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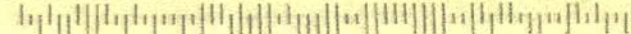
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(Recommendation)

FILED DEC 04, 2014
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Public Service Commission

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-M-E-M-O-R-A-N-D-U-M-

COMMISSION
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14 DEC - 4 AM 10:44

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DATE: December 4, 2014

TO: Office of Commission Clerk (Stauffer)

FROM: Division of Economics (Garl) *ESD PD J.W.D.*
Office of the General Counsel (Corbari) *KFC*

RE: Docket No. 140210-EU – Joint petition for approval of amendment to territorial agreement in Charlotte, Lee, and Collier Counties, by Florida Power & Light Company and Lee County Electric Cooperative.

AGENDA: 12/18/14 – Regular Agenda – Proposed Agency Action – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Galbis

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

Case Background

On November 3, 2014, Florida Power & Light Company (FPL) and Lee County Electric Cooperative (LCEC) jointly filed a petition for approval of amendment to the existing territorial agreement. The amendment is included as Attachment 3 to this recommendation. The Commission approved the existing territorial agreement in 1993, establishing service areas in Charlotte, Collier, Hendry, and Lee Counties.¹ A territorial variance agreement relating to Lee County was approved by the Commission in 1997.²

¹ See Order No. PSC-93-0705-FOF-EU, issued May 10, 1993, in Docket No. 930092-EU, In re: Joint application for approval of territorial agreement between Florida Power & Light Company and Lee County Electric Cooperative, Inc.

² See Order No. PSC-97-0527-FOF-EU, issued May 7, 1997, in Docket No. 970105-EU, In re: Petition for approval of change in territorial boundary under territorial agreement with Lee County Electric Cooperative, Inc., by Florida Power & Light Company.

Docket No. 140210-EU
Date: December 4, 2014

The instant petition follows a petition from Babcock Ranch Community Independent Special District (Babcock Ranch) requesting the Commission to acknowledge Babcock Ranch as a new municipal electric utility.³ LCEC, the Florida Electric Cooperatives Association, and Tampa Electric Company filed comments in opposition to Babcock Ranch's Petition. Before the Commission could take the matter under consideration, however, Babcock Ranch, LCEC, and FPL requested the matter be deferred while the parties attempted to resolve their disputes in the matter. On November 4, 2014, the parties advised the Commission that they had reached a settlement agreement in the form of a territorial amendment which is addressed in Issue 1 below. In addition, the parties' notification to the Commission regarding the settlement stated, "[a]fter the Commission has rendered a Final Order approving the territorial amendment and the time for appeal has lapsed, the District will voluntarily dismiss its notice and petition in this docket."⁴ The Commission has jurisdiction over this matter pursuant to Section 366.04, Florida Statutes, (F.S.).

³ See Docket No. 140059-EM, established March 24, 2014, In re: 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. Documents providing the notices of opposition, requests for deferral, and announcement of a settlement are all contained in the docket file.

⁴ Id., Document No. 06196-14, November 4, 2014, Letter from counsel for Babcock Ranch to Commission Executive Director Baez regarding settlement agreement and requesting deferral of matter pending resolution of Docket No. 140210-EU, In re: Joint petition for approval of amendment to territorial agreement in Charlotte, Lee, and Collier Counties, by Florida Power & Light Company and Lee County Electric Cooperative.