

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: August 19, 2014
TO: Carlotta Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Martha C. Brown, Senior Attorney, Office of the General Counsel
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.

Please place the attached correspondence from William C. Garner on behalf of Babcock Ranch Community Independent Special District in the referenced docket file.

MCB/as
Attachment

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August 19, 2014

(Via Electronic Mail)

Braulio L. Baez, Esq.
Executive Director
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket 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 Braulio:

I am pleased to report that settlement discussions in the above-referenced matter have to this point been productive, and would like to thank the Florida Public Service Commission (“Commission”) for its previous deferrals, which have assisted the parties in nearing a resolution. In keeping with our commitment made in previous requests for deferral, the Babcock Ranch Community Improvement Special District (“District”), Lee County Electric Cooperative (“LCEC”), and Florida Power and Light Company (“FPL”) have worked together in an effort to resolve the issues in a manner that will be acceptable to all parties, including the Commission. Though discussions have brought the parties close to a resolution, additional time is still needed to finalize the terms of an agreement that can be presented to the Commission.

Therefore, after consultation with counsel representing LCEC and FPL, the District respectfully requests that the Commission further defer consideration of the District’s Notice of New Municipal Electric Service Provider and Petition for Waiver of Rule 25-9.044(2), F.A.C., as well as all dispositive motions filed in this docket, to the next regularly scheduled Commission Agenda Conference after September 4, 2014, which is currently identified on the Commission’s calendar as occurring October 2, 2014.

As with its previous requests, the District agrees to a tolling of the date by which the Commission must, under statute, dispose of the District’s Petition. So that the Commission will

Braulio L. Baez, Esq.

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have sufficient time to consider the matter at Agenda Conference and issue PAA and Consummating Orders should settlement talks ultimately fail, the District agrees to a further tolling of the statutory deadline to November 3, 2014.

The District appreciates the Commission's desire that parties resolve differences among themselves when it is possible to do so. We are working diligently to accommodate that desire and are hopeful that additional requests for deferral will not be needed in the future.

Sincerely,



William C. Garner

*Counsel for Babcock Ranch Community
Independent Special District*

cc: D. Bruce May, Jr., Esq. (counsel for Lee County Electric Cooperative)
Scott Goorland, Esq. (counsel for Florida Power & Light)
S. Curtis Kiser, Esq. (PSC General Counsel)
Martha Brown, Esq.