

1 As of the close of businesses yesterday, our
2 Clerk posted about 144 items of correspondence from
3 customers, and more were posted overnight. The
4 customers object to the waiver, and the majority
5 base their objection in receiving no rate
6 information in 2022, and their alleged lack of
7 financial strength and management experience by the
8 utility. Six individuals commented that the
9 utility has not demonstrated a substantial
10 hardship, a requirement for the requested waiver.

11 Representatives from the utility are on the
12 telephone and are available to answer questions.
13 In addition, there are several customers that have
14 expressed an interest in addressing the Commission
15 this morning.

16 Staff is also available to answer questions.

17 CHAIRMAN CLARK: All right. Thank you very
18 much, Ms. Helton.

19 All right. I believe that we have a couple of
20 interested parties that would like to speak. I am
21 going to call your name. If you are on the line,
22 please let me know.

23 Linda Cotherman.

24 MS. COTHERMAN: I am here.

25 CHAIRMAN CLARK: Ms. Cotherman.

1 MS. COTHERMAN: Yes, Linda Cotherman.

2 CHAIRMAN CLARK: All right. You have a couple
3 of minutes to address the Commission.

4 MS. COTHERMAN: How many minutes? I am sorry.

5 CHAIRMAN CLARK: I am sorry, say again.

6 MS. COTHERMAN: How long? How long do I have?

7 CHAIRMAN CLARK: About three minutes, please.

8 MS. COTHERMAN: Okay. I am basically wearing
9 two hats right now. One is I am on the Board of
10 the Palm Island Homeowners' Association, which
11 recently held their annual membership meeting and
12 voted to object to the bifurcation and the rule
13 waiver, and that's based on several factors. They
14 are outlined in the letter I have sent previously.
15 I will only highlight a couple of them.

16 One is because Mr. Boyer was arrested and
17 charged with a felony for stealing and reselling
18 water from Don Pedro Island State Park, and his
19 record of involvement in various liens,
20 foreclosures, et cetera, it would be imperative
21 that the bifurcation and rule waiver be denied so
22 that his financial stability and sustainability
23 could be reviewed.

24 There was also, I believe, a lack of notice.

25 The notice went out indicated that the -- the rates

1 and charges were included and residents had 30 days
2 for that. Obviously, the rates -- charges are not
3 included. Many residents have not received their
4 notices yet because of COVID, the slowdown in the
5 USPS and just the holiday shutdown.

6 They redacted another point. The redacted
7 financial statement should be verified by staff as
8 it is only self-reported, and some of the assets
9 listed may already be encumbered. The owner has
10 been misleading people in his ascertain -- in his
11 assertion that the connection fee will be about
12 \$20,000, and include removal of existing septic
13 tanks when, in reality, he has shown no basis for
14 this estimate.

15 There is no, in my opinion -- also Mr. Boyer
16 has repeatedly stated, to mostly elderly residents,
17 that if anyone contests his application, it will
18 only drive up his attorney fees, which will then
19 lead to more costs when we hook up to his utility,
20 if that happens.

21 I believe the customers have more of a
22 hardship not knowing his finances and not knowing
23 the cost of the hookups and connection and
24 maintenance fees than the personal owner of the
25 utility.

1 And to wrap up, I don't see any sense to
2 continue reviewing the project if the owner does
3 not have the finances, nor can he secure commitment
4 for finances. And that cannot be ascertained if
5 the motion to bifurcate and the rule waiver is
6 passed. So I believe it should be denied.

7 Thank you.

8 CHAIRMAN CLARK: Thank you, Ms. Cotherman.

9 Any questions from any Commissioners for Ms.
10 Cotherman?

11 All right. Moving to Barbara Dwyer. Ms.
12 Dwyer, are you on the line?

13 MS. DWYER: Yes, I am here.

14 CHAIRMAN CLARK: Okay. You have three
15 minutes.

16 MS. DWYER: Yes, I'm here.

17 Okay. My question to the Commission is how
18 can you rule to bifurcate from the plan before a
19 certificate is issued? Isn't that, in essence,
20 putting the cart before the horse? You are, in
21 essence, saying that the certificate will pass
22 without proper amount of time for the parties to
23 comment and announce their concerns for this plan.
24 And that's my comment.

