



## Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** March 23, 2011  
**TO:** All Parties of Record & Interested Persons  
**FROM:** Martha C. Brown, Senior Attorney, Office of the General Counsel  
**RE:** Docket No. 090524-EM - Complaint of Stephen J. Faherty and Glenn Fraser Heran against the City of Vero Beach for unfair electric utility rates and charges.

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The Commission staff would like to hold an informal meeting by conference call in this docket to discuss the issues raised by the complaint, and other procedural matters. We would like to hold this informal meeting on April 13, 2011, at 1:30 P.M. Since so much time has elapsed since the complaint was filed, we think it would be very helpful to us in the conduct of the case.

To that end, we have attached a list of issues that reflects staff's analysis of the relief Dr. Faherty and Mr. Heran are requesting. We are not judging the legal or factual merits of these issues at this time. We are just trying to establish a framework for consideration of the complaint, which will guide our recommendation to the Commission.

If we have missed any issues you believe are important to include, please provide those issues in writing to all parties and staff no later than April 6, 2011 (email is fine). That will allow time for everyone to review the additional issues before the informal meeting.

Please let me know as soon as possible if you will be available for the meeting on April 13. When I have received confirmation from everyone, I will send out a notice of the meeting with the conference call-in number, and an agenda for the discussion.

Please feel free to call me at (850) 413-6187 or by e-mail at [mbrown@psc.state.fl.us](mailto:mbrown@psc.state.fl.us) if you have any questions. We look forward to meeting with you.

MCB/sh

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**Vero Beach Complaint Issues – Docket No. 090524-EM:**

1. Should the Commission find that the rate structure currently in effect for customers of the City of Vero Beach's electric utility is fair, just and reasonable and not discriminatory, as required by Rule 25-9.052(4)?
2. Should the Commission require the City to exclude from rates charged to non-city residents, any costs not directly related to the provision of electric service, including, but not limited to, the 6% of utility revenues submitted to the City's General Fund?
3. Should the Commission find that the City has complied with section 366.04(7) Florida Statutes?
4. Should the Commission reopen the territorial agreement between the City and Florida Power & Light, approved in Order No. 10382, issued in Docket No. 800596-EU?
5. Should the Commission required the City to offer conservation programs, similar to those offered by FPL?
6. Should the Commission require the City to provide equal representation for both city and non-city customers on decisions relating to electric utility rates which affect customers outside the city limits?
7. Should the Commission find that customers outside the city are being denied equal protection as set forth by Attorney General Opinion Number AGO 76-124?
8. Should the Commission find that the City has breached its fiduciary responsibility in the manner in which the utility is operated?