

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
TALLAHASSEE, FLORIDA

IN RE: Application for rate increase and increase in service availability charges by Southern States Utilities, Inc. for Orange-Osceola Utilities, Inc., in Osceola County, and in Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Duval, Highlands, Lake, Lee, Marion, Martin, Nassau, Orange, Osceola, Pasco, Putnam, Seminole, St. Johns, St. Lucie, Volusia, and Washington Counties.

DOCKET NO. 950495-WS

COPY

BEFORE: CHAIRMAN SUSAN F. CLARK
COMMISSIONER J. TERRY DEASON
COMMISSIONER JULIA L. JOHNSON
COMMISSIONER DIANE K. KIESLING
COMMISSIONER JOE GARCIA

PROCEEDING: AGENDA CONFERENCE

ITEM NUMBER: 35**

DATE: Tuesday, November 21, 1995

PLACE: 4075 Esplanade Way, Room 148
Tallahassee, Florida

REPORTED BY: JANE FAUROT
Notary Public in and for the
State of Florida at Large

ACCURATE STENOGRAPHY REPORTERS, INC.
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1 PARTICIPATING:

2 MICHAEL B. TWOMEY, representing Sugar Mill Woods
3 Civic Association, Spring Hill Civic Association and Marco
4 Island Civic Association.

5 BRIAN P. ARMSTRONG and KENNETH A. HOFFMAN,
6 representing Southern States Utilities.

7 JACK SHREVE and CHARLES BECK, representing the
8 Citizens of the State of Florida

9 * * * * *

10 STAFF RECOMMENDATIONS

11 Issue: (The recommendation for this item will be filed on
12 Tuesday, November 14, 1995.)
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P R O C E E D I N G S

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CHAIRMAN CLARK: Item 35.

MR. JAEGER: Commissioners, Item Number 35 is Staff's recommendation concerning the motions of Office of Public Counsel and the customers of Nassau County for reconsideration of the order establishing procedure in the Southern States Utilities rate case. Also, we will address SSU's response thereto, and the concerns expressed by the Commission at the November 7th agenda conference concerning the adequacy of the initial customer notice. In Issue Number 1, the issue is whether oral argument on OPC's motion for reconsideration should be allowed, and Staff is recommending that five minutes per side be allowed.

CHAIRMAN CLARK: Is there a motion, Commissioners?

COMMISSIONER DEASON: I move we allow oral argument.

COMMISSIONER JOHNSON: Second.

CHAIRMAN CLARK: That it be limited to five minutes a side?

COMMISSIONER DEASON: Yes.

CHAIRMAN CLARK: Okay.

COMMISSIONER GARCIA: Is it five minutes each side?

CHAIRMAN CLARK: For each side.

1 COMMISSIONER DEASON: Well, now, is this a
2 situation where -- I know last time, I mean, Mr. Shreve
3 made an argument, I think Mr. Twomey came in, and that
4 Mr. Shreve didn't want to yield any of his time, and I
5 don't blame him for doing that, because he had an
6 argument he needed to make. Is this the same situation
7 here or is it each party would have five minutes?

8 CHAIRMAN CLARK: Well, I only understand that the
9 motion is from Public Counsel.

10 COMMISSIONER DEASON: Well, I'm just trying to get
11 the ground rules --

12 CHAIRMAN CLARK: Mr. Twomey, have you filed in
13 support of the motion?

14 MR. TWOMEY: No. But I thought you -- aside from
15 that, I thought, Commissioners, that you carried this
16 item over from your last agenda conference in which we
17 were involved, and we were to address the issue of
18 validity of the synopsis and the notice.

19 CHAIRMAN CLARK: We asked them to go through and
20 take that into consideration as we did this
21 recommendation. Mr. Jaeger, has Mr. Twomey filed in
22 support of the motion for OPC's motion?

23 MR. JAEGER: That is not addressed in this motion.
24 I have seen no motion in support.

25 CHAIRMAN CLARK: Mr. Twomey, I would appreciate it

1 if when you want to make argument and support a motion
2 if you would file something or somehow give us notice.

3 MR. TWOMEY: Okay. I will do that in the future.
4 I apologize.

5 CHAIRMAN CLARK: And what we will do is, Mr.
6 Shreve will give you five minutes, and, Mr. Twomey, we
7 will likewise give you five minutes, and we will give
8 the Company ten minutes to respond to the two of you.

9 MR. TWOMEY: Fair enough. Thank you.

10 MR. SHREVE: Does this mean that the Company and
11 Mr. Twomey are not of one mind on this, we thought they
12 might be sharing time.

13 CHAIRMAN CLARK: Mr. Shreve, you may know
14 something I don't know. Is that correct, Mr. Twomey?

15 MR. TWOMEY: That he knows something you may know?

16 CHAIRMAN CLARK: No, that you may be --

17 MR. TWOMEY: He probably doesn't.

18 CHAIRMAN CLARK: That you may be supporting the
19 Company on this.

20 MR. TWOMEY: I don't think that I am.

21 CHAIRMAN CLARK: Go ahead, Mr. Shreve.

22 MR. SHREVE: Well, we will let Mr. Twomey go and
23 we will either give him part of our time or let him
24 just go first. Most of the arguments were made last
25 time.

1 CHAIRMAN CLARK: You would like him to go first?

2 MR. TWOMEY: And I'll try and be --

3 COMMISSIONER GARCIA: Isn't this Jack's motion?
4 Shouldn't you go first, Jack, since he can't support
5 your motion. You're the one making it, right?

6 CHAIRMAN CLARK: Well, my only concern is that
7 Mr. Shreve may want to respond to some things that
8 Mr. Twomey has said.

9 MR. SHREVE: It depends on what kind of help he
10 gives us.

11 CHAIRMAN CLARK: I understand that, Mr. Shreve.
12 Mr. Twomey.

13 MR. TWOMEY: I will go first, if that's okay, and
14 I will try and be brief. I want to say that my clients
15 support the Staff's motion insofar as it goes. We
16 don't think that it goes far enough.

17 CHAIRMAN CLARK: Mr. Twomey, you support the Staff
18 on what item, all of them?

19 MR. TWOMEY: Well, primarily, Madam Chairman, the
20 Item 4 alternative recommendation.

21 CHAIRMAN CLARK: Okay.

22 MR. TWOMEY: Which is, as I understand it, to send
23 out the supplemental notice to the customers as per the
24 Attachment A, reschedule the customer service hearings,
25 and then, thirdly, postpone the technical hearings now

1 scheduled to begin the end of January 1996. And we
2 support that. We think that it doesn't go far enough
3 in that it doesn't suggest that the case should be
4 started over, essentially. You should have the rate
5 case clock started over again, and then also that it
6 doesn't address the issue of testimony being filed and
7 delays there. And in than that regard, let me say
8 this. I want to ask you to focus on the issue of due
9 process, notice, and the role that tariffs play in
10 providing due process. A lot of people don't think of
11 it, because you get so wrapped up in revenue
12 requirements often, but by the law, what the Company
13 has to ask for is the approval of specific tariffs.
14 Revenues come in the middle. They don't ask for
15 approval of revenues, they ask for tariffs.

16 And ultimately at the end of any rate case what
17 the Commission approves by its stamp, its literally the
18 seal of approval of the State of Florida, is when your
19 Clerk stamps approved the tariff sheets. So what you
20 approve is they request tariffs, you approve tariffs,
21 and the revenue business is in the middle. One of the
22 -- without any other aspect of notice, one of the
23 benefits of tariffs, rate filings at the beginning of a
24 case is that any class of customer for any utility can
25 go to the sought-after tariff and see how the Company

1 proposes to have the Commission affect their rates. It
2 doesn't matter what class you are. You can look at --
3 if your current rate is X, they ask for X plus, or two
4 times X, or whatever, and you can determine how you're
5 threatened, how your substantial interest is affected
6 by their filing.

7 SSU's tariff filings in this case were deficient
8 the moment they filed them, and they remain deficient
9 because they have asked only for uniform rates on
10 permanent basis, as well as interim. And we all know
11 that they filed this case after the reversal in the
12 First DCA, and nobody is going to get uniform rates, we
13 think.

14 Now, you dismissed, so I suggest you need to have
15 these people file new tariffs for everything they are
16 asking for so the customers -- so you know what they
17 are asking for specifically, not just all of this
18 stuff. You know what they are asking for, your staff
19 knows what they are asking for, and the customers know
20 what they are asking for specifically for each service
21 location. If they have to file multiple tariffs, so be
22 it.

23 Now, you denied their interim filing based on the
24 fact that they asked for uniform rates and because of
25 the projected aspects of it. You gave them an

1 opportunity because of the complexity and controversy
2 in this case to file a second interim filing. I don't
3 think that's appropriate personally, but you did that.
4 In response to that, last Wednesday afternoon late, SSU
5 filed a supplemental filing, okay. This is it,
6 Commissioners. There is 38,872 pages of supplemental
7 information addressing all of the former stand-alone,
8 uniform systems on a stand-alone basis. Now, I don't
9 think -- and I don't think they filed any tariff sheets
10 supporting this so the customers could go to the
11 tariffs, you can't expect customers to look at this, so
12 there is still no notice.

13 I'm going to suggest to you, Commissioners, that
14 you do your Staff and the customers of this utility a
15 grave injustice if you place the burden on your Staff
16 of trying to analyze interim rates using this
17 information in any less than 60 days. I think you do
18 your Staff an injustice by placing a huge burden on
19 them trying to look at interim rates of this magnitude
20 in the middle of a rate case.

