



1 APPEARANCES:

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

2 COMMISSIONER FAY: Good afternoon. This is  
3 January 19th. I'm going to call this prehearing to  
4 order. If staff would read the notice.

5 MR. TRIERWEILER: Good afternoon. By notice  
6 issued on January 11th, 2021, this time and place  
7 has been set for a prehearing conference in Docket  
8 No. 202001- -- I'm sorry -- yeah, that is correct.  
9 20200139-WS. The purpose of the prehearing is more  
10 fully set out in the notice.

11 COMMISSIONER FAY: Great. Thank you.

12 And we'll take appearances from the utility,  
13 Office of Public Counsel, and then staff.

14 MR. FRIEDMAN: Thank you, Commissioner Fay.  
15 This is Marty Friedman of the Dean Mead Law Firm,  
16 co-counsel with John Wharton, on behalf of the  
17 Utilities, Inc. of Florida.

18 COMMISSIONER FAY: Thank you. Mr. Friedman,  
19 you're -- you're marked as Dean Mead, and then  
20 Mr. Wharton is Dean Mead & Dunbar. Are they -- are  
21 these separate offices or are you the --

22 MR. FRIEDMAN: Yeah, it's the same firm.

23 COMMISSIONER FAY: Same firm. Okay.

24 MR. FRIEDMAN: It's just -- yeah, it's the  
25 same firm, just separate offices. The Tallahassee

1 office has a different name, but it's the same  
2 firm.

3 COMMISSIONER FAY: Okay. Great. Thanks.  
4 Office of Public Counsel.

5 MS. MORSE: Good afternoon. This is Stephanie  
6 Morse with the Office of Public Counsel. And I'm  
7 also entering appearances on behalf of Charles  
8 Rehwinkel and Anastacia Pirrello.

9 COMMISSIONER FAY: Thank you.

10 MR. TRIERWEILER: For Commission staff, I'm  
11 Walt Trierweiler. And I'd also like to make an  
12 appearance on behalf of Bianca Lherisson and  
13 Jennifer Crawford.

14 MS. HELTON: And, finally, Mary Anne Helton is  
15 here as your advisor. I'd also like to make an  
16 appearance for your general counsel, Keith Hetrick.

17 COMMISSIONER FAY: Great. Thank you.

18 Mr. Trierweiler, can we address any  
19 preliminary matters?

20 MR. TRIERWEILER: Yes, Commissioner. State  
21 buildings are currently closed to the public and  
22 other restrictions on gatherings remain in place  
23 due to COVID-19. Accordingly, this prehearing is  
24 being conducted remotely with the parties  
25 participating by communications media technology.

1           Members of the public who want to observe or  
2           listen to this prehearing may do so by accessing  
3           the live video broadcast, which is available from  
4           the Commission website. Upon completion of the  
5           prehearing, the archived video will also be  
6           available.

7           Each person participating today needs to keep  
8           their phone or device muted when they are not  
9           speaking and only unmute when they are called upon  
10          to speak. If they do not keep the phone muted or  
11          put their phone on hold, they may be disconnected  
12          from the proceeding and will have to call back in.

13          Also, telephonic participants should speak  
14          directly into their phone and not use the speaker  
15          function.

16          Staff is aware of no other matters at this  
17          time.

18          COMMISSIONER FAY: Great. Thank you,  
19          Mr. Trierweiler.

20          Any of the parties have any preliminary  
21          matters?

22          Okay. Great. With that, we'll move into the  
23          prehearing order, the draft prehearing order. As  
24          usual, I'll take section by section. And, if you  
25          have any issues or changes, please make sure to

1 speak up at that -- at that time.

2 Moving through the first three sections, case  
3 background, conduct of proceedings, and  
4 jurisdiction -- any comments with that?

5 Next will be Section IV, procedure for  
6 handling confidential information. Staff?

7 MR. TRIERWEILER: Materials that have been  
8 identified by the parties as confidential have been  
9 so marked and will be available via secure password  
10 on the Commission's website for use at the hearing.

11 COMMISSIONER FAY: Great. Thank you.

12 Moving on to Section V, prefiled testimony and  
13 exhibits, witnesses.

14 MR. TRIERWEILER: Staff suggests that the  
15 witness summary testimony be no longer than three  
16 minutes at the hearing.

