

I. Meeting Packet



State of Florida

Public Service Commission

INTERNAL AFFAIRS AGENDA

Tuesday – April 2, 2019

Immediately Following Agenda Conference

Room 105 - Gerald L. Gunter Building

-
1. Legislative Update
 2. General Counsel's Report
 3. Executive Director's Report
 4. Other Matters

BB/aml

OUTSIDE PERSONS WISHING TO ADDRESS THE COMMISSION ON
ANY OF THE AGENDAED ITEMS SHOULD CONTACT THE
OFFICE OF THE EXECUTIVE DIRECTOR AT (850) 413-6463.

II. Outside Persons Who Wish to Address the Commission at Internal Affairs

Note: The records reflect that no outside persons addressed the Commission at this Internal Affairs meeting.

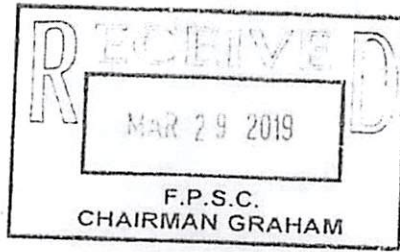
III. Supplemental Materials for Internal Affairs

Note: The records reflect that there were no supplemental materials provided to the Commission during this Internal Affairs meeting.

THE FLORIDA LEGISLATURE



BILL GALVANO
President of the Senate



JOSE R. OLIVA
Speaker of the House of
Representatives

March 28, 2019

Parties/Staff Handout
Internal Affairs/Agenda
on 4/2/19
Item No. 3

Hon. Art Graham
Chairman, Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

*Re: Advisory Opinion to Attorney General—Energy Choice Ballot Initiative
Case No. SC19-328, Florida Supreme Court*

Dear Chairman Graham:

On March 1, 2019, the Attorney General petitioned the Florida Supreme Court for review of the validity of a ballot initiative entitled “Right to Competitive Energy Market for Customers Investor-Owned Utilities; Allowing Energy Choice” (Energy Choice Initiative). The Attorney General laid out her concerns that the Energy Choice Initiative ballot summary did not comply with section 101.161(1), Florida Statutes. The Attorney General pointed out the Energy Choice Initiative “hides the ball” as to its “true meaning and ramifications,” contrary to Supreme Court precedent. We share this concern.

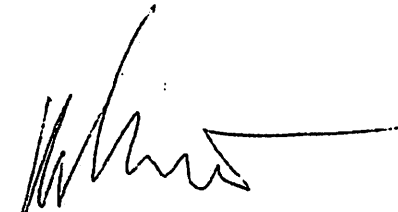
The Energy Choice Initiative indeed would have significant ramifications for the State of Florida if it were to pass. It not only would undo the current regulatory structure of utilities in the State, but also it would create a new governmental “independent market monitor,” ostensibly to ensure competitiveness in energy markets, which is a function already performed by the PSC. In reality, this amendment would lead to stranded costs, extensive litigation, and regulatory confusion.

The PSC is the state entity that regulates energy utilities regarding their rates and competitive markets. It, then, is well situated to address, from a technical perspective, the serious, detrimental—but undisclosed—structural implications of this amendment. We respectfully request that the PSC submit its own brief to the Court addressing how the proposed amendment would impact the current regulatory structure. The scope of the PSC’s brief could include identification of any statutes, regulations, and PSC orders that ultimately would be voided by operation of the proposed amendment. The PSC’s brief also could address the impact of the proposed amendment on service reliability, coordination of the electric grid, reserve margins, sufficiency of electric

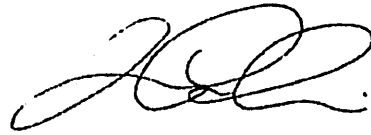
Hon. Art Graham
March 26, 2019
Page 2

generation, and impacts on storm restoration. The brief should address these topics with an eye toward the applicable ballot summary and single-subject requirements.

We thank you for your time and attention to this matter.

A handwritten signature in black ink, appearing to read "Bill Galvano", with a long horizontal line extending to the right.

Sen. Bill Galvano
President, Florida Senate

A handwritten signature in black ink, appearing to read "Jose Oliva", with a long horizontal line extending to the right.