21 The solution, restart the clock. Take 60 days to
22 do this, let your Staff analyze this at the beginning
23 of a rate case, okay. Now, start the whole thing over.
24 Your Staff has said give new notice, reschedule the
25 hearings, customer service hearings, reschedule the

1 technical hearings. There is no reason whatsoever,
2 Commissioners, not to restart the whole business. Let
3 your Staff work under a proper work load, although
4 still heavy. Let the customers analyze their exposure,
5 go through the service hearings. There is no sense
6 whatsoever in making the intervenors and the Public
7 Counsel file their testimony six days from now as is
8 currently the schedule on the 27th, however many days
9 that is from now, and still reschedule the hearings
10 until May or whenever it is. There is just no sense in
11 that. My clients want to look at uniform rates -- I
12 mean, permanent rates on a stand-alone basis. This
13 information is the first time we have had all the
14 information in one stack to look at. We can't do it in
15 the next six days.

16 So, lastly, on the notice issue, while I think
17 that the notice is deficient from the beginning, and is
18 not in compliance with the law or your rules, you have
19 taken the contrary position. I would say to you this
20 and I will stop. It is one thing entirely to go into
21 writing a brief and making an oral argument at an
22 appellate court and arguing that the notice that the
23 Commission and the utility gave customers was minimal
24 and adequate after the fact. I would suggest to you
25 that it's an entirely different thing to go into a case

1 at the beginning arguing that the notice the utility
2 has given, recognizing that the notice that the utility
3 has given customers is just minimal. I think that you
4 ought to try, as your Staff is now recommending through
5 this appendix, you ought to try and give as complete
6 and adequate notice as you can to all the customers of
7 this company going in, and then worry about defending
8 it. And not defending it as being minimal.

9 So, I would ask that you grant that part of your
10 Staff's recommendation. You reset the clock, the
11 60-day clock, the 80-day clock, and most importantly
12 that you reschedule the time for intervenor testimony
13 to allow us at least an additional eight weeks to
14 digest this massive amount of information that the
15 Company has just filed and to allow us to properly
16 prepare our cases. Thank you very much.

17 CHAIRMAN CLARK: Mr. Beck.

18 MR. BECK: Thank you, Madam Chairman. As you can
19 see, there have been some dramatic developments even
20 since we have been here a couple of weeks ago with the
21 last agenda conference. And Mr. Twomey has stacked up
22 the volumes here. You can see the size of them.
23 Southern States filed those volumes on November 13th.
24 A number of the volumes are what used to be work papers
25 that were used, I guess, to develop the uniform case.

1 On the other hand, a large number of the volumes are
2 brand new materials. And let me give you an example of
3 one of the problems we face. In the uniform rate
4 filing you have probably noticed that the revenue
5 percentage increase in water is different than the rate
6 percentage. Approximately, the revenue increase is
7 about a 37 percent revenue on water, but it's over
8 70 percent on a rate increase. And the reason for that
9 is price elasticity that they built in a repression for
10 that. Now with these new volumes that they filed over
11 here, we have a whole new set of problems. There is
12 over 100 systems, and the best we can tell they have
13 used new price elasticities, and we think they change
14 from system to system. We've got a whole new case here
15 that we have to fight. Price elasticity is a very high
16 dollar issue that we are going to be addressing in the
17 uniform case, and we have worked our case up on that,
18 and now we have got a new filing with new price
19 elasticities and over 100 systems to work on. This is
20 an example of the kind of problem we face on these new
21 volumes that we just got. What they have done is filed
22 a new case. These are new MFR volumes that the Company
23 has sent around to the different counties.

24 To us, the obvious thing to do is to the clock
25 anew. They have changed the case, they have made new

1 proposals that should have been in there when they
2 filed their case to begin with. And we have argued
3 this at length, and I'm not going to go through it all
4 again. We did it last time on the motions to dismiss.
5 Southern States knew when they filed this case that
6 there had been a reversal at the First District Court
7 of Appeal, and they had known that for 2-1/2 months
8 before they filed the case.

9 What you see here is they are finally filing what
10 they should have done in the first place, and that's
11 one of the reasons notice is improper in this case, is
12 that Southern States has not told customers what their
13 exposure is in this case. These volumes give the first
14 instance of where customers could find some information
15 about what their exposure is.

16 In fact, the only information that the customers
17 have so far, I think, is what Southern States has
18 wanted the customers to know. When they filed the
19 case, it was a uniform rate. The only thing that was
20 told to customers was the Company's proposal, not what
21 the customers were exposed to, but just what the
22 Company wants. Now we understand they are sending out
23 notices to customers giving some other information to
24 some customers that they want. We have been through
25 the infirmities, we think, of the notice that went out.

1 It's in our motion, we argued it last time, and I'm not
2 going to repeat it. Thank you.

3 CHAIRMAN CLARK: Thank you, Mr. Beck. Mr.
4 Armstrong.

5 MR. ARMSTRONG: Thank you, Madam Chairman. I
6 would like to begin by just noting several substantive
7 points regarding the Staff recommendation, and then I
8 will address briefly the points raised by Mr. Twomey
9 and Mr. Beck. As the Commission is aware, the Company
10 since at least September has offered to reschedule and
11 renotice customers providing information that has been
12 suggested as being necessary by the parties as well as
13 by several Commissioners. The Staff's initial
14 proposal, the primary recommendation proposes that we
15 provide such a notice within 14 days of the Commission
16 vote. We have reviewed the notice and we don't have
17 any problems with the notice with one exception, and
18 that is on Page 20 of the Staff recommendation, which
19 is part of the notice. There is a reference to --
20 there is the word true which appears.

21 CHAIRMAN CLARK: The word what?

22 MR. ARMSTRONG: The word true. About eight lines
23 down, the first paragraph of the notice, the last word
24 is true.

25 CHAIRMAN CLARK: Okay.

1 MR. ARMSTRONG: The Company would request that the
2 word true be deleted. I think the rationale is
3 apparent. The Company believes not only that we have
4 abided by the black and white letter of the law, but
5 also by the spirit of the law regarding our notice. So
6 much has been indicated about what the Company knew, or
7 should have known, or could have known, and the Staff
8 recommendation deals with it honestly and forthrightly.
9 The Company could not have known what this Commission
10 would do regarding rates and rate structure at the time
11 we filed this case. The significance of the
12 Commission's finding that Southern States was one
13 system and had functionally related land and facilities
14 throughout the State of Florida should not be
15 overlooked and can't be underestimated. It's the
16 Company's firm belief that in regulatory proceedings
17 such as this and with regulatory matters, this
18 Commission has further latitude than a court might
19 have, a trial court reacting to a dispute, a contract
20 dispute between two commercial entities where it's just
21 a breach of contract. This Commission has to look at
22 the long-term best interests of not only the company,
23 but as well as our customers.

24 We believe uniform rates are the appropriate rates
25 for a number of reasons. Obviously, we don't believe

1 that it's a prudent thing to do from a conservation
2 perspective in the State of Florida to allow customers
3 who use more water, 150 percent, 200 percent more water
4 than our other customers to benefit by that by having
5 lower rates under these modified stand-alone or
6 stand-alone rates. It's not the prudent way to go.
7 What we have are customers who are complaining and
8 alleging that rates of \$17 for 10,000 gallons of water
9 are unaffordable. Again, it's not the way to go. It's
10 hardly to be believed. You have heard recently in past
11 customer service hearings, just very recently, a number
12 of customers in Lake County from the Silver Lake
13 Estates area. Those customers complained about the
14 enormity of their rates, and they said to you, they are
15 using 25,000 and 30,000 gallons of water a month. Our
16 revenue requirements at the Silver Lake Estates
17 facility on a so-called stand-alone basis are
18 commensurate with many, many other facilities. Those
19 other facilities that we serve would have higher
20 stand-alone monthly rates, so called stand-alone. And
21 why is that? Because those customers already have
22 listened to the conservation message. It would be
23 impractical, inequitable to allow those customers to
24 pay the higher rates based on their response already to
25 the conservation message, the fact that they use 5,000

1 gallons of water as opposed to the people who benefit
2 from these so-called stand-alone rates who use 10, 15,
3 and more thousand gallons of water. It would be
4 inappropriate and inequitable.

5 Our next question is just a practical one, and
6 that is on the 14-day limitation for sending out the
7 customer notices. I have been informed by Company
8 staff that it would be impossible to get that notice
9 out within 14 days. We have put the finger to them and
10 asked them how quickly could they do it, and we
11 requests fervently that we have 30 days to get that
12 customer notice out, if that is the Commission's
13 desire. That would allow appropriate time for the rate
14 schedules to be developed, passed back and forth
15 between your Staff and yourselves, and then the
16 mechanics, which can't be underestimated of getting
17 these notices out to 100,000 customers, could then be
18 accomplished.

19 We have some questions regarding the notice.
20 Specifically, on Page 24, which is the schedule. And
21 more specifically, under present rates. What Mr.
22 Twomey has brought in here in this Volume 2B is simply
23 responsive to the Commission's desires, customer
24 desires, and the attorneys sitting at this tables
25 desires to see rate designs. I think Mr. Beck

1 acknowledged, I know he did, that they have had a
2 significant amount of material in here regarding the
3 service area specific rates already since early
4 September of this year. The rate design schedules, the
5 E-Schedules that are in here, are the things that are
6 different. And the rate design schedules do include
7 1994, '95, and '96 based on the three scenarios that
8 have been suggested so far as being a possible rate
9 design. That is the stand-alone, the modified
10 stand-alone, and the uniform rate designs.

