

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for declaratory statement
regarding the effect of the Commission's orders
approving territorial agreements in Indian
River County, by the City of Vero Beach.

DOCKET NO. 140244-EM
ORDER NO. PSC-15-0062-PCO-EM
ISSUED: January 23, 2015

ORDER GRANTING FLORIDA ELECTRIC COOPERATIVES ASSOCIATION, INC.'S
MOTION FOR LEAVE TO APPEAR AS AMICUS CURIAE AND TO FILE COMMENTS

On January 13, 2015, the Florida Electric Cooperatives Association, Inc. (FECA) filed its Comments and Request to Address the Commission on the legal issues raised in the Petition for Declaratory Statement (Petition) filed in this docket by the City of Vero Beach (City). FECA states that it believes its Amicus Curiae Memorandum of Law filed in Docket No. 140142-EM is equally relevant in this docket and attached that memorandum of law for consideration by the Commission in this docket.

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, 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 its comments will assist the Commission as it deliberates the issues in this proceeding.

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 amicus curiae will be beneficial to the Commission in analyzing the issues raised in the City's Petition for Declaratory Statement, I find it appropriate to grant FECA's motion for leave to appear as amicus curiae and to file comments. FECA's comments were filed along with its motion.

FECA's request to address the Commission on the legal issues raised in the Petition for Declaratory Statement will be determined at the agenda conference at which the Commission will consider the Petition.

Based on the foregoing, it is

¹ E.g. Order No. PSC-13-0508-PCO-EQ, issued October 28, 2013, Docket No. 130235-EQ, In re: Petition for declaratory statement regarding co-ownership of electrical cogeneration facilities in Hendry County by Southeast Renewable Fuels, LLC.

² See id.

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ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that the Florida Electric Cooperatives Association, Inc.'s Motion to File Comments is hereby granted as set forth in this Order. It is further

ORDERED that all parties to this proceeding shall furnish copies of all 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
T: (850) 877-6166
F: (850) 656-5485
fecabill@embarqmail.com
mhershel@feca.com

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 23rd day of
January, 2015.


LISA POLAK EDGAR
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.

KC

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.