

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light Company (FPL) for authority to charge FPL rates to former City of Vero Beach customers and for approval of FPL's accounting treatment for City of Vero Beach transaction.

DOCKET NO. 20170235-EI

In re: Joint petition to terminate territorial agreement, by Florida Power & Light and the City of Vero Beach.

DOCKET NO. 20170236-EU

**PETITIONER CIVIC ASSOCIATION OF INDIAN RIVER COUNTY'S
OBJECTION TO TOWN OF INDIAN RIVER SHORES'
NOTICE OF APPEARANCE**

The Civic Association of Indian River County, Inc. ["CAIRC"], pursuant to Rule 28-106.205, Fla. Admin. Code, objects to the Notice of Appearance filed by the Town of Indian Rive Shores on September 11, 2018, and in support of that objection would state:

1. The Commission, via Order PSC-2018-0454-PCO-EI dated September 6, 2018, granted intervention by Indian River County ["County"], the county in which the Town of Indian River Shores ["Town"] is found.

2. The interests of the County and the Town are indistinguishable in this case.

3. The stated interests of the Commission, in all procedures, is one of efficiency.

See Rule 28-106.211, Florida Administrative Code (F.A.C.), which provides in part:

"[T]hat the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, **prevent delay, and promote the just, speedy, and**

inexpensive determination of all aspects of the case." (emphasis added); See also,

Sec. VII, Part B of the controlling Order, "The parties shall avoid duplicative or repetitious cross-examination." Order PSC-2018-04878-PCO-EU, at page 9. See also

the Commission response to correspondence from residents of Indian River County supporting the sale, noting that "Florida law does not permit irrelevant and repetitious

testimony . . .” Form letter from Beverlee S. DeMello, Office of Consumer Assistance and Outreach.

4. The Town’s Notice of Appearance states as a basis for inclusion their issue of some residents being served by COVB and some by FPL. This condition is exactly the same as is the case in the rest of the County. This claimed “disenfranchisement” is no different than any other part of the County. Any claim that their situation is “unique” is on its face incorrect. The “substantial interests” claimed are, once again, not unique but rather identical to those of the County.

5. The facts alleged by the Town which set out the lawsuits they’ve brought, unsuccessfully so far, as a reason for their inclusion are not in any way relevant to the issues at hand, nor do they place the Town in any special category other than that of being excessively litigious. And again, those disputed issues being claimed in those legal actions also apply to all County residents. The Town alleges no new interests, no new issues, and in fact merely repeats the same claims made by the County, almost *verbatim*.

6. In the interests of efficiency, of avoiding duplication, and lending a streamline to this case which is already going to allow public input and tend toward length rather than brevity, CAIRC believes the correct decision would be to deny identical entities representing the same consumers from both participating as parties herein.

WHEREFORE CAIRC requests that the Commission reject the Notice of Appearance filed by the Town, pursuant to the Commission’s own rules, laws and stated goals.

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been filed and forwarded via email this 13th day of September, 2018, to: PARTIES listed below.

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