11 With this regard, we have to, again, state that
12 the Company cannot be pressured and we cannot be held
13 -- nor can the Commission be held to a standard of
14 pressure to know what rate design some party might
15 allege or might propose during the course of this
16 proceeding. If the Staff notice were to be delivered,
17 we believe -- we hope and would expect that that would
18 be sufficient at that time point in time as far as
19 customer noticing as to what the extremes are.
20 However, we don't know that. And given what we hear
21 today and given what we have seen to date, procedural
22 -- I call it gamesmanship -- asking for further, and
23 further, and further information, and now it's the
24 tariffs that have to be provided. The E-Schedules are
25 in here. The summary schedules are in here. We

1 provide over and over again summary information that is
2 not required in the MFRs, but which is a summary of all
3 the data incorporated in those documents. We cannot be
4 more plain. A customer notice cannot make it more
5 plain as the Commission has set out as to what the
6 rates are, and yet today you hear Mr. Twomey suggest
7 that the tariffs have to be there, the tariffs must be
8 there, or else the customers can't know from looking at
9 a one-page summary.

10 We believe, and I know the Commission agrees, that
11 the customers deserve information. We provide that
12 information whenever it's possible and whenever it's
13 prudent, because that information provided to customers
14 is not supposed to be there to confuse the customers.
15 And if we release information in a happenstance way,
16 that is exactly what occurs. And we don't want to see
17 the up and down, and the up and down, and have
18 customers confused. We really don't want to see that
19 either, and we want to comply with the desires of
20 having customers know what is necessary. But what
21 you're hearing today again with regard to Mr. Twomey
22 saying tariff sheets now out of the blue, not required,
23 certainly not credible. One sheet, one sheet is all
24 that's necessary to provide the information that has
25 been requested to date as far as we know. But we would

1 like to have it settled once and for all regarding what
2 the Commission would like. And, again, the Company
3 would be willing to comply with that.

4 You heard brief reference by Mr. Twomey, again, to
5 restarting the clock. Obviously, you heard no
6 reference to any legal support or justification for
7 doing that. The Company doesn't believe that there is
8 any. Again, I just want -- two points in closing. A
9 large portion of what you have here in these volumes
10 has been provided and was provided back in September to
11 all the parties, including Mr. Twomey and his clients.
12 So, if there is any suggestion that they have to go
13 through the whole thing and analyze it again, the only
14 thing that needs to be analyzed and looked at is the
15 E-Schedules; that's the only new piece of information.
16 Regarding price elasticities, the information in here
17 applies the same price elasticities which were applied
18 in the uniform rate design, which previously was
19 submitted by the Company. So it's the same
20 elasticities. There isn't any need to go investigating
21 what other elasticities have been applied.

22 CHAIRMAN CLARK: Are you done, Mr. Armstrong?

23 MR. ARMSTRONG: That's it. Thank you, Madam
24 Chairman.

25 CHAIRMAN CLARK: I just wanted to be clear. I

1 understand that you don't object to sending out the
2 supplemental notice to customers of the application
3 which is shown on 20?

4 MR. ARMSTRONG: We do not object.

5 CHAIRMAN CLARK: It was not clear to me whether
6 you support Staff's primary or alternative
7 recommendation on Issue 4.

8 MR. ARMSTRONG: We do support the Staff's primary,
9 which would suggest that we do not have to reschedule
10 the customer service hearings.

11 CHAIRMAN CLARK: Okay. But, as I understood it,
12 you have no objection to holding customer hearings
13 again?

14 MR. ARMSTRONG: We do not. One alternative might
15 be, you know, the first day of the evidentiary
16 hearings, if the Commission would like to hear evidence
17 from witnesses at that point, that is one possibility.
18 If there is really a substantive need and desire to
19 have customers heard from, again, then we don't want to
20 deny that to the customers at this point in time. It
21 is noteworthy as far as we are concerned that under the
22 uniform rates and the uniform rates as they have been
23 proposed, I think we have seen a significant decrease
24 in the customers who attended our customer service
25 hearings to date. And I believe that's what we

1 suggested all along uniform rates would provide to
2 customers.

3 CHAIRMAN CLARK: But you're indicating you need 30
4 days to get out that notice?

5 MR. ARMSTRONG: Madam Chair, I would be shot if we
6 don't get the 30 days. Particularly when three or four
7 days are lost for Thanksgiving.

8 CHAIRMAN CLARK: You have to be careful when you
9 say things like that. My husband always responds,
10 "That's an option."

11 MR. ARMSTRONG: And that's what I have been told
12 by the employees, that the Company would do that, too.

13 CHAIRMAN CLARK: All right. And you are also
14 saying that most of the new filing is rate design?

15 MR. ARMSTRONG: That's right.

16 CHAIRMAN CLARK: And you are giving information
17 about the rate design that had previously been
18 provided?

19 MR. ARMSTRONG: To be clear, a good portion of
20 this information is the specific information to service
21 areas, work papers which previously had been provided
22 to all the parties. The additional information is the
23 rate design information for '94, '95, and '96, which
24 gives the other rate designs which have been requested.

25 CHAIRMAN CLARK: Mr. Shreve, did you want to

1 respond briefly, because you did not use all of your
2 time?

3 MR. SHREVE: Thank you, Madam Chairman. A couple
4 of things I hadn't planned on raising. First of all, I
5 take it that Mr. Armstrong is representing to this
6 Commission that there is no new information on
7 elasticity of the individual systems. And I hope you
8 will make note of that. A large part of these were not
9 filed in the MFRs, the work papers came out in
10 discovery. They were not in the MFRs. For all
11 practical purposes, this is a new filing, and when
12 there is a new filing there are other cases where there
13 has been a -- even at the hearing when you have gone
14 back. I know you will remember one in Ocala where we
15 had the hearing that was dismissed at the last minute
16 by Commissioner Gunter and Commissioner Nichols because
17 of a new filing on one portion of the case. So, if
18 they have a new filing they very clearly can be
19 dismissed.

20 Mr. Armstrong makes a great deal about not wanting
21 the customers to be confused. Possibly also not
22 informed. And I would assume from his representations
23 to you that they think the uniform rates, which we are
24 not going to get into that fight, but that the uniform
25 rates are good for everyone. That they would keep --

1 they would inform all of the customers of the same
2 information that they inform a part of the customers,
3 and not be selective. I received a copy of a bill from
4 a customer yesterday that was very upset, and I would
5 like to pass this out, where Southern States had asked
6 for them to try and influence you on your
7 reconsideration of uniform rates as well as contact
8 their state legislators, giving specific examples of
9 the increases and decreases.

10 Now, I don't know what the situation is on this.
11 This gentleman was really upset because he had called
12 the Staff, and the Staff had gone over the rates with
13 him and said that the figures he was given were
14 incorrect. Now, I don't know about that, but I would
15 like for Mr. Armstrong to tell you, did they send this
16 information to all of the customers or were they
17 selective in what they were giving to the customers? I
18 would imagine they were selective, and a certain
19 portion of the customers that would not be affected in
20 the same way this group of customers were not given the
21 information. And that's what we have been dealing with
22 all along here.

23 The customers are entitled to be properly
24 informed, honestly informed. The Staff's suggested
25 notice appears to do that. I would have a couple of

1 suggestions, but I think it really goes very close to
2 doing that. I think that it should be potential final
3 rates in the last three columns, but beyond that I
4 think the Staff has made a real attempt here to give
5 the customers the proper information. Southern States
6 is still not giving the customers all of the
7 information, they are being selective in what they are
8 sending out, and I would like for Mr. Armstrong to tell
9 you here and now whether they are giving it to all the
10 customers or being selective in what they are sending
11 out to them or anyone else that they may be trying to
12 have influence this Commission.

13 I think the case should be started over, and the
14 time frame that Southern States had talked about in one
15 of their pleadings is not that different, but I think
16 it's clear that the customers need to have adequate
17 notice and be able to participate in this case the way
18 they were intended to, and we would like to have the
19 time to have them noticed, have the hearings, present
20 our testimony and their side of this case.

21 Thank you very much.

22 CHAIRMAN CLARK: Thank you, Mr. Shreve.

23 Questions, Commissioners?

24 COMMISSIONER DEASON: I have a question. What is
25 this? What is this on this bill?

1 MR. ARMSTRONG: The Company's new bill allows for
2 messages to be provided on the bills. I haven't seen
3 the bill itself, but I read it and it informs customers
4 of their rate change. I can't answer the question
5 about who got this information. I know that the bills
6 go out over a period of time.

7 COMMISSIONER DEASON: Is this standard practice
8 for you to basically lobby your customers to influence
9 this Commission?

10 MR. ARMSTRONG: I have to take exception to the
11 lobby question. I mean, when is it informing customers
12 and when is it not? I think if you recall, the Office
13 of Public Counsel has filed a motion for Southern
14 States --

15 COMMISSIONER DEASON: Well, it's one thing to give
16 information and it's another thing to tell customers to
17 call this Commission and to call their legislators.

18 MR. ARMSTRONG: Excuse me, Commissioner, but what
19 I was going to say is that the Office of Public Counsel
20 has made a motion for Southern States to pay for a
21 lawyer to inform the customers who benefit from uniform
22 rates and to represent them in support of the uniform
23 rates. We know that the customers -- and we have
24 provided the same notices to customers who benefit --
25 and I hate using the word, because I don't think it

1 applies -- but benefit or have a detrimental temporary
2 impact from uniform rates. They have been informed of
3 the same information, they have been offered to have
4 people from Southern States go speak with them. We
5 have spoken to them, they are represented by counsel,
6 it is obviously the people who, from the small
7 facilities that don't have the lawyers in front of this
8 Commission, other than the Company. And like I said,
9 this information, I think, is providing information as
10 opposed to lobbying. But it would certainly be a
11 surprise to me if the Commission looked askance on us
12 informing customers that they should notify the
13 Commission of their desires and their wants, as well as
14 their legislators of their desires and their wants.