25 CHAIRMAN CLARK: All right. Thank you very

1 much, Ms. Dwyer.

2 Next up is Lou Ellen Wilson. Ms. Wilson, are
3 you on the line? All right. I don't think
4 Ms. Wilson is on the line.

5 Does that get everyone that has requested to
6 speak this morning?

7 All right. Any other questions? Any
8 Commissioners have any questions on the matter?

9 All right. Mr. Friedman or Ms. Pirrello? I'm
10 sorry --

11 MR. FRIEDMAN: Yes. This is Marty Friedman,
12 Chairman and Commissioners. I am sorry, is there
13 somebody -- another customer --

14 CHAIRMAN CLARK: Mr. Friedman, hold -- Mr.
15 Friedman, could you hold on one moment, please?

16 I am sorry, Commissioner Fay, I overlooked --
17 you are not on my screen below me this morning.
18 That's where I am used to looking for you at.

19 Commissioner Fay, you are recognized.

20 COMMISSIONER FAY: Mr. Chairman, I was hoping,
21 with the size of my head at this point, you would
22 see me, but -- but that's okay. We will get it
23 right.

24 I just wanted to ask really quick, the staff
25 had mentioned the correspondence that came in

1 yesterday afternoon and last night. And it seems a
2 little bit unusual to me, in that when I am looking
3 at the numbers starting from the filings yesterday
4 there is hundreds of those. And so I just wanted
5 to maybe check if staff could clarify. Did we
6 receive all of those yesterday, or were they just
7 put into the system yesterday? But it seems
8 significant that we would need to take these into
9 account, and I am just not sure why they all came
10 in so last minute.

11 CHAIRMAN CLARK: Ms. Helton?

12 MS. HELTON: It's my understanding from our
13 Clerk that they came in over the weekend.

14 COMMISSIONER FAY: Okay. I think that's all I
15 have.

16 Thank you, Mr. Chair.

17 CHAIRMAN CLARK: All right. Commissioners,
18 any other questions?

19 Mr. Friedman, you are recognized.

20 MR. FRIEDMAN: Thank you again, Mr. Chairman
21 and Commissioners. Marty Friedman on behalf of
22 Environmental Utilities.

23 Before I get into the narrow issue that we are
24 here to address today, let me give you a little
25 brief background, and this is all recited in the

1 agreement between Environmental Utilities and
2 Charlotte County.

3 In two thousand -- and please indulge me for a
4 minute to give some historical background to this
5 project. In 2017, Charlotte County adopted a sewer
6 master plan that utilizes an environmental scoring
7 criteria to prioritize the level of importance for
8 specific areas of converting septic tanks to sewer.
9 The environmental scoring criteria, which utilized
10 the scale of 1 to 5, includes scoring based on
11 three factors, proximity to waters, surface waters,
12 age of septic tanks and nitrogen loading. And
13 based upon that environmental scoring, the areas of
14 Cape Haze, Lower Gasparilla Island, Don Pedro
15 Island and Knight Island scored the highest impact
16 level of 4 to 5. And further, that those areas
17 with an average impact score of 4 to 5 are
18 recommended for conversion to septic -- from septic
19 to sewer within a five-year period. So that would
20 be by 2022.

21 Now, this application basically implements the
22 Charlotte County master plan. And as you recall,
23 the Commission, in considering applications for
24 service areas, or extension of service areas, is
25 required to consider the County's master plan, and

1 this application is to -- is to implement that
2 master plan.

3 I don't think we need to deal with the
4 veracity of the comments by some of the customers
5 about -- directed towards Mr. Boyer because we are
6 here for a very narrow issue, and that is do we
7 bifurcate the rate-making from the certificate?
8 All the certificate issues that I heard raised here
9 about whether financial ability is there, and about
10 Mr. Boyer individually, those are all things that
11 don't need to be addressed today. Those are left
12 for another day. Today we are here to merely
13 bifurcate, and the bifurcation is required because
14 of a quirk in the law.