17 COMMISSIONER FAY: Great. And can you address  
18 the cross-examination exhibits, too?

19 MR. TRIERWEILER: Yes, Commissioner. All  
20 cross-examination and impeachment exhibits,  
21 confidential and non-confidential, that a party  
22 intends to use at the hearing must be provided to  
23 the Commission Clerk by the close of business  
24 January 26, 2021, in order to be processed and  
25 placed on the Commission's website.

1           The parties are aware of the cross-examination  
2 requirements in Attachment A to the draft  
3 prehearing order.

4           COMMISSIONER FAY: Great. Thank you.

5           So, just for clarification, I want to make  
6 sure all the parties are in agreement for the time  
7 limits for the summaries and the conditions for  
8 submitting your cross-examination exhibits.

9           All right. With that, we will move on to  
10 order of witnesses. At this time, Mr. Trierweiler,  
11 do we have any -- I'd say we don't have any  
12 witnesses stipulated at this time.

13           MR. TRIERWEILER: That is correct. We have  
14 some proposed excusals of witnesses, but no  
15 agreement by the parties.

16           COMMISSIONER FAY: Okay. All right. Are  
17 there any -- I guess, within the parties --  
18 obviously you can work through these stipulations  
19 up until the hearing -- but are there any witnesses  
20 specifically offhand -- I know we've got the  
21 witness list -- that we feel the parties could come  
22 to a conclusion that could be stipulated at this  
23 time?

24           MR. TRIERWEILER: Yes, there are a number of  
25 witnesses. For instance, staff witnesses, Witness

1 Hicks and Dobiac, could be stipulated.

2 Witnesses D'Ascendis and Garrett -- there's a  
3 proposal that their testimony be stipulated so long  
4 as their deposition testimony is entered into the  
5 record in addition to their prefiled exhibits and  
6 their prefiled testimony and rebuttal testimony.

7 And there was another proposal that Witness  
8 Elicegui -- sorry, I can't pronounce that name any  
9 better than that -- had -- would also be  
10 stipulated.

11 COMMISSIONER FAY: Okay. We can start maybe  
12 with the staff witnesses, then, just to see if we  
13 can get some stipulations. And I recognize the  
14 parties might not be able to get to that conclusion  
15 at this time, but I think it's the right case and  
16 large enough case that there could be efficiencies  
17 that would be accomplished by getting these  
18 stipulated.

19 OPC or UIF, do you have -- would you -- would  
20 you feel comfortable stipulating with both of the  
21 staff witnesses?

22 MS. MORSE: This is --

23 MR. FRIEDMAN: Commissioner Fay, this is  
24 Marty -- oh, go ahead, Stephanie -- or -- go ahead.

25 MS. MORSE: Oh, thanks.



1           Yeah, this is Stephanie Morse with OPC. We're  
2           not able to stipulate to those witnesses right now,  
3           but we'll -- we'll continue looking at it in the  
4           coming days.

5           COMMISSIONER FAY: Okay. And, Ms. --  
6           Ms. Morse, would that be sort of a consistent  
7           thought process for the rest of the witnesses, too?

8           MS. MORSE: Yeah, that is true. We've not  
9           made a final decision on the witnesses yet.

10          COMMISSIONER FAY: Okay. That -- that will  
11          expedite this process. If there are none that can  
12          be stipulated by OPC, then we'll move on from  
13          that -- that section.

14          MR. TRIERWEILER: Mr. -- I'm sorry.  
15          Commissioner Fay, I'd like to point out that, if  
16          the parties advise staff of any witnesses that are  
17          going to be stipulated to, and their testimony is  
18          still going to be included in the docket, staff  
19          will confirm with each Commissioner that each and  
20          every identified witness can be excused.

21          If Commissioners do not have any questions of  
22          these witnesses, the witnesses may be excused from  
23          the hearing and their testimony and exhibits  
24          entered into the record as though read.

25          COMMISSIONER FAY: Great. Thank you.

1 Ms. Morse, as you know, you have --

2 MR. FRIEDMAN: Commissioner --

3 COMMISSIONER FAY: -- time up until the  
4 hearing to potentially stipulate these with the  
5 parties. So, I would just encourage you to do so.

6 With -- with that --

7 (Simultaneous speakers.)

