

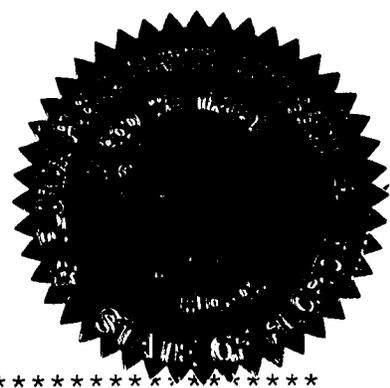
BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of

PETITION FOR APPROVAL OF
EXPERIMENTAL RIDER FTA-2 (FIRM
TRANSPORTATION AGGREGATION
SERVICE 2) AND MODIFICATIONS TO
IMBALANCE CASHOUT PROVISIONS OF
RIDER FTA PROGRAM, BY TAMPA
ELECTRIC COMPANY d/b/a PEOPLES
GAS SYSTEM.

: DOCKET NO. 990935-GU
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PROCEEDINGS: HEARING

BEFORE: COMMISSIONER J. TERRY DEASON
COMMISSIONER SUSAN F. CLARK
COMMISSIONER E. LEON JACOBS, JR.

DATE: Tuesday, February 22, 2000

TIME: Commenced at 9:30 a.m
Concluded at 10:05 a.m.

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

REPORTED BY: JANE FAUROT, RPR
FPSC Division of Records & Reporting
Chief, Bureau of Reporting

DOCUMENT NUMBER: DATE
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1 APPEARANCES:

2 ANSLEY WATSON, JR., Macfarlane, Ferguson
3 and McMullen, P.O. Box 1531, Tampa, Florida 33601,
4 appearing on behalf of Peoples Gas System.

5 WILLIAM COCHRAN KEATING, Florida Public
6 Service Commission, Division of Legal Services,
7 2540 Shumard Oak Boulevard, Tallahassee, Florida
8 32399-0870, appearing on behalf of the Commission
9 Staff.

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P R O C E E D I N G S

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2 COMMISSIONER DEASON: Call the hearing to order.
3 Can we have the notice read, please.

4 MR. KEATING: Pursuant to notice issued
5 January 26, 2000, this time and place have been set for a
6 hearing in Docket No. 990935-GU, petition for approval of
7 experimental Rider FTA-2, Firm Transportation Aggregation
8 Service 2, and modifications to imbalance cashout
9 provisions of Rider FTA program by Tampa Electric Company,
10 d/b/a Peoples Gas System.

11 COMMISSIONER DEASON: Take appearances.

12 MR. WATSON: May it please the Commission, I'm
13 Ansley Watson, Jr., Macfarlane, Ferguson, and McMullen,
14 P.O. Box 1531, Tampa, Florida, 33601 appearing for
15 Peoples Gas System.

16 MR. KEATING: I'm Cochran Keating, appearing on
17 behalf of Commission staff.

18 COMMISSIONER DEASON: Thank you.

19 Mr. Keating.

20 MR. KEATING: Commissioners, as indicated in the
21 prehearing order, Peoples Gas has filed an offer of
22 settlement, it was filed last week, to resolve all the
23 issues in this docket. That offer of settlement is
24 attached to the prehearing order.

25 Staff has reviewed the offer of settlement and

1 believes that its terms are reasonable. So rather than go
2 through a hearing today, staff recommends that the offer
3 of settlement be approved and that this docket be closed.

4 I understand that Mr. Watson might like to add
5 a few comments.

6 COMMISSIONER DEASON: Okay. Mr. Watson.

7 MR. WATSON: Commissioners, first, I want to
8 express my gratitude and that of Peoples' witnesses for
9 the Commission agreeing to handle this matter by telephone
10 this morning. It is most appreciated.

