

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-15-0063-PCO-EM
ISSUED: January 23, 2015

ORDER GRANTING TAMPA ELECTRIC COMPANY'S
MOTION FOR LEAVE TO APPEAR AS AMICUS CURIAE AND TO FILE COMMENTS

On January 13, 2015, Tampa Electric Company (TECO) filed a Motion for Leave to File Amicus Curiae Comments addressing legal issues raised in the Petition for Declaratory Statement filed in this docket by the City of Vero Beach (City). TECO states that it is an investor-owned public utility regulated by the Commission pursuant to Chapter 366, Florida Statutes (F.S.) and, as such, has a significant interest in the manner in which Chapter 366, F.S., is construed and implemented and the precedent which may be established through the disposition of petitions like the one presented in this docket. Given the foregoing, TECO wishes to be heard regarding the legal interpretations addressed in the 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.¹ An amicus curiae is not a party, but participates only for the benefit of the Commission.² Because TECO'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 TECO's motion for leave to appear as amicus curiae and to file comments. TECO filed its comments on the City's Petition on January 13, 2015, along with its Motion for Leave to File Amicus Curiae Comments.

TECO's request to address the Commission will be determined at the agenda conference at which the Commission will consider the Petition.

Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Tampa Electric Company's Motion for Leave to File Amicus Curiae Comments is hereby granted as set forth in the body of this Order. It is further

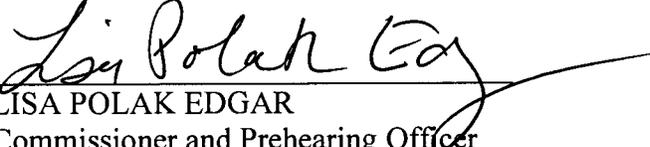
¹ E.g. Order No. PSC-13-0508-PCO-EQ, issued October 28, 2013, Docket No. 130235-EQ, In re: Petition for declaratory statement regarding co-ownership of electrical cogeneration facilities in Hendry County by Southeast Renewable Fuels, LLC.

² See id.

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

JAMES D. BEASLEY
J. JEFFRY WAHLEN
ASHLEY M. DANIELS
Ausley & McMullen
Post Office Box 391
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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
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.

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.