

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint and request for expedited relief of Mosaic Fertilizer LLC against Peace River Electric Cooperative and Tampa Electric Company for single source electric supplier.

DOCKET NO. 120225-EU
ORDER NO. PSC-12-0491-PCO-EU
ISSUED: September 25, 2012

ORDER GRANTING MOTION FOR EXTENSION OF TIME
TO FILE RESPONSIVE PLEADING AND/OR MOTION TO DISMISS COMPLAINT

BY THE COMMISSION:

On August 22, 2012, Mosaic Fertilizer LLC, (Mosaic) filed a formal complaint and request for expedited relief against Peace River Electric Cooperative and Tampa Electric Company for single source electric supplier.

On September 11, 2012, Tampa Electric Company (TECO) filed its response to Mosaic's complaint.

On September 11, 2012, Peace River Electric Cooperative (PRECO) filed a Motion for Extension of Time to File Responsive Pleading and/or Motion to Dismiss Complaint. In its Motion, PRECO stated that the parties are negotiating an appropriate resolution to meet Mosaic's needs, and that the negotiations are fruitful, ongoing and should result in an agreed-upon temporary variance of the utilities' territorial agreement. The variance of the agreement will be submitted to the Commission for review and approval. PRECO also requested an extension of time until September 28, 2012, to present a fully executed temporary variance of the parties' Territorial Agreement or to file its answer to Mosaic's complaint in the event the parties are unable to expeditiously negotiate a uniformly accepted resolution. PRECO advised that TECO did not object to the Commission granting the extension, but Mosaic expressed its objection.

Rule 28-106.201(6), F.A.C., states that motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request.

PRECO filed its Motion on September 11, 2012, prior to the expiration of the deadline for filing its answer to Mosaic's complaint, in compliance with Rule 28-106.201(6), F.A.C.

PRECO's Motion for Extension of Time complies with Rule 28-106.201, F.A.C., in that it was filed timely and demonstrates the requisite good cause for the extension. Therefore, I find it appropriate to grant PRECO's Motion for Extension of Time to File Responsive Pleading and/or Motion to Dismiss Complaint. PRECO shall file its Responsive Pleading and/or Motion to Dismiss Mosaic's Complaint on or before September 28, 2012.

Based on the foregoing, it is

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FPSC-COMMISSION CLERK

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Peace River Electric Cooperative Motion for Extension of Time to File Responsive Pleading and/or Motion to Dismiss the Complaint is hereby granted. It is further

ORDERED that Peace River Electric Cooperative shall file its Responsive Pleading and/or Motion to Dismiss the Complaint on or before September 28, 2012.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 25th day of September, 2012.



LISA POLAK EDGAR
Commissioner and Prehearing Officer
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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.

PER

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.

ORDER NO. PSC-12-0491-PCO-EU

DOCKET NO. 120225-EU

PAGE 3

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.