

FLORIDA PUBLIC SERVICE COMMISSION

Item 2

VOTE SHEET

FILED 2/6/2024  
DOCUMENT NO. 00587-2024  
FPSC - COMMISSION CLERK

February 6, 2024

Docket No. 20230128-EU – Petition for declaratory statement regarding Rule 25-6.049, F.A.C., by 1150 WHG, LLC.

**Issue 1:** Should the Commission grant WHG’s Petition for Declaratory Statement?

**Recommendation:** No. The Commission should deny WHG’s Petition for Declaratory Statement and instead declare that WHG does not qualify for the grandfather exception under Rule 25-6.049, F.A.C., and that WHG must use individual metering on its property.

**DEFERRED**

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. If the Commission votes to either grant or deny the Petition for Declaratory Statement, a final order will be issued and the docket should be closed.

**COMMISSIONERS ASSIGNED:** All Commissioners

**COMMISSIONERS’ SIGNATURES**

**MAJORITY**

**DISSENTING**

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**REMARKS/DISSENTING COMMENTS:** Approved deferral request, assigned DN 00552-2024, is attached.

**Hiep Nguyen**

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**From:** Asha Maharaj-Lucas  
**Sent:** Monday, February 5, 2024 9:29 AM  
**To:** Braulio Baez; Mark Futrell; Apryl Lynn; Keith Hetrick; Mary Anne Helton; Cindy Muir; Adam Teitzman; CLK - Agenda Staff; Commissioners & Staffs; Caroline Dike; Susan Sapoznikoff; Patrick Kelley; Corey Hampson; Elisabeth Draper  
**Cc:** Kate Hamrick; Jacqueline Moore; Nancy Harrison  
**Subject:** Request for Change 20230128-EU  
**Attachments:** RFC 20230128-EU.pdf

Hello:

The attached Request for Change on Item 2 for the February 6, 2024 Agenda has been approved.

Best regards,  
Asha Maharaj-Lucas  
Executive Assistant to  
Braulio L. Baez  
Executive Director  
Florida Public Service Commission  
850-413-6053

## REQUEST FOR CHANGE TO COMMISSION CONFERENCE



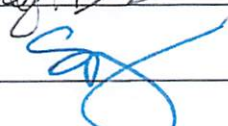
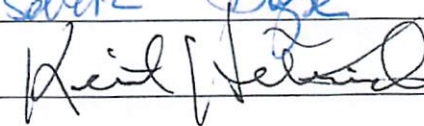
Request Date 1/31/2024 Requested by 1150 WHG LLC  
 Conference Date 2/6/2024 Item No 2 Docket No 20230128-EU Title Petition for Declaratory Statement by 1150 WHG LLC

**ACTION REQUESTED** (see APM 2.11)

- Defer Item to Conference Scheduled for (date) 3/5/2024
- Change Order of Item or Take Up at Time Certain (state reason) \_\_\_\_\_
- Withdraw Item
- Late Filed Recommendation (due no later than 3 p.m. on date approved for late filing). By noon on regular filing date, provide an electronic copy of the front page of recommendation to the Clerk, as a place-holder.
- File Revised Recommendation
- Add Item to Published Agenda (see s. 120.525, F.S.) – issue Addendum and provide Notice

**Provide explanation:** Petitioner, 1150 WHG, LLC, has requested a deferral of this item until the next agenda and has waived the statutory deadline. Petitioner's request for deferral is attached. This item was previously deferred from the January Agenda conference to the February Agenda conference, per Petitioner's request.

**SIGNATURES**

Technical  Director   
 Legal  General Counsel 

**EXECUTIVE DIRECTOR**

Approved     Disapproved    Signature     Date 2/1/24

**CHAIRMAN**

Approved     Disapproved    Signature \_\_\_\_\_    Date 2/5/24

The Executive Suite will scan and email approved form to CLK, CLK-Agenda Staff, OPR Director, ED, DEA, DET, Docket Manager, General Counsel, Legal Services Director, CAO Director, Commissioners' offices, and assigned attorney.

REPLY TO

CHRISTOPHER M. HORTON  
Board Certified Construction Attorney  
DIRECT DIAL 954 769 5324  
cmhorton@smithcurrie.com

SMITHCURRIE

January 31, 2024

**Via Electronic Filing and Email**

Adam J. Teitzman  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: *Docket No. 20230128*: Petition for Declaratory Statement Regarding Rule 25-6.049,  
F.A.C., by 1150 WHG, LLC

Dear Mr. Teitzman:

I represent 1150 WHG, LLC in the above referenced Petition for Declaratory Statement. I have been called to trial beginning on February 5, 2024 in Broward County, Florida in the matter of *James Verrillo v. Waterbrook Builders, LLC*, Broward County Circuit Court Case No. CACE-21-018346. The matter is special-set in front of Chief Judge Tuter and will not be settling or continued. I request that the hearing on the Petition, scheduled for February 6, 2024, be deferred to the Commission's next agenda on March 5, 2024. 1150 WHG, LLC recognizes that the statutory deadline for the Commission to rule on this Petition was previously extended to February 26, 2024, and agrees to grant the Commission a 20-day extension of time from the date of the hearing, from February 26, 2024 to March 25, 2024, for the Commission to issue a final order on the Petition. 1150 WHG, LLC will not seek any further continuances or deferments of this matter.

Sincerely,



Christopher M. Horton

Cc: Keith Hetrick ([khetrick@psc.state.fl.us](mailto:khetrick@psc.state.fl.us))  
Mary Anne Helton ([mhelton@psc.state.fl.us](mailto:mhelton@psc.state.fl.us))  
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