



Arthur J. "Grant" Lacerte, Jr.  
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January 13, 2015

**BY ELECTRONIC DELIVERY**

Ms. Carlotta Stauffer, Clerk  
Room 152, Gunter Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: PSC Docket No. ~~140142-EM~~

140244-EM  
ALM

Dear Ms. Stauffer:

On behalf of the Florida Municipal Electric Association (FMEA), Tallahassee, Florida, FMEA's Amicus Curiae Comments and Motion For Leave To File Amicus Curiae Comments and Request To Address The Commission are attached for filing in the above-styled docket. If there are any questions regarding this filing, please contact me at (407) 933-9777.

Thank you for your assistance in this filing.

Sincerely,

/s/ Arthur J. "Grant" Lacerte Jr.

Arthur J. "Grant" Lacerte Jr.  
Vice President and General Counsel  
Kissimmee Utility Authority  
On behalf of Florida Municipal Electric Association (FMEA)

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of the City of Vero Beach,  
Florida, for a Declaratory Statement Regarding  
Effect of the Commission's Orders Approving  
Territorial Agreements in Indian River County

DOCKET NO. 140244-EM  
FILED: January 13, 2015

**FLORIDA MUNICIPAL ELECTRIC ASSOCIATION, INC.'S**  
**AMICUS CURIAE COMMENTS**

The Florida Municipal Electric Association, Inc., ("FMEA"), offers the following amicus curiae comments regarding the Petition for a Declaratory Statement ("Petition") filed on behalf of the City of Vero Beach ("City") on December 19, 2014:

FMEA supports the legal position set forth in the City's Petition that the Commission's exclusive and superior jurisdiction under Chapter 366, Florida Statutes, to approve electric territorial agreements is not impacted by the expiration of electric utility franchise agreements.

Further, FMEA adheres to the legal positions set forth in its August 22, 2014, Amicus Curiae Memorandum of Law filed in Docket No. 140142-EM, Petition for Declaratory Statement by the Board of County Commissioners, Indian River County, Florida, and believes those comments and concerns are equally relevant in this docket. For convenience, FMEA's Amicus Curiae Memorandum of Law filed in Docket No. 140142-EM is attached to this submittal for consideration by the Commission.

WHEREFORE, FMEA respectfully requests that the Commission accept and consider these comments as well as FMEA's positions in the attached Amicus Curiae Memorandum of Law filed in Docket No. 140142-EM in its disposition of the Petition filed in this proceeding.

Respectfully submitted this 13th day of January, 2015.

s/Arthur J. "Grant" Lacerte, Jr.

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ARTHUR J. "GRANT" LACERTE, JR.

Florida Bar No. 227160

Vice President and General Counsel

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glacerte@kua.com

**Attorney for Florida Municipal Electric  
Association**

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Amicus Curiae Memorandum of Law has been furnished by electronic mail this 13th day of January, 2015 to the following:

Kathryn Cowdery  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399  
kcowdery@psc.state.fl.us

Robert Scheffel Wright  
John T. LaVia, III  
Gardner, Bist, Wiener, Wadsworth,  
Bowden, Bush, Dee, LaVia & Wright, P.A.  
1300 Thomaswood Dr.  
Tallahassee, FL 32308  
schef@gbwlegal.com  
jlavia@gwblegal.com

Wayne R. Coment  
City Attorney, Vero Beach  
P.O. Box 1389  
1053 20th Pl.  
Vero Beach, FL 32961  
wcoment@covb.org

s/Arthur J. "Grant" Lacerte, Jr.

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ARTHUR J. "GRANT" LACERTE, JR.  
Florida Bar No. 227160

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of the City of Vero Beach,  
Florida, for a Declaratory Statement Regarding  
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**FLORIDA MUNICIPAL ELECTRIC ASSOCIATION, INC.'S  
MOTION FOR LEAVE TO FILE AMICUS CURIAE COMMENTS AND REQUEST TO  
ADDRESS THE COMMISSION**

The Florida Municipal Electric Association, Inc., ("FMEA"), through its undersigned counsel, moves the Commission for leave to appear as Amicus Curiae and to file the attached comments addressing legal issues raised in the Petition filed in this proceeding on behalf of the City of Vero Beach, and states as follows:

1. The name and address of the Movant is:

Florida Municipal Electric Association, Inc.  
P.O. Box 10114  
Tallahassee, FL 32302-2114  
T: (850) 224-3314  
F: (850) 251-5060

2. Copies of all pleadings, notices, and orders in this docket should be provided to:

Barry J. Moline  
Executive Director  
Florida Municipal Electric Association  
P.O. Box 10114  
Tallahassee, FL 32302-2114  
T: (850) 224-3314, Ext. 1  
F: (850) 251-5060  
bmoline@publicpower.com

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3. FMEA is the state trade association with its office located at 417 East College Avenue, Tallahassee, Florida, 32301. FMEA represents thirty-three of Florida's municipal electric utilities. Together, these utilities serve approximately fifteen percent of Florida's electric

load, or three million Floridians. FMEA represents these utilities before the Legislature and regulatory agencies, including the Commission.

4. Each of FMEA's members serves customers located inside and outside of their municipal boundaries. Therefore, FMEA and its members have a significant and abiding interest in the preservation and enforcement of the regulatory provisions set forth in Chapter 366, Florida Statutes, which are applicable to all electric utilities. Those interests include the planning, development, and maintenance of a coordinated electric power grid throughout Florida and the Commission's exclusive and superior jurisdiction over territorial matters.

5. Given its position as representative for all of Florida's municipal electric utility industry, FMEA believes it is uniquely qualified to assist the Commission as Amicus Curiae concerning legal issues which must be resolved in this proceeding.

6. FMEA requests that it be allowed to file the attached comments addressing the following issue:

Issue: Are the Commission's orders and jurisdiction with respect to electric utility service areas and territorial matters exclusive and superior to the franchise agreement between the City of Vero Beach and Indian River County?

7. In light of the above concerns, and pursuant to Rule 25-22.0021(7), F.A.C., FMEA requests the opportunity to address the Commission at such time as the Petition may be brought before the Commission for review.

8. Counsel for FMEA has contacted counsel for the City of Vero Beach, Mr. Robert Scheffel Wright, and is authorized to represent that the City does not object to this Motion.

WHEREFORE, FMEA respectfully requests that the Commission accept and consider the attached Amicus Curiae comments in its disposition of the Petition filed in this proceeding and allow FMEA an opportunity to be heard at such time as the Petition may be brought before the Commission for review.

Respectfully submitted this 13th day of January, 2015.

s/Arthur J. "Grant" Lacerte, Jr.

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**Attorney for Florida Municipal Electric  
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