

Diamond Williams

090524-EM

From: Dr. Stephen J. Faherty, Sr. [fahertydoc@earthlink.net]
Sent: Wednesday, April 06, 2011 7:35 AM
To: Martha Brown; Shalonda Hopkins; 'Coment, Wayne'; Filings@psc.state.fl.us
Cc: 'Glenn Heran'
Subject: Comments on PSC March 23, 2010 letter regarding issues in Docket No. 090524-EM
Importance: High
Attachments: Letter to PSC - 11-04-06.doc

DOCUMENT NUMBER-DATE

02293 APR -6 =

FPSC-COMMISSION CLERK

4/6/2011

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Ms. Ann Cole, Commission Clerk
Office of Commission Clerk
2540 Shumard Oak Blvd.
Florida Public Service Commission
Tallahassee, FL 32399-0850

In Re: Docket No. 090524-EM – Declaratory Statement Petition by Dr. Stephen J. Faherty and Glenn Fraser Heran against the City of Vero Beach (City)

April 6, 2011

Dear Ms. Cole:

Attached is a copy of the second page of the March 23, 2011, letter from Senior PSC Attorney Martha Carter Brown regarding issues to be discussed on a conference call between the PSC, City of Vero Beach representatives, Glenn Heran, and me on Tuesday, April 12, 2011, at 10:30 am. Comments were due on April 6, 2011. The second page of the March 23, memo has been annotated and is included as an attachment to this letter.

Sincerely,

s/ Dr. Stephen J. Faherty, Sr.

s/ Glenn Fraser Heran

cc by e-mail:
Martha Carter Brown
Shalonda Hopkins
Wayne R. Coment

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ATTACHMENT 1**Vero Beach Complaint Issues – Docket No. 090524-EM:**

1. Should the Commission find that the rate structure currently in effect for customers of the City of Vero Beach's electric utility is fair, just and reasonable and not discriminatory, as required by Rule 25-9.052(4)?
2. Should the Commission require the City to exclude from rates charged to non-city residents, any costs not directly related to the provision of electric service, including, but not limited to, the 6% of utility revenues submitted to the City's General Fund?

NOTE: This should also include direct contributions from the electric Enterprise Fund to the City Hall for salaries and benefits which amounts to about \$1.7 M year.

3. Should the Commission find that the City has complied with section 366.04(7) Florida Statutes?
4. Should the Commission reopen the territorial agreement between the City and Florida Power & Light, approved in Order No. 10382, issued in Docket No. 800596-EU?
5. Should the Commission require[d] the City to offer conservation programs, similar to those offered by FPL?

NOTE: This should include rebates and also rates for different conservation equipment such as overnight chillers.

6. Should the Commission require the City to provide [equal] proportional representation with appointment by the respective jurisdictions for both city and non-city customers on decisions relating to electric utility rates which affect customers outside the city limits with ?

NOTE: This would make the method of representation the same as PSC § 366.04(7) (e) and appointment by respective jurisdictions would reduce possibility of City packing the representative body.

7. Should the Commission find that customers outside the city are being denied equal protection as set forth by Attorney General Opinion Number AGO 76-124 and AGO 90-72?

NOTE: The PSC should also include AGO 90-72 which also relates to equal protection. .

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8. Should the Commission find that the City has breached its fiduciary responsibility in the manner in which the utility is operated?

NOTE: Red boxed [words/letters] should be deleted and sea green words should be added.