15 The statute requires that prior to a utility
16 getting a DEP permit, they've got to have a
17 certificate. Now, before you can get -- if -- if
18 the rule, as it's written -- and the statute allows
19 the PSC to adopt rules to implement it. The PSC
20 adopted rules implementing it. The PSC rules don't
21 take into consideration the situation where a
22 utility doesn't actually have anything constructed
23 yet, and so until you get a permit from DEP, you
24 don't know what you have the authority to
25 construct, and therefore you don't know what the

1 cost is going to be.

2 So you are in a Catch-22. You can't get a
3 certificate without the -- without having the
4 financial information, and you can't get the
5 financial information without getting the permit.
6 And so what has been created and used since at
7 least 2005 in situations like this, is the
8 Commission has historically bifurcated the
9 rate-making from the certificate. And what this
10 allows the utility to do is to go forward with its
11 permitting. Once it's got its permitting done,
12 then it knows what those costs are going to be. It
13 comes back to the Commission with the -- with all
14 of the financial schedules necessary for the
15 Commission to set the -- to set the rates and
16 charges for the utility.

17 So we are here on a narrow issue. The other
18 issues the Commission -- that the customers or
19 prospective customers have raised are really left
20 for another day.

21 And, you know, there is obviously all of these
22 complaints that came in, Commissioner Fay. I mean,
23 obviously there is a concerted effort against this
24 project because nobody wants to pay a bunch of
25 money, 10,000, or 20, whatever that amount is, to

1 have to connect to a central system. And if you
2 read the clipping services you have got, you know,
3 these kind of concerns are prevalent around
4 Florida. And every time a government or any other
5 entity tries to get rid of septic tanks in lieu of
6 a central system, it gets a lot of pushback because
7 customers just don't want to pay.

8 The County, nonetheless, has made the decision
9 that these barrier islands and the development of
10 Cape Haze, that those need to be central sewerred in
11 order to protect the environment, and that's what
12 this application is about. The narrow issue today
13 is merely to bifurcate one from the other, and
14 still allows all these customers to raise whatever
15 concerns they have about the application itself at
16 another day, and that issue is better left for
17 another day.

18 Thank you, Commissioners.

19 CHAIRMAN CLARK: Thank you, Mr. Friedman.

20 All right. I believe that takes care of
21 everyone on the list that had requested to speak
22 today.

23 Commissioners, do you have any questions?

24 MS. COTHERMAN: Am I allowed do a rebuttal --

25 CHAIRMAN CLARK: No, ma'am.

1 MS. COTHERMAN: -- for one minute? Okay.

2 CHAIRMAN CLARK: Who is this?

3 MS. COTHERMAN: Linda Cotherman.

4 CHAIRMAN CLARK: I will give you one minute,
5 Ms. Cotherman.

6 MS. COTHERMAN: Because I was told that --
7 okay, thank you.

8 I was told that the master sewer plan was not
9 to be discussed today, otherwise I had a lot of
10 comments about that.

11 Also, I don't believe that just because DEP
12 cannot issue a permit does not preclude the
13 applicant from having other work done to better
14 find out what the right connection is and leave the
15 DEP to last. That has nothing to do -- the
16 financial DEP permit has nothing do with his
17 financial stability, which I was told is all we
18 could talk about today.

19 Thank you.

20 CHAIRMAN CLARK: All right. Thank you very
21 much.

22 Commissioner Brown.

23 COMMISSIONER BROWN: Thank you. New
24 microphones, so I hope this is working.

25 I have a question for Mr. Friedman. You -- on

1 July 14th, you got a bulk sewer treatment agreement
2 with Charlotte County. I am assuming you have to
3 have -- providing some type of construction
4 documents, is that right?

5 MR. FRIEDMAN: No, we have not -- we do have a
6 an engineering study, a preliminary engineering
7 study that -- that set forth several different
8 alternatives. But the County ultimately is going
9 to be the one -- I think the requirements are that
10 whatever we build has got to be consistent with --
11 with the county standards.

