

FLORIDA PUBLIC SERVICE COMMISSION

Item 23

VOTE SHEET

FILED NOV 25, 2014  
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FPSC - COMMISSION CLERK

November 25, 2014

**Docket No. 140142-EM** – 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.

**Issue 1:** Should the Commission grant Indian River County’s request for oral argument on its request for reconsideration of Prehearing Order No. PSC-14-0423-PCO-EM granting Orlando Utilities Commission’s motion to intervene?

**Recommendation:** No. The Commission should deny Indian River County’s request for oral argument because oral argument will not aid the Commission in understanding and evaluating the issues to be decided.

**DEFERRED**

RECEIVED - FPSC  
14 NOV 25 PM 2:13  
COMMISSION  
CLERK

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in blue ink on four lines]*

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**REMARKS/DISSENTING COMMENTS:**

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**Issue 2:** Should the Commission grant Indian River County's request for reconsideration of Order No. PSC-14-0423-PCO-EM granting Orlando Utilities Commission's motion to intervene?

**Recommendation:** No. The Commission should deny Indian River County's request for reconsideration of Order No. PSC-14-0423-PCO-EM granting Orlando Utilities Commission's motion to intervene.

**Issue 3:** Should the Commission grant the motions to address the Commission and allow participation at the Agenda Conference on the issues raised in the Petition?

**Recommendation:** Yes, the motions to address the Commission should be granted, and all parties and amici curiae should be allowed to participate at the Agenda Conference on the issues raised in the Petition.

**Issue 4:** Should the Commission grant Indian River County's Petition for Declaratory Statement?

**Recommendation:** No. The Commission should deny the Petition and decline to issue a declaratory statement because the Petition fails to meet the statutory requirements necessary to obtain a declaratory statement. Accordingly, the Commission should deny the motions to dismiss filed by Vero Beach and OUC as moot. The Commission should take administrative notice of the pending circuit court case, Town of Indian River Shores v. City of Vero Beach, Case No. 312014 CA 000748 (Fla. 19<sup>th</sup> Cir. in and for Indian River County, Complaint filed July 18, 2014) and of Resolution 2014-069 of the Board of County Commissioners of Indian River County because of their relevance to the Commission's determination of Question j of the Petition. Consistent with Rule 28-105.003, F.A.C., the Commission should rely on the facts set forth in the Petition without taking a position on the validity of those facts. Whether the Commission decides to issue or declines to issue a declaratory statement, in whole or in part, the Commission should deny Indian River County's alternative request for relief.

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**Issue 5:** Should this docket be closed?

**Recommendation:** Yes, the docket should be closed.