

**Sandra Soto**

---

**From:** Sandra Soto on behalf of Records Clerk  
**Sent:** Tuesday, September 06, 2016 8:54 AM  
**To:** 'ME'  
**Cc:** Consumer Contact  
**Subject:** RE: {BULK} September 13 PSC HEARING

Good morning,

We will be placing your comments below in consumer correspondence in Docket No. 160049-EU and forwarding your comments to the Office of Consumer Assistance and Outreach.

Sincerely,

**Sandra Soto**

Commission Deputy Clerk I  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399  
(850) 413-6010

---

**From:** ME [mailto:ellenmp@gmail.com]  
**Sent:** Monday, September 05, 2016 9:38 AM  
**To:** Office of Commissioner Brisé; Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Patronis; Office of Commissioner Brown  
**Cc:** Records Clerk  
**Subject:** {BULK} September 13 PSC HEARING  
**Importance:** Low

Dear Commissioner,

As you know, the Vero Beach City Council ignored the unanimous recommendation of their own Utilities Commission and rejected a \$30 million cash offer from FPL to purchase the utility system in our Town. FPL made that offer after the Chair of the PSC, back in July, deferred consideration of our Complaint until September 13, and strongly encouraged the parties in the meantime to work in good faith and resolve their dispute through a negotiated settlement. We had hoped that FPL's significant cash offer, which included a contribution of \$3 million from our citizens, would provide a basis for that settlement. But Mayor Kramer and Councilmen Winger and Old voted instead to walk away from a cash payment that would have more than doubled the City's annual revenues.

Unfortunately, their decision leaves us with no choice but to continue to pursue our Complaint with the PSC to re-draw service boundaries so that our entire Town can be served by FPL. **The PSC plans to hear our case on Tuesday, September 13.**

As a reminder, our complaint is straightforward. Under the pretense of a territorial agreement, Vero Beach is operating an unregulated monopoly in Indian River Shores, and is subjecting its captive customers in our Town to monopoly abuses such as excessive rates and poor service quality. It is our strong belief that

Article VIII, Section 2 (c) of Florida's Constitution forbids the City from unilaterally exercising unregulated monopoly powers within our Town's municipal boundaries after our franchise agreement with the City expires in November.

After the franchise agreement expires, the City will no longer have our consent to operate an unregulated monopoly within our Town. We are asking the PSC to view this as a "changed legal circumstance" and grant our request for a change in territorial boundaries.

The silent points are as follows

- Vero Beach is operating an unregulated monopoly in our Town, and is subjecting its captive customers in our Town to unregulated monopoly abuses, including excessive electricity prices (which are now over 30% higher than FPL's) and inferior quality of service (e.g., unlike FPL, the City does not offer rebates for energy efficient appliances nor does it offer smart meters that can lower electric bills). **Unregulated monopolies are not in the public interest.**
- Having FPL, whose rates are professionally and neutrally regulated by the PSC, as the single electric utility provider in our Town would cure these issues.
- Not only are our residents captive customers to the Vero Beach electric utility, they also are completely disenfranchised. Our residents have no say whatsoever in how the Vero utility operates, how rates are set, or how the City of Vero Beach uses the unregulated profits that it extracts from us. This was exemplified by the City Council's cavalier rejection of its own Utilities Commission's unanimous recommendation to accept FPL's \$30 million cash offer to purchase the utility system in our Town. Not only that, Mayor Kramer and Councilman Winger publicly ridiculed members of the Utilities Commission that the City Council itself appointed to make recommendations regarding the electric utility.
- Meanwhile, our residents are forced to subsidize the operations of a City that is unaccountable to them. **This is classic "taxation without representation."**
- Our neighbors who are fortunate enough to be served by FPL are provided with a team of lawyers from the Office of Public Counsel -- funded entirely by the State of Florida -- whose sole charge is to protect FPL customers from excessive electric rates and poor quality of service. Unfortunately our residents who are forced to take service from the Vero Beach utility are precluded from using the State-funded legal services of the Office of Public Counsel. Instead, they are left to fend for themselves and are totally at the mercy of the Vero unregulated monopoly.
- The predecessors to the current PSC created this debacle when they approved the Territorial Agreement over 28 years ago.
- The PSC has not reviewed that territorial agreement as it applies to our Town in over 28 years.
- Now is the time for the current PSC to correct these injustices.

We are grateful for your support in voting to correct this situation.

Kind regards,

Carlos and Elen Mendez-Penate  
281 Silver Moss Dr  
Indian River Shores, FL 329673