15 COMMISSIONER DEASON: You do not know which
16 customers received this?

17 MR. ARMSTRONG: I don't know now, but it's on the
18 bill, you know, and the message was sent through the
19 bill, so I assume it went out to customers. I can't
20 tell you who it went out to.

21 COMMISSIONER DEASON: Well, how did the persons
22 who were responsible for this, how did they know to
23 calculate what the increase in the water rates was
24 going to be for these customers if they didn't identify
25 which specific system or what rates would be changed

1 for that system and that specific customer to be able
2 to give this kind of detail?

3 MR. ARMSTRONG: Well, that has definitely been
4 calculated for the 127 service areas, that's definitely
5 been calculated. And that's available throughout the
6 Company, all the areas of the company. People on the
7 Speakers Bureau might have to go out to customer groups
8 to speak to them when they ask for us to go out.

9 COMMISSIONER DEASON: It says, "The average
10 monthly water and wastewater bill, based on the average
11 monthly usage from your plant." It doesn't say for the
12 average Southern States system. It says, "your plant,"
13 which means this information must be specific to the
14 plant which provides service to this customer, and then
15 that is followed by a precise calculation of what that
16 impact is going to be down to the very penny as to what
17 that customer is going to be faced with, and then it
18 goes on to ask the customer to contact the Commission
19 and to contact their legislator. My question is do you
20 have a similar notice to other customers that says what
21 the decrease would be for a certain customer, perhaps
22 that's on the other side of the coin on this issue?

23 MR. ARMSTRONG: That's why I say -- this is the
24 first time I have seen this thing on this bill. I
25 can't tell you whether it is, but --

1 COMMISSIONER DEASON: So you're segregating one
2 customer group, asking it to lobby this Commission, and
3 ignoring another customer group. Is that what you're
4 saying?

5 MR. ARMSTRONG: I just told you I cannot answer
6 that question. I don't know what's been done.

7 COMMISSIONER DEASON: Well, I think that is
8 something this Commission needs to know.

9 MR. ARMSTRONG: I don't know what has been done.
10 I can tell you that right now. But I do know that the
11 information is being provided to assist customers to
12 understand what is going on. And let me even posit
13 that if it was the case that only the ones who were
14 detrimentally impacted by uniform rates were getting
15 the notice, I don't know that that is a significant
16 problem, either, since it -- obviously, the Office of
17 Public Counsel feels that those people aren't being
18 made aware of this information so that they can also
19 have their voice heard. So, I don't know what the
20 answer is, but I will say that I don't know that I have
21 a concern regarding it, either, because, obviously, the
22 people who oppose uniform rates are aware of that fact.

23 COMMISSIONER DEASON: Well, I can tell you I've
24 got concerns about it. And this goes way back to the
25 last case, the very tactics that your Company was

1 using, trying to bus people into these hearings, trying
2 to get them to come to the hearings and ignoring other
3 customer groups. I had very serious doubts at that
4 time; I have very serious doubts now, if this is the
5 type strategy that you're using to influence public
6 policy and to try to influence this Commission. It
7 seems to me you have a responsibility to come forward
8 with your case before this Commission, put on the facts
9 and give us your opinion, and we'll make the decision.
10 But it's not your -- in my humble opinion, it is not
11 your position to be out there trying to create public
12 support or public dissatisfaction. That is not your
13 responsibility. And I don't think it would be
14 appropriate for this type of expenses to be included in
15 your rate case expense, either. Maybe that will be a
16 issue for later time, and maybe that needs to be made
17 an issue.

18 MR. ARMSTRONG: Well, I do think I ought to have
19 the opportunity to address that. Obviously, the fact
20 that a bus was used means that people have to travel a
21 significant distance to get to the hearings that were
22 scheduled. It's unlike the situation with Spring Hill
23 or Sugar Mill Woods where the hearings were held in
24 their backyard. Customers had to come a long distance.
25 And if you noted, they were senior citizens. The buses

1 were requested by the customers and made available by
2 the Company. The Company also had open houses and told
3 any customers from facilities that opposed uniform rate
4 structure that they would also have buses provided. It
5 was an even-handed offer made by the Company to both
6 parties. It just so happens that the hearings of those
7 who opposed uniform rates were held in their backyard,
8 and they didn't accept the buses.

9 CHAIRMAN CLARK: Commissioners, we're on -- we've
10 done Issue 1. Is there a desire to go issue-by-issue?
11 Would you like Staff to respond to the points made on
12 argument or shall we go issue-by-issue?

13 COMMISSIONER GARCIA: I would like to hear what
14 Staff thinks on this.

15 MR. JAEGER: Commissioner, the first thing I'd
16 like to say is Staff was addressing just the motion for
17 reconsideration and the Commission's concerns about the
18 adequacy of the notice, the synopsis and the customer
19 service hearing notices, and so we were not addressing
20 at all the interim rate issue or the filing. This
21 filing came in just as our motion was going in. And I
22 think what we were -- all we are is focused on this
23 motion for reconsideration and the adequacy of notice.
24 And so I believe something that should be pointed out
25 is if you do go with the alternative recommendation in

1 4 at the very end, then we will have to address about
2 the filing of testimony and changing maybe dates around
3 or maybe that should have been a part of the
4 recommendation, and it wasn't in this case. So, I
5 think we will -- you should address about when OPC
6 should be made to file its testimony, when Staff should
7 file and when rebuttal testimony should be filed. And
8 Issue Number 2 is divided into three parts. And in the
9 middle of that is about the intervenor testimony, and I
10 think by recommending to deny the motion for
11 reconsideration, then in that part, based on that part,
12 that we would not make any changes to the intervenor
13 testimony that's now due on November 27th.

14 COMMISSIONER KIESLING: Wait a minute, that
15 confuses me. Because as prehearing officer, I've
16 already entered an order that extended it from the 20th
17 to the 27th, so we could have a resolution here before
18 I do anything further. And are you saying that the
19 Commission has to debate out and figure out what the
20 new due dates would be today or that the prehearing
21 officer, depending on what happens here, would enter
22 another order?

23 MR. JAEGER: The Commission doesn't have to debate
24 that. And, as you say, you have extended it by order
25 issued last week to the 27th.

1 CHAIRMAN CLARK: Okay. Let me just make sure I
2 understand. With respect to Issue 2, you're
3 recommending that we not reconsider the order
4 establishing procedures. But that doesn't foreclose us
5 the ability to make adjustments depending on what we
6 feel is appropriate today.

7 MR. JAEGER: That's correct, Madam Chairman.

8 CHAIRMAN CLARK: Okay. And that goes for No. 3,
9 as well.

10 MR. JAEGER: Yes.

11 CHAIRMAN CLARK: Let me ask you, on No. 3, do we
12 have to -- do we have to first make a determination on
13 whether or not the -- Nassau has the authority to -- or
14 whether they are, in fact, a party? Do we have to --

15 COMMISSIONER KIESLING: That is pending before me
16 at this point.

17 CHAIRMAN CLARK: Okay.

18 MR. JAEGER: They filed a motion to intervene, and
19 Southern States has responded to that motion to
20 intervene, and I think the response came in yesterday.

21 CHAIRMAN CLARK: Okay. But procedurally we can --
22 if we agree with Staff on 2 and 3, we can make
23 adjustments on our own motion?

24 COMMISSIONER KIESLING: Uh-huh.

25 MS. JABER: I believe so, yes, ma'am.

1 COMMISSIONER CLARK: Okay. Does anyone care to
2 make a motion on Issue 2 or 3?

3 COMMISSIONER KIESLING: Well, since I'm the
4 Prehearing Officer and it is my order, I don't think I
5 ought to be the one that does that, so --

6 COMMISSIONER JOHNSON: You know what I need, and I
7 apologize for being a bit confused. But Issue 2 is --
8 could Staff walk through what these issues are.
9 Because although the parties made argument, they were
10 arguing things that appeared to be different from those
11 that were in these motions. So, maybe it would help me
12 to segregate and see how they are each related, to hear
13 from you, before I go ahead and --

14 MR. JAEGER: In Issue No. 2, OPC filed its motion
15 for reconsideration, and it had three main parts in
16 that motion. In the first part, OPC requested that the
17 Commission require the Utility to send new notices.
18 And after what they called "adequate notice" has been
19 given, then for the Commission to set new service
20 hearings. And the main thrust of OPC's argument
21 appears to be that the synopsis, initial customer
22 notice and the notice of customer service hearings
23 violate the requirements of Section 120.57(1)(b)(2),
24 and they also do not give the customers fair notice of
25 what is facing them, and that, therefore, there is no

1 clear point of entry into the 120.57(1) process. And
2 that was somewhat argued in their motion to dismiss at
3 the November 7th agenda conference.

4 But Staff has reviewed the cases, reviewed the
5 notices, the synopsis, and we believe that the
6 customers have been given that clear point of entry
7 into the 120.57 process. They have been advised of
8 what is facing them, but at the point in time that
9 notices were given, the Commission had not voted on the
10 final rates, and so something new has come along. But
11 still we believe that all notice requirements, both by
12 our rules and by case law have been provided. And,
13 specifically, in that Plant City case that was
14 discussed at the last agenda, the Commission in that
15 case was arguing that rate design is and always has
16 been an open issue in any rate proceeding, that the
17 notices here were adequate and this is the Commission
18 -- the court talking, "Were adequate in any event,
19 because they warn customers that increases, if any,
20 would be spread among users in any manner the
21 Commission found to be fair, reasonable and proper, and
22 that the complexities of ratemaking make it impossible
23 to give notice of all matters which a final rate order
24 might encompass." And so the Court -- this is the
25 Florida Supreme Court speaking, says, "We must agree

1 that more precision is probably not possible; in any
2 event, not required. To do so would either confine the
3 Commission unreasonably in approving rate changes or
4 require a prehearing procedure to tailor the notice to
5 the matters which would later be developed. We
6 conclude, therefore, that the Commission's standard
7 form of notice for rate hearings imparts sufficient
8 information for interested persons to avail themselves
9 of participation." And that is what the Staff is
10 basically -- we're saying that the notices that have
11 been provided comply with our rules, they comply with
12 the Plant City reasoning and the customers having given
13 adequate and legal notice.