12 COMMISSIONER BROWN: But you have to have some
13 type of preliminary budget in support of your
14 preliminary construction.

15 MR. FRIEDMAN: No, you know, not necessarily.
16 I mean, not in anything near what you would need to
17 complete the financial documentation that's
18 required to -- for the Commission to grant rates
19 and charges. And that's why the numbers that are
20 out there, 10,000 or 20,000, are really just
21 guesses, but until you get it permitted and you are
22 allowed to go forward with seeing what alternative
23 you are going to select, and what is the most
24 cost-effective alternative, you can't really do
25 that until you get a certificate and they get a

1 permit.

2 COMMISSIONER BROWN: I mean --

3 MR. FRIEDMAN: I mean, obviously -- obviously,
4 Environmental Utilities thinks they can put
5 together a plan to sewer this -- to sewer the
6 island and Cape Haze in a financially feasible
7 manner, but, I mean, we don't know, because we
8 don't have a certificate yet.

9 COMMISSIONER BROWN: And you are not
10 anticipating even having an ideal -- an idea until
11 the first quarter of 2022? That's a year.

12 MR. FRIEDMAN: No. No. No. We will start --
13 here's what happens, and of course this is
14 substantial investment to get the -- you know, once
15 you get the permit, or once we get the certificate
16 and we can get the permit to put together the
17 documentation for the permit, substantial financial
18 investment in doing that, which is why obviously
19 you want to make sure you have the certificate
20 first so that you don't have a bunch of stranded
21 investment in something that doesn't happen.

22 So we got to get the certificate, then we go
23 forward with -- with DEP in getting the permitting
24 and the then we will know the financial outcome
25 from that, and these customers will have the input

1 from the financial issues when they are coming up.

2 COMMISSIONER BROWN: Okay. Thank you. Thank
3 you. I understand your argument.

4 Staff, I have a question for you, Ms. Helton
5 or Mr. Hetrick, regarding the bifurcation process,
6 which this commission has allowed, but it's
7 certainly not the norm, is that correct?

8 MS. HELTON: Actually, if we could have Ms.
9 Crawford answer that question. I think she would
10 have a better historical perspective off the top of
11 her head, but I think that it is, but she can
12 confirm that.

13 CHAIRMAN CLARK: Ms. Crawford?

14 MS. CRAWFORD: Commissioners, Jennifer
15 Crawford.

16 I confess, I have not done a rigorous search
17 of original no -- no plant in the ground
18 certificates. We have a number of times where
19 bifurcation has been requested for the reasons Mr.
20 Friedman has represented in this docket and it's
21 been granted. We have a number of original
22 certificates -- let me clarify.

23 By original in this case, what we sometimes
24 call a true original, where there is absolutely no
25 preexisting utility. Sometimes we certificate a

1 utility that already has plant in the ground. In
2 those cases, it's a much simpler process to set
3 rates at the same time, typically because that
4 utility has already been in operation for some time
5 and it's now coming in for a certificate typically
6 because it was formerly exempt but it now no longer
7 operating as exempt, it needs to come in for a
8 certificate.

9 So I can't tell you the exact numbers. I have
10 given a customer previously a ballpark, I think
11 somewhere around 30 percent, something like that
12 true originals probably had bifurcation. I will be
13 honest with you, that's kind of just gut level
14 instinct rather than a rigorously legal researched
15 number.

16 COMMISSIONER BROWN: Thank you.

17 MS. CRAWFORD: But while I don't think every
18 true original has had a bifurcation, it is by no
19 means unusual.

20 COMMISSIONER BROWN: Thank you, Ms. Crawford.

21 And really, I guess that -- the substantial
22 hardship that staff is agreeing with the utility
23 is they need the certificate in order to get the
24 permitting, and can't get the numbers unless they
25 get this permit; is that correct?

1 MS. CRAWFORD: That's correct.

2 COMMISSIONER BROWN: Is that what the
3 substantial hardship is?

4 MS. CRAWFORD: That's correct.

5 MS. HELTON: That's my understanding.

6 COMMISSIONER BROWN: Mr. Chairman, given the
7 number -- the volume of concern, I am just -- I am
8 concerned that if -- if we grant this variance,
9 what is the recourse that these customers who have
10 a legitimate concern of this utility providing
11 service getting that certificate? The deadline is
12 in mid-January from the notice for protesting that.

