

Diamond Williams

From: Coment, Wayne [WComent@covb.org]
Sent: Wednesday, September 07, 2011 3:37 PM
To: Filings@psc.state.fl.us
Cc: Martha Brown; 'Dr. Stephen J. Faherty, Sr.'; 'glenn@HFBLLC.com'; O'Connor, Jim
Subject: Docket No. 090524-EM Joint Motion to Continue Abeyance
Attachments: Joint.Request.Continue.Abeyance.sep.2011.pdf

Attached please find the parties' joint motion to continue Docket No. 090524-EM in abeyance. Original to follow by mail.

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9/7/2011

DOCUMENT NUMBER-DATE

06430 SEP-7 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint Against the City of Vero Beach, Florida, by Stephen J. Faherty and Glenn Fraser Heran)
)
)

DOCKET NO. 090524-EM
FILED: December 18, 2009

JOINT MOTION TO CONTINUE IN ABEYANCE

The parties in the above-referenced matter, Stephen J. Faherty and Glenn Fraser Heran (hereinafter "Complainants"), and the City of Vero Beach (hereinafter "City"), jointly request that formal proceedings in Docket No. 090524-EM continue in abeyance until approximately June 29, 2012 and in support of this request the parties state as follows:

1. On or about April 12, 2011, the Complainants and the City agreed to hold formal proceedings in Docket No. 090524-EM in abeyance until approximately September 15, 2011 in order to allow time for the City to complete its review and analysis of a non-binding letter of intent tendered to the City by Florida Power & Light Company (hereinafter "FPL") regarding a potential purchase of the City's electric utility and to enter into negotiations for such potential sale and purchase.

2. Subsequent to the parties' aforementioned agreement to hold the proceedings in abeyance, the City has taken affirmative actions in pursuing the potential sale of its electric utility, including but not limited to: engagement of consultants to prepare valuations and reports; retained legal representation to assist the City in negotiations with FPL; agreed to extend the period of due diligence with FPL until December 31, 2011; finalized a referendum question to be put before the electors of the City on November 8, 2011 to seek approval of the lease of the City's power plant site as required by the City's Charter; instituted a Request for Qualifications process seeking parties interested in assuming the City's contracts with the Florida Municipal Power Agency (hereinafter "FMPA") and the Orlando Utilities Commission (hereinafter "OUC"); and invited FPL representatives to assist the City in discussions with FMPA and OUC in resolution of the City's contract issues.

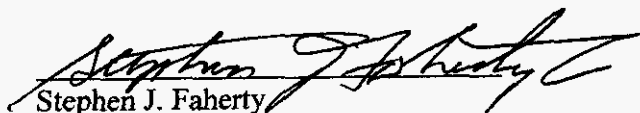
3. By continuing the formal proceedings in abeyance, the parties can avoid having to file pleadings and engage in other procedural activities such as discovery at this time and the City can concentrate its efforts on due diligence and negotiations with FPL regarding the potential sale and purchase transaction.

4. The Complainants and the City understand and acknowledge that such continuation of the abeyance in Docket No. 090524-EM, if granted, includes the parties' agreement that no party waives any rights to raise issues or defenses, oppose or move to strike issues, move to dismiss, or any other rights that the respective parties may have.

WHEREFORE, the parties respectfully request the proceedings in Docket No. 090524-EM continue to be held in abeyance until approximately June 29, 2012.

Respectfully submitted this 7th day of September 2011.

COMPLAINANTS:

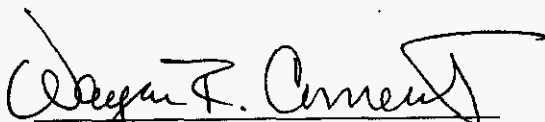


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CITY OF VERO BEACH



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CERTIFICATE OF SERVICE

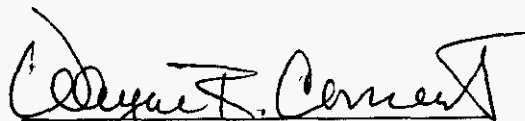
I HEREBY CERTIFY that a true copy of the foregoing Motion to Continue in Abeyance was furnished to the following by electronic and/or U.S. Mail this 7th day of September 2011.

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