

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
LISA POLAK EDGAR
RONALD A. BRISÉ
JULIE I. BROWN
JIMMY PATRONIS

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
CARLOTTA S. STAUFFER
COMMISSION CLERK
(850) 413-6770

Public Service Commission

August 6, 2015

RECEIVED - FPSC
15 AUG - 6 PM 2:18
COMMISSION CLERK

John A. Tomasino, Clerk
Florida Supreme Court
500 South Duval Street
Tallahassee, Florida 32399-1927

Re: The Board of County Commissioners, Indian River County, Florida vs. Art Graham, etc., et al.; Supreme Court Case Nos. SC15-504 and SC15-505; FPSC Docket Nos. 140142-EM and 140244-EM

Dear Mr. Tomasino:

Enclosed is an amended consolidated index and the Record on Appeal in the above-referenced cases. The Record on Appeal consists of seven volumes which is being forwarded for filing in the Florida Supreme Court.

Do not hesitate to call me should you have any questions regarding this Record on Appeal.

Sincerely,

A handwritten signature in cursive script that reads "Carlotta S. Stauffer".

Carlotta S. Stauffer
Commission Clerk

CSS: mhm
Enclosure

cc: Samantha Cibula, General Counsel
Kathryn Gale Winter Cowdery, General Counsel
Floyd R. Self, B.C.S.
Dylan Reingold, Esquire
Wayne R. Coment, City Attorney
James D. Beasley, Esquire
J. Jeffrey Wahlen, Esquire
Robert Scheffel Wright, Esquire

Page 2

August 6, 2015 Letter

John T. LaVia, III, Esquire

Barry J. Moline, Executive Director

Arthur J. "Grant" Lacerte, Jr., Vice President and General Counsel

Kenneth Hoffman, Esquire

Patrick Bryan, Esquire

Jessica A. Cano, Esquire

W. Christopher Browder

Dianne M. Triplett, Esquire

Matthew Bernier, Esquire

William Willingham, Executive Director

Michelle Lynn Hershel

AMENDED CONSOLIDATED INDEX (BY DATE)

DOCKET NUMBERS 140142-EM and 140144-EM

Volume 1

Date	Pages
Progress Docket.....	1-7
07/21/14 Board of County Commissioners, Indian River County, Florida's (Indian River County) petition for declaratory statement and such other relief as may be required.....	8-60
07/22/14 Memorandum from Kathryn Cowdery, Florida Public Service Commission (Commission), to Carlotta S. Stauffer, Commission, with attached letter dated July 22, 2014, from Kathryn Cowdery, Commission, to Kenneth J. Plante, Joint Administrative Procedures Committee (JAPC), forwarding attached Indian River County petition, for docket file.....	61-117
07/23/14 Notice of declaratory statement by Indian River County for publication in July 24, 2014, Florida Administrative Register	118-119
07/29/14 Motion to intervene of the City of Vero Beach (Vero Beach)	120-128
08/12/14 Order PSC-14-0409-PCO-EM granting Vero Beach's motion to intervene	129-132
08/14/14 Florida Power & Light Company's (FPL) motion to intervene.....	133-137
08/14/14 Duke Energy Florida, Inc.'s (Duke Energy) motion for leave to file amicus curiae brief and to present oral argument; with attached amicus curiae brief in support of Vero Beach	138-149
08/14/14 Vero Beach's request for oral argument	150-152
08/14/14 Vero Beach's motion to dismiss and response in opposition to Indian River County's petition for declaratory statement and other relief [See Volume 2 for continued pages].....	153-200

Volume 2

08/14/14 [Continuation of] Vero Beach's motion to dismiss and response in opposition to Indian River County's petition for declaratory statement and other relief	201-208
---	---------

08/14/14	Orlando Utilities Commission's (OUC) motion to intervene and motion for leave to file supplemental pleadings	209-214
08/14/14	Tampa Electric Company's (TECO) motion for leave to file amicus curiae comments; with attached amicus curiae comments on the petition for declaratory statements and such other relief as may be required.....	215-221
08/14/14	Florida Electric Cooperatives Association, Inc.'s (FECA) motion for leave to file amicus curiae memorandum of law; with attached amicus curiae memorandum of law; and motion to address the Commission.....	222-239
08/14/14	Florida Municipal Electric Association, Inc.'s (FMEA) motion for leave to file amicus curiae memorandum of law.....	240-246
08/18/14	Indian River County's unopposed motion for the setting of filing dates.....	247-252
08/19/14	Order PSC-14-0419-PCO-EM granting FMEA's motion for leave to appear as amicus curiae and to file memorandum of law.....	253-255
08/19/14	Order PSC-14-0420-PCO-EM granting TECO's motion for leave to appear as amicus curiae and to file comments.....	256-258
08/19/14	Order PSC-14-0421-PCO-EM granting Duke Energy's motion for leave to appear as amicus curiae and to file brief.....	259-261
08/19/14	Order PSC-14-0422-PCO-EM granting FECA's motion for leave to appear as amicus curiae and to file memorandum of law.....	262-264
08/19/14	Order PSC-14-0423-PCO-EM granting OUC's motion to intervene and motion for leave to file supplemental pleadings	265-268
08/19/14	Order PSC-14-0424-PCO-EM granting FPL's motion to intervene	269-272
08/19/14	Order PSC-14-0425-PCO-EM granting Indian River County's unopposed motion for the setting of filing dates	273-275
08/22/14	OUC's motion to dismiss Indian River County's petition for declaratory statement and other relief.....	276-285
08/22/14	FMEA's amicus curiae memorandum of law; with attached motion to address the Commission.....	286-306
08/22/14	FPL's response to petition.....	307-311

