



February 11, 2016

**STATEMENT FROM INDIAN RIVER SHORES MAYOR BRIAN BAREFOOT**  
**REGARDING TOWN'S RESPONSE TO COVB PSC FILING**

Our Town has once again been forced to respond to a legal claim from the City of Vero Beach, a claim that I can only describe as ridiculous. Last week's power outage had us all boiling water; reading the City's legal filing is enough to make blood boil.

As you all know, our fundamental position all along has been that the Florida Constitution prohibits a municipality like the City from running roughshod over another equally-independent municipality like the Town. The City is doing all that it can to keep our valid Constitutional claim from being heard.

In a nutshell, several months ago the City told the Circuit Court it lacked jurisdiction to hear our Constitutional claim on the basis that the Public Service Commission (PSC) had exclusive jurisdiction. The City is now arguing to the PSC that only the Circuit Court has jurisdiction to hear our constitutional claim, and that the PSC does not have jurisdiction at all.

Confused? That's exactly the point.

The City is directly contradicting itself in filings before the Court and PSC precisely to confuse the issues and place our Town in a Catch-22 in which there is no forum to hear our valid Constitutional claims.

Our attorneys have responded in strong language: "Vero Beach, having persuaded the Circuit Court to dismiss the Town's attempt to protect its constitutional rights in deference to the PSC's jurisdiction, now asks the PSC to deny the Town's petition here in deference to the Circuit Court ruling ... The PSC should not be deterred by this smokescreen."

There are too many contradictions and errors in the City's filing to point them all out here. I encourage you to review our Town's response, which is posted to our website under the Electric Lawsuit Update (Home page, left column): <http://www.irshores.com/2-3-16-Town-Response-to-CoVB-1-27-16-PSC-Filing.html>

What is truly unfortunate is that this cynical attempt to maintain the status quo wastes even more time and money, when I believe there are real solutions the City could pursue.

FPL has shown an interest in purchasing the utility system in our Town. The decommissioning of the Big Blue power plant creates revenue-generating potential for the City, if it is managed properly. Our Town is clearly interested in fostering a solution. Shouldn't we at least explore the opportunities that are before us?

It is my hope that the City will begin looking for solutions, rather than protecting a status quo in which non-resident electric customers pay unreasonably high electric rates to fund City operations. In the meantime, we will continue to defend our Town's rights in Court and before the PSC, as we seek to secure long-term rate relief.

Brian M. Barefoot, Mayor  
Town of Indian River Shores