

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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.

DOCKET NO. 140059-EM
ORDER NO. PSC-14-0248-PCO-EM
ISSUED: May 21, 2014

ORDER GRANTING LEAVE TO SUBMIT COMMENTS

On March 24, 2014, Babcock Ranch Community Independent Special District (Babcock Ranch) filed with the Commission a Notice of New Municipal Electric Service Provider and Petition for Waiver of Rule 25-9.0044(2), Florida Administrative Code (F.A.C.). Babcock Ranch asserted that a special law, Chapter 2007-6, Laws of Florida, established the Babcock Ranch Special District and authorized it to be a municipal electric service provider within the special district boundaries delineated in the law. Babcock Ranch asked the Commission to acknowledge it as a new municipal electric utility with the authority to provide electric service within the special district boundaries.¹ Babcock Ranch also petitioned the Commission to waive subsection (2) of Rule 25-9.0042, F.A.C., Change of Ownership, New Utility.

The Commission published a notice of Babcock Ranch's rule waiver petition in the March 28, 2014 edition of the Florida Administrative Register, requesting comment on the petition by April 11, 2014. On that date, Florida Power & Light Company (FPL), Lee County Electric Cooperative (LCEC), and the Florida Electric Cooperatives Association (FECA) filed comments. On April 15, 2014, LCEC also filed a Motion to Dismiss the entire Babcock Ranch filing on the grounds that Babcock Ranch had failed to state a cause of action upon which relief could be granted. Babcock Ranch filed its response to LCEC's motion to dismiss on April 22, 2014.

On May 8, 2014, FPL filed a Motion for Leave to Submit Supplemental Comments on Babcock Ranch's filing in order to respond to issues raised by the motion to dismiss and the response, which were filed after FPL filed its initial comments on the rule waiver petition. FPL submitted the supplemental comments with its motion. FPL represented that LCEC and Babcock Ranch did not object to the motion.

Noting that Babcock Ranch and LCEC do not object, and considering the facts and issues raised in this case, FPL's motion for leave to submit supplemental comments is granted. Babcock Ranch may respond to FPL's comments within seven days of the issuance of this Order.

Based on the foregoing, it is

¹ The boundary for the proposed municipal electric utility territory differs from the boundary established by Chapter 2007-6, because it excludes several existing points where Lee County Electric Cooperative currently provides service.

ORDERED by Lisa Polak Edgar, as Prehearing Officer, that FPL's Motion for Leave to Submit Supplemental Comments is granted. It is further

ORDERED that Babcock Ranch may file a response to the supplemental comments within seven days of the issuance of this Order.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 21st day of May, 2014.



LISA POLAK EDGAR
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

MCB

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

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appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.