08/29/14	Indian River County's consolidated response and objections to the motions to dismiss and other intervenor and amicus curiae substantive responses in opposition to the Board's petition for declaratory statement, and request for reconsideration of Order PSC-14-0423-PCO-EM	312-343
08/29/14	Indian River County's request for oral argument	344-349
09/02/14	Letter dated September 2, 2014, from Floyd R. Self, Indian River County, to Carlotta S. Stauffer, Commission, extending the 90-day requirement of Section 120.565(3), Florida Statutes, for consideration of the declaratory statement petition filed on July 21, 2014, through and including the close of business on December 15, 2014, in order to permit consideration of this matter at the November 25, 2014, agenda conference	350-352
10/30/14	Indian River County's notice of supplemental authority	353-362
11/13/14	Memorandum dated November 13, 2014, from Commission's Office of the General Counsel and Division of Economics to Commission's Office of Commission Clerk regarding November 25, 2014, Commission conference, Item No. 23 [See Volume 3 for continued pages].....	363-400

Volume 3

11/13/14	[Continuation of] Memorandum dated November 13, 2014, from Commission's Office of the General Counsel and Division of Economics to Commission's Office of Commission Clerk regarding November 25, 2014, Commission conference, Item No. 23	401-474
11/25/14	Letter dated November 25, 2014, from Floyd R. Self, Indian River County, to Carlotta S. Stauffer, Commission, formally requesting the Commission defer Item No. 23 on the November 25, 2014, agenda conference; and advising a revised or amended petition will be filed	475-477
11/25/14	Vote sheet, Item No. 23, from the November 25, 2014, Commission conference	478-480
12/05/14	Transcript of Commission conference, Item No. 23, held November 25, 2014, in Tallahassee, Florida	481-483
12/10/14	Letter dated December 10, 2014, from Floyd R. Self, Indian River County, to Carlotta S. Stauffer, Commission, extending the 90-day requirement of Section 120.565(3), Florida Statutes, for consideration of the declaratory statement petition filed on July 21, 2014, through and including the close of business on February 23, 2015, in order to permit consideration of this matter at the February 3, 2015, agenda conference	484-487

12/19/14	City of Vero Beach’s (Vero Beach) petition for declaratory statement.....	488-519
12/22/14	Notice of declaratory statement for publication in December 23, 2014, Florida Administrative Register	520-521
12/22/14	Memorandum from Kathryn Cowdery, Florida Public Service Commission (Commission), dated December 22, 2014, to Carlotta S. Stauffer, Commission, with attached documents for docket file	522-555
01/13/15	Tampa Electric Company’s (TECO) motion for leave to file amicus curiae comments; with attached amicus curiae comments on the petition of the City of Vero Beach for a declaratory statement regarding effect of the Commission's orders approving territorial agreement in Indian River County; and comments on the petition for declaratory statements and such other relief as may be required	556-565
01/13/15	Board of County Commissioners, Indian River County, Florida’s (Indian River) notice of intervention by appearance and alternative motion to intervene.....	566-574
01/13/15	Florida Electric Cooperatives Association, Inc.’s (FECA) comments and request to address the Commission.....	575-588
01/13/15	Indian River’s response in opposition to Vero Beach’s petition for declaratory statement [See Volume 4 for continued pages]	589-600

Volume 4

01/13/15	[Continuation of] Indian River’s response in opposition to Vero Beach’s petition for declaratory statement	601-632
01/13/15	Indian River’s request for oral argument	633-636
01/13/15	Duke Energy Florida Inc.’s (Duke Energy) motion for leave to file amicus curiae comments; with attached amicus curiae comments	637-650
01/13/15	Florida Municipal Electric Association’s (FMEA) amicus curiae comments; and motion for leave to file amicus curiae comments and request to address the Commission.....	651-658
01/14/15	Letter dated January 13, 2015, from D. Bruce May, Jr., Town of Indian River Shores, Florida (Indian River Shores), to Carlotta S. Stauffer, Commission, notifying Commission of pending litigation	659-667
01/15/15	FMEA’s amicus curiae memorandum of law.....	668-683
01/15/15	FMEA’s certificate of service [to attachment of FMEA’s amicus curiae comments].....	684-685
01/20/15	Vero Beach’s consolidated response and objections to Indian River's motion to intervene and response in opposition to Vero Beach's petition for declaratory statement	686-727
01/22/15	Order PSC-15-0058-PCO-EM granting Indian River’s motion to intervene	728-731

