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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Mosaic Fertilizer LLC
Against Peace River Electric Cooperative
and Tampa Electric Company For Single
Source Electric Supplier.

Docket No. 120225

Filed: September 11, 2012

**MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING
AND/OR MOTION TO DISMISS COMPLAINT**

COMES NOW, Peace River Electric Cooperative (“PRECO”) and pursuant to Rule 28-106.204, Florida Administrative Code, moves for an extension of time to file an Answer or a Motion to Dismiss the Complaint and Request for Expedited Relief (the “Complaint”) filed herein by Mosaic Fertilizer LLC (“Mosaic”), for a brief period during the parties’ ongoing settlement discussions.

Background

1. The contact information for PRECO and its counsel are:

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2. Respondent PRECO and Respondent Tampa Electric Company (“Tampa Electric”) are parties to a territorial agreement that sets forth their respective boundaries for the provision of electric service in southwestern Polk County and southeastern Hillsborough County, Florida. The agreement was approved by the Commission in Order No. 17585, issued in Docket No. 870303-EU on May 22, 1987.

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3. Complaining party Mosaic is a retail electric customer with phosphate mining operations in Hillsborough and Manatee counties that require transmission level (69 kv) electric service. Mosaic asserts that beginning later this year, it plans to conduct mining operations in areas that traverse the PSC-approved territorial boundary between Tampa Electric's service territory and PRECO's service territory, and that it may require electric service to these areas as soon as November 2012.¹

4. Although part of its planned operations will fall within PRECO's service territory and part of its operations will fall within Tampa Electric's service territory, Mosaic asserts that it requires service from a single provider.

5. After Mosaic advised PRECO and Tampa Electric of its upcoming plans, the utilities have worked together to negotiate an appropriate resolution that will timely provide electric service to meet Mosaic's needs in a safe and efficient manner, without uneconomic duplication of facilities. Negotiations are fruitful and ongoing, and are expected to result in an agreed-upon temporary variance of the utilities' territorial agreement, which would be expeditiously brought to the Commission for review and approval.

6. If, in the unlikely event that the parties are unable to expeditiously negotiate a uniformly accepted resolution that will timely provide electric service to meet Mosaic's needs, PRECO will file an Answer or a Motion to Dismiss Complaint.

¹ See, Exhibit A to Mosaic's Complaint, consisting of a letter from Mosaic to PRECO and Tampa Electric dated July 24, 2012, stating that service to the one of the areas (the "F1 Clay Settling Area") is expected to be needed by December 2012 and service to the other area ("mining unit 20 East site") may be needed as early as November 2012, depending on mining progress in the area.

7. PRECO respectfully requests until September 28, 2012 to present the Commission with a fully executed temporary variance of the parties' Territorial Agreement, or file an Answer or Motion to Dismiss the Complaint.²

8. Undersigned counsel has discussed this matter with Tampa Electric who advised it has no objection to the relief requested herein. Undersigned counsel has also contacted Mosaic who states that it objects to relief requested herein.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been provided via U.S. Mail to the following this 11 day of September, 2012:

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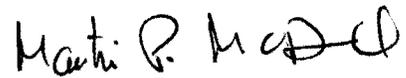
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² Mosaic filed the Complaint with the Commission on August 22, 2012 and e-mailed a copy of the Complaint to PRECO. The Commission sent a formal Notice of the Complaint to PRECO via certified U.S. Mail which PRECO received August 29, 2012. PRECO believes that its receipt of the formal Notice of Complaint on August 29, 2012 constitutes formal service for the purpose of the Commission's statutes and rules. However, in an abundance of caution, PRECO files this Motion on this date.

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