

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for declaratory statement or other relief regarding the expiration of the Vero Beach electric service franchise agreement, by the Board of County Commissioners, Indian River County, Florida.

DOCKET NO. 140142-EM
ORDER NO. PSC-14-0419-PCO-EM
ISSUED: August 19, 2014

ORDER GRANTING FLORIDA MUNICIPAL ELECTRIC ASSOCIATION, INC'S
MOTION FOR LEAVE TO APPEAR AS AMICUS CURIAE
AND TO FILE MEMORANDUM OF LAW

On August 14, 2014, the Florida Municipal Electric Association, Inc. (FMEA) moved for leave to appear as amicus curiae and to file an amicus curiae memorandum of law addressing legal issues raised in the Petition for Declaratory Statement (Petition) filed in this docket by the Board of County Commissioners of Indian River County (Board). FMEA states that it is the statewide trade association representing thirty-three of Florida's public power electric retail utilities governed by local governmental commissions, councils, boards, and other authorities that service approximately fifteen percent of Florida's electric load, or three million Floridians. FMEA states that each of its retail electric utility members serves customers located both inside and outside of its corporate boundaries, and for this reason, FMEA and its members have a significant interest in the preservation and enforcement of Chapter 366, Florida Statutes (F.S.), particularly the provisions that provide the established regulatory regime for the planning, development, and maintenance of a coordinated electric power grid throughout Florida and the Commission's exclusive and superior jurisdiction over electric utility territorial matters. FMEA alleges that given its representation of 33 of Florida's public power utilities, it is uniquely qualified to assist the Commission as an amicus curiae concerning certain legal issues that the Commission has been asked to address 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 FMEA's participation as an amicus curiae will be beneficial to the Commission in analyzing the issues raised in the Board's Petition for Declaratory Statement, I find it appropriate to grant its Motion for Leave to Appear as Amicus Curiae and to File Memorandum of Law. The date by which FMEA must file its Memorandum of Law is addressed by separate Order.

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.

Based on the foregoing, it is

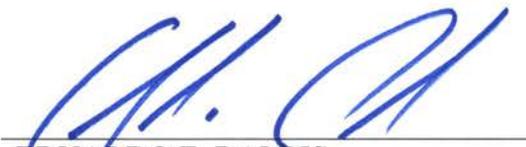
ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that the Florida Municipal Electric Association, Inc.'s Motion for Leave to Appear as Amicus Curiae and to File Amicus Curiae Memorandum of Law is hereby granted as set forth in this Order. It is further

ORDERED that all parties to this proceeding shall furnish copies of all documents which may hereinafter be filed in this proceeding to:

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By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 19th day
of August, 2014.



EDUARDO E. BALBIS
Commissioner and Prehearing Officer
Florida Public Service Commission
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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.

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.