8 MR. FRIEDMAN: Commissioner Fay, this is --

9 COMMISSIONER FAY: Oh --

10 MR. FRIEDMAN: Commissioner Fay, this is Marty  
11 Friedman from --

12 COMMISSIONER FAY: Yeah, Mr. Friedman, go  
13 ahead.

14 MR. FRIEDMAN: No, I was just going to say,  
15 we're -- we're okay with stipulating the -- the  
16 testimony that the -- that Mr. Trierweiler  
17 suggested would be possible.

18 COMMISSIONER FAY: Okay. Great. And  
19 hopefully --

20 MR. FRIEDMAN: -- on introducing their  
21 testimony. So, as -- you know, whatever -- when  
22 Public Counsel decides, you know, obviously, sooner  
23 the better so we can free up these two gentlemen's  
24 schedules if, in fact, they don't need to be  
25 participating in this, so --

1           COMMISSIONER FAY: Sure. Mr. Friedman, I  
2 appreciate that. And, obviously, there's --

3           MR. FRIEDMAN: -- do that.

4           COMMISSIONER FAY: There's time in between now  
5 and the hearing that you can work with those --  
6 those parties hopefully to get those -- those  
7 stipulated.

8           Unfortunately, with stipulations, it takes two  
9 to tango. So, you're going to just have to keep  
10 working with the parties to resolve that.

11           Moving on, we'll go --

12           MS. MORSE: I'm sorry. Commissioner Fay?

13           COMMISSIONER FAY: Yes.

14           MS. MORSE: Hello?

15           COMMISSIONER FAY: Ms. Morse, go ahead.

16           MS. MORSE: This is Stephanie Morse. I'm  
17 having an audio problem with -- I think with both  
18 you and Walt. You're fading in and out. I'm  
19 wondering -- I just want to bring that to -- I  
20 guess, to Mike's attention and ask if they could  
21 correct that.

22           COMMISSIONER FAY: No, I appreciate --

23           MS. MORSE: I'm not really hearing every  
24 single word.

25           COMMISSIONER FAY: Yeah, I appreciate that. I

1 always encourage parties to speak up if you can't  
2 hear us. So -- so, both Walt and I are cutting out  
3 some? Because I'll -- I'll lean in a little bit  
4 more to my mic. Does this improve the  
5 communication or is it still choppy?

6 MS. MORSE: Yeah, I think --

7 MR. WHARTON: This is John Wharton,  
8 Commissioner. I don't -- I don't hear that. So,  
9 it may not be across the call. I'll just put that  
10 out there for technical consideration. It sounds  
11 fine to me.

12 COMMISSIONER FAY: Okay. Ms. Morse, are  
13 you --

14 MS. MORSE: It got better that last time,  
15 Commissioner, but before, I could not -- I wasn't  
16 getting it all.

17 COMMISSIONER FAY: Okay. And if this is  
18 better, just to recap -- just essentially my  
19 comments were that I encourage the parties to  
20 continue to work towards those witness stipulations  
21 for efficiency purposes, if -- if appropriate, to  
22 do so.

23 So, I apologize for our system and/or me and  
24 Mr. Trierweiler cutting out, but that's essentially  
25 the -- the gist of Section VI.

1           That -- did you hear that clearly?

2           MS. MORSE: Yeah, I did.

3           COMMISSIONER FAY: Okay. Perfect. And, if  
4           for some reason we're cutting out again, please  
5           speak up. We need to make sure we resolve it  
6           before moving forward.

7           I'm presuming you also heard that clearly.

8           MS. MORSE: Yes, I did.

9           COMMISSIONER FAY: Great. Okay. Thank you.  
10          And, Mr. Trierweiler, maybe -- just also, like  
11          me, just lean into the -- the mic a little bit. I  
12          think it's -- sometimes just directionally cuts  
13          out.

14          Moving on, we'll move Section VII, basic  
15          positions. Do the parties have any changes in  
16          those positions?

17          Okay. With that, we'll move on to  
18          Section VIII, issues and positions. I think it --  
19          it might be appropriate -- within the draft  
20          prehearing order we have the issues-and-positions  
21          and the proposed-stipulations section.