01/22/15	Memorandum dated January 22, 2015, from Kathryn Cowdery, Commission, to Carlotta S. Stauffer, Commission, with attached revised recommendation for the February 3, 2015, Commission conference, Item No. 2 [See Volume 5 for continued pages].....	732-800
----------	---	---------

Volume 5

01/22/15	[Continuation of] Memorandum dated January 22, 2015, from Kathryn Cowdery, Commission, to Carlotta S. Stauffer, Commission, with attached revised recommendation for the February 3, 2015, Commission conference, Item No. 2	801-844
01/22/15	Memorandum dated January 22, 2015, from Commission's Office of the General Counsel and Division of Economics to Commission's Office of Commission Clerk regarding February 3, 2015, Commission conference, Item No. 3	845-865
01/23/15	Order PSC-15-0061-PCO-EM granting FMEA's motion for leave to appear as amicus curiae and to file comments	866-868
01/23/15	Order PSC-15-0062-PCO-EM granting FECA's motion for leave to appear as amicus curiae and to file comments	869-871
01/23/15	Order PSC-15-0063-PCO-EM granting TECO's motion for leave to appear as amicus curiae and to file comments	872-874
01/23/15	Order PSC-15-0064-PCO-EM granting Duke Energy's motion for leave to appear as amicus curiae and to file comments	875-877
01/30/15	Letter dated January 30, 2015, from Robert Scheffel Wright, Vero Beach, to Carlotta S. Stauffer, Commission, providing response to unauthorized notice of pending litigation submitted as a letter addressed to the Commission by Indian River on January 13, 2015	878-880
02/03/15	Vote sheet, Item No. 2, from the February 3, 2015, Commission conference	881-883
02/03/15	Vote sheet, Item No. 3, from February 3, 2015, Commission conference	884-885
02/10/15	Transcript of Commission conference, Item No. 2, held February 3, 2015, in Tallahassee, Florida..... <i>[Clerk Note: Item No. 2 is for Docket Number 140142-EM and Item No. 3 is for Docket Number 140244-EM; both items were taken together and one transcript was prepared.]</i>	886-926
02/12/15	Order PSC-15-0101-DS-EM denying Indian River's petition for declaratory statement and such other relief as may be required; closes docket [See Volume 6 for continued pages].....	927-1000

Volume 6

02/12/15 [Continuation of] Order PSC-15-0101-DS-EM denying Indian River's petition for declaratory statement and such other relief as may be required; closes docket1001-1033

02/12/15 Order PSC-15-0102-DS-EM declaratory statement; closes docket1034-1051

02/13/15 Notice of disposition of Vero Beach's petition for declaratory statement for publication in the February 16, 2015, Florida Administrative Register1052-1053

02/13/15 Notice of disposition of Indian River County's petition for declaratory statement for publication in the February 16, 2015, Florida Administrative Register1054-1055

03/16/15 Indian River County's notice of administrative appeal of Order PSC-15-0102-DS-EM, as filed with the Florida Supreme Court.....1056-1078
[Clerk Note: Docket 140244-EM reopened and placed in litigation status.]

03/16/15 Indian River County's notice of administrative appeal of Order PSC-15-0101-DS-EM, as filed with the Florida Supreme Court.....1079-1190
[Clerk Note: Docket 140142-EM reopened and placed in litigation status.]

03/17/15 Letter dated March 17, 2015, from Carlotta S. Stauffer, Commission, to John A. Tomasino, Florida Supreme Court, forwarding a certified copy of a notice of administrative appeal and attachment, Order PSC-15-0102-DS-EM [See Volume 7 for continued pages]1191-1200

Volume 7

03/17/15 [Continuation of] Letter dated March 17, 2015, from Carlotta S. Stauffer, Commission, to John A. Tomasino, Florida Supreme Court, forwarding a certified copy of a notice of administrative appeal and attachment, Order PSC-15-0102-DS-EM.....1201-1214

03/17/15 Letter dated March 17, 2015, from Carlotta S. Stauffer, Commission, to John A. Tomasino, Florida Supreme Court, forwarding a certified copy of a notice of administrative appeal and attachment, Order PSC-15-0101-DS-EM.....1215-1328

03/24/15 Supreme Court's Acknowledgment of new case, SC15-504, Board of County Commissioners Indian River County, Florida vs. Art Graham, etc., et al1329-1330

03/24/15 Supreme Court's Acknowledgment of new case, SC15-505, Board of County Commissioners Indian River County, Florida vs. Art Graham, etc., et al1331-1332

04/30/15 Notice of change of law firm, filed by Floyd R. Self, B.C.S., Indian River
County1333-1335

05/05/15 Letter dated May 5, 2015, from Carlotta S. Stauffer, Commission, to Floyd
R. Self, Indian River County, forwarding consolidated index to record on
appeal; advising record will be filed in Florida Supreme Court on or before
July 6, 20151336-1343