

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 120227-EI

PETITION FOR APPROVAL OF  
RECOGNITION OF A REGULATORY  
ASSET AND ASSOCIATED AMORTIZATION  
SCHEDULE BY FLORIDA PUBLIC  
UTILITIES COMPANY.

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COMMISSION  
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PROCEEDINGS: COMMISSION CONFERENCE  
ITEM NO. 10

COMMISSIONERS  
PARTICIPATING: CHAIRMAN RONALD A. BRISÉ  
COMMISSIONER LISA POLAK EDGAR  
COMMISSIONER ART GRAHAM  
COMMISSIONER EDUARDO E. BALBIS  
COMMISSIONER JULIE I. BROWN

DATE: Tuesday, October 16, 2012

PLACE: Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida

REPORTED BY: JANE FAUROT, RPR  
Official FPSC Reporter  
(850) 413-6732

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

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2           **CHAIRMAN BRISÉ:** Moving on to Item Number  
3 10.

4           **MR. MAUREY:** Mr. Chairman and  
5 Commissioners, Item 10 deals with --

6           **CHAIRMAN BRISÉ:** Just wait one second,  
7 give everyone an opportunity to join us at the  
8 table.

9           (Pause.)

10          **CHAIRMAN BRISÉ:** Go right ahead.

11          **MR. MAUREY:** Thank you.

12                 Item 10 concerns the Florida Public  
13 Utility Company's request for approval for a  
14 regulatory asset to recover certain litigation costs  
15 associated with legal actions between the utility  
16 and the City of Marianna. The company is available  
17 to address this item, and staff is available to  
18 answer any questions.

19          **CHAIRMAN BRISÉ:** Ms. Keating.

20          **MS. KEATING:** Good morning, Mr. Chairman,  
21 Commissioners. Beth Keating with the Gunster Law  
22 Firm here today on behalf of FPUC. With me today is  
23 Ms. Cheryl Martin, Director of Regulatory Affairs  
24 for the company. We support your staff's  
25 recommendation and are here simply to address any

1 questions that you may have.

2 **CHAIRMAN BRISÉ:** Thank you very much.

3 Commissioners? Commissioner Balbis.

4 **COMMISSIONER BALBIS:** Thank you, Mr.  
5 Chairman.

6 I pulled this item because there was a  
7 number that jumped out at me on Page 2 of the  
8 staff's recommendation for Issue 1, and I just want  
9 to confirm with staff that the litigation expenses  
10 is approximately \$1.2 million?

11 **MR. MAUREY:** That's what it's projected to  
12 be through the end of the year, yes.

13 **COMMISSIONER BALBIS:** Okay. And the costs  
14 associated with the litigation expenses will be  
15 recovered by the customers of FPUC, is that correct?

16 **MR. MAUREY:** Potentially. The request is  
17 for the net unrecovered amount of legal expenses.  
18 If the court should afford them recovery, it would  
19 be the net amount that they may request recovery of  
20 in the future.

21 **COMMISSIONER BALBIS:** Okay. And then just  
22 one quick question for, I guess, Ms. Keating. Do  
23 you anticipate that the legal costs will exceed the  
24 \$1.2 million? And if so, any idea how much this  
25 litigation will ultimately cost?

1           **MS. KEATING:** I wish that I could say for  
2 sure how much it's going to cost. These are our  
3 current projections based upon the current case  
4 schedule. We have tried to keep our projections as  
5 accurate as possible. But, you know, there's always  
6 a possibility that with litigation unexpected events  
7 could occur.

8           **COMMISSIONER BALBIS:** Okay. Thank you,  
9 Mr. Chairman. That's all the questions I had, and  
10 I'm prepared to make a motion if we are in that  
11 position.

12           **CHAIRMAN BRISÉ:** Okay. Any further  
13 questions on Item Number 10? Seeing none. Okay. I  
14 think we are ready to entertain a motion.

15           **COMMISSIONER BALBIS:** Thank you, Mr.  
16 Chairman.

17           I move staff's recommendation on all  
18 issues.

19           **CHAIRMAN BRISÉ:** All right. It has been  
20 moved. Is there a second?

21           **COMMISSIONER GRAHAM:** Second.

22           **CHAIRMAN BRISÉ:** Okay. It has been moved  
23 and seconded. All in favor say aye.

24           (Vote taken.)

25           **CHAIRMAN BRISÉ:** All right. So we have

1 approved all issues -- staff's recommendation on all  
2 issues on Item Number 10.

3 Now we will adjourn.

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STATE OF FLORIDA )

: CERTIFICATE OF REPORTER

COUNTY OF LEON )

I, JANE FAUROT, RPR, Chief, Hearing Reporter Services Section, FPSC Division of Commission Clerk, 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 18th day of October, 2012.

  
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JANE FAUROT, RPR  
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