

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-**

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**DATE:** September 15, 2014  
**TO:** Carlotta Stauffer, Commission Clerk, Office of Commission Clerk  
**FROM:** Kelley F. Corbari, Senior Attorney, Office of the General Counsel *KFC*  
**RE:** Docket Number 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.

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Please place the attached correspondence from Babcock Ranch Community Independent District in the above-referenced docket file.

KFC/acs  
Attachments

RECEIVED - FPSC  
14 SEP 15 PM 4:29  
COMMISSION  
CLERK

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September 12, 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:

Since our correspondence last month, the Babcock Ranch Community Improvement Special District (“District”), Lee County Electric Cooperative (“LCEC”), and Florida Power and Light Company (“FPL”), have continued settlement efforts to resolve the issues in the above referenced matter. As previously reported, settlement discussions have to this point been productive, and the parties are currently in the process of finalizing an agreement that can be presented to the Florida Public Service Commission (“Commission”). However, that agreement will not be finalized and approved by all of the parties prior to the time for filing of the staff recommendation.

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., and all dispositive motions filed in this docket, to the next regularly scheduled Commission Agenda Conference after October 2, 2014, which is currently identified on the Commission’s calendar as occurring November 25, 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 have sufficient time to consider the matter at Agenda Conference and issue its PAA Order should

Braulio L. Baez, Esq.  
September 12, 2014  
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settlement talks ultimately fail, the District agrees to a further tolling of the statutory deadline to December 8, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "William C. Garner", with a long horizontal flourish extending to the right.

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)  
Kelley F. Corbari, Esq.

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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:

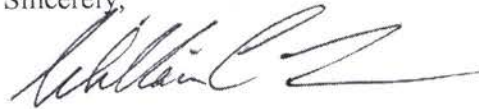
In its letter dated September 12, 2014, requesting an additional deferral of the Florida Public Service Commission's ("Commission") consideration of a staff recommendation in the above-referenced matter, the Babcock Ranch Community Improvement Special District ("District") agreed that the date by which the Commission is required by statute to render a decision should be tolled to December 8, 2014, so that the Commission would have adequate time to render its decision and a PAA Order in the event that settlement efforts among the parties fail.

After further consideration, in light of fact that the Thanksgiving holiday occurs immediately after the proposed Agenda Conference deferral date of November 25, 2014, the District agrees that the Commission needs additional time to render its PAA Order should a vote on the merits be necessary at that time.

Braulio L. Baez, Esq.  
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Therefore, District agrees to an additional tolling of the date by which the Commission must, under statute, dispose of the District's Petition to December 15, 2014.

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)  
Kelley F. Corbari, Esq.