Rep. Jose Oliva
Speaker, Florida House of
Representatives

IV. Transcript

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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

PROCEEDINGS: INTERNAL AFFAIRS

COMMISSIONERS
PARTICIPATING: CHAIRMAN ART GRAHAM
COMMISSIONER DONALD J. POLMANN
COMMISSIONER ANDREW GILES FAY

DATE: Tuesday, April 2, 2019

TIME: Commenced: 10:25 a.m.
Concluded: 10:28 a.m.

PLACE: Gerald L. Gunter Building
Room 105
2540 Shumard Oak Boulevard
Tallahassee, Florida

REPORTED BY: ANDREA KOMARIDIS
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
114 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
(850) 894-0828

1 P R O C E E D I N G S

2 CHAIRMAN GRAHAM: Let the record show it is
3 still Tuesday, April the 2nd. And this is the
4 internal affairs meeting. And so, we will call
5 this meeting to order.

6 First thing on our agenda is legislative
7 updates. I actually have one. I was just told
8 that our two Commissioners made it over their first
9 hurdle -- well, I'm sorry -- the -- whatever hurdle
10 is in front of them. I wouldn't call it --

11 MR. BAEZ: It was --

12 CHAIRMAN GRAHAM: -- hurdle.

13 MR. BAEZ: Yeah, well, first -- first
14 legislative --

15 CHAIRMAN GRAHAM: First legislative --

16 MR. BAEZ: -- committee meeting.

17 CHAIRMAN GRAHAM: -- committee hurdle.

18 MR. BAEZ: Yes.

19 CHAIRMAN GRAHAM: And so, they were
20 successful.

21 MR. BAEZ: That is all --

22 CHAIRMAN GRAHAM: And other than that --
23 Mr. Baez.

24 MR. BAEZ: Thank you, Mr. Chairman. You --
25 you -- you have the misfortune of getting the 25th

1 man on the roster pinch hitting today. And -- and
2 just one update. House Bill 797 was heard in the
3 appropriations subcommittee yesterday. That's the
4 storm protection bill or -- or as it's referred
5 to -- where it was amended to pick up the -- the
6 Agency's fiscal impact.

7 I'm told it has -- it may have one more
8 amendment to go when it reaches the full -- the
9 full appropriations committee in the House. No --
10 no similar movement yet, although it's expected,
11 on the Senate side, I believe, later this week.
12 And -- and that's -- that's where we are. That's
13 where we are right now.

14 On the -- on the budget side, we are still
15 pursuing our -- our general-revenue issue. And
16 we'll keep you posted on how that turns out, but so
17 far, they've accepted our numbers -- our budget
18 numbers, and the proposal is flat. So, we're in
19 good shape.

20 CHAIRMAN GRAHAM: Okay.

21 All right. General counsel report.

22 MR. HETRICK: Did you --

23 MR. BAEZ: (Indicating.)

24 MR. HETRICK: I have -- I have no -- nothing
25 to report, Mr. Chair.

1 CHAIRMAN GRAHAM: Okay. Executive director
2 report.

3 MR. BAEZ: This will be sort of -- I'll --
4 I'll -- I'll let Keith piggy back with me.
5 Commissioners, we're in receipt of the letter from
6 the Legislature regarding the proposed
7 constitutional amendment, ballot initiative. And
8 staff is proceeding, with all due diligence, to
9 accommodate that request.

10 It's my -- I was told that the Supreme Court
11 had already issued their briefing schedule, I
12 think, a couple of days ago.

13 MR. HETRICK: Yes.

14 MR. BAEZ: The end of March. So, briefs are
15 due on April 18th.

16 CHAIRMAN GRAHAM: Okay.

17 MR. BAEZ: And that's -- that's your update.

18 CHAIRMAN GRAHAM: Okay.

19 All right. Other matters. Commissioners?
20 Anything? Anything?

21 All right. Well, then we're adjourned.

10:28 22 (Whereupon, proceedings concluded at
23 a.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, ANDREA KOMARIDIS, Court Reporter, do hereby
certify that the foregoing proceeding was heard at the
time and place herein stated.

IT IS FURTHER CERTIFIED that I
stenographically reported the said proceedings; that the
same has been transcribed under my direct supervision;
and that this transcript constitutes a true
transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative,
employee, attorney or counsel of any of the parties, nor
am I a relative or employee of any of the parties'
attorney or counsel connected with the action, nor am I
financially interested in the action.

DATED THIS 11th day of April, 2019.



ANDREA KOMARIDIS
NOTARY PUBLIC
COMMISSION #GG060963
EXPIRES February 9, 2021