22          I -- I think -- Ms. Morse, feel free to speak  
23          up, but I -- I think the idea would be that we  
24          could work through some chunks of these issues and  
25          if there are potential language changes that need

1 to be made or fine-tuned, the parties would have  
2 until close of business tomorrow to fine-tune  
3 those, but if there's any specific changes that you  
4 feel should be raised now, please do so.

5 I know that there are some issues that the  
6 Office of Public Counsel has taken no position on,  
7 and I think I'll let Mr. Trierweiler address that  
8 for the record.

9 MR. TRIERWEILER: Thank you, Commissioner.

10 MS. MORSE: Yeah. And, Commissioner -- yeah,  
11 that's true. And we did actually file an amended  
12 prehearing statement shortly before this. And I  
13 understand that it might not have gotten to  
14 everyone. So, I'll be happy to clarify it on the  
15 record.

16 COMMISSIONER FAY: Okay. And when did you  
17 file that, Ms. Morse?

18 MS. MORSE: Right around 12:30. So, it might  
19 not have hit the docket for everyone yet.

20 COMMISSIONER FAY: Okay.

21 MS. MORSE: But we did distribute it in the  
22 normal manner via e-mail.

23 COMMISSIONER FAY: Okay. And do those address  
24 the -- the no-position issues?

25 MS. MORSE: Some of them do and some of them,

1 we did, in fact, just change to no position.

2 COMMISSIONER FAY: Okay. What we'll do, then,  
3 is we'll walk through those and, at that time, if  
4 there's specifics for the position to be changed in  
5 regards to the language that you think should be  
6 raised, then you can do so. And, if it's something  
7 where it's just sort of technically how it's stated  
8 in the prehearing order, then that can be done in  
9 writing by close of business tomorrow.

10 So, just -- on those issues that you've --  
11 you've shifted with that new filing, if you  
12 wouldn't mind just speaking up. And what I'll do  
13 is I'll go through them in chunks of five,  
14 basically, which I think will give ample  
15 opportunity for the parties to speak up.

16 Mr. Friedman, does that also make sense for  
17 you?

18 MR. FRIEDMAN: Yes, sir. That works for us,  
19 Commissioner Fay.

20 COMMISSIONER FAY: Okay. Great.

21 So, as to the issues and positions and any  
22 potential stipulations from Issues 1 through 5, are  
23 there any?

24 On Issues 6 through 10, are there any?

25 MR. FRIEDMAN: Wait a minute. We're -- we're

1 on five? I think there's a stipulation on five.

2 COMMISSIONER FAY: Okay. Well --

3 MR. FRIEDMAN: Isn't there?

4 MS. MORSE: No, there's -- I don't believe so.  
5 I think we -- we just haven't had time to respond  
6 to your e-mail on that. I don't think we've really  
7 entered a stipulation yet, but that's not to say we  
8 won't.

9 COMMISSIONER FAY: Okay. So, at this time,  
10 there's no stipulation on that issue.

11 Item 6 -- oh, did you have any more,  
12 Mr. Friedman? Just five?

13 MR. FRIEDMAN: No, I was just -- their  
14 response was they have no objections to the  
15 company's proposed excessive unaccounted-for water  
16 calculations, which is what Mr. Radigan testified  
17 to. So, I'm perplexed as to why they think there's  
18 no stipulation on that issue. Unless they --

19 MS. MORSE: Oh, I --

20 MR. FRIEDMAN: -- just don't want to stipulate  
21 for the matter that they just don't want to  
22 stipulate. I mean --

23 MS. MORSE: No, I stand by the -- by our  
24 answer. I just -- I was just indicating I hadn't  
25 told you there was a stipulation.



1                   COMMISSIONER FAY: Yeah. And, Mr. --  
2                   Mr. Friedman, I appreciate you raising that. And I  
3                   think we -- obviously, the Commission has a history  
4                   of encouraging these stipulations, but if that --  
5                   that stipulation is not clearly stated by the party  
6                   at this time, we're going to move on from them.

7                   It doesn't mean that there's still not time to  
8                   get them resolved going forward. I think the --  
9                   the other priority, just being the no-position  
10                  issues that -- that come up, we'll -- we'll address  
11                  them, if needed to be.

12                  So, moving on to Items 6 through 10 --

13                  MR. WHARTON: Commissioner Fay, this is -- and  
14                  maybe -- maybe it would be best if I jump in first,  
15                  Commissioner Fay, if that's all right. This is  
16                  John Wharton.

