

FLORIDA PUBLIC SERVICE COMMISSION

Item 1

VOTE SHEET

August 6, 2019

FILED 8/6/2019  
DOCUMENT NO. 07004-2019  
FPSC - COMMISSION CLERK

**Docket No. 20190094-EU** – Petition for variance from or waiver of Rule 25-6.049(5) and (6), FAC, by Calypso Tower III, LLC.

**Issue 1:** Should the Commission grant the developer’s petition for a waiver of subsections (5) and (6) of Rule 25-6.049, F.A.C.?

**Recommendation:** Yes. The petition should be granted because the developer has demonstrated that the purpose of the underlying statutes will be achieved by other means and that application of the rule would create a substantial hardship and violate principles of fairness. However, the waiver should be subject to the following four conditions: (1) within one year of the closing of sale of its first residential unit, Calypso must be a licensed public lodging establishment under Sections 509.241 and 509.242, F.S.; (2) 92 percent of the residential units sold must be used solely for overnight occupancy; (3) Calypso must allocate the cost of electricity to the individual owners using a reasonable apportionment method; and (4) Calypso must file a report with the Commission 12 months after the date of closing of the sale of the first residential unit. The report must include the number of units sold and, of those, the number of units that are solely used for overnight occupancy as defined in Rule 25-6.049(8)(b), F.A.C. The report must also include a copy of Calypso’s public lodging license. The Commission should also put Calypso on notice that should Calypso ever fail to comply with these conditions, the rule waiver will cease to be effective and Calypso will be responsible for all costs associated with the conversion to individual metering.

**APPROVED**

**COMMISSIONERS ASSIGNED:** All Commissioners

**COMMISSIONERS’ SIGNATURES**

**MAJORITY**

**DISSENTING**

*[Handwritten signatures in blue ink on five lines]*

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**REMARKS/DISSENTING COMMENTS:**

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(Continued from previous page)

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

**Recommendation:** ~~Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, a consummating order should be issued and this docket should be closed.~~

Docket will remain open until Calypso files report. Staff shall have administrative authority to close the docket if all conditions are met.