

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for modification of territorial order based on changed legal circumstances emanating from Article VIII, Section 2(c) of the Florida Constitution, by the Town of Indian River Shores.

DOCKET NO. 20160049-EU
ORDER NO. PSC-2018-0036-PCO-EU
ISSUED: January 11, 2018

ORDER GRANTING JOINT MOTION
TO CONTINUE TO HOLD DOCKET IN ABEYANCE

On October 25, 2016, the Town of Indian River Shores (Indian River Shores) filed a petition for administrative hearing in this docket on the Commission's Notice of Proposed Agency Action Order Denying Petition for Modification of Territorial Order Based on Changed Legal Circumstances, Order No. PSC-16-0247-PAA-EU, issued October 4, 2016. On November 4, 2016, the City of Vero Beach (Vero Beach) filed a Cross-Petition for formal administrative hearing.

On December 7, 2016, Indian River Shores and Vero Beach filed a Joint Motion to Hold Docket in Abeyance on the basis that a sale and purchase of Vero Beach's utility system was being negotiated between Vero Beach and Florida Power & Light Company (FPL). Indian River Shores and Vero Beach stated that by holding further proceedings in abeyance, the parties could concentrate their efforts on due diligence and consummating the sale, which would resolve the issues in dispute in this docket. By Order No. PSC-16-0554-PCO-EU, issued December 13, 2016, this docket was held in abeyance until December 31, 2017. The order also directed Indian River Shores and Vero Beach to file a joint status report on or before December 31, 2017.

Indian River Shores and Vero Beach timely filed a Joint Status Report and Motion to Continue to Hold Docket in Abeyance. The report states that on May 16, 2017, FPL presented a letter of intent to Vero Beach to purchase substantially all of Vero Beach's electrical utility system within Indian River Shores. The report further states that on October 24, 2017, Vero Beach and FPL executed a formal purchase and sale agreement and that consummation of this sale would resolve the issues in dispute in this docket. Indian River Shores and Vero Beach represent that by holding this docket in abeyance, the parties can concentrate their efforts on meeting all conditions precedent to closing the sale. They further represent that FPL supports the continued abeyance of this proceeding.

Having reviewed the Joint Status Report and Motion to Hold Docket in Abeyance, I find that the request is reasonable and is hereby granted. The request for abeyance does not specify a date through which this docket should be held in abeyance. However, FPL and Vero Beach executed a purchase and sale agreement on October 24, 2017, and have asked for an abeyance to allow them time to concentrate their efforts on ensuring that all conditions precedent to closing the sale are met. To this end, I find that it is reasonable to hold the docket in abeyance until

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December 31, 2018. I also direct Indian River Shores and Vero Beach to provide the Commission with a joint status report on or before December 31, 2018.


Based on the foregoing, it is

ORDERED by Commissioner Donald J. Polmann, as Prehearing Officer, that the Town of Indian River Shores and the City of Vero Beach's Joint Motion to Continue to Hold Docket in Abeyance is granted. It is further

ORDERED that this docket shall be held in abeyance until December 31, 2018. It is further

ORDERED that the Town of Indian River Shores and the City of Vero Beach shall file a joint status report in this docket on or before December 31, 2018.

By ORDER of Commissioner Donald J. Polmann, as Prehearing Officer, this 11th day of January, 2018.



DONALD J. POLMANN
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

KGWC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.