

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-14-0421-PCO-EM  
ISSUED: August 19, 2014

ORDER GRANTING DUKE ENERGY FLORIDA'S  
MOTION FOR LEAVE TO APPEAR AS AMICUS CURIAE  
AND TO FILE BRIEF

On August 14, 2014, Duke Energy Florida, Inc., filed a Motion for Leave to file an Amicus Curiae Brief and to Present Oral Argument on 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).

Duke is an investor-owned electric public utility regulated by the Commission pursuant to Chapter 366, Florida Statutes (F.S.) Duke states that as such, it has a significant interest in the manner in which Chapter 366, F.S., is construed in connection with other laws and orders of the Commission that may affect public utilities in Florida. Given the foregoing, Duke wishes to be heard regarding the legal interpretations underlying the Board's Petition and believes that its input may assist the Commission in disposing of the Petition.

Ruling

It is within the Commission's jurisdiction to allow amicus curiae participation in Commission proceedings.<sup>1</sup> An amicus curiae is not a party, but participates only for the benefit of the Commission.<sup>2</sup> Because Duke'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 Duke's Motion For Leave to Appear as Amicus Curiae and to File Brief. Duke's brief was filed on August 14, 2014, along with its Motion for Leave to File an Amicus Curiae Brief.

Duke's Motion to Present Oral Argument will be determined at the agenda conference at which the Commission will consider the Petition.

---

<sup>1</sup>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.

<sup>2</sup> See id.

Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Duke Energy Florida's Motion for Leave to Appear as Amicus Curiae and to File Brief are hereby granted. 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:

Dianne M. Triplett, Esquire  
Matthew R. Bernier, Esquire  
Duke Energy Florida, Inc.  
299 1<sup>st</sup> Avenue North  
St. Petersburg, FL 33733  
[Dianne.triplett@duke-energy.com](mailto:Dianne.triplett@duke-energy.com)  
[Matthew.bernier@duke-energy.com](mailto:Matthew.bernier@duke-energy.com)

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  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://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.

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

ORDER NO. PSC-14-0421-PCO-EM

DOCKET NO. 140142-EM

PAGE 3

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.