

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
ORDER NO. PSC-2018-0469-PCO-EU
ISSUED: September 19, 2018

ORDER ACKNOWLEDGING THE TOWN OF INDIAN RIVER SHORES'
NOTICE OF APPEARANCE TO PARTICIPATE AS A PARTY

Pursuant to Rule 28-106.205(3), Florida Administrative Code (F.A.C.), on September 11, 2018, the Town of Indian River Shores (Town) filed a Notice of Appearance to Participate as a Party (Notice). The Town asserts that it is a specifically-named person whose substantial interests will be determined by this proceeding, and therefore is entitled to participate in these combined dockets without need to request leave to intervene, pursuant to Rule 28-106.205(3), F.A.C. In support of this argument, the Town asserts that it has been a participant in litigation and complex decades-long electric utility issues that are closely related to the petitions that are before the Commission in these combined dockets, that its substantial interests associated with those issues will be determined in this proceeding, that it is a "person" pursuant to Section 120.52(14), Florida Statutes (F.S.), that it is specifically named on 28 separate occasions in the Proposed Agency Action Order being challenged in this proceeding, and is named in the petitions of Mr. Brian T. Heady, Mr. Michael Moran, and the Civic Association of Indian River County.

On September 13, 2018, pursuant to Rule 28-106-205, F.A.C., the Civic Association of Indian River County, Inc. (CAIRC) filed its Objection to Town of Indian River Shores' Notice of Appearance (Objection). In its Objection CAIRC asserts: (1) the Florida Public Service Commission (Commission) has granted intervention to Indian River County (County) and the Town is located within the County; (2) the substantial interests of the Town and County are indistinguishable; (3) permitting the Town to participate violates provisions in orders regarding duplicative and repetitious cross examination and similar language in Commission correspondence related to irrelevant and repetitious testimony; (4) assertions by the Town related to litigation are not relevant and are the same claims made by the County; (5) in the interest of efficiency, to avoid duplication, and to streamline a case that will be lengthy, the Commission should deny party status to the Town which is an identical entity and representing the same consumers as the County.

Upon review, I do not find the CAIRC to be persuasive; although both CAIRC's Objection and the Town's Notice are filed pursuant to Rule 28-106.205, F.A.C., CAIRC fails to address the standards set forth in that rule. I find that the Town is a specifically-named person whose substantial interests are being determined in this proceeding. Thus, the Town is entitled to participate in these combined dockets pursuant to Rule 28-106.205(3), F.A.C, and I shall acknowledge the Town's Notice.

Therefore, it is

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that the Town of Indian River Shores' Notice of Appearance to Participate as a Party is acknowledged. It is further

ORDERED that the Town of Indian River Shores takes the case as it finds it. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to

D. Bruce May, Jr.
Holland & Knight LLP
315 S. Calhoun St., Ste. 600
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By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, this 19th day of September, 2018.



GARY F. CLARK
Commissioner and Prehearing Officer
Florida Public Service Commission
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

CWM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.