14 COMMISSIONER JOHNSON: Not to confuse you, but
15 with respect to Issues 2 and 3, Issue 2 is just the
16 ruling on whether or not we should reconsider an order.
17 Although the substantive issues may be the same as
18 those in Issue 4, the standard of review under 2 is
19 different. And so, therefore, in 2 we're just
20 determining whether or not we should reconsider the
21 order that was issued by the prehearing officer.

22 MR. JAEGER: Yes, ma'am.

23 COMMISSIONER JOHNSON: And we can -- even if we
24 move Staff on Issue 4, we can still address the same
25 substantive issues, can we not? And I just want to

1 make sure that we that opportunity.

2 MR. JAEGER: Yes.

3 CHAIRMAN CLARK: And that's what Staff is
4 recommending. It hasn't met the requirements for
5 reconsideration, but we can certainly reconsider on our
6 own motion.

7 COMMISSIONER JOHNSON: Okay. That's fine. And I
8 was just confused by, I guess, us going into the
9 substantive arguments at this point, it was confusing
10 me a bit as to what we were doing if we approved Issue
11 2. Then, with respect to Issue 2, I can go ahead and
12 move Staff that the motion for reconsideration be
13 denied.

14 COMMISSIONER DEASON: I have another question on
15 Issue 2. What is the difference in the argument
16 supporting the motion for reconsideration in Issue 2
17 and the argument that we had at the last agenda
18 concerning the motion to dismiss? What is the
19 difference?

20 MR. JAEGER: There may be a slight difference on
21 -- when you're doing a motion to dismiss, that is a
22 sanction and it's a severe sanction, and so you may --
23 it could be that you did not want --

24 COMMISSIONER DEASON: I'm not asking what the
25 difference is between a motion for reconsideration and

1 COMMISSIONER DEASON: Yes, and I need some more
2 information on the discovery aspect of this motion for
3 reconsideration. I read what was here I just don't
4 really understand what the dispute is.

5 MR. JAEGER: I'm sorry, I couldn't hear you.

6 COMMISSIONER DEASON: Concerning the limits on
7 discovery, now that's something, obviously, we did not
8 discuss last time. We are discussing it now. I guess
9 I just want some further amplification from Staff as to
10 what the basis of their recommendation is concerning
11 that aspect of the reconsideration motion.

12 CHAIRMAN CLARK: I would echo that. I had some
13 confusion, and I think what my confusion was was they
14 have asked for unlimited discovery, but they haven't
15 bumped up against the limit yet.

16 MR. JAEGER: There are two parts to the discovery.
17 One, that the initial order limiting discovery was
18 issued on August 4th, and they didn't do a petition for
19 until October the 9th, so we think it's untimely.
20 Also, pursuant to the Florida Rules of Civil Procedure,
21 the presumption is discovery will be limited until they
22 show good cause, notice and request for additional
23 discovery. And here they are asking for just carte
24 blanche unlimited. And we think that turns that
25 Florida Rule of Civil Procedure. And what the

1 Prehearing Officer said was, "We have 500 requests for
2 production and 1,000 interrogatories, as allowed, and
3 that was decided on August the 4th. And they should
4 have petitioned for reconsider then -- reconsideration
5 of that order, and that the order establishing
6 procedure just says that order will go.

7 COMMISSIONER DEASON: But it seems to me when
8 you're processing a rate case, something especially of
9 this magnitude and complexity, that at some point
10 during the case you may think 1,000 interrogatories is
11 more than plenty, and then you may get two months down
12 the road and find out it's not near enough, so what is
13 your remedy?

14 COMMISSIONER KIESLING: To ask the Prehearing
15 Officer to extend the number.

16 COMMISSIONER DEASON: Okay. Has that been done?

17 COMMISSIONER KIESLING: No.

18 MR. JAEGER: No.

19 COMMISSIONER DEASON: So, that is available?

20 MR. JAEGER: That is available. They can go to
21 the Prehearing Officer and show good cause why it
22 should be extended again.

23 CHAIRMAN CLARK: I think that it's -- one could
24 argue it's premature mature at this point, that they
25 may never have the need for more discovery. But I do

1 have this concern, and that being that if they find
2 they need more discovery, we need to be prepared to
3 expedite that request.

4 MS. JABER: Let me clarify something. OPC did
5 file a motion to permit additional interrogatories. We
6 took that to the Prehearing Officer. The Prehearing
7 Officer issued an order granting OPC's motion to permit
8 additional interrogatories and order on discovery. We
9 did handle this case a little bit different,
10 Commissioner Deason. Typically, the discovery part of
11 a case is handled in an order on procedure. It's
12 included in the order establishing procedure. But
13 because we got OPC's motion, we went ahead, we took it
14 to the Prehearing Officer. She issued a separate order
15 on discovery. That was unique to this case. That's
16 the order on discovery that OPC did not seek
17 reconsideration of. OPC is not precluded from filing a
18 second or third motion to permit additional discovery.

19 COMMISSIONER DEASON: Okay. Let me ask my
20 question a little differently, then. And I appreciate
21 that. That is helpful. But is there any discovery
22 that has been filed by any party that is outstanding at
23 this point which exceeds the limit and, therefore, is
24 not being responded to?

25 MS. JABER: No. Exceeds the limit, no. There is

1 outstanding discovery, yes.

2 COMMISSIONER DEASON: But at this point there has
3 been no discovery filed which exceeds the limit?

4 MS. JABER: No.

5 COMMISSIONER DEASON: And any party that finds it
6 necessary to exceed the preestablished limit could file
7 for relief from that.

8 MS. JABER: That's correct.

9 COMMISSIONER DEASON: And then file their
10 discovery.

11 MS. JABER: That's correct.

12 COMMISSIONER KIESLING: And, in fact, if I could
13 just add, the reason that we did a separate order on
14 that original request back at the beginning of August
15 was so that they could go ahead and get started. I
16 can't save that one until there were, you know, some
17 other things to do an order on. I expedited, you know,
18 an order on that so the parties would know the
19 discovery parameters. And I granted them, you know,
20 more than -- double what SSU wanted to have, but not
21 unlimited.

22 CHAIRMAN CLARK: Is there a motion on Issue 2?
23 Any more questions?

24 COMMISSIONER JOHNSON: Move it.

25 CHAIRMAN CLARK: There's been a motion. Is there

1 a second?

2 COMMISSIONER GARCIA: I will second it.

3 CHAIRMAN CLARK: All those in favor say aye.

4 COMMISSIONER KIESLING: Aye.

5 CHAIRMAN CLARK: Aye.

6 COMMISSIONER JOHNSON: Aye.

7 COMMISSIONER GARCIA: Aye.

8 CHAIRMAN CLARK: Opposed, nay.

9 COMMISSIONER DEASON: Nay.

10 CHAIRMAN CLARK: Issue No. 3.

11 COMMISSIONER JOHNSON: Move it.

12 CHAIRMAN CLARK: Is there a second?

13 COMMISSIONER DEASON: Second.

14 CHAIRMAN CLARK: All those in favor, say aye.

15 COMMISSIONER KIESLING: Aye.

16 CHAIRMAN CLARK: Aye.

17 COMMISSIONER JOHNSON: Aye.

18 COMMISSIONER GARCIA: Aye.

19 COMMISSIONER DEASON: Aye.

20 CHAIRMAN CLARK: Opposed nay. Issue No. 4.

21 COMMISSIONER GARCIA: I'm going to move Issue No.

22 4, but I'm going to move the alternative.

23 COMMISSIONER KIESLING: Second.

24 COMMISSIONER DEASON: Before we take a vote, let
25 me say that when we took this matter up before the last

1 agenda concerning the motions to dismiss, I was in
2 support of that motion. I still think this case should
3 be dismissed. But that position did not prevail, so
4 we're in a situation now as to how we're going to
5 proceed from this point forward. Of the two
6 alternatives which are presented in Issue 4 -- of those
7 two and only limited to those two, I would be more
8 supportive of the alternative. But I don't want that
9 to be characterized as a disagreement with my original
10 position, that this whole case for the numerous reasons
11 that I enumerated at the last agenda should be
12 dismissed and the whole case should start over again.

13 CHAIRMAN CLARK: Any other questions,
14 Commissioners?

15 I do have a question with respect to Staff has
16 indicated that the technical hearings should be
17 postponed. Is it Staff's intention to use those dates
18 for the service hearings?

19 MS. JABER: Yes.

20 MR. JAEGER: Yes.

21 CHAIRMAN CLARK: Let me ask a question. It seems
22 to me that we have set aside that time, and we can hold
23 those service hearings fairly rapidly in, perhaps, the
24 first week. Can we begin the technical hearing the
25 second week, and what is the concern about that?

1 COMMISSIONER KIESLING: If I could throw in one of
2 my concerns --

3 CHAIRMAN CLARK: Yes, I want some answers. I
4 mean, I want some discussion about this, because it
5 will -- I will have to work with Staff on rescheduling
6 the hearings.

7 MS. JABER: From a practical standpoint, it would
8 be staffing for us, because we would be working on
9 cross examination questions and sending people to
10 service hearings.

11 CHAIRMAN CLARK: Okay.

12 COMMISSIONER KIESLING: Well, we also -- I mean, I
13 am sympathetic with Mr. Shreve's request that if all of
14 this gets pushed back, that they not have to file their
15 testimony. And if they don't file their testimony
16 then, we couldn't be ready.