11 When Rider FTA-2 and the modifications to the
12 imbalance cashout compensation and the firm delivery
13 agreement between Peoples and pool managers participating
14 in Rider FTA and FTA-2 were first considered by the
15 Commission at the October 5, 1999 agenda conference, the
16 Commission recognized the benefits of the rider. However,
17 there were two concerns expressed by staff that led the
18 Commission to allow FTA-2 to go into effect while setting
19 these two issues for hearing.

20 First, there was some feeling that Rider FTA-2
21 may discriminate against existing sales/service customers
22 because of the requirement that a pool manager add
23 incremental load to Peoples' system in order to convert an
24 equivalent volume of existing customer load to
25 transportation service.

1 Second, staff made allegations that Peoples'
2 affiliate, TECO Gas Services, had, and I'm quoting,
3 "Already effectively gained control of the market for
4 transportation service by soliciting and reaching
5 agreements with new gas customers along the route of
6 Peoples' new pipeline extension in Southwest Florida prior
7 to approval of this proposed tariff," end quote.

8 These two concerns are dealt with separately in
9 Peoples' offer of settlement. And if the settlement is
10 accepted by the Commission, we believe should be dealt
11 with separately in the order approving the settlement.
12 Peoples would expect the body of the order approving this
13 settlement in this docket to include the language of
14 Paragraphs 2 and 3 of the offer of settlement in addition
15 to simply referring to the offer of settlement itself.

16 There is a simple reason for this. Paragraphs
17 2 and 3 are not really a settlement. They state the
18 facts. There were allegations made, they were
19 investigated at some time, length, and expense by the
20 staff and by Peoples. They were determined to have no
21 factual support; that is, they were false. They were
22 without merit.

23 We believe that Peoples is entitled to have the
24 order state that they were investigated and found to be
25 without merit, particularly since the allegations

1 themselves appeared in the body of the Commission order.
2 Peoples doesn't want anyone to have the impression that it
3 settled this case to halt a probe into conduct of its
4 affiliate.

5 In discussing this offer of settlement with the
6 Commission staff, we made it clear that if we were unable
7 to settle the entire case and had to go to hearing, we
8 would seek leave to file supplemental testimony on the
9 affiliate conduct issue. There is currently no evidence
10 in the record that relates to those issues.

11 If Peoples is forced to go to hearing, we
12 believe it is entitled to put in evidence to show that
13 there is no merit to these allegations that were at least
14 a part of the predicate for the Commission ordering a
15 hearing in this docket in the first place.

16 If the offer is accepted and the order states
17 the facts set forth in Paragraphs 2 and 3, there will be
18 no need to hold a hearing or to file supplemental
19 testimony and exhibits.

20 Now, the remainder of the offer of settlement
21 does constitute a compromise between Peoples and the
22 Commission staff on the rider itself. We believe the
23 compromise is reasonable and fair to all concerned. It
24 provides Peoples with a bridge, if you will, to new open
25 access transportation tariffs; that is, it does not leave

1 the company without the ability to offer transportation
2 service to customers representing new incremental load
3 between now and the time the new tariffs become effective.
4 It also provides the staff with an end to its concerns
5 regarding the rider, since eligibility for service under
6 the rider will expire when the new transportation tariffs
7 become effective later this year.

8 We hope the Commission will approve the offer of
9 settlement in its entirety and include in the body of the
10 order approving it the language of its Paragraphs 2 and 3.

11 Thank you.

12 COMMISSIONER DEASON: What is staff's position
13 on Paragraphs 2 and 3?

14 MR. KEATING: I guess my intent in preparing the
15 order that would come out of this if the offer of
16 settlement is approved would be to attach the offer of
17 settlement and incorporate it into the order. So I don't
18 think we have any problem with stating that language in
19 the body of the order itself.

20 COMMISSIONER CLARK: Well, I have a question,
21 because it says -- it says the staff has determined that
22 such allegations were without merit. Have you made that
23 determination?

24 MR. KEATING: We have thoroughly investigated
25 the marketing activities of TECO Gas Services regarding

1 the allegations that were made that led us into this
2 hearing, and we have found that those allegations were
3 without merit, so the answer is yes.