13 MS. HELTON: Well, Commissioner --

14 MS. CRAWFORD: Commissioner, may I speak to
15 that?

16 COMMISSIONER BROWN: Yes. I am sorry, Mr.
17 Chairman.

18 MS. CRAWFORD: So the rule waiver today is to
19 address allowing the utility to file rate setting
20 information separately and after the certificate
21 information. With the certificate, the customers
22 have an opportunity, and at least some have
23 probably already availed themselves of that
24 opportunity, to protest the certificate and to
25 request an administrative hearing. And I have

1 already spoken with a number of the folks, some of
2 whom you have heard from today about that process.

3 If bifurcation is accomplished and allowed by
4 the Commission, when rates are set later, those
5 rates will be PAA. And so even if the certificate
6 were to be granted and rate information were to be
7 filed later, the customers would have a subsequent
8 opportunity to protest those rates if they feel the
9 rates are not correctly set.

10 COMMISSIONER BROWN: Thank you for that
11 clarification, and I hope the customers are hearing
12 that.

13 I do -- I don't think waivers should be the
14 norm, and I think the burden of a substantial
15 hardship and meeting the underlying purpose of the
16 statute has to be rig rigorously followed, and I
17 think that burden is on the utility.

18 So I don't think -- given -- given this
19 process we are going to continue it -- if we agree
20 with staff's recommendation, we are going to
21 continue -- this is going to be the standard moving
22 forward.

23 CHAIRMAN CLARK: Ms. Helton, I have one
24 question.

25 When it comes to the Commission's obligation

1 regarding approval of the certificate if we grant
2 the bifurcation then they are allowed to get the
3 certificate, what is our obligation or
4 responsibility from that point on in regards to
5 approving the system and the new rates? I realize
6 that they will be bringing it in for rate in-- for
7 their rate setting, and what -- what latitude do we
8 have?

9 So if they are allowed to begin to encumber
10 these expenses, and those expenses will then be put
11 into the rates and we come up with two totally
12 different sets of numbers and the Commission
13 doesn't approve their rates, what happens then?
14 Where could would stand?

15 MS. HELTON: Well, the Commission, like with
16 any utility, is charged request fixing fair, just
17 and reasonable rates for the utility. So the
18 Commission -- and, you know, we are charged under
19 Chapter 366 with setting cost-based rates. So you
20 would look at the costs of the utility and set
21 rates from there, that if the customers or OPC took
22 issue with that, they would be able to request a
23 hearing, as Ms. Crawford said. And if ultimately
24 the customers or OPC disagreed, or the utility
25 disagreed with your decision, then they would be

1 able to appeal that to the First DCA. So in my
2 mind, it's -- it's no different in setting rates
3 for this utility than it would be for any other
4 utility for which the Commission sets rates.

5 CHAIRMAN CLARK: I would ask to just kind of
6 let me expound on that.

7 So understanding there is a difference between
8 fair, reasonable and cost-based, if we see a
9 legitimate cost-based rate that is not fair and
10 reasonable, we begin to have an issue there. And
11 if we know going up -- so one of the things that
12 scares me most is -- is the connection fee. If we
13 see that in the rates there is a justified
14 connection fee of \$25,000 per household, and that's
15 a legitimate fee, is that fair and reasonable? I
16 would argue -- I could argue all day long, that's
17 not fair or reasonable, but it is -- it is
18 cost-based. Where is our obligation at that point
19 if we have allowed this to move forward without
20 having all the facts and information in front of
21 us?

22 MS. HELTON: In setting rates, you have to
23 look at what the costs are and what is fair, just
24 and reasonable and you have to weigh both of those.
25 So with your expertise, the Legislature has charged

1 you with -- with setting rates that considers the
2 costs and setting rates that are fair, just and
3 reasonable.