17 MS. JABER: In advance of the customers --

18 CHAIRMAN CLARK: Okay. Let me ask a further
19 question. Do the parties desire that we try and, say,
20 take a week and get the service hearings done in that
21 week. We did that, I think, before. We kind of just
22 took a chunk of time and understood we were going to be
23 on the road. And that leaves you that next week to do
24 work. Mr. Shreve and parties, you don't have to answer
25 me now, but, you know, be thinking about those things

1 as we try and come up with dates to reschedule the
2 hearing to.

3 MR. SHREVE: Commissioner, I have no problem with
4 trying to rush it in there. It just really would be --
5 if we can put them all in in whatever length of time
6 you need, because we do have 14 or 15 of them, I guess.
7 We will work with you on that.

8 CHAIRMAN CLARK: I thought we had nine.

9 MR. JAEGER: Nine, minimum, would have to
10 rescheduled.

11 CHAIRMAN CLARK: Okay. All right. That's what I --

12 COMMISSIONER KIESLING: Does that nine include
13 next week's?

14 MR. JAEGER: Yes, that includes next week, but it
15 did not include the December 7th Osceola. And if we
16 can't get the notice to them, that would be ten. And
17 then we already have two scheduled in January.

18 CHAIRMAN CLARK: Well, are we going to cancel the
19 one on the 7th?

20 MR. JAEGER: I believe that would be best thing to
21 do because the Utility has said they can't get that
22 supplemental notice to them. But next week's, the 27th
23 and 28th, which is just too late to cancel.

24 COMMISSIONER GARCIA: Are we certain that the
25 Company can't do that? I mean, it really is not --

1 CHAIRMAN CLARK: You can take Mr. Armstrong out
2 and tie him to that tree now, if you want to.

3 COMMISSIONER GARCIA: No, I just -- come on, I
4 mean, I understand that there is a problem here, but --

5 MR. JAEGER: They are supposed to get two weeks.

6 COMMISSIONER GARCIA: -- you can put these things
7 out, and you can bill every 30 days, I'm sure you can
8 get this thing out.

9 MR. ARMSTRONG: Commissioner Garcia, I put the
10 staff to task, including the head of that staff, who is
11 sitting behind me, Mr. Ludsen. I did exactly what I
12 expected you might do in terms of 14 days you cannot do
13 it; why not? And adamant, adamant, adamant back at me
14 was it takes .30 days to get this thing done between
15 first getting the notice approved and the rate
16 schedules approved with Staff. You know, we still
17 haven't talked about what those schedules will look
18 like, either. And then beyond that, just the mechanics
19 of getting these things out. It's a thick document.
20 It has got to be separately copied and then separately
21 fold and hand-stuffed, instead of using machines.
22 There are no machines available to do this.

23 MR. JAEGER: Commissioner Garcia, for that hearing
24 on December 7th, the notices would have to go out on
25 the 22nd --

1 COMMISSIONER KIESLING: Tomorrow.

2 MR. JAEGER: -- to get the notice to them. And so
3 that's --

4 CHAIRMAN CLARK: But we are canceling that,
5 regardless of whether they take 14 or 30 days to get
6 their notice out?

7 MR. ARMSTRONG: Madam Chair, there is one comment,
8 too, and Mr. Ludsen just reminded me. We can do the
9 first service hearings first. I mean, we can try and
10 accommodate that way. Where, you now, you try and
11 speed up those and get them out as quickly as possible.
12 To get the whole job done is what takes the 30 days. I
13 don't know how much that helps.

14 CHAIRMAN CLARK: So, you're indicating that you
15 can start it before 30 days, and it would be your
16 proposal that as we have scheduled the hearings, you
17 would start the soonest scheduled hearings and get them
18 out to them first.

19 MR. ARMSTRONG: Right.

20 COMMISSIONER KIESLING: Which would be the January
21 ones if we cancel the December 7th, right? That would
22 be for the early January ones if we cancel December
23 7th?

24 MR. ARMSTRONG: Yes.

25 CHAIRMAN CLARK: Let me ask a question. Does the

1 supplemental notice -- will the supplemental notice
2 include the dates of rescheduling of the hearing?

3 MS. JABER: The final hearing --

4 CHAIRMAN CLARK: I guess I'm concerned that this
5 may be confusing to the customers. You know, "We went
6 to one of these service hearings. Why are we going
7 again?" And I think that needs to be clear in the
8 notice, that because the other possible rate changes
9 were not included, we are rescheduling them.

10 MS. JABER: We could include a paragraph on the
11 final hearing and the need to reschedule and the dates
12 for the final hearing. There would be no locations for
13 the service hearings yet. We could tell them that the
14 final hearing is May 6th through the 17th, whatever
15 those dates are, in Tallahassee, Florida.

16 COMMISSIONER KIESLING: Well, let me ask this.
17 In the notice that Staff has prepared under how to
18 contact the Commission, that was the only portion which
19 addressed what the customers should do when they got
20 this new information. And if we do go with the
21 alternative rec, is it fair for me to assume that there
22 will be something added to this notice then that will
23 tell people that we are going to redo the customer
24 hearings that had been held and at least a date for
25 them?

1 MS. JABER: We will need to do that now. The
2 purpose of including the notice the way we did was so
3 that it would create some conversation and give us an
4 idea of what the Commission wanted to see. I think we
5 probably need a paragraph on the hearings.

6 CHAIRMAN CLARK: Okay.

7 COMMISSIONER KIESLING: And the customer service
8 hearings.

9 MS. JABER: Right.

10 COMMISSIONER DEASON: That raises another
11 question, since we are proceeding with this case, it's
12 the same docket. The previous customer hearings, are
13 they still valid, are they still sworn testimony in
14 this proceeding?

15 MS. JABER: Absolutely, yes. We are just having
16 additional service hearings.

17 COMMISSIONER DEASON: So a customer needs to be
18 advised that if he or she testified before and their
19 testimony doesn't change, they don't -- they're not
20 obligated to come back begin to have that same
21 testimony be part of the record.

22 CHAIRMAN CLARK: Commissioner Deason, that's an
23 excellent point.

24 MS. JABER: Also, just some things that we need to
25 clarify. Our intent was to have the prehearing officer

1 do an order revising procedure, an order on dates.

2 CHAIRMAN CLARK: I think that's appropriate.

3 MS. JABER: Right.

4 CHAIRMAN CLARK: I think that she is in a better
5 position to sort it out with the parties in front of
6 her. And I would assume at that point the parties will
7 be more prepared to talk about what procedure they
8 would like to see employed for the rest of the hearing,
9 proceeding.

10 MS. JABER: And, second, we misstated something.
11 There is a service hearing currently scheduled for
12 December 12th in Martin County.

13 CHAIRMAN CLARK: So, you will be canceling that,
14 too?

15 MS. JABER: If they can't -- if they have to have
16 30 days, we will have to cancel that one as well.

17 COMMISSIONER KIESLING: Well, wait a minute. I
18 thought I understood Mr. Armstrong to say that they
19 could process the early ones specially, so that they
20 would be out.

21 CHAIRMAN CLARK: Well, I think that we also need
22 to think about -- it's one thing to give them notice
23 the day before the hearing.

24 COMMISSIONER KIESLING: Oh, no, I agree.

25 CHAIRMAN CLARK: And even if we could make it,

1 it's going to be within the week of that hearing, don't
2 you think?

3 MS. JABER: Right.

4 CHAIRMAN CLARK: And for someone like me, that is
5 pretty short notice to get me out to a hearing.

6 MS. JABER: With the holiday, even if we were
7 being optimistic, to say that the Utility could get
8 something out by November 27th, which I'm sure they
9 could not, that would be exactly 14 days.

10 COMMISSIONER KIESLING: Okay. So, should we
11 cancel both of the December hearings and reschedule
12 those and the others for the time that has been freed
13 up from the hearing?

14 MS. JABER: Yes.

15 COMMISSIONER KIESLING: I assume -- we haven't
16 taken a vote yet on the alternate.

17 CHAIRMAN CLARK: No, but I think we all want to
18 discuss the parameters of what might be available.

19 MS. JABER: Yes, I think both should be canceled.

20 MR. ARMSTRONG: I hate to raise complexity here,
21 but the notices for those customer service hearings
22 have to go out between 14 and 28 days prior to the
23 hearing. We are in that realm right now, and I don't
24 know whether or not those notices went out to those
25 customers for those hearings yet.

1 MS. JABER: What we have done in the past is we've
2 allowed the utility to send out a notice of
3 cancellation.

4 MR. ARMSTRONG: Okay. That's is just what I
5 wanted to be clear about.

6 CHAIRMAN CLARK: Let me be clear on something.
7 When is the 12-month deadline for this case?

8 MR. JAEGER: The filing was on August the 2nd, so
9 it would be August the 2nd.

10 CHAIRMAN CLARK: And refresh my mind. If we have
11 to reschedule the hearing, how close to that date are
12 we going to be?

13 MR. JAEGER: May 6th through the 17th or 18th is
14 the hearing. And if you use the same time frames that
15 are in the CASR, the order would be being issued in
16 August or maybe even early September. So, if you use
17 the same time frame, the final order would be coming
18 out about a few weeks after the 12-month deadline.

19 CHAIRMAN CLARK: Even though Staff has identified
20 some dates for holding the hearing, I think I would
21 like to indicate to the Commissioners I think I would
22 still want to look at the calendar and see if we can do
23 something with the calendar that allows us to still
24 meet the 12-month deadline.

