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Sent: Monday, April 01, 2013 12:07 PM
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Subject: Electronic Filing - Docket No. 120054-EM
Attachments: 120054.MC-MTD.Petition.NNKPOA.4-1-13.pdf

a. Person responsible for this electronic filing:

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b. 120054-EM

In Re: Complaint of Robert D. Reynolds and Julianne C. Reynolds Against Utility Board of the City of Key West, Florida Regarding Extending Commercial Electrical Transmission Lines to each Property Owner of No Name Key, Florida.

c. Document being filed on behalf of the Monroe County, Florida.

d. There are a total of 4 pages.

e. The document attached for electronic filing is Monroe County's Motion to Dismiss the Renewed Petition to Intervene of the No Name Key Property Owners Association.
(see attached file: 120054.MC-MTD.Petition.NNKPOA.4-1-13.pdf)

Thank you for your attention and assistance in this matter.

Rhonda Dulgar

Secretary to Jay LaVia & Schef Wright

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DOCUMENT NUMBER-DATE
01595 APR-1 2013
FPSC-COMMISSION CLERK

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Robert D. Reynolds)
And Julianne C. Reynolds Against Utility)
Board of the City of Key West, Florida) DOCKET NO. 120054-EM
Regarding Extending Commercial)
Electrical Transmission Lines to each) FILED: APRIL 1, 2013
Property owner of No Name Key, Florida.)
_____)

**MONROE COUNTY'S MOTION TO DISMISS THE RENEWED PETITION TO
INTERVENE OF THE NO NAME KEY PROPERTY OWNERS ASSOCIATION**

Monroe County, Florida, a political subdivision of the State of Florida and an intervenor party in this docket, pursuant to Rule 28-106.201, Florida Administrative Code ("F.A.C."), hereby moves to dismiss the Renewed Petition to Intervene of the No Name Key Property Owners Association, Inc. ("NNKPOA" or "Association"), filed in this docket on March 20, 2013, as well as the NNKPOA's original Petition to Intervene filed herein on July 26, 2012.¹

In summary, as the Association itself stated in its renewed petition to intervene, "the Association seeks the same relief as set forth in Reynold's Second Amended Complaint" filed in this case by Robert and Julianne Reynolds on March 13, 2013. As explained in detail in Monroe County's Motion to Dismiss Second Amended Complaint, filed contemporaneously herewith, the Association lacks standing to participate in this docket for the same reasons that the Reynoldses lack standing: the only parties

¹ The Association's original petition was filed, and granted by PSC Order No. 12-0472-PCO-EM, during the time that this docket was being held in abeyance by informal agreement of all parties. Accordingly, to conserve resources, Monroe County did not move to dismiss the Association earlier.

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who are entitled to bring any action grounded in the Territorial Agreement between Keys Energy Services ("KES") and Florida Keys Electric Cooperative ("FKEC"), or under PSC Order No. 25127 approving that Territorial Agreement, are KES and FKEC. The Territorial Agreement, merged into the Commission's order approving it, expressly bars standing to any entity other than KES or FKEC, and there is no dispute between those utilities arising under the Agreement. Moreover, just as the Reynoldses have failed to articulate a statutory basis upon which their requested relief can be granted, the NNKPOA has failed to do so.

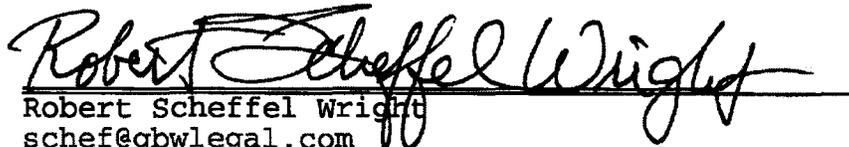
Accordingly, the petition to intervene and renewed petition to intervene of the No Name Key Property Owners Association should be dismissed with prejudice.

CONCLUSION

The No Name Key Property Owners Association lacks standing to participate in this docket for the same reasons that the Reynoldses, whose complaint initiated this docket, lack standing to pursue that complaint: their claim that the Territorial Agreement between KES and FKED provides a basis for their requested relief is expressly negated and barred by the Territorial Agreement itself, and by the Commission's Order No. 25127 into which that Agreement has been merged by the Commission's approval. Moreover, neither the Reynoldses nor the NNKPOA have stated a claim upon which relief can be granted by this Commission.

WHEREFORE, for the reasons set forth above, Monroe County respectfully moves the Commission to dismiss the original and renewed petitions to intervene filed herein by the No Name Key Property Owners Association.

Respectfully submitted this 1st day of April 2013.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following, by electronic mail, on this 1st day of April 2013.

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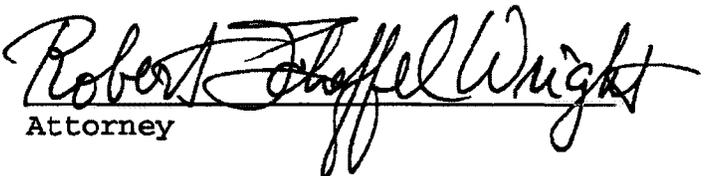
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