and would be uneconomic and logistically challenging.

11. Mosaic indicates that it expects to require the provision of electric service to the Four Corners South facility beginning October 1, 2018. Duke will be able to serve this load when its new transmission line and substation are complete, expected to be May 2019. Tampa Electric is prepared to provide that service during the period from when Four Corners South mining operations begin 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 Four Corners South 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 6, 2018 Agenda Conference.

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

14. Tampa Electric is not aware of any disputed issues of material fact regarding the matters set forth in this petition or the relief requested.

WHEREFORE, Tampa Electric Company respectfully requests that the Commission take action to authorize Tampa Electric to provide temporary retail electric service outside the company's Commission approved service territory to Mosaic's Four Corners South facility located in northern Hardee County for the period that such mining operations continue, until

Duke completes its new transmission line and substation. 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 1st day of June 2018.

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 1st day of June 2018, to the following:

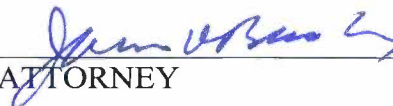
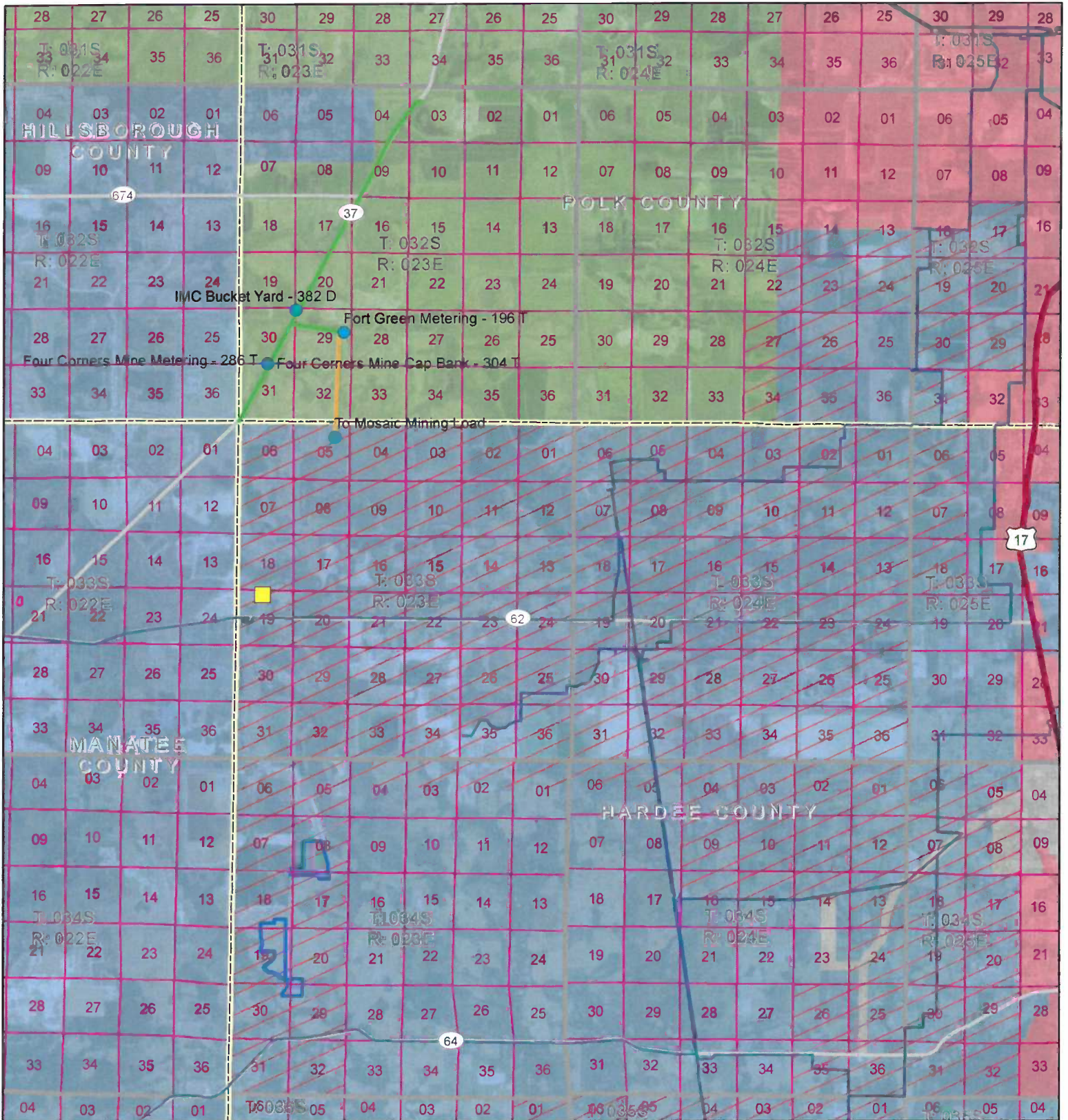
<p>Dianne M. Triplett Deputy General Counsel Duke Energy Florida, LLC 299 1st Avenue N St. Petersburg, FL 33701 <u>dianne.triplett@duke-energy.com</u></p> <p>Mr. Kevin Donaldson Law Department Florida Power & Light Company 700 Universe Boulevard Juno Beach, Florida 33408 <u>Kevin.Donaldson@fpl.com</u></p>	<p>Mr. Martin P. McDonnell Law Office of Martin P. McDonnell P. O. Box 11188 Tallahassee, FL 32302 <u>Marty@MartyMcDonnell.com</u></p> <p style="text-align: center;"> _____ ATTORNEY</p>
---	---

