

FLORIDA PUBLIC SERVICE COMMISSION

Item 3

VOTE SHEET

FILED MAR 01, 2016  
DOCUMENT NO. 01092-16  
FPSC - COMMISSION CLERK

March 1, 2016

**Docket No. 160013-EU** – Petition for declaratory statement regarding the Florida Public Service Commission's jurisdiction to adjudicate the Town of Indian River Shores' constitutional rights.

**Issue 1:** Should the Commission issue a declaratory statement on the Town of Indian River Shores' Petition for Declaratory Statement?

**Recommendation:** Yes. The Commission should issue a declaratory statement on the Town of Indian River Shores' Petition for Declaratory Statement. However, the Commission should not issue the declaratory statement requested by the Petition. Instead, the Commission should declare that the Commission has the jurisdiction under Section 366.04, F.S., to determine whether Vero Beach has the authority to continue to provide electric service within the corporate limits of the Town of Indian River Shores upon expiration of the franchise agreement between the Town of Indian River Shores and the City of Vero Beach. The Commission should state that the declaratory statement will be controlling only as to the facts relied upon in this docket and not as to other, different or additional facts.

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in blue ink]*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**REMARKS/DISSENTING COMMENTS:**

Vote Sheet

March 1, 2016

Item 3

**Docket No. 160013-EU** – Petition for declaratory statement regarding the Florida Public Service Commission's jurisdiction to adjudicate the Town of Indian River Shores' constitutional rights.

(Continued from previous page)

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

**Recommendation:** Yes, the docket should be closed.

**APPROVED**