25 COMMISSIONER DEASON: I was just going to digress

1 for a moment. Before we actually vote on Issue 4, I
2 think I made a mistake on my vote on Issue 2 for
3 reconsideration. I want to change that to be in the
4 majority, because we're under a reconsideration
5 standard, and I don't think that there was any mistake
6 made by the Prehearing Officer, and I don't want it
7 reflected that way. So, I'm changing my vote. I just
8 wanted to reiterate my position concerning the original
9 motion to dismiss.

10 CHAIRMAN CLARK: Well, I was going to ask you, but
11 I thought you sounded pretty sure of yourself.

12 COMMISSIONER DEASON: Yes. So, I've expressed my
13 position on that issue basically in our discussion on
14 Issue 4. So, if it is something I can do at this
15 point, I want to change my vote on Issue 2.

16 CHAIRMAN CLARK: Show Commissioner Deason voting
17 in the majority on Issue 2.

18 Now, is there further discussion of Issue 4?

19 MS. JABER: And you also realize that we are still
20 planning on doing the 27th and the 28th service
21 hearings?

22 CHAIRMAN CLARK: Yes, I do realize that because we
23 have a concern about the fact that we can't cancel
24 them.

25 COMMISSIONER KIESLING: I would just indicate that

1 part of the basis, certainly not all of it, but some of
2 the basis for my support of the alternative rec is that
3 we do make every effort to complete this within the
4 12-month clock. And that if we're going past the
5 12-month clock, I would be more hesitant to vote on it.
6 So, I would, as prehearing officer, like to also
7 consult with you and Madam Chairman, so that we can do
8 everything we can to meet it.

9 CHAIRMAN CLARK: I understand Commissioner Deason
10 thinks we should dismiss the case altogether, but with
11 respect to -- if the decision is to continue it, I
12 would assume everybody's desire is to meet the 12-month
13 deadline. Okay. And we are going to work with the
14 calendar, and everybody, I hope, will be flexible.

15 COMMISSIONER DEASON: Well, let me say one thing
16 here. Obviously, it's my desire to get it done within
17 12 months, but I don't want to create deadlines to the
18 extent that if a party comes forward and can
19 demonstrate that even within 12 months that the
20 complexities of the case, or there have been problems
21 getting interrogatory responses, or whatever the
22 situation maybe, that we just don't adhere -- blindly
23 adhere to this 12-month. The thing is is to get the
24 case processed and processed right. And there may have
25 to be an exception for some good reason shown at some

1 future time, but I don't know what that would be. But
2 with that one caveat, I would be certainly supportive
3 in trying to do the case within 12 months.

4 CHAIRMAN CLARK: Let me ask -- okay.

5 COMMISSIONER GARCIA: Let me ask a question. I
6 thought we were bound by that 12-month time frame.

7 MR. JAEGER: Commissioner --

8 CHAIRMAN CLARK: I think we are. I think the
9 point is there is -- the law itself doesn't provide
10 sort of consequences for that. And it has been
11 previously identified as being directive only, not
12 mandatory.

13 MR. JAEGER: In the case cited in the
14 recommendation, Amillo v. Mayo (phonetic) --

15 COMMISSIONER GARCIA: Let me -- Commissioner
16 Johnson just told me something here. And if we don't
17 make that determination, then the rates go into effect;
18 is that how it works? How does it work if we don't
19 finish it within the one-year time frame?

20 MR. JAEGER: They can implement it after the end
21 of eight months, and so that is where they are going to
22 implement. And the case of Amillo v. Mayo basically
23 said this -- the Commission -- the language, it says,
24 12 months is directory and nothing happens except you
25 are subject to a petition for mandamus and -- but,

1 really, there is no -- you don't lose jurisdiction and
2 all the other safeguards are still there. There is no
3 other language saying the consequences and so there are
4 no other consequences.

5 COMMISSIONER DEASON: Commissioner Garcia, you can
6 always reconsider your vote to not dismiss the case if
7 you're concerned about the 12 months, and we can start
8 anew and we'd have a new 12 months.

9 CHAIRMAN CLARK: Mr. Pruitt, do you have anything
10 that you want to add regarding the concern about the
11 12-month time clock?

12 MR. PRUITT: Madam Chairman, the thing that has
13 been running through my mind mostly is it might be
14 appropriate for me to ask for reconsideration of my
15 notice of retirement. This seems like it's going to be
16 a lot of fun.

17 CHAIRMAN CLARK: I would like to point out,
18 Mr. Pruitt, you're always welcome here.

19 MR. PRUITT: Thank you.

20 CHAIRMAN CLARK: And if you find it sufficiently
21 entertaining, please come along.

22 Mr. Jaeger.

23 MR. JAEGER: I just wanted to make sure, also,
24 that they asked for 30 days instead of 14, and that
25 they asked to delete "true." And maybe we should make

1 sure exactly, that paragraph, a little bit more of what
2 should be added in that supplemental notice paragraph,
3 and I think we have got a good idea.

4 CHAIRMAN CLARK: Okay. Perhaps anyone who makes a
5 motion could address the time limit. And, also, I
6 think the parties could certainly work together and
7 make sure that -- they have indicated -- you're
8 satisfied with the notice as it is now, with deleting
9 the "true," and I think we need to add another
10 paragraph, but if there's -- if you can't reach
11 agreement --

12 COMMISSIONER DEASON: I have a problem with the
13 notice.

14 CHAIRMAN CLARK: Oh, all right.

15 COMMISSIONER DEASON: If we are discussing that
16 now.

17 CHAIRMAN CLARK: Maybe the Prehearing Officer
18 could also resolve any concerns that arise.

19 COMMISSIONER DEASON: It's more of a technicality,
20 but I think it's something that --

21 CHAIRMAN CLARK: I think by all means, let's get
22 -- if we can put our collective wisdom to the notice
23 right now, and if we have any comments and changes we
24 want to make, I think we should let Staff know.

25 COMMISSIONER DEASON: Now is the time to take it

1 up?

2 CHAIRMAN CLARK: Yes, I think so.

3 COMMISSIONER DEASON: I'm on Page 22 of the
4 recommendation, and the last -- I'm sorry -- the next
5 to the last paragraph there which begins, "All
6 correspondence should refer to," and it has got about
7 seven lines which follow. It seems to me that we
8 shouldn't expect a customer to have that much detail.
9 All they need to do is identify the docket number and
10 maybe put Southern States Utilities on it. I don't
11 think they need to list half the counties in the State
12 of Florida in their correspondence to have their
13 correspondence considered. It is just a technicality,
14 but --

15 MS. JABER: We could put a period right after
16 charges, the third sentence -- the third line.

17 CHAIRMAN CLARK: Yes, abbreviate the title.

18 COMMISSIONER DEASON: To me, you've got a whole
19 paragraph there for the title. And I just -- customers
20 shouldn't have to write that much just to the get a
21 letter put in the right docket file.

22 CHAIRMAN CLARK: Okay. Mr. Shreve.

23 MR. SHREVE: One thing, I think on the table, the
24 last three columns of stand-alone rates, modified
25 stand-alone, and proposed utility final, where you have

1 "potential" above the stand-alone and modified, I think
2 all three should be considered "potential final rates."
3 I think if we can just clarify that.

4 CHAIRMAN CLARK: Okay.

5 COMMISSIONER GARCIA: I'm sorry, Jack, could you
6 repeat that? I didn't understand that.

7 MR. SHREVE: On Page 24, where you have the three
8 columns to the right --

9 COMMISSIONER GARCIA: Right.

10 MR. SHREVE: -- you have stand-alone rates,
11 modified stand-alone and proposed utility final. I
12 think potential rates above those two needs to be
13 clarified, so that it shows that all three are
14 potential final rates, any of the three columns.

15 MR. WILLIS: We don't have a problem with that,
16 Commissioners. We were just trying to segregate the
17 Company's proposal from the other two rate structures.

18 CHAIRMAN CLARK: Anything else?

19 COMMISSIONER KIESLING: I'm sorry, while I was
20 out, did Commissioner Garcia modify his motion on Issue
21 4 to take out "true"?

22 CHAIRMAN CLARK: We have not. We've just been --

23 COMMISSIONER GARCIA: No, but I will, so we can
24 move along.

25 COMMISSIONER KIESLING: Okay.

1 CHAIRMAN CLARK: Commissioner Garcia, will you
2 repeat your motion?

3 COMMISSIONER GARCIA: Yes. I'm going to move the
4 alternate on 4. We're going to delete the word "true."
5 We are going to remove all the counties as per
6 Commissioner Deason's request on Page 22. There is one
7 more thing. What was the other one?

8 COMMISSIONER KIESLING: Fix potential final on the
9 forms.

10 COMMISSIONER GARCIA: Fix potential final. That's
11 it?

12 MS. JABER: And you wanted to add a paragraph
13 about the hearing schedule.

14 CHAIRMAN CLARK: And that if parties can't agree
15 on the notice, then they will take it to the Prehearing
16 Officer.

17 COMMISSIONER DEASON: And one further thing. Is
18 this the -- it seem to me this would be the place to
19 notify customers that if they have already attended
20 before, that testimony is still good, and they don't
21 have to come again.

22 MS. JABER: Right.

23 COMMISSIONER KIESLING: That is part of the added
24 language that we will work up.

25 MS. JABER: And, actually, Madam Chairman, I was

1 hoping that at agenda today we could get the parties to
2 agree to this notice, so that we, the Staff, could get
3 this notice out to the Utility as soon as possible and
4 get that 30 days started.

5 CHAIRMAN CLARK: Mr. Shreve and Mr. Armstrong and
6 Mr. Twomey, do you see anything else that we need to
7 address in the notice?

8 MR. TWOMEY: I don't. I don't have any problem
9 with Commissioner Deason's notice about reappearing, as
10 long as it's clear that if they want to address the
11 price issue again, because there will be pricing issues
12 raised as a result of the change in the notice.