Exhibit “A”

Map

Electric Service to Four Corners South



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

- | | | |
|--|--|---|
| Electric Utility Distribution Service Territory | Duke Energy Served Phosphate Mining Operations | TEC Facilities |
| Duke Energy | PLSS Township and Range | Duke Energy Dry Prairie Substation - Under Construction |
| Tampa Electric Co (TEC) | PLSS Section Number | TEC Lines |
| Peace River Electric Co (PRECO) | Dragline Location | Mosaic Built Line |
| City of Wauchula | Highway | Duke Energy Transmission Line |
| | Major Road | |

Exhibit "B"

Legal Description

Pump loads will be located in S6, S7, S18 and S19 : T33S : R23E. Mining will be approximately located in S7, S8, S17, S18, S19, S20, S29 and S30 : T34S : R23E per attached map.

Exhibit "C"

**FPL Consent PRECO Consent
DUKE Consent**

**FLORIDA POWER & LIGHT COMPANY'S CONSENT TO APPROVAL OF TAMPA
ELECTRIC COMPANY'S PETITION FOR
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 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 Four Corners South facility located in northern Hardee 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 Four Corners South facility located in northern Hardee County, Florida, as more particularly described in Tampa Electric's Petition for approval of such temporary territorial variance.

DATED this 31 day of May 2018.

FLORIDA POWER & LIGHT COMPANY

By: _____

*Attorney for FPL
Kevin Doolan, Esq.*

**PEACE RIVER ELECTRIC COOPERATIVE, INC.'S CONSENT TO APPROVAL
OF TAMPA ELECTRIC COMPANY'S PETITION FOR 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 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 Four Corners South facility located in northern Hardee 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 Four Corners South facility located in northern Hardee County, Florida, as more particularly described in Tampa Electric's Petition for approval of such temporary territorial variance.

DATED this 1st day of June 2018.

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

**DUKE ENERGY FLORIDA, LLC'S CONSENT TO APPROVAL
OF TAMPA ELECTRIC COMPANY'S PETITION FOR
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 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 Four Corners South facility located in northern Hardee 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 Four Corners South facility located in northern Hardee County, Florida, as more particularly described in Tampa Electric's Petition for approval of such temporary territorial variance.

DATED this 1st day of June 2018.

DUKE ENERGY FLORIDA, LLC

By: /s/ Dianne M. Triplett
Dianne M. Triplett
299 First Avenue North
St. Petersburg, FL 33701