17                  MS. MORSE: Who is this?

18                  COMMISSIONER FAY: Who -- who's speaking?

19                  MR. WHARTON: I -- I won't -- John Wharton.

20                  COMMISSIONER FAY: Oh, okay. Go ahead,  
21                  Mr. Wharton.

22                  MR. WHARTON: I won't belabor the point,  
23                  but -- and I will certainly take to heart that you  
24                  want the parties to continue to work on the  
25                  stipulations, and we will.

1           But Issue 7, 8, 9, 10, and 11, are all used-  
2           and-useful, and we were optimistic, just based on  
3           the orders that are out there, the unrebutted  
4           testimony that we would be able to stipulate on  
5           seven, eight, ten, and 11. We understand nine is  
6           contested. So, we will work with OPC in that  
7           regard, if they can't take a position now, and try  
8           to get that done.

9           COMMISSIONER FAY: Okay. I appreciate --

10          MS. MORSE: And --

11          COMMISSIONER FAY: -- the comment,  
12          Mr. Wharton. And I think I've been clear here  
13          that, if there's a stipulation to be had, then it  
14          will be resolved at this point. If it's not,  
15          we're -- we're going to go ahead and move on from  
16          it.

17          So, anything else from the parties on that?

18          MS. MORSE: Yes, Commissioner. I was just  
19          going to clarify that No. 7 is one where we did  
20          change to -- to no position.

21          MR. FRIEDMAN: But you're not willing to  
22          stipulate on that one, Stephanie?

23          MS. MORSE: At this time -- we'll discuss that  
24          afterwards. I don't want to, like you guys said,  
25          belabor this. I'll enter that, you know, after --

1 after this proceeding. I -- I'm not prepared to  
2 talk about that right now.

3 COMMISSIONER FAY: Yeah, Mr. -- Mr. Fried- --

4 MR. REHWINKEL: Commissioner Fay, this is  
5 Charles Rehwinkel.

6 COMMISSIONER FAY: -- Friedman and  
7 Mr. Wharton, I appreciate your position. At this  
8 time, the -- the Office of Public Counsel has  
9 stated their position clearly. Different  
10 representations have to take positions for certain  
11 reasons. Some may be even going through  
12 transition.

13 So, I appreciate the point, but it has been  
14 stated repeatedly and I think it's clear that we're  
15 going to move on from this to get through these  
16 issues. So, unless you have anything else on six  
17 through ten, we're going to keep moving.

18 MR. REHWINKEL: Commissioner Fay.

19 Commissioner --

20 COMMISSIONER FAY: Mr. Rehwinkel?

21 MR. REHWINKEL: -- Fay? Yes, thank you.

22 Just -- just for the record -- and we will --  
23 as you indicated, we will respond appropriately.  
24 And just for Mr. Friedman and Mr. Wharton's  
25 benefit, we recently have provided language to the

1 Commission that accompanies what's known as a  
2 Type 2 stipulation. We will happily provide the  
3 similar language where we are not taking a  
4 position, but not affirmatively stipulating.

5 And I think there is some confusion maybe  
6 about how we go through that process. We will work  
7 with the parties offline to do that. We will give  
8 the language. If we want to affirmatively  
9 stipulate, we will do so. And I think -- nothing  
10 further to say here on that. Thank you.

11 COMMISSIONER FAY: Okay. Great. Thank you.

12 So, any others, before we move on to 11  
13 through 15? Great. Okay.

14 Any changes to 11 through 15 and -- and/or  
15 stipulations?

16 Issues 16 through 20?

17 Issues 21 through 26 -- or excuse me -- 21  
18 through 25?

19 Issues 26 through 30?

20 Issues 31 through 35?

21 Issues 36 through 40?

22 And then Issues 41 through 45? Did I already  
23 get that -- yes, all the way through 45.

24 Okay. Let's see here. Okay. I just -- just,  
25 as stated before, we have until close of business

1           tomorrow -- if there's language and/or positions  
2           that you would like to change, please get them to  
3           Mr. Trierweiler at a -- at a reasonable time so he  
4           can make those changes before we publish that  
5           prehearing.

6           Mr. Trierweiler, I was going to move on to  
7           Section IX, the exhibit list. Is there anything  
8           else we need to address related to the issues and  
9           the stipulations -- and/or the stipulations?

