



**The Florida House of Representatives**  
**Representative Debbie Mayfield**  
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**Committees**

Local Government Affairs Subcommittee, Chair  
Local & Federal Affairs Committee, Vice Chair  
Agriculture & Natural Resources Appropriations Subcommittee  
Economic Affairs Committee  
Joint Legislative Auditing Committee

Julie Brown, Chair  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

September 22, 2016

Re: Indian River Shores; PSC Docket No. 160049-EU

Dear Chairwoman Brown,

Thank you for your letter of September 14 and for taking the time at your September 13 Agenda Conference to consider the request to modify the electric service territorial boundaries within the corporate limits of the Town of Indian River Shores. I also would like to express my appreciation to Commissioner Lisa Edgar for voting against staff recommendations and trying to protect the best interests of our citizens, especially those who have been disenfranchised. However, I would be less than candid if I didn't state my disappointment on how the majority of Commission voted on this important matter.

As you know, I am very passionate about this issue. As explained in the letter that Senator Latvala and I previously sent to you, the City of Vero Beach has been using a territorial agreement that your predecessors approved almost 30 years ago to operate as an unregulated electric monopoly. For far too long, thousands of consumers in the Town and the unincorporated areas of Indian River County have been subjected to excessive electric prices and second-rate energy efficiency programs from an unresponsive and poorly managed monopoly provider. To make matters worse, these captive customers have nowhere to go to redress their complaints. They are disenfranchised – plan and simple.

I sincerely believe that the Commission, having been entrusted with the exclusive authority to approve territorial agreements, has a corresponding duty to ensure that those agreements are not used by electric monopolies to disenfranchise captive customers and subject them to high prices and inferior service offerings. Indeed, there is no doubt that you have been given – quite literally – the authority to revisit your territorial orders on your own motion. So I hope you can understand my frustration when I hear you and other commissioners express empathy but then suggest that you are powerless to actively oversee a monopoly service area that your predecessors created so as to prevent a monopoly provider from abusing its monopoly privilege and taking unfair advantage of its captive customers.

In listening to the discussion at the September 13 Agenda Conference, I understand that your vote was a preliminary decision and there still may be the opportunity for further deliberation on this important matter. I for one certainly hope that you all take advantage of that opportunity since as members of the Public Service Commission, I believe you have the responsibility to carefully consider the rights of the public, especially those who have no voice, and take the necessary actions to provide solutions where there is injustice.

Finally, your September 14 letter to Senator Latvala and me graciously offers your staff as a resource going forward. We would like to take you up on your kind offer of assistance as the Legislative Session is just around the corner. It would be very helpful if you and your staff could quickly identify those powers that you believe you lack to actively supervise the territorial agreements that you approve so that you can protect disenfranchised captive customers from high prices, substandard service offerings, and other potential monopoly abuses. That kind of assistance would be a wonderful start of a process where you, as a legislative agency, would work collaboratively with the Legislature to solve a long-standing problem where an unregulated monopoly clearly exists and a super-majority of its captive customers are voiceless and unprotected. I look forward to hearing back from you on your kind offer at your earliest convenience. Meanwhile, thank you for the public service.

Sincerely,



Debbie Mayfield  
State Representative, District 54

cc: The Honorable Rick Scott, Governor of Florida  
Senator Joe Negron  
Senator Jack Latvala  
Senator Wilton Simpson

Braulio Baez, Executive Director, Florida PSC  
Commissioner Ronald Brise  
Commissioner Lisa Edgar  
Commissioner Art Graham  
Commissioner Jimmy Patronis  
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Mayor Brian M. Barefoot