

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Stephen J. Faherty and
Glenn Fraser Heran against the City of Vero
Beach for unfair electric utility rates and
charges.

DOCKET NO. 090524-EM
ORDER NO. PSC-14-0071-PCO-EM
ISSUED: January 31, 2014

ORDER GRANTING JOINT MOTION TO CONTINUE DOCKET IN ABEYANCE

On May 9, 2012, Stephen J. Faherty, Glenn Fraser Heran (Complainants), and the City of Vero Beach (City), the parties to this complaint docket, filed a joint motion to continue the docket in abeyance until January 31, 2014. In the joint motion the parties requested an abeyance because the City was reviewing a possible sale of its electric utility to Florida Power & Light Company (FPL), which could affect the issues the Complainants have raised in the docket. On May 17, 2012, Order No. PSC-12-0241-PCO-EM was issued in this docket granting the Joint Motion to Continue Docket in Abeyance until January 31, 2014.

On January 8, 2014, the parties filed a Joint Motion to Continue Docket in Abeyance, requesting that the formal proceeding in this docket continue in abeyance through September 30, 2014. In its request the parties contend that the forgoing activities and negotiations between City and FPL remain ongoing and final resolution is being actively pursued with interested third-parties to the transaction. Also, the parties contend that by continuing the formal proceedings in abeyance, they can avoid having to file pleadings and engage in other procedural activities, such as discovery, and the City can concentrate its efforts on due diligence and negotiations with FPL regarding the potential sale and purchase transaction. Additionally, the parties assert that they hope that a firm closing date for the potential sale transaction will soon be established. Moreover, the parties also agree that continuance of the abeyance will not adversely affect their procedural rights in this docket.

Having reviewed the Joint Motion to Continue Docket in Abeyance requesting that the formal proceeding in this docket continue in abeyance through September 30, 2014, I find that the motion shall be granted for the reasons stated above.

Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that the Joint Motion to Continue in Abeyance, filed by Stephen J. Faherty and Glenn Fraser Heran and the City of Vero Beach, is granted through September 30, 2014.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 31st day of January, 2014.



LISA POLAK EDGAR
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

KY

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.