10          MR. TRIERWEILER: Yes, Commissioner. I just  
11          wanted to make sure that we captured the issues  
12          wherein OPC has not taken a position, which would  
13          be seven, eight, ten, 11, 34 through 39, 43, 45,  
14          and has taken a somewhat ambiguous position on  
15          Issue 25 and 28; however, you have outlined, per  
16          the OEP, that a person should -- a party should  
17          take a position by the time of the prehearing  
18          conference unless they're unable to do so through  
19          diligence and good-faith efforts.

20          And you have provided an appropriate extension  
21          until tomorrow at COB for OPC to make an adjustment  
22          or to make it clear to the parties and staff that  
23          they intend to take no position on those matters.

24          We just wanted to make sure that it was clear  
25          in the record that we had covered all those

1 instances.

2 COMMISSIONER FAY: Yeah, I -- I appreciate  
3 that. And -- and I think you -- did you include  
4 Issue 7, which OPC stated as a no-position to on  
5 their -- I think on their updated list? You might  
6 have mentioned it.

7 MR. TRIERWEILER: I did.

8 COMMISSIONER FAY: I apologize.

9 MR. TRIERWEILER: I did.

10 COMMISSIONER FAY: Perfect.

11 Okay. Moving on to the exhibit list,  
12 Section IX.

13 MS. MORSE: I'm sorry. Commissioner, this is  
14 Stephanie Morse. My apologies.

15 COMMISSIONER FAY: Yeah, that's okay,  
16 Ms. Morse.

17 MS. MORSE: In terms of the --

18 COMMISSIONER FAY: Go ahead. I want to make  
19 sure we get it right.

20 MS. MORSE: In terms of Walt -- Walt's  
21 statement about any ambiguity in our position  
22 regarding -- I think he said 43 through 45, but 43,  
23 particularly -- the question as to -- we'd like to  
24 maintain the position we stated because, in terms  
25 of rate-case expense, it's my understanding

1           those -- those expenses do get kind of up- --  
2           updated up until the time of the hearing. There's  
3           time for that.

4           And so, to the extent there are any changes up  
5           until that time, we -- we'd like to maintain, you  
6           know, our position that we're reviewing the  
7           information as it comes in.

8           COMMISSIONER FAY: Okay. So, just -- just so  
9           I understand, you're stating specifically on 43 and  
10          45, is to either close the -- the docket or not.

11          MS. MORSE: I'm not -- not 45. We changed  
12          that to no, but for 43, in terms of just knowing  
13          up-to-date information on what the rate-expense  
14          claims are, we do want to preserve our position on  
15          that.

16          COMMISSIONER FAY: Okay. Ms. Morse -- and as  
17          you know, as Mr. Trierweiler read -- and I -- I  
18          don't -- I don't knock you for this. I want to  
19          call him Walt, too, but I think I'm get- -- I've  
20          got the last name right at this point.

21          So, Mr. Trierweiler stated clearly that the  
22          language that was included in the OEP that states,  
23          at the time of no position, if the party has not  
24          changed that position, then it's deemed waived.

25          And I think that's pretty clearly in there. There

1 is, obviously, exceptions for operating in good  
2 faith when you've done your due diligence and if it  
3 doesn't prejudice the other parties.

4 I think maybe what I'm understanding is you're  
5 asking just for that specific component to allow a  
6 little bit of extra time to get that clear, but  
7 there has been plenty of time for discovery and  
8 depositions, and that -- that date does close at  
9 some point.

10 So, I'm okay allowing a little bit of leeway  
11 there, but I think it needs to be recognized that  
12 you either need to take a position or not on that  
13 or it will be deemed waived.

14 MR. REHWINKEL: Commissioner -- Commissioner  
15 Fay?

16 COMMISSIONER FAY: Yeah, Mr. -- Mr. Rehwinkel,  
17 is that you?

18 MR. REHWINKEL: Yeah, I think the -- the point  
19 we're raising here is that -- that, to the extent  
20 that a rate-case expense is updated through  
21 hearing, it is not possible to exercise due  
22 diligence. And we would suggest that this is a --  
23 for good cause shown, this issue should stay open,  
24 I guess, up until briefing because we really don't  
25 know.