4 MS. BULECZA-BANKS: The answer is yes, but what
5 also we did find out through this is that there is some
6 customer confusion. They do not know -- a lot of
7 customers already on the system are sales/service of
8 Peoples. And what was confusing is when Peoples says yes,
9 TECO serves me, they are my marketer, what they don't
10 realize is they don't have a marketer. They are a
11 sales/service customer.

12 And so on the interviews of the customers that
13 is what made the allegations seem to come out is that the
14 customers don't know. They are confused as far as who is
15 serving them. But as far as any wrongdoing on any kind
16 of -- between the affiliate and the utility, there was
17 absolutely none.

18 MR. KEATING: Right. The specific allegations
19 that we had looked into were whether TECO Gas Services had
20 gone out to the Southwest Florida area and marketed
21 transportation service under FTA-2 prior to the filing of
22 FTA-2, or if they had actually contracted with customers
23 in that area prior to approval of FTA-2.

24 COMMISSIONER CLARK: And, Mr. Watson, you
25 mentioned something that staff made allegations with

1 respect to improper marketing, and I'm not sure that staff
2 made those allegations. I think they were relating to us
3 the fact that allegations had been made.

4 MR. WATSON: I would accept that.

5 COMMISSIONER CLARK: Okay. I'm just -- I guess
6 I would be comfortable with indicating in the order that
7 at least one of the bases on which we proceeded was the
8 allegations that there had been -- the marketing arm had
9 presold or whatever to customers in Southwest Florida.
10 That, in fact, staff investigated those allegations and
11 found that they could not be substantiated. What the
12 staff did find was that there was confusion on the part of
13 the customers. And just state what you stated, Ms. Banks,
14 with regard to what you did find.

15 I would be more comfortable with saying that
16 than saying that the staff has determined that such
17 allegations are without merit. I would be comfortable
18 saying what actually took place, is that we could not
19 substantiate the allegations. And, in fact, what we found
20 was customer confusion.

21 MR. WATSON: I think I agree with Ms. Banks that
22 from the records that we looked at here internally at
23 Peoples and that we looked at that had been obtained by
24 the Commission staff from interviews with customers that
25 there may have been some confusion. The customers were

1 confused in that there was -- while they may have been
2 contacted by a marketer, they were Peoples' sales service
3 customers. They had in some instances equated the fact
4 that they were receiving natural gas service with I'm not
5 sure what, with some contact by a gas marketer when, in
6 fact, they had simply signed up with the utility as a
7 sales service customer.

8 COMMISSIONER CLARK: Well, Mr. Watson, that is
9 what I think should be put in the order. That is what the
10 investigation turned up.

11 MR. WATSON: But I think that -- I think it is
12 true, Commissioner Clark, that as a result of the
13 investigation conducted by Peoples, the results of which
14 we shared freely with the Commission staff. And in the
15 Commission staff's own investigation, it is true that the
16 actual allegations that were in the Commission's order
17 ordering that a hearing be held in this docket, that those
18 allegations were without merit and were unsubstantiated.

19 They may have along the way found some customer
20 confusion that may have appeared or may have made it
21 appear that there was something to the allegations. But
22 the actual allegations that were relayed to the
23 Commissioners in the staff recommendation and that --

24 COMMISSIONER CLARK: Mr. Watson, let me ask you
25 this. What about saying, "And based on the investigation,

1 have found the allegations to be unsubstantiated, and
2 therefore have concluded that they are without merit," and
3 then indicate what the staff did find, and it would be
4 clear in the order that this is staff's finding with
5 respect to those allegations.

6 MR. WATSON: Well, I'm not sure customer
7 confusion really has anything to do with Rider FTA-2, and
8 therefore would not seem to me to be an issue in this
9 docket.

10 COMMISSIONER CLARK: Well, but it explains why
11 they found it without merit, and I think there is value in
12 doing that.

