

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for declaratory statement
regarding co-ownership of electrical
cogeneration facilities in Hendry County by
Southeast Renewable Fuels, LLC.

DOCKET NO. 130235-EQ
ORDER NO. PSC-13-0508-PCO-EQ
ISSUED: October 28, 2013

ORDER GRANTING MOTION FOR LEAVE TO APPEAR
AS AMICUS CURIAE AND TO FILE MEMORANDUM OF LAW

On October 8, 2013, the Florida Electric Cooperatives Association, Inc. (FECA) moved for leave to appear as amicus curiae and to file an amicus curiae Memorandum of Law addressing legal issues raised in the Petition for Declaratory Statement filed in this docket by Southeast Renewable Fuels, LLC (Southeast). In support thereof, FECA states that it represents almost all of Florida's electric cooperatives, all of whom are regulated by the Commission, and that FECA and its members have a significant and abiding interest in the preservation and enforcement of the regulatory provisions set forth in Chapter 366, Florida Statutes (F.S.), which are applicable to all electric utilities. Those interests include the avoidance of territorial disputes and of uneconomic duplication of generation, transmission and distribution facilities, among other things. Given its long-standing representation of the majority of Florida's electric cooperatives in Commission proceedings, FECA believes it is qualified to assist the Commission as an amicus curiae concerning certain legal issues which must be resolved in this proceeding. In its Response filed on October 15, 2013, Southeast states that it does not oppose the Motion.

Ruling

It is within the Commission's jurisdiction to allow amicus curiae participation in Commission proceedings.¹ An amicus curiae is not a party, but participates only for the benefit of the Commission.² Because FECA's participation as an amicus curiae will be beneficial to the Commission in analyzing the issues raised in Southeast's Petition for Declaratory Statement, I find it appropriate to grant its request to appear as an amicus curiae and its Motion for Leave to File Amicus Curiae Memorandum of Law.

FECA's Motion to Address the Commission on the merits of Southeast's Petition for Declaratory Statement, filed October 8, 2013, will be determined at the agenda conference.

¹Order No. PSC-00-1265-PCO-WS, issued July 22, 2000, in Docket Nos. 990696-WS and 992040-WS, In re: Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation; and In re: Application for certificates to operate a water and wastewater utility in Duval and St. Johns Counties by Intercoastal Utilities, Inc.

² See id.

Based on the foregoing, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that the Florida Electric Cooperatives Association, Inc.'s Motion for Leave to Appear as Amicus Curiae and to File Memorandum of Law is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings, and other documents, which may hereinafter be filed in this proceeding, to:

William B. Willingham
Michelle L. Hershel
Florida Electric Cooperatives Association, Inc.
2916 Apalachee Parkway
Tallahassee, Florida 32301
(850) 877-6166
(850) 656-5485 (fax)
bill@fecacom
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By ORDER of Commissioner Art Graham, as Prehearing Officer, this 28th day of
October, 2013.



ART GRAHAM
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.