

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for declaratory statement regarding)	
the effect of the Commission's orders)	Docket No.: 140244-EM
approving territorial agreements in Indian)	Filed: January 13, 2014
River County, by the City of Vero Beach.)	
_____)	

**THE BOARD OF COUNTY COMMISSIONERS, INDIAN RIVER COUNTY,
REQUEST FOR ORAL ARGUMENT**

The Board of County Commissioners, Indian River County, Florida (the "Board"), by and through its undersigned counsel, pursuant to Rule 25-22.0022, Florida Administrative Code, hereby requests that the Florida Public Service Commission ("PSC" or "Commission") grant oral argument as requested herein on its Response in Opposition ("Response") to the Petition for Declaratory Statement ("Petition") filed by the City of Vero Beach, Florida, separately filed today. In support of this request, the Board states as follows:

1. The City's Declaratory Statement Petition seeks the PSC's legal opinion regarding the legal effect and consequences of the Board's decision to not renew or continue the exclusive thirty-year electric service franchise the Board granted to the City to serve within parts of the unincorporated areas of Indian River County ("County") and which will expire on March 4, 2017. While framed as questions regarding the PSC's authority to approve territorial agreements, both questions directly go to the Board's exclusive authority to issue electric service franchises, generally, and the legal status of the present 1987 franchise agreement between the Board and the City (the "Franchise" or "Franchise Agreement").

2. The two declarations requested by the City involve complex legal and jurisdictional issues with potentially far reaching consequences not just for the County and the City but those other

citizens in the County who are provided electric service by the City. Electric service within the County is one of the most high profile and persistent issues in the County over the last ten years. For this reason alone, oral argument will aid in the Commission's understanding and evaluation of the Petition and the issues to be decided, especially if additional entities seek participation in this docket, and will allow the citizens of Indian River County to be better informed regarding the PSC's disposition of this matter.

3. In addition to the stand alone merits of oral argument on the issues set forth by the City, as the City acknowledges in its Petition, the Board's exclusive authority to grant electric service franchises and the PSC's exclusive authority to approve territorial agreements are being addressed in the Board's own Petition for Declaratory Statement that is the subject of Docket No. 140142-EM, and which is scheduled to be decided on February 3, 2015. While the requested declarations in the two dockets are not the same, oral argument would also be appropriate in order to address whether and to what extent the PSC's disposition of the Board's Petition is relevant to or otherwise informative with respect to the City's Petition. Given the nature and scope of the different questions, the two dockets are unique enough as to not be combined or decided simultaneously. The Board has rejected a request to further continue its docket since its Petition has been pending since July, and the Board's Petition can and should be decided on the merits on February third as presently scheduled. Once the PSC has issued a written order on the Board's Petition, to the extent there are any new questions that arise, oral argument would enable the parties to address such issues with the Commission so there is a complete understanding of the full scope of the City's Petition.

4. Because the City's Petition specifically names Indian River County in its proposed declaration as it seeks to affect, control, or limit the Board's authority to issue electric service franchises for the unincorporated areas of the County, any order of the PSC granting the

requested declarations will affect and determine the substantial interests of the Board. Given that the City's Petition so fundamentally puts two Florida government entities in conflict, oral argument will aid in the Commission's understanding and evaluation of the Petition and the issues to be decided. The Board respectfully requests that an appropriate amount of time to discuss the City's Petition, the Board Response, and any other entities that seek participation in this matter would be 30 minutes to each side, with each side deciding how to allocate the 30 minutes amongst themselves.

WHEREFORE, the Board of County Commissioners, Indian River County, Florida, respectfully requests that the Florida Public Service Commission grant oral argument in this matter, providing 30 minutes to each side as set forth herein.

Respectfully submitted,

s/ Floyd R. Self

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following, by electronic delivery, on this the 13th day of January, 2015.

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