4 So I appreciate your concern about the cost
5 and the expense of the connection fees, but the
6 Legislature also believes that you will be able to
7 marry the two.

8 CHAIRMAN CLARK: I guess I am signaling a
9 little bit here that -- of what my expectation
10 would be when the rates came back, and I don't want
11 there to be any confusion or misconception that
12 this is a green light to proceed that, you know,
13 whatever you come up with, you are going to get
14 this -- this -- you know, you are going to get a
15 return on this X number of dollars, but I think
16 that this commission is -- is going to take a very,
17 very hard look at the rates to make sure, and the
18 connection charges. That's my biggest concern, is
19 that you are going to come back with some proposal
20 that has \$10,000 or \$20,000 in connection charges
21 and I think this commission is going to set you
22 back on your heels, is my opinion, but --

23 MS. HELTON: Yes, sir. And as always, the
24 staff will investigate what the costs are. They
25 will look closely at the information provided by

1 the utility. They will consider, you know, the
2 information -- if there is a hearing, you know, put
3 forth by OPC or the customers, they will look at
4 the prudence of the costs. So it's not, as you
5 say, it's definitely not a green light.

6 CHAIRMAN CLARK: I think we are all on the
7 same page with that remark.

8 All right. Other questions, comments, anyone?
9 Commissioner Fay.

10 COMMISSIONER FAY: Thank you, Mr. Chairman.

11 I have a quick question for staff on the legal
12 components of the waiver. In the recommendation,
13 it talks about the components that are required,
14 and if I believe correctly in 120 if we -- if those
15 components are met, we must grant that waiver.

16 The -- some of the points have been raised
17 here about the facility that the individual who
18 would be running this, the information submitted;
19 but to me, it does really seem to be a legal issue
20 in that what -- what are we doing as far as this
21 waiver goes for any other utility that is somewhat
22 similarly situated? Does it become the norm, and I
23 think that's what's so concerning for me.

24 I think getting off the subject into this type
25 of service is probably a good thing, and it's

1 probably good that it's going to be done, but --
2 but legally, applying the waiver to this situation,
3 you know, really requires a substantial hardship to
4 be demonstrated, showed, and I am just not sure
5 that's -- that is done here.

6 So maybe Jennifer or Mary Anne could just help
7 me understand. I am not asking you to state, you
8 know, all of the cases we've had in the future, and
9 I know we have granted some of these waivers
10 before, but is it probable that we would see
11 similarly situated utilities in the future?

12 CHAIRMAN CLARK: Ms. Helton.

13 MS. HELTON: I'm going to -- I am going to
14 defer that again to Ms. Crawford. She's just
15 closer to this issue than I am, and she probably
16 could give a better answer than me.

17 CHAIRMAN CLARK: Ms. Crawford?

18 MS. CRAWFORD: For true originals that are
19 going to be in a similar situation as this utility
20 is, that is they need to have their certificate in
21 order to get a number of other regulatory
22 approvals, yes, I would expect that we would see
23 more of these in the future.

24 On the other hand -- and technical staff may
25 have a better idea than I -- but we don't get but

1 so many true originals year to year. We don't get
2 very many of them. That's one reason why this may
3 feel like a fairly novel issue to some of the
4 Commissioners who haven't been on the bench as long
5 as some others.

6 Yes, I would expect we would have some other
7 dockets in the future for true originals asking for
8 bifurcation, as we have in the past.

9 COMMISSIONER FAY: Okay. And I -- and I think
10 just a quick follow-up, our Chair mentioned this,
11 but if we were to deny the waiver, the utility
12 would be required to produce this information, and
13 if they are not able to do so, it would essentially
14 delay the process?

15 MS. CRAWFORD: That would be my understanding,
16 yes.

17 COMMISSIONER FAY: Okay. All right. Thank
18 you, Mr. Chairman. That's all I had.

19 CHAIRMAN CLARK: Thank you, Commissioner Fay.
20 Any other questions?

21 Commissioner Brown.

22 COMMISSIONER BROWN: Just a follow-up.

23 How long has this island been on septic? I
24 guess they have been using septic tanks for the
25 whole duration, correct?

