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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:
DOCKET NO. 20200226-SU
APPLICATION FOR CERTIFICATE
TO PROVIDE WASTEWATER
SERVICE IN CHARLOTTE
COUNTY, BY ENVIRONMENTAL
UTILITIES, LLC.

_____ /

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 9
COMMISSIONERS
PARTICIPATING: CHAIRMAN GARY F. CLARK
COMMISSIONER MIKE LA ROSA
COMMISSIONER GABRIELLA PASSIDOMO
DATE: Tuesday, October 12, 2021
PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida
REPORTED BY: ANDREA KOMARIDIS WRAY
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
112 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
(850) 894-0828

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

2 CHAIRMAN CLARK: All right. The next item up
3 is a panel, Item No. 9. The panel includes myself,
4 Commissioner La Rosa, and Commissioner Passidomo.

5 For reminder, we will return in 15 minutes --
6 15 minutes for IA. 15 minutes for IA. 15 minutes
7 for IA.

8 All right. Ms. Osborn, please introduce the
9 item.

10 MS. OSBORN: Good morning, Commissioners.
11 Stefanie-Jo Osborn for staff.

12 Item 9 is staff's recommendation regarding
13 both the utility's motion for partial summary final
14 order and a motion to dismiss application by a
15 potential customer in a proposed service area.

16 The utility has requested oral argument on its
17 motion. No request for oral argument was made on
18 the motion to dismiss. Staff recommends that oral
19 argument is not necessary with ei- -- with respect
20 to either motion and that both motions should be
21 denied.

22 Marty Friedman, representing the utility, is
23 here in person and would like to address the
24 Commission, and is available to answer questions.

25 Brad Kelsky, representing Palm Island Estates

1 Association, Inc., is on the phone and would like
2 to address the Commission, and is available to
3 answer questions.

4 Linda Cotherman is on the phone and available
5 to answer questions.

6 And staff is also available to answer
7 questions.

8 CHAIRMAN CLARK: All right. Thank you very
9 much, Ms. Osborn.

10 I am a little bit, I guess, concerned here
11 about -- before we take a vote on whether or not we
12 are going to allow this.

13 Mr. Friedman, I -- I have one -- I want to
14 allow you to address the Commission. I do not want
15 to get into any merits of what the case is. I
16 would give you just a minute or so to introduc- --
17 to discuss why you want an oral argument.

18 Other than that, I would like to hold that for
19 the hearing. I assume you wanted to do that?

20 MR. FRIEDMAN: I -- I certainly want oral
21 argument, yes, Mr. Chairman.

22 CHAIRMAN CLARK: Okay. But you don't need to
23 make a case for your oral argument, I take it.

24 MR. FRIEDMAN: Well, I -- I do. I mean, I
25 think -- I think that you would welcome any

1 opportunity to have some party explain their
2 position in light of the fact that these motions
3 are -- are unique.

4 They're -- they're not often granted, but yet,
5 this is one of those rare circumstances where I
6 think that, once you hear the argument, you will
7 agree that it fits within that exception.

8 CHAIRMAN CLARK: I -- I'm gonna just -- I'm
9 gonna just turn this over to fellow Commissioners
10 to see whether they want to hear oral arguments or
11 not. I know we've had an opportunity to review the
12 information.

13 Anybody want to --

14 COMMISSIONER La ROSA: Sure. Thank you,
15 Chairman. I personally think we have enough
16 information (technical interruption) oral argument.

17 (Discussion off the record.)

18 COMMISSIONER La ROSA: I personally think that
19 we have enough information to not have to hear oral
20 arguments.

21 CHAIRMAN CLARK: Commissioner Passidomo.

22 COMMISSIONER PASSIDOMO: Yeah, I, likewise,
23 would agree with you, Commissioner La Rosa. I
24 mean, I've read the pleadings and I think staff has
25 laid out a well-written recommendation in this

1 case.

2 CHAIRMAN CLARK: I'll entertain a motion.

3 COMMISSIONER PASSIDOMO: I -- I move that we
4 accept staff's recommendation.

5 CHAIRMAN CLARK: Deny oral argument.

6 COMMISSIONER La ROSA: Second.

7 CHAIRMAN CLARK: I have a motion and a second.
8 Any discussion?

9 All in favor, say aye.

10 (Chorus of ayes.)

11 CHAIRMAN CLARK: Any opposed?

12 Motion carries. Thank you.

13 All right. That concludes agenda conference
14 for today --

15 MS. HELTON: Mr. -- Mr. --

16 CHAIRMAN CLARK: We'll resume within -- I'm
17 sorry.

18 MS. HELTON: Mr. Chairman?

19 CHAIRMAN CLARK: Yes.

20 MS. HELTON: I'm so sorry. It appears, to me,
21 that you just voted out on Issue 1, whether or not
22 to hear oral argument.

23 If you wouldn't mind also making a motion on
24 the remainder of the recommendation -- that was how
25 it appears, to us.

1 CHAIRMAN CLARK: I'm sorry.

2 All right. Yeah, you're correct. Item No. 2
3 is EU's motion for partial summary final order be
4 granted.

5 COMMISSIONER La ROSA: I guess, I'll -- I'll
6 amend, Mr. Chairman, the motion to add Issue No. 2
7 and Issue No. 3 to approve all staff's
8 recommendation.

9 CHAIRMAN CLARK: Okay.

10 COMMISSIONER PASSIDOMO: Second.

11 CHAIRMAN CLARK: Okay. And second.

12 All right. All in favor, say aye.

13 (Chorus of ayes.)

14 CHAIRMAN CLARK: Opposed?

15 Motion carries.

16 All right. Director Baez, did I have anything
17 else that I've missed?

18 MR. BAEZ: No. No, you're good.

19 CHAIRMAN CLARK: Okay. Great.

20 All right. Anything else to come before us at
21 this time?

22 We stand adjourned for 15 minutes. Thank you.

23 (Agenda item concluded.)

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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 26th day of October, 2021.



ANDREA KOMARIDIS WRAY
NOTARY PUBLIC
COMMISSION #HH 089181
EXPIRES February 9, 2025