13 MS. BULECZA-BANKS: I think that is exactly what
14 caused these unfounded allegations to be made was the
15 customer confusion. And that is probably what happened
16 was when the marketers went down there, and they said, no,
17 I'm already served by TECO. And it wasn't clear what
18 exactly service they were getting.

19 And there were some letters put out by the
20 utility that says, you know, the FTA-2 will be coming, it
21 is not available right now that were put early. So, I
22 mean, but honestly I think what spurred the whole
23 allegations was the confusion. When the marketers went
24 down there to try to market the area and the customer is
25 saying, "I'm already getting it."

1 COMMISSIONER CLARK: Mr. Watson, I see it has
2 value that if later on somebody tries to figure out why
3 was it determined to be without merit, you have to go
4 looking behind the order to try and determine what
5 generated that conclusion. And I think there is value to
6 saying that, you know, we went down to those customers and
7 discovered this, or the staff went down and discovered
8 this.

9 I wouldn't have any problem with saying that --
10 investigated the allegations concerning the marketing
11 activities, including those mentioned in the order, and
12 could not substantiate the allegations and therefore
13 determined that they were without merit.

14 MR. WATSON: And mention the customer confusion
15 only as a possible predicate for the allegations having
16 been made in the first instance.

17 COMMISSIONER CLARK: Yes.

18 COMMISSIONER DEASON: Is that acceptable, Mr.
19 Watson?

20 MR. WATSON: I think barely.

21 COMMISSIONER JACOBS: I have a couple of
22 questions of clarification.

23 Are we done with Paragraphs 3 and 4?

24 COMMISSIONER CLARK: Yes. I don't have anything
25 further, but I do have a question on, I guess, how this

1 approval relates to the rulemaking that we are involved
2 in.

3 COMMISSIONER JACOBS: In Paragraph 5,
4 specifically the offer in Subsection 8 to make
5 transportation service available under reasonable terms
6 and conditions, it is my understanding that the provisions
7 requiring the additional capacity was the primary concern
8 of staff. I would assume that these new customers, these
9 300 non-residential customers would not be subject to that
10 provision. Is that a correct assumption?

11 MS. BULECZA-BANKS: I believe those 300
12 customers per month will be required to take capacity with
13 them when they leave the system.

14 MR. KEATING: And just to be clear, I think what
15 you are addressing is staff's concern about the
16 requirement in Rider FTA-2 that new incremental load be
17 brought on the system before existing customers can be
18 brought on.

19 COMMISSIONER JACOBS: Right. And my assumption
20 would be that that would not apply to these 300, or
21 whatever number of customers are brought on pursuant to
22 this provision?

23 MS. BULECZA-BANKS: That is correct.

24 MR. WATSON: That's correct, Commissioner
25 Jacobs.

1 COMMISSIONER JACOBS: And then the only other
2 question I had is at the bottom of Page 2. I want to be
3 clear about what prompts an extension of time for the new
4 tariff to become effective. It is my understanding that
5 if all things work as planned then the new tariff should
6 become effective by the first of September -- I'm sorry,
7 by the 30th of September.

8 MS. BULECZA-BANKS: That's correct.

9 COMMISSIONER JACOBS: But it seems as if -- if
10 there is some delay, then there will be an automatic
11 extension granted.

12 MS. BULECZA-BANKS: The potential where that
13 could happen is if when we are reviewing the tariff filing
14 that the terms and conditions was something that we
15 couldn't live with and we needed to bring it before the
16 Commission and then we didn't get that issue resolved.
17 The company's concern is that they always want to have
18 some kind of tariff, transportation available to
19 customers.

20 And so if we didn't have one in place and this
21 one expired, they wouldn't have any transportation tool
22 out there, and that was their concern. And hopefully we
23 can get that done much earlier than October 1st, but this
24 is just a protection to have some kind of tariff in case
25 we can't get it finished.

