

ORIGINAL

July 24, 2006

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VIA HAND DELIVERY

Blanca S. Bayó, Director Division of the Commission Clerk & Administrative Services Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

Re: Docket Nos.: 060172-EU and 060173-EU

Dear Ms. Bayó:

Enclosed for filing are the original and seven (7) copies of the Motion of the Florida Electric Cooperatives Association, Inc. for Bifurcation of Proceeding and Request for Hearing and Rescheduled Comments for Consideration of Proposed Rule 25-6.0343.

If there are any questions regarding this transmittal, please contact me at 222.2300.

Very truly yours,

SQUIRE, SANDERS & DEMPSEY L.L.P.

Elizabeth C. Daley

DOCUMENT NUMBER DATE 06505 JUL 24 08 FPSC-COMMISSION CLERK

- CMP COM CTR ECR GCL OPC RCA SCR SGA SEC DTH

ECD:gcm Enclosure Copy to: Lawrence Harris Interested Persons

RECEIVED & FILED FPSC-BUREAU OF RECORDS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed rules governing placement of new electric distribution facilities underground, and conversion of existing overhead distribution facilities to underground facilities, to address effects of extreme weather events.

DOCKET NO. 060172-EU

In re: Proposed amendments to rules regarding overhead electric facilities to allow more stringent construction standards than required by National Electric Safety Code.

DOCKET NO. 060173-EU

Filed: July 24, 2006

MOTION OF THE FLORIDA ELECTRIC COOPERATIVES ASSOCIATION, INC.
FOR BIFURCATION OF PROCEEDING AND REQUEST FOR HEARING AND
RESCHEDULED COMMENTS FOR CONSIDERATION OF PROPOSED RULE 25-6.0343

The Florida Electric Cooperatives Association, Inc. ("FECA") hereby moves that the Commission bifurcate its consideration of proposed Rule 25-6.0343 from consideration of the other rules proposed in this docket and follow a separate procedural schedule which would allow more time for potential negotiation of an alternative proposed rule. FECA hereby requests a hearing as to proposed Rule 25-6.0343 and requests that such hearing be held on October 4, 2006. FECA requests that the following dates be adopted for consideration of proposed rule 25-6.0343 or any offered alternative:

Request for Hearing	July 28, 2006
Comments on Proposed Rule	September 8, 2006
Reply Comments	September 22, 2006
Rule Hearing	October 4, 2006

As grounds for this motion, FECA states:

DOCUMENT NUMBER-DATE

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1. The scope of this rulemaking has grown increasingly complex with separate rules applicable for public utilities (investor owned public utilities) and electric utilities (rural electric cooperatives and municipal electric utilities) and with multiple entities desiring to attach to poles having become actively involved. Anticipating requests for a hearing, the Commission has set several of the rules for hearing. Given the scope of the matters at issue in the proposed rules and the number of parties interested, FECA is concerned that if the rule proposed as to rural electric cooperatives and municipal electric utilities continues to be considered on the same track as rules applicable to investor owned public utilities, the special circumstances unique to rural electric cooperatives and municipal electric utilities may not be fully developed.

2. Compounding that possibility is the fact that the Commission's procedural order governing this proceeding, which appears to supersede the procedural dates set forth in the Notice of Rulemaking issued by the Commission, has allowed an additional week for comments on the rules applicable to investor owned public utilities (now due August 4, 2006) relative to when comments are due on the rule applicable to rural electric cooperatives and municipal electric utilities (now due July 28, 2006).

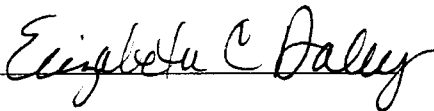
3. Moreover, FECA has developed and presented to the Commission Staff alternative rule language for proposed Rule 25-6.0343 which warrants further exploration. This alternative draft rule addresses the concerns previously raised by the rural electric cooperatives in this rulemaking proceeding and achieves the enhanced reliability and safety sought by the Commission for electric facilities without raising thorny jurisdictional issues that might divert attention from the underlying public interest the Commission is attempting to serve with this proceeding.

4. FECA respectfully submits that additional time is needed to explore the adequacy of this alternative rule and Staff's and the Commission's reaction to the rule without immediately proceeding through rulemaking and the taking of comments on the proposed rule. Should we be successful in negotiating a mutually acceptable rule, the time will be well spent. Even if a rule is not negotiated, more time will allow for more constructive dialogue regarding this significant change in Commission involvement with rural electric cooperatives. Finally, FECA observes that bifurcation of this rulemaking allows the Commission to proceed on its previously established schedule with investor owned public utilities. Thus, no party is injured by the requested bifurcation, and the public interest would be served.

Respectfully submitted,

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By: 

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by Hand Delivery (*) or U.S. Mail this 24th day of July, 2006, to the following:

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