13 COMMISSIONER GARCIA: How are we going to address
14 them, though? I understand you're saying that we're
15 not going to send a letter to them.

16 CHAIRMAN CLARK: They can always come in and
17 supplement their testimony.

18 MR. TWOMEY: I appreciate his concern. I just
19 don't. My concern is you don't want to let people -- a
20 lot of folks came in and talked about bad water
21 quality. Now, this notice may show that they have got
22 a pricing problem, potentially, in addition to the bad
23 water. So, if they only spoke on bad water previously,
24 I'd be concerned that we not say don't show up again.

25 COMMISSIONER KIESLING: Well, we won't be saying

1 that. I mean, if I have a hand in it --

2 MR. TWOMEY: No, I didn't mean it to be that
3 literal.

4 COMMISSIONER DEASON: I want to make it clear to
5 customers that they are not under an obligation to
6 change their schedules and find transportation some way
7 to come to a hearing to say the same thing they said
8 before for it to be considered. But if they have got
9 something new, or if they just want to come again,
10 anyway, they are not going to be turned down just
11 because they testified before. I just don't want them
12 to feel like there's an obligation for them to come and
13 say the same thing over again for it to become part of
14 the record in this proceeding.

15 MR. TWOMEY: Yes, sir. Transportation won't be a
16 problem. I'm going to get some buses for them.

17 CHAIRMAN CLARK: So, I understand --

18 COMMISSIONER GARCIA: I think the Company may pay
19 for them.

20 CHAIRMAN CLARK: Mr. Shreve. Mr. Shreve, did you
21 want to add anything.

22 MR. SHREVE: Along these same lines, I think
23 that's good. Maybe we can hit it from a positive
24 standpoint by saying that all prior testimony at public
25 hearings will included, for instance, so you don't have

1 to --

2 CHAIRMAN CLARK: I'm going to accept --
3 Commissioner Garcia has made a motion of changes to the
4 notice and there will be an additional paragraph to
5 cover the two things, why we are holding the hearings
6 and the fact that if they have testified before, that
7 testimony will still be in the record. If you would
8 work on that language and let's -- the notice is going
9 go to out the way it is with the addition of that
10 language. And, Staff, if you have any problems with
11 the additional language, get with Staff today or
12 tomorrow?

13 MS. JABER: Tomorrow.

14 CHAIRMAN CLARK: And then the notice will go out
15 as is with that agreed-upon paragraph.

16 COMMISSIONER GARCIA: But I want to make sure
17 philosophically that we are all okay on what we have
18 got before us, right? I mean, we are not going to get
19 another motion of insufficiency or anything like that,
20 right?

21 MR. TWOMEY: Commissioner Garcia, to be clear, I
22 still think the case should be dismissed. I think it
23 should be dismissed for the reason I've said earlier.
24 And that is they haven't -- they are still -- they are
25 still asking for final rates, permanent rates just on

1 the uniform basis, the best I could tell. You have
2 dismissed their interim case request based on the fact
3 that they asked just for uniform rates, and you did it
4 for that reason in large part. So, I mean, I'm not
5 happy with the notion that they may --

6 CHAIRMAN CLARK: Mr. Twomey, can I interpret your
7 remarks that you preserve you're right to argue that
8 the case should have been did missed?

9 MR. TWOMEY: Yes.

10 COMMISSIONER GARCIA: Absolutely, but at least on
11 this -- on the notice requirement, we're not going --

12 MR. TWOMEY: Oh, yes. I'm sorry. I'm sorry. I
13 misunderstood you.

14 COMMISSIONER GARCIA: I'm just trying to be
15 specific, because I don't want to be here again on, you
16 know, we missed a comma or a period.

17 CHAIRMAN CLARK: I think everyone has agreed that
18 the notice is adequate now.

19 MR. TWOMEY: I'm sorry. Yes.

20 COMMISSIONER GARCIA: The framing.

21 CHAIRMAN CLARK: They would be hard-pressed to
22 argue later that it is not.

23 MR. SHREVE: The suggestion I made earlier about
24 the three, I'd like to have that included on Page 25,
25 too.

1 CHAIRMAN CLARK: About the what?

2 MR. SHREVE: About putting "potential" across all
3 the rates. And I think the Staff had properly labeled
4 these. I don't have a problem with that, but I just
5 think extending that over would make it clearer. And,
6 Commissioner Garcia, what you were looking for was just
7 as to the notice.

8 COMMISSIONER GARCIA: To the notice. I just don't
9 want to, you know, show up at another one these
10 hearings and someone, you know, we are missing a comma
11 or a period.

12 CHAIRMAN CLARK: Mr. Shreve, you're not going to
13 stand up and talk about an inadequate notice again at
14 the hearing, right?

15 COMMISSIONER GARCIA: Exactly, we're not going to
16 hear that speech six or seven times.

17 MR. SHREVE: You're carrying this beyond the
18 motion.

19 COMMISSIONER GARCIA: And we want to limit it just
20 to this one. We want to take this one away from you.

21 MS. JABER: Madam Chairman, there's just one thing
22 that Commissioner Garcia left out of his amended
23 motion, and it was the 30 days instead of the 14 days.

24 COMMISSIONER KIESLING: Correct.

25 CHAIRMAN CLARK: Okay. I know Commissioner Garcia

1 doesn't like that, but is that your motion?

2 COMMISSIONER GARCIA: Yes, but we're doing the 30
3 days only for the first few cases, right? I mean, we
4 are giving you that space for the first few, but that's
5 not going to limit --

6 CHAIRMAN CLARK: As I understand it, you will be
7 done in 30 days. You're going to start before then to
8 get it out.

9 COMMISSIONER GARCIA: Okay. Then that's fine.

10 MR. ARMSTRONG: (Inaudible. Microphone not on.)

11 CHAIRMAN CLARK: Thank you.

12 MR. BECK: Madam Chairman, I have one other item
13 other than the notice. And I understand Commissioner
14 Kiesling will be issuing a new order on procedure. And
15 my question is, does that relieve us of the filing date
16 for testimony of next Monday, pending a new order?

17 COMMISSIONER KIESLING: Yes.

18 MR. BECK: Okay.

19 CHAIRMAN CLARK: All right. There's been a motion
20 and a second? Is there a second?

21 COMMISSIONER KIESLING: Second.

22 CHAIRMAN CLARK: Okay. All those in favor, say
23 aye.

24 COMMISSIONER KIESLING: Aye.

25 CHAIRMAN CLARK: Aye.

1 COMMISSIONER DEASON: Aye.

2 COMMISSIONER JOHNSON: Aye.

3 COMMISSIONER GARCIA: Aye.

4 CHAIRMAN CLARK: Opposed, nay.

5 Thank you.

6 MS. JABER: Madam Chairman.

7 CHAIRMAN CLARK: I think maybe we won't see you
8 next agenda now, or will we?

9 MS. JABER: Madam Chairman, there's one more thing
10 before we let the parties go that came up today. After
11 we filed this recommendation, SSU -- or the same day,
12 I'm really not sure -- SSU filed their new request for
13 interim rates. In that request, they have ask Staff to
14 process the new interim rate request within 30 days.
15 The Commission touched on it today. Staff can't
16 process that interim case in 30 days. We would like
17 the Commission to deny the Utility's request. If you
18 choose not to act on it today, we could bring a
19 recommendation to the next agenda as an emergency item.

20 CHAIRMAN CLARK: You want us to -- you're making
21 an oral recommendation that we deny their request, that
22 we address it in 30 days because you do not have the
23 ability to process that in 30 days.

24 MS. JABER: That's correct.

25 CHAIRMAN CLARK: If we don't take it up now,

1 you'll be before us at the next agenda requesting the
2 same thing.

3 MS. JABER: Right. And the only reason we've
4 decided to bring it up now is because the parties have
5 already touched on it, anyway, and you have become
6 aware of it.

7 COMMISSIONER GARCIA: Could you gentleman see your
8 way to granting Staff a little bit more time so we can
9 do this?

10 MS. JABER: It's not up to them.

11 COMMISSIONER KIESLING: It's not up to them.

12 MS. JABER: Right.

13 COMMISSIONER GARCIA: Who is it up to?

14 MS. JABER: The statute --

15 COMMISSIONER KIESLING: Says 60 days.

16 COMMISSIONER GARCIA: So, what we're going to --
17 you're asking us to deny?

18 CHAIRMAN CLARK: A motion to take it up on an
19 expedited basis within 30 days.

20 COMMISSIONER KIESLING: Well, I can say that I
21 would certainly support that and would support just
22 leaving the statutory time frame as the operable time
23 frame.

24 CHAIRMAN CLARK: You would have to -- I think you
25 would have to have a recommendation very soon.

1 MS. JABER: That is why I really --

2 COMMISSIONER CLARK: When is the last agenda in
3 December?

4 MS. JABER: December 19th.

5 CHAIRMAN CLARK: Okay. It would have to be filed
6 next week. Is there a motion on the oral
7 recommendation.

8 COMMISSIONER KIESLING: Move it.

9 COMMISSIONER DEASON: Second.

10 CHAIRMAN CLARK: Without objection.

11 Thank you, gentlemen. We will see you in the
12 service hearings.

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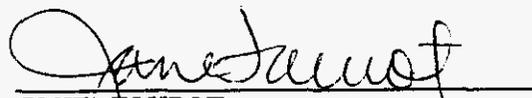
STATE OF FLORIDA)

COUNTY OF LEON)

I, JANE FAUROT, Court Reporter, do hereby certify that the foregoing proceedings was taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages numbered 1 through 70 are a true and correct record of the proceedings.

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

DATED THIS 29th day of November, 1995.



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