



## 1 APPEARANCES:

2 BETH KEATING, ESQUIRE, Gunster Law Firm, 215  
3 South Monroe Street, Suite 601, Tallahassee, Florida  
4 32301-1839, appearing on behalf of Florida Public  
5 Utilities Company.

6 J. R. KELLY, PUBLIC COUNSEL, and PATRICIA  
7 CHRISTENSEN and ERIC SAYLER, ESQUIRES, Office of Public  
8 Counsel, c/o The Florida Legislature, 111 West Madison  
9 Street, Room 812, Tallahassee, Florida 32393-1400,  
10 appearing on behalf of the Citizens of the State of  
11 Florida.

12 SUZANNE BROWNLESS and MARTHA BARRERA,  
13 ESQUIRES, FPSC General Counsel's Office, 2540 Shumard  
14 Oak Boulevard, Tallahassee, Florida 32399-0850,  
15 appearing on behalf of the Florida Public Service  
16 Commission Staff.

17 MARY ANNE HELTON, Deputy General Counsel,  
18 Florida Public Service Commission, 2540 Shumard Oak  
19 Boulevard, Tallahassee, Florida 32399-0850, Advisor to  
20 the Florida Public Service Commission.

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

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2           **COMMISSIONER BROWN:** Good morning --  
3 afternoon. It's been a long day for me. This is the  
4 FPUC rate case prehearing in Docket Number 140025-EI.  
5 It is 3:00 p.m. on September 4th, 2014. Staff, can you  
6 please read the notice.

7           **MS. BROWNLESS:** Yes, ma'am. The purpose of  
8 this Prehearing Conference is to simplify the issues,  
9 identify the positions of the parties on the issues,  
10 consider the possibility of obtaining admissions of fact  
11 and documents which will avoid unnecessary proof,  
12 identify exhibits, establish an order of witnesses, and  
13 consider such other matters as may aid in the  
14 disposition of the action.

15           **COMMISSIONER BROWN:** Thank you. And I'd like  
16 to take appearances, starting with my left.

17           **MS. KEATING:** Good afternoon, Commissioner.  
18 Beth Keating with the Gunster Law Firm. I'm here this  
19 afternoon on behalf of Florida Public Utilities.

20           **COMMISSIONER BROWN:** Thank you.

21           **MS. CHRISTENSEN:** Good afternoon. Patty  
22 Christensen with the Office of Public Counsel. And I'd  
23 like to put in an appearance on behalf of J. R. Kelly,  
24 Public Counsel, and Erik Sayler, who is Associate Public  
25 Counsel. Thank you.

1                   **COMMISSIONER BROWN:** Thank you.

2                   Commission staff.

3                   **MS. BROWNLESS:** Yes, ma'am. Suzanne Brownless  
4                   on behalf of Commission staff, and I'm also entering a  
5                   notice of appearance for Martha Barrera.

6                   **COMMISSIONER BROWN:** Thank you.

7                   **MS. HELTON:** And Mary Anne Helton, and I'm  
8                   here as your advisor.

9                   **COMMISSIONER BROWN:** A great advisor. Thank  
10                  you.

11                  Staff, are there any preliminary matters we  
12                  need to address at this time?

13                  **MS. BROWNLESS:** Yes, ma'am. The parties have  
14                  filed a joint motion for approval of a stipulation and  
15                  settlement agreement on August 29th. The staff is in  
16                  the process of reviewing the agreement at this time.  
17                  The staff does not anticipate filing a written  
18                  recommendation but will be providing an oral  
19                  recommendation at the time of the Commission vote.

20                  We have produced a draft Comprehensive Exhibit  
21                  List, which includes all service hearing exhibits, all  
22                  MFRs, prefiled testimony, and prefiled exhibits for  
23                  parties and staff. This exhibit list is consistent with  
24                  paragraph 16 of the settlement agreement.

25                  Staff will distribute the list to the parties

1 for their review and ask them -- and will ask that this  
2 list be moved into evidence at the beginning of the  
3 September 15th hearing should the settlement agreement  
4 be approved by the Commission. Please, for the parties,  
5 if you can review our draft exhibit list and get back  
6 with us with any changes, we would appreciate it.

7           There's one additional item. The Office of  
8 Public Counsel had indicated that they didn't believe  
9 the confidentiality request for portions of Donna  
10 Ramos's testimony had been ruled upon, and they were  
11 particularly concerned about document number 04030-14.  
12 I would advise them that there were several versions of  
13 Ms. Ramos's testimony of which there were confidential  
14 portions, and all were addressed in Order Number  
15 PSC-14-0438 issued on August 20th. And so, therefore,  
16 there are no outstanding confidentiality matters at this  
17 time.

