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September 7, 1993

VIA FEDERAL EXPRESS

Mr. Steve Tribble, Director Division of Records and Reporting Florida Public Service Commission Tallahassee, FL 32399-0870

> Gulf Power Company's Petition to Resolve Territorial Dispute with Gulf Coast Electric Cooperative, Inc.

Dear Mr. Tribble:

930885-EUL

The original and fifteen copies of Gulf Power Company's Petition to Resolve Territorial Dispute with Gulf Coast Electric Cooperative, Inc., are enclosed for official filing. Also enclosed is a double sided high density 3.5 inch floppy disk containing this document in WordPerfect 5.1 format as prepared on a MS-DOS based computer.

Please mark the extra copy of this letter enclosed herein with the date and time the material was accepted in your office for filing and return same to the undersigned. Thank you for your assistance in this matter.

Very truly yours,

Teresa E.

For the Firm

TEL/wjk

Enclosures

RECEIVED & FILED

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#### BEFORE THE PUBLIC SERVICE COMMISSION

IN RE: Petition of Gulf Power )
Company to resolve a territorial )
dispute with Gulf Coast Electric )
Cooperative, Inc. )
Docket No. 93085-EU
Date Filed: 09/08/93

#### Petition of Gulf Power Company

Gulf Power Company ["Gulf Power", "Gulf", or "the Company"], by and through its undersigned attorneys, pursuant to the authority of Section 366.04(2)(e), Florida Statutes, hereby petitions the Florida Public Service Commission [the "Commission"] to resolve a territorial dispute involving Gulf Coast Electric Cooperative, Inc. [the "Co-Op"]. In support of this Petition, Gulf Power states:

1. The exact name of the Company and the address of its principal business office is:

Gulf Power Company 500 Bayfront Parkway P. O. Box 1151 Pensacola, Florida 32520

- 2. Notices and communications with respect to this petition and docket should be addressed to:
  - G. Edison Holland, Jr. Jack L. Haskins

    Jeffrey A. Stone Manager

    Teresa E. Liles Rates & Regulatory Matters

    Beggs & Lane Gulf Power Company

    P. O. Box 12950 P. O. Box 13470

    Pensacola, FL 32576-2950 Pensacola, FL 32591-3470
- 3. Gulf Power Company is an investor-owned electric utility that owns, maintains, and operates an electric generation, transmission, and distribution system within the State of Florida through which the Company provides retail electric service to

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customers within northwest Florida and therefore is regulated by the Florida Public Service Commission as a public utility pursuant to Chapter 366 of the Florida Statutes.

- 4. Gulf Coast Electric Cooperative, Inc. is a rural electric cooperative organized and existing under Chapter 425, Florida Statutes, and is subject to the jurisdiction of the Florida Public Service Commission for purposes of resolving territorial disputes under Section 366.04(2)(e), Florida Statutes.
- January of 1926 when Houston Power Company assigned its franchise rights for Chipley, Florida, the county seat of Washington County, to Gulf. Gulf Power also began providing electrical service to the unincorporated areas of Washington County, Florida, in 1926 and has consistently provided electrical service to the unincorporated areas for over sixty-seven years.
- 6. The Florida Department of Corrections [the "Department"] is in the process of constructing a new correctional facility and work camp located at the northwest corner of Highway 77 and Highway 279 in the Greenhead area of Washington County, Florida. The land on which the correctional facility will be located was donated by Washington County after it purchased the property based in part on a forty-five thousand (\$45,000) dollar pledge obtained from the Co-Op.
- 7. On April 9, 1993, Gulf Power made a proposal to the Department for the provision of electric service to the new correctional facility and work camp.

- 8. On May 26, 1993, the Department informed the County Administrator for Washington County that both Gulf Power and the Co-Op are capable of providing electrical service to the correctional institute and work camp. The Department requested the Washington County Administrator to determine which utility would provide electric service to the correctional institute.
- 9. The Co-Op and the Washington County Board of County Commissioners have been involved in negotiations concerning the Co-Op assisting the County Commissioners in securing the land for the correctional facility.
- informed the Department that the Co-Op would be providing service to the correctional institute and work camp. Subsequently, the Department informed Gulf that in cases where counties are donating land to the Department, the Department prefers that the county determine the provider of electric service. In this instance since the Department was the benefactor of land donated by Washington County, the Department acquiesced to the County's choice of the Co-Op instead of Gulf Power.
- 11. The correctional institute will be strategically constructed adjacent to the intersection of two Gulf distribution lines. Each line is fed from separate substation facilities -- the Sunny Hills and Vernon substations. Since the correctional site will be located between these substations, Gulf has facilities already in place to provide independent alternate electric service.

(See map attached as Exhibit A for location of pertinent facilities.)

- 12. The Co-Op would be required to remove and relocate lines that are presently on the correctional site and reconstruct additional lines up to and along Highway 279 at an estimated cost of forty-two thousand dollars (\$42,000). In addition, the Co-Op would be required to cross Gulf's lines in order to service the correctional site.
- 13. Based upon connected demand and monthly electrical consumption information provided to Gulf by the Department, the monthly electric service provided by Gulf is estimated to be twenty-one percent (21%) lower than the Co-Op's, resulting in annual savings to the Department of approximately \$23,027.
- 14. Gulf Power is better able to provide adequate facilities and reliable electrical service to the correctional institute and work camp than is the Co-Op. Gulf's generation reserves are sufficient to serve the facility without the need for construction of additional capacity within the foreseeable future. Furthermore, as illustrated by the foregoing, the Co-Op cannot provide service to the correctional institute and work camp without uneconomic duplication of Gulf's existing generation, transmission, and distribution services.
- 15. Gulf Power is better able to expand services in the area to reliably and economically meet the area's future needs for electric service than is the Co-Op.

WHEREFORE, Gulf Power Company hereby files this petition with this Commission for an order declaring the Department of Corrections correctional institute and work camp site located in Washington County to be territory that should properly be served by Gulf Power Company, not Gulf Coast Electric Cooperative, Inc., and enjoining Gulf Coast Electric Cooperative, Inc., from serving said correctional institute and work camp site.

DATED this 7th day of September, 1993.

G. EDISON HOLLAND, JR.
Fla. Bar No. 261599
JEFFREY A. STONE
Fla. Bar No. 325953
TERESA E. LILES
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Beggs & Lane
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Pensacola, Florida 32576
(904) 432-2451
Attorneys for Gulf Power Company

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy hereof has been furnished to W. M. Johnson, County Road 21, Kinard, Florida, as the registered agent for Gulf Coast Electric Cooperative, by registered U.S. Mail, this 7th day of September, 1993.

TERESA E. LILES

Exhibit A to the petition is an oversized aerial view of the territory in question. Due to its size, it was not included in these pages.

## STATE OF FLORIDA



OFFICE OF COMMISSION CLERK ANN COLE **COMMISSION CLERK** 

# Hublic Service Commission

**Docket No.:** 930885-EU

**Docket Title:** Petition to resolve territorial dispute with Gulf Coast Electric Cooperative, Inc. by Gulf Power Company

DN 09673-93: EXHIBIT A TO PETITION TO RESOLVE TERRITORIAL DISPUTE- OVERSIZED AERIAL VIEW OF THE TERRITORY IN QUESTION.

**[CLK NOTE: MAP PORTION OF TESTIMONY** EXHIBIT CAN BE FOUND IN MAPS MICROFILM.