

FLORIDA PUBLIC SERVICE COMMISSION

Item 2

VOTE SHEET

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August 5, 2025

Docket No. 20250081-EU – Petition for declaratory statement, or in the alternative, petition for variance from or waiver of the individual metering requirement of Rule 25-6.049(5) and (6), F.A.C., by 20 North Oceanside Owner, LLC.

Issue 1: Should the Commission grant 20 North’s Petition for Declaratory Statement?

Recommendation: No. The Commission should deny 20 North’s Petition for Declaratory Statement. Under the facts presented by 20 North, Tower 2 does not satisfy either of the applicable exceptions to the individual meter rule found in Rule 25-6.049(5), F.A.C.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS:

Docket No. 20250081-EU – Petition for declaratory statement, or in the alternative, petition for variance from or waiver of the individual metering requirement of Rule 25-6.049(5) and (6), F.A.C., by 20 North Oceanside Owner, LLC.

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Issue 2: Should the Commission grant 20 North’s alternative Petition for Variance or Waiver?

Recommendation: Yes. 20 North has demonstrated that the purpose of the underlying statutes will be achieved by other means and that application of the rule would create both a substantial hardship and be a violation of the principles of fairness. However, should the Commission grant the waiver or variance, 20 North should be put on notice that the waiver/variance is only effective under the following conditions: (1) 20 North allocates the cost of electricity for Tower 2 to the individual condominium unit owners using an apportionment method consistent with subsection (9) of Rule 25-6.049, F.A.C.; (2) Tower 2 of 20 North continues to operate and is licensed as a transient public lodging facility; and (3) in the event that Tower 2 of 20 North ceases to operate and be licensed as a transient public lodging facility such that a conversion to individual metering is required, 20 North will be solely responsible for the cost of such conversion, pursuant to Rule 25-6.049(7), F.A.C.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: Yes. With regard to the Petition for Declaratory Statement, regardless of whether the Commission votes to grant or deny the Petition, a final order will be issued and the docket should be closed. With regard to the alternative Petition for Variance or Waiver, 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, this docket should be closed upon the issuance of a consummating order.

APPROVED