18           **COMMISSIONER BROWN:** Thank you.

19           Ms. Christensen, any comment?

20           **MS. CHRISTENSEN:** In the abundance of caution,  
21 we, as part of our review of the prehearing order, we  
22 just raised that with staff. And we appreciate that  
23 they advised us that it had been taken care of and that  
24 the ruling on confidentiality had been taken care of.  
25 We just didn't want that as an outstanding matter before

1 the hearing.

2 **COMMISSIONER BROWN:** Thank you. And that's  
3 taken care of. And at this point we're going to discuss  
4 the consideration of the settlement agreement. I want  
5 to thank the parties for presenting the Commission with  
6 a settlement agreement. I've looked at it very briefly  
7 at this point, but we appreciate that for our  
8 consideration.

9 So the settlement agreement that was filed on  
10 August 29th is going to be considered as a matter of  
11 first business at the -- on the first day of the hearing  
12 scheduled for Monday, September 15th. In light of the  
13 fact that the -- and that's correct, Ms. Brownless?

14 **MS. BROWNLESS:** Yes, ma'am.

15 **COMMISSIONER BROWN:** Okay. In light of the  
16 fact that the -- in light of that fact, this Prehearing  
17 Conference will be continued until Wednesday [sic],  
18 September -- and I think I said Monday, September 15th,  
19 but it's actually Tuesday, September 15th [sic]. My  
20 apologies. This Prehearing Conference though, in light  
21 of the fact that the settlement agreement was filed,  
22 will be continued until Wednesday [sic], September 16th,  
23 should the panel vote not to approve the settlement  
24 agreement. And if the settlement agreement is approved  
25 on September 15th, there will be no need to hold a

1 Prehearing Conference obviously, as all issues in the  
2 case will be, have been resolved.

3 The parties, my understanding is that the  
4 parties have previously and formally agreed to abate  
5 discovery; is that correct?

6 **MS. KEATING:** That's correct.

7 **MS. CHRISTENSEN:** Yes, that's correct.

8 **COMMISSIONER BROWN:** Okay. So depositions,  
9 responses to ROGs and PODs have agreed, have been agreed  
10 to be abated. And that's great in order to save on rate  
11 case expense. It's much appreciated. And all discovery  
12 will, in fact, continue to be abated until there is a  
13 vote on the settlement agreement on the 15th.

14 Should it be necessary to conduct the  
15 prehearing on September 16th, new discovery parameters  
16 and deadlines will be set at that time. And all  
17 outstanding disputes regarding issues, exhibits,  
18 testimony will also be addressed, as well as dates for  
19 the actual formal administrative hearing. Are there any  
20 questions by the parties?

21 **MS. KEATING:** None from FPUC. We just, we  
22 appreciate the Commission staff working with us, and  
23 we're very happy to bring forward this settlement that  
24 we think is a fair and reasonable resolution of this  
25 case, and we appreciate it.

1                   **COMMISSIONER BROWN:** Thank you.

2                   Ms. Christensen.

3                   **MS. CHRISTENSEN:** You know, we're as well  
4                   pleased that we were able to come to a resolution and  
5                   hope that staff can review it and we can all address it  
6                   at the beginning of the hearing and not have to continue  
7                   further with a litigated position on this matter.

8                   **COMMISSIONER BROWN:** Thank you very much.  
9                   Staff, are there any other issues to be addressed?

10                  **MS. BROWNLESS:** No, ma'am.

11                  **COMMISSIONER BROWN:** This is the quickest  
12                  Prehearing Conference and we are now adjourned. Thank  
13                  you very much. Have a good afternoon.

14                               (Prehearing adjourned at 3:06 p.m.)

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1 STATE OF FLORIDA )  
 : CERTIFICATE OF REPORTER  
 2 COUNTY OF LEON )

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 4 I, LINDA BOLES, CRR, RPR, Official Commission  
 Reporter, do hereby certify that the foregoing  
 5 proceeding was heard at the time and place herein  
 stated.

6  
 7 IT IS FURTHER CERTIFIED that I stenographically  
 reported the said proceedings; that the same has been  
 transcribed under my direct supervision; and that this  
 8 transcript constitutes a true transcription of my notes  
 of said proceedings.

9  
 10 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  
 11 counsel connected with the action, nor am I financially  
 interested in the action.

12 DATED THIS 5th day of September, 2014.

13  
 14 *Linda Boles*

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 16 LINDA BOLES, CRR, RPR  
 FPSC Official Hearings Reporter  
 17 (850) 413-6734