1 I think staff has recognized this issue is  
2 probably not amenable for stipulation because the  
3 rate-case-expense dollars have not been finalized.

4 COMMISSIONER FAY: Yeah, Mr. Rehwinkel --

5 MR. REHWINKEL: And won't likely be until  
6 hearing.

7 COMMISSIONER FAY: I -- I think, to your  
8 point --

9 MR. REHWINKEL: If staff can confirm that.

10 COMMISSIONER FAY: Yeah, your point is that  
11 the numbers change --

12 (Simultaneous speakers.)

13 COMMISSIONER FAY: And so, we -- we  
14 potentially would have that up until hearing.

15 Mary Anne, would you -- is it -- are we  
16 comfortable allowing -- because those numbers could  
17 change. I think it's a valid point, so --

18 MR. FRIEDMAN: Commissioner Fay, I hate to  
19 interrupt you.

20 COMMISSIONER FAY: No, Mr. Friedman, give me  
21 one second.

22 Go ahead. Go ahead, Mary Anne.

23 MR. FRIEDMAN: Okay. I --

24 MS. HELTON: The -- I'm sorry.

25 COMMISSIONER FAY: It's okay.

1           MR. FRIEDMAN: I was -- I was going to say,  
2           the rate-case expense does not get updated at the  
3           hearing. The latest rate-case expense we filed in  
4           response to the staff's latest discovery is the  
5           last and finest that we're going to have. There is  
6           no procedure for us to update rate-case expense  
7           past the discovery deadline.

8           So, all of the information on rate-case  
9           expense has been discovered and it's out there.  
10          So, there is no change that's going to take place.

11          COMMISSIONER FAY: Okay. Mr. Friedman, you --

12          MR. REHWINKEL: Well, I stand corrected, then.

13          COMMISSIONER FAY: You -- and just for  
14          clarification here, I'd appreciate if, when you  
15          speak up, you ask to be acknowledged so we have  
16          some clarity. Right now, we've got people talking  
17          over other people. So, just please wait to be  
18          recognized before we speak.

19          Mary Anne, go ahead.

20          MS. HELTON: Thank you. I'm sorry. I'm  
21          trying to --

22          COMMISSIONER FAY: That -- that's okay.

23          MS. HELTON: -- thing as well as --

24          COMMISSIONER FAY: No -- no worries. Go  
25          ahead.

1 MS. HELTON: To the extent that the number is  
2 a moving target, I think that OPC raises a very  
3 valid point, but it sounds like Mr. Friedman is  
4 saying that they have provided the last of the  
5 rate-case-expense numbers; that we should expect no  
6 further updates.

7 So, it seem to me that it would be reasonable  
8 for OPC to -- to take a position on that, maybe not  
9 tomorrow because they maybe have not had time to go  
10 through it, but if -- if there are no further  
11 updates, it seems to me that it's a reasonable  
12 request, but I -- I would be interested in hearing  
13 what Mr. Rehwinkel has to say about that.

14 COMMISSIONER FAY: Sure. Mr. Rehwinkel, go  
15 ahead.

16 MR. REHWINKEL: Yes. I apologize for -- for  
17 speaking out of turn, Commissioner Fay.

18 To the extent what Mr. Friedman has said is  
19 correct, we will endeavor to look at that  
20 information as soon as possible. We thought there  
21 was some level of uncertainty about it. We will  
22 revisit that and look at the final numbers that  
23 have been provided.

24 And we will get with Walt -- Mr. Trierweiler  
25 by tomorrow and let him know if we can meet the

1 close-of-business -- business deadline.

2 Sorry for the confusion.

3 COMMISSIONER FAY: Thank you, Mr. Rehwinkel.

4 I appreciate that. And I think that -- that sounds  
5 accurate to me and seems fair and -- on all sides.

6 And point is taken on both sides, too. So,  
7 hopefully, we can get that resolved by the close of  
8 business tomorrow.

9 Are there any other issues before we move on  
10 to the exhibit list? Great.

11 All right. Mr. Trierweiler, go ahead.

12 MR. TRIERWEILER: Staff has prepared a  
13 comprehensive exhibit list which lists all prefiled  
14 exhibits and those exhibits staff wishes to include  
15 in the record. The draft list was provided to the  
16 parties to see if there were any changes or  
17 objections to this list or to the introduction of  
18 any of staff's exhibits being entered into the  
19 record.

