

## Crystal Card

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**From:** Barbara Taulton <Btaulton@kua.com>  
**Sent:** Thursday, August 14, 2014 2:40 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Electronic Filing - Docket 140142-EM  
**Attachments:** Cover ltr and Motion for Leave-EM Mot. for Lv - 20140814 FINAL.pdf

Attached for filing is a Motion for Leave to File Amicus Curiae Memorandum of Law on behalf of the Florida Municipal Electric Association (FMEA) in PSC Docket 140142-EM. The document is 5 pages and is attached in pdf format.

Person responsible for this electronic filing:

Arthur J. "Grant" Lacerte Jr.  
Florida Bar No. 227160  
Vice-President and General Counsel  
Kissimmee Utility Authority  
1701 W. Carroll Street  
Kissimmee, FL 34741-6804  
(T) 407-933-7777  
(F) 407-933-2655  
[glacerte@kua.com](mailto:glacerte@kua.com)

Please call me at (407) 933-7777, Ext. 6103, or email me if you have any questions.

Thank you for your assistance.

Barbara Taulton, FRP  
Compliance Assistant and  
Registered Paralegal  
Kissimmee Utility Authority  
1701 W. Carroll St.  
Kissimmee, FL 34741  
Ph: 407-933-7777 (ext. 6103)  
Email: [btaulton@kua.com](mailto:btaulton@kua.com)

August 14, 2014

**BY ELECTRONIC DELIVERY**

Ms. Carlotta Stauffer, Clerk  
Room 152, Gunter Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: PSC Docket No. 140142-EM

Dear Ms. Stauffer:

On behalf of the Florida Municipal Electric Association (FMEA), Tallahassee, Florida, FMEA's Motion for Leave to File Amicus Curiae Memorandum of Law is attached for filing in the above-styled docket. If there are any questions regarding this filing, please contact me at (407) 933-9777.

Thank you for your assistance in this filing.

Sincerely,

/s/ Arthur J. Lacerte Jr.

Arthur J. "Grant" Lacerte Jr.  
Vice President and General Counsel  
Kissimmee Utility Authority  
On behalf of Florida Municipal Electric Association (FMEA)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for declaratory statement or other relief regarding the expiration of the Vero Beach electric service franchise agreement, by the Board of County Commissioners, Indian River County, Florida.

DOCKET NO. 140142-EM  
FILED: August 14, 2014

FLORIDA MUNICIPAL ELECTRIC ASSOCIATION, INC.'S  
MOTION FOR LEAVE TO FILE AMICUS CURIAE MEMORANDUM OF LAW

The Florida Municipal Electric Association, Inc., (“FMEA”), through its undersigned counsel, moves the Florida Public Service Commission (the “Commission”) for leave to appear as Amicus Curiae and to file a Memorandum of Law addressing legal issues raised in the Petition filed in this proceeding on behalf of the Indian River County Board of County Commissioners (the “Board”), and states as follows:

1. The name and address of the Movant is:

Florida Municipal Electric Association, Inc.  
P.O. Box 10114  
Tallahassee, FL 32302-2114  
T: (850) 224-3314  
F: (850) 224-2831

2. Copies of all pleadings, notices, and orders in this docket should be provided to:

Barry J. Moline  
Executive Director  
Florida Municipal Electric Association  
P.O. Box 10114  
Tallahassee, FL 32302-2114  
T: (850) 224-3314, Ext. 1  
F: (850) 224-2831  
bmoline@publicpower.com

Arthur J. “Grant” Lacerte, Jr.  
Vice President and General Counsel  
Kissimmee Utility Authority  
P.O. Box 423219  
Kissimmee, FL 34742-3219  
T: (407) 933-7777  
F: (407) 933-2655  
glacerte@kua.com

3. FMEA is the statewide trade association representing Florida’s public power electric retail utilities, and has an office located at 417 East College Avenue, Tallahassee,

Florida, 32301. FMEA's membership spans thirty-three of Florida's public power electric utilities, governed by local governmental commissions, councils, boards, and other authorities. Together, these utilities serve approximately fifteen percent of Florida's electric load, or three million Floridians. FMEA represents these utilities before the Legislature and regulatory agencies, including the Commission.

