

STATE OF FLORIDA



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## Public Service Commission

April 22, 2014

Mr. Brian Armstrong, Esq.  
Nabors, Giblin & Nickerson, PA  
1500 Mahan Drive, Suite 200  
Tallahassee, Florida 32308

**Re: Docket No. 140059-EM -Notice of new municipal electric service provider and petition for waiver of Rule 25-9.044(2), F.A.C., by Babcock Ranch Community Independent Special District.**

Dear Mr. Armstrong:

By this letter, the Commission staff requests that Babcock Ranch Community Independent Special District (Babcock Ranch) provide responses to the following data requests.

1. Please explain how the Babcock Ranch meets the definition of “electric utility”, subject to the Commission’s jurisdiction, per Section 366.02(2) Florida Statutes (F.S.)?
2. Please provide a map of the Babcock Ranch Development that clearly delineates the area of the development that falls within Lee County Electric Cooperative’s existing electric service territory; the area of the development that falls within Florida Power & Light Company’s existing electric service area; and the location of distribution and transmission facilities Babcock Ranch plans to construct to serve the development.
3. What options does Babcock Ranch contemplate to acquire the electricity to serve its proposed development?

4. Who will construct Babcock Ranch's electric facilities?
5. Please provide all cost projections, cost studies, or other cost estimates, if any, regarding the construction of Babcock Ranch's proposed electric facilities.
6. Does Babcock Ranch intend to connect its electric facilities to Florida's statewide electric grid? If so, where will those connections be made? If not, how is that consistent with Chapter 366, F.S., specifically Sections 366.04 and 366.05, F.S.?
7. Why has Babcock Ranch not requested a waiver of Rules 25-6.0440 or 25-6.0441, Florida Administrative Code (F.A.C.)?
8. Where specifically in Chapter 2007-306, Laws of Florida, does the statute provide that Babcock Ranch is a municipality and/or a municipal utility?
9. Has Babcock Ranch complied with the requirements of Chapter 165, F.S., particularly Sections 165.041 and 165.061, F.S.?
10. Has Babcock Ranch filed a municipal charter with the Department of State? If so, please provide a copy. If not, does Babcock Ranch intend to file a municipal charter with the Department of State, and if not, why not?
11. What is the underlying statute Babcock Ranch proposes to fulfill in requesting a waiver of Rule 25-9.044, Florida Administrative Code (F.A.C.)?

Mr. Brian Armstrong, Esq.

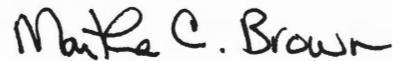
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12. How will that underlying statute be fulfilled if the Commission grants Babcock Ranch a waiver of Rule 25-9.044, F.A.C.?
  
13. Please describe specifically the economic, technological, legal, or other hardship Babcock Ranch will suffer if the Commission does not grant Babcock Ranch a waiver of Rule 25-9.044, F.A.C.?
  
14. Please describe specifically how principles of fairness will be violated if the Commission does not grant Babcock Ranch a waiver of Rule 25-9.044, F.A.C.?

Please file the original and five copies of the requested information by Monday, May 12, 2014, with Carlotta Stauffer, Commission Clerk, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850. Please feel free to call me at (850) 413-6187 if you have any questions.

Sincerely,



Martha C. Brown  
Senior Attorney

MCB/ace

cc: Office of Commission Clerk  
Bruce May, Esq.  
John A. Norland, Esq.  
William Willingham, Esq.  
John T. Butler, Esq.  
James Beasley, Esq.  
Dennie Hamilton  
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