20 At this time, we'd like to see if there are  
21 any known changes that need to be made to the  
22 parties' prefiled exhibits and if there are any  
23 known objections to the entry of staff's proposed  
24 exhibits into the record.

25 Staff will continue to work with the parties

1 to work toward stipulating the exhibit list prior  
2 to the hearing.

3 COMMISSIONER FAY: Great. Thank you.

4 Let's move on to Section XI. We've addressed  
5 Section X already.

6 Well, I guess, just to make clear, in addition  
7 to the -- the discussion -- thorough discussion  
8 that we've had related to the stipulations, I just  
9 want to make sure there's no other stipulation that  
10 a party wants to raise at this point.

11 Great. So, we will move on to Section XI,  
12 pending motions.

13 MR. TRIERWEILER: There are no pending motions  
14 at this time.

15 COMMISSIONER FAY: Great.

16 Section XII, pending confidentiality motions.

17 MR. TRIERWEILER: Yes, Commissioner. There  
18 are three pending confidentiality motions at this  
19 time. Staff will endeavor to get those resolved  
20 prior to hearing.

21 COMMISSIONER FAY: All right. Moving on to  
22 Section XIII, post-hearing procedures.

23 MR. TRIERWEILER: Staff recommends that post-  
24 hearing briefs be limited to 40 pages, should  
25 briefs be required.

1           Staff also recommends that a summary of each  
2           position of 50 words, set off with asterisks,  
3           should be included in each post-hearing statement.

4           If a bench decision is not made, post-hearing  
5           briefs will be due on February 18th, 2021.

6           COMMISSIONER FAY: Great. Any parties have  
7           any objections to those procedures?

8           MR. FRIEDMAN: This is Marty Friedman. I have  
9           one question. On the 40-page limit, does that  
10          include exhibits?

11          COMMISSIONER FAY: I'll need -- I'm going to  
12          check with Mary Anne, but --

13          (Simultaneous speakers.)

14          COMMISSIONER FAY: I -- I believe it does.

15          MS. HELTON: Yes.

16          COMMISSIONER FAY: Is that correct?

17          MS. HELTON: Yes, it does.

18          COMMISSIONER FAY: Okay. Yes, it does,  
19          Mr. Friedman.

20          MR. FRIEDMAN: All right. Thank you.

21          COMMISSIONER FAY: Any other comments from the  
22          parties? If not, we will move on to Section IV,  
23          rulings.

24          MR. TRIERWEILER: Staff recommends that the  
25          prehearing officer make a ruling that all parties

1 shall be provided three minutes for opening  
2 statements.

3 Confidential and non-confidential exhibits  
4 that a party intends to use at the hearing must be  
5 provided to the Commission Clerk by the close of  
6 business January 26, 2021, in accordance with  
7 Attachment A to the prehearing order.

8 COMMISSIONER FAY: All right. And, with that,  
9 move on to, I guess, any -- any other matters that  
10 would be raised for this prehearing?

11 MR. TRIERWEILER: Staff is not aware of any  
12 other matters at this time.

13 COMMISSIONER FAY: Okay. Great.

14 Any -- any other matters that the -- the  
15 parties would like to address?

16 All right. With that said, I do -- I do  
17 recognize we -- we're still navigating the -- the  
18 technology on our end. So, I apologize at the  
19 beginning of this for a little bit of choppiness,  
20 from the audio perspective.

21 And I thank the parties for recognizing that  
22 it -- since we're not in a hearing room together,  
23 sometimes it is difficult to know who's speaking up  
24 and when they're speaking up to -- to navigate it.  
25 So, I appreciate the -- the patience on that.

1           And hopefully the -- we'll see this docket,  
2           moving forward, some things potentially be  
3           resolved, but that's for the parties to work  
4           through at this point.

5           With that, seeing no additional matters, this  
6           prehearing is adjourned. Thank you.

7           (Whereupon, the proceedings concluded at 1:34  
8           p.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA )  
COUNTY OF LEON )

I, ANDREA KOMARIDIS WRAY, 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 28th day of January, 2021.



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ANDREA KOMARIDIS WRAY  
NOTARY PUBLIC  
COMMISSION #GG365545  
EXPIRES February 9, 2021