1 CHAIRMAN CLARK: Mr. Friedman, can you answer
2 that question?

3 MR. FRIEDMAN: I don't know the year, but,
4 yes, it's been on septic tanks since they started
5 developing the island. That's correct.

6 COMMISSIONER BROWN: Mr. Friedman, how long
7 will it take for you to get the information that is
8 required by the statute?

9 MR. FRIEDMAN: Well, once we get the -- the
10 certificate, we go to -- we start designing the
11 system and permitting the system, so I think we are
12 expecting that we would hopefully serve -- begin
13 serving customers in the beginning of 2022, which
14 happens to meet that deadline that the County has
15 in their master plan to -- to try to get septic to
16 sewer.

17 And I would -- I would point out, this is not
18 unusual. I mean, this is -- this --

19 COMMISSIONER BROWN: I got it --

20 MR. FRIEDMAN: -- Commission has been --

21 COMMISSIONER BROWN: Thank you, Mr. Friedman.
22 Thank you.

23 MR. FRIEDMAN: All right. Thank you.

24 COMMISSIONER BROWN: And one last question of
25 OPC.

1 CHAIRMAN CLARK: Commissioner Brown.

2 COMMISSIONER BROWN: OPC, are you on the
3 phone?

4 MS. PIRRELLO: Yes, I am here. This is
5 Anastacia Pirrello.

6 COMMISSIONER BROWN: I see you are not an
7 interested person in this docket, but I was
8 wondering if you have anything -- I am sure your
9 office has been contacted by these many customers.
10 Do you have anything to add to this proceeding?

11 MS. PIRRELLO: Yes, we have been contacted by
12 a lot of customers, and we would thank them for
13 their involvement and their comments today, but we
14 don't have any further comment on the bifurcation.

15 CHAIRMAN CLARK: Thank you, OPC.

16 Commissioners, any other questions?

17 All right. The issue is ripe for a motion.

18 COMMISSIONER GRAHAM: Mr. Chairman, I move
19 staff recommendation on all issues on Item No. 3.

20 CHAIRMAN CLARK: I have a motion to approve
21 staff recommendation. Is there a second?

22 There is no second. Motion dies for lack of a
23 second.

24 Is there another motion?

25 Is there another motion?

1 COMMISSIONER FAY: Mr. Chairman.

2 CHAIRMAN CLARK: All right, then we will move
3 this item until the -- Commissioner Fay.

4 COMMISSIONER FAY: Mr. Chairman, you took the
5 words out of my mouth. I was thinking a deferral
6 would be appropriate so the parties could figure
7 out maybe what to do going forward.

8 CHAIRMAN CLARK: Ms. Helton, greenlighted.

9 MS. HELTON: Let me -- there is a 90-day time
10 period by which the Commission has to rule on the
11 waiver, so can I check the first page and see --

12 CHAIRMAN CLARK: You may.

13 MS. HELTON: -- when that ends?

14 So the 90-day period expires on January the
15 12th. So I don't think we have wiggle room here to
16 defer this matter. I think that you have to either
17 approve staff's recommendation or deny the waiver.

18 CHAIRMAN CLARK: Move to deny, that's your
19 next option, staff -- Commissioners. I am sorry.

20 COMMISSIONER FAY: Mr. Chairman --

21 COMMISSIONER BROWN: Motion to deny.

22 CHAIRMAN CLARK: I have a motion to deny -- to
23 deny the request.

24 Is there any discussion from the Commission?

25 Is there a second?

1 COMMISSIONER FAY: Second.

2 CHAIRMAN CLARK: I have a second. A motion
3 and a second.

4 Any of discussion?

5 On the motion, all in favor say aye.

6 (Chorus of ayes.)

7 CHAIRMAN CLARK: All opposed?

8 COMMISSIONER GRAHAM: Opposed.

9 CHAIRMAN CLARK: All right. The motion is
10 approved. The motion is denied.

11 (Agenda item concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

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

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

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

DATED this 13th day of January, 2021.



DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #HH31926
EXPIRES AUGUST 13, 2024