4. Each of FMEA's retail electric utility members serves customers located both inside and outside of its corporate boundaries. Therefore, FMEA and its members have a significant and abiding interest in the preservation and enforcement of the provisions of Chapter 366, Florida Statutes, particularly those that provide the established regulatory regime for the planning, development, and maintenance of a coordinated electric power grid throughout Florida and the Commission's exclusive and superior jurisdiction over electric utility territorial matters.

5. Given its position as representative for 33 of Florida's public power utilities, FMEA believes it is uniquely qualified to assist the Commission as Amicus Curiae concerning the legal issues which the Commission has been asked to address in this proceeding.

6. FMEA requests that it be allowed to file an Amicus Curiae Memorandum of Law addressing the following issues:

Issue No. 1: Are the Commission's orders and jurisdiction with respect to electric utility service areas and territorial matters exclusive and superior to franchise agreements authorized by municipalities and counties?

Issue No. 2: Does a county or municipality, by virtue of an authorized franchise agreement, have the right or power to determine what utility provides electric service in an existing Commission-approved service area?

Issue No. 3: Does an electric utility have the right to continue to serve customers within its Commission-approved service territory after the expiration of a franchise agreement which purports to exclusively grant franchise rights to provide retail electric utility service within portions of that existing Commission-approved service territory?

The Memorandum of Law will be filed by FMEA on or before August 27, 2014.

7. Counsel for FMEA has contacted counsel for the City of Vero Beach and is authorized to represent that Vero Beach does not object to this Motion.

8. Counsel for FMEA has contacted counsel for Indian River County and the County takes no position on whether the Commission should permit the filing.

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WHEREFORE, FMEA respectfully requests that the Commission grant this motion and accept FMEA's Amicus Curiae Memorandum of Law, to be filed on or before August 27, 2014, in its disposition of the Petition filed in this proceeding.

Respectfully submitted this 14th day of August, 2014.

s/Arthur J. Lacerte, Jr.

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ARTHUR J. "GRANT" LACERTE, JR.

Florida Bar No. 227160

Vice President and General Counsel

Kissimmee Utility Authority

P.O. Box 423219

Kissimmee, FL 34742-3219

T: (407) 933-7777

F: (407) 933-2655

glacerte@kua.com

**Attorney for Florida Municipal Electric  
Association, Inc.**

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Motion for Leave to File Amicus Curiae Memorandum of Law has been furnished by electronic mail and U.S. Mail this 14th day of August, 2014 to the following:

Kathryn Cowdery  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
*kcowdrey@psc.state.fl.us*

Dylan Reingold, Esq.  
County Attorney  
County Attorney's Office  
1801 27th St.  
Vero Beach, Florida 32960  
*dreingold@ircgov.com*

Robert Scheffel Wright  
John T. LaVia, III  
Gardner, Bist, Wiener, Wadsworth,  
Bowden, Bush, Dee, LaVia & Wright, P.A.  
1300 Thomaswood Dr.  
Tallahassee, Florida 32308  
*schef@gblegal.com*  
*jlavia@gblegal.com*

Floyd R. Self, B.C.S.  
Gonzalez Saggio & Harlan LLP  
3411 Capital Medical Blvd.  
Tallahassee, Florida 32308  
*floyd\_self@gshllp.com*

Wayne R. Coment, City Attorney  
City of Vero Beach  
P.O. Box 1389  
1053 20th Place  
Vero Beach, Florida 32961-1389  
*wcoment@covb.org*

s/Arthur J. "Grant" Lacerte

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ARTHUR J. LACERTE  
Florida Bar No. 227160