

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:** November 5, 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/dl  
Attachment

RECEIVED-FPSC  
14 NOV - 5 AM 10: 24  
COMMISSION  
CLERK

## Kelley Corbari

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**From:** Garner, Bill <bgarner@ngn-tally.com>  
**Sent:** Tuesday, November 04, 2014 5:53 PM  
**To:** Braulio Baez  
**Cc:** Curt Kiser; Kelley Corbari; Bruce May (bruce.may@hkllaw.com); Scott.Goorland@fpl.com; Mary Anne Helton; john.noland@henlaw.com; Bill Willingham (fecabill@embarqmail.com); jbeasley@ausley.com; Matthew.bernier@duke-energy.com; Armstrong, Brian  
**Subject:** Docket No. 140059-EM -- Request for Deferral Pending Outcome of Docket No. 140210-EU  
**Attachments:** Letter to Braulio Baez (11.4.14).pdf

Braulio,

Please find attached a letter requesting a deferral in the Babcock Ranch Community Independent Special District matter, referenced above. The parties have finalized a settlement agreement whereby FPL and LCEC will seek a territory amendment such that FPL will provide electric service within the District. In furtherance of the settlement agreement, FPL and LCEC have petitioned the Commission for a territory amendment, and their petition has been assigned Docket No. 140210-EU. The attached letter requests that decisions in the Babcock Ranch District's docket be deferred pending the outcome of docket 140210-EU. As stated in the letter, if an additional deferral is granted, the District agrees that its statutory entitlement to a decision on its petition for rule waiver should be further tolled as provided in the letter. Of course, if the Commission approves FPL and LCEC's territory amendment, the District will voluntarily dismiss its notice and petition. Please feel free to contact me with any questions.

Best regards,

William C. Garner (Bill)



1500 Mahan Drive, Suite 200  
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(850) 224-4073 Fax

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November 4, 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:

I am pleased to report that the Babcock Ranch Community Improvement Special District (“District”), the Lee County Electric Cooperative (“LCEC”) and Florida Power & Light Company (“FPL”), have entered into a settlement agreement which will resolve among these parties all matters pending before the Florida Public Service Commission (“Commission”) in the above referenced docket. Consistent with this agreement, LCEC and FPL have petitioned the Commission for approval of a territory amendment which would make FPL the sole electric service provider within the entirety of the Babcock Ranch Community, including the territory of the District (Docket No. 140210-EU). After the Commission has rendered a Final Order approving the territory amendment and the time for appeal has lapsed, the District will voluntarily dismiss its notice and petition in this docket.

Therefore, the District requests a further deferral of any Commission action in the above-referenced docket pending the final disposition of the petition filed in Docket No. 140210-EU. Also, so that the Commission has sufficient time to consider said petition and render a final non-appealable Order approving the territory amendment before it is required to take further action in the above-referenced docket, the District agrees that the statutory deadline for the Commission to decide on the District’s petition for rule waiver may be further tolled to January 23, 2015.



Braulio L. Baez, Esq.  
November 4, 2014  
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The District appreciates the Commission and Commission staff's forbearance allowing the parties adequate time to work out differences amicably. Thank you.

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.