

Marguerite McLean

090524-EM

From: Dr. Stephen J. Faherty, Sr. [fahertydoc@earthlink.net]
Sent: Tuesday, February 01, 2011 12:38 PM
To: cvitunac@covb.org; rdulgar@yvlaw.net; Filings@psc.state.fl.us
Cc: 'Glenn Heran'
Subject: Electronic Filing - Docket 090524-EM
Importance: High
Attachments: Ltrr. to PSC - 11-01-31 - Release Abeyance.doc

a. Person responsible for this electronic filing:

Dr. Stephen J. Faherty

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Vero Beach, Florida, 32963-2821

772-231-8139

fahertydoc@earthlink.net

b. 090525-EM, In re: Complaint against the City of Vero Beach, Florida, by Stephen J. Faherty and Glenn Fraser Heran

c. Document being filed on behalf of Stephen J. Faherty and Glenn Fraser Heran

d. There are a total of two (2) pages attached

e. The document for electronic filing is a Request for Withdrawal of Request for Abeyance filed on December 23, 2009.

See attached file: Ltrr.toPSC – 11-01-31 – Release Abeyance.doc (35 KB)

Thank you for your attention and assistance in this matter

Dr. Stephen J. Faherty, Sr.

772-231-8139

DOCUMENT NUMBER DATE
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PROP-COMMISSION DI FRK

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January 31, 2011

In Re Docket #: 090524-EM – Request for Withdrawal of Request for Abeyance filed on December 23, 2009.

Dear Sir:

Our December 23, 2009, letter requested Abeyance on the above Docket number. More than a year has passed since the request for Abeyance. Since that time, there have been new City Council elections, more revelations about prior City Council members not reading the 20 year \$20 B contract entered into by the City in 2008 with OUC, and also additional discussions with Florida Power and Light (FPL) which is considering possibly making an offer to the City of Vero Beach to purchase all or part of the City electric system. The electric rate disparity between FPL and the City is currently about 27%.

The five year advance notice periods in the 30 year Franchise agreements entered into by the City with the Town of Indian River Shores occurs in about November 2011 and with the Board of Commissioners of Indian River County occurs in about January 2012. Time is of the essence in resolving issues such as the fairness of 61% (about 21,000) of the approximately 34,000 municipal electric customers having no voice in the election of the City Council which controls its electric utility, sets its rates, and taxes its customers, and keeps low property taxes as a result of the payments by nonvoting outside customers.

In addition, when the 1981 Territorial Agreement between FPL and the City was approved by the PSC, 10% of the customer population was outside of the City. Now 61% of the customers are outside of the City. Development has been significant in that 30 year period. In the unincorporated areas of the County, about 55,000 customers are with FPL and 18,000 with the City which leads to situation where one side of a street is served by FPL and the other side of the same street is served by the City. The Town of Indian River Shores experiences the same situations where its customer population is split about 50% each for FPL and for the City.

We have concluded that it is in the best interests of the City's electric customers, and particularly the 21,000 customers outside of the municipal limits, to allow the PSC to proceed with its investigation of the of the complaint we filed.

Therefore, we request that Docket # 090524-EM be placed on the PSC docket for investigation by the PSC. Thank you very much for your assistance on this matter.

Sincerely,

s/ Dr. Stephen J. Faherty, Sr.

s/ Glenn Fraser Heran, CPA

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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