1 COMMISSIONER JACOBS: Okay.

2 COMMISSIONER DEASON: What happens to the FTA-2
3 rider if the new tariffs are filed and they become
4 effective before October 1st, 2000?

5 MR. KEATING: I believe under the offer of
6 settlement the FTA-2 rider pursuant to its own provisions
7 would no longer be effective as of September 30th.

8 COMMISSIONER DEASON: But you have got a period
9 of time where the two overlap conceivably. Explain to me
10 how that works. They have got an obligation under this
11 agreement to file new tariffs no later than July 31st.

12 MS. BULECZA-BANKS: What happens is if by
13 chance -- if they filed on July 31st and we had this
14 approved and ready to go September 1st, it effectively
15 makes the FTA-2 moot. Because you don't need to be an
16 incremental load to come on the system, anybody could. It
17 would just be the first 300. So it basically makes that
18 other tariff moot.

19 COMMISSIONER DEASON: Okay. That's what I was
20 looking for. Thank you.

21 And how do we, after the fact, verify the number
22 of customers affected, the 300 threshold or goal?

23 MS. BULECZA-BANKS: We have a quarterly filing
24 already on the FTA.

25 MR. MAKIN: It would be a monthly report that

1 they would file to show how many customers and load, that
2 type of information. This is kind of like an on-going
3 thing to keep us advised of what is going on.

4 MR. WATSON: Wayne, we are having difficulty
5 hearing you.

6 MR. MAKIN: What I was saying was that we
7 continue to receive from Peoples Gas monthly reports that
8 show how many customers are transporting. And we will
9 continue to receive that with the 300 customers to ensure
10 that, in fact, you are getting 300 customers under
11 transportation.

12 COMMISSIONER DEASON: Well, now is the standard
13 that they must have 300 or that it is made available to
14 300?

15 MS. BULECZA-BANKS: They have to make it
16 available. And what we envision is because there is more
17 than 300 it is going to be first-come, first-served date
18 stamped in. So no less. I mean, we're looking at no
19 less. You can't offer it to just 200 and stop it there.
20 You have to at least let 300 on.

21 Of course, I wouldn't be opposed if they just
22 they called me up and said, "I can accommodate another 50
23 this month." I would be okay with that.

24 COMMISSIONER DEASON: And the language just
25 underneath Section 5(b) where it talks about that in

1 consideration of these agreements, the rider shall be
2 approved or permitted to remain in effect without
3 approval. What action does staff contemplate would
4 actually -- would be taken by approving this agreement?

5 MR. KEATING: It would be approving Rider FTA-2.
6 I don't think at this point the Commission previously let
7 the rider go into effect by operation of law without
8 approving or denying. I think at some point under the
9 file and suspend law we eventually have to approve or
10 deny.

11 COMMISSIONER CLARK: Are you sure? You
12 eventually have to approve or deny. You can't just let it
13 take effect?

14 MR. ELIAS: If you look to the Wilson line of
15 cases, there is language in there that talks in terms of
16 the statute requiring the Commission to make a decision on
17 a tariff within the 12-month period. Granted that was in
18 364. But the language in the file and suspend laws that
19 exists now in Chapter 366 is identical to what was under
20 the court's consideration at that time.

21 COMMISSIONER CLARK: Those were full rate cases,
22 right? You think it applies either way?

23 MR. ELIAS: I think so. I think the
24 Commission --

25 COMMISSIONER CLARK: When does the 12-month

1 clock run out?

2 MR. ELIAS: If the Commission does not make a
3 final decision within 12 months, the rates go into effect
4 on a permanent basis as filed.

5 COMMISSIONER CLARK: So we don't have to approve
6 them for them to remain in effect.

7 MR. ELIAS: When we looked at this issue back in
8 October, we drew the conclusion that the court's language
9 indicated that the Commission had to make a decision on
10 the tariff filing. I think that was pretty unequivocal as
11 far as that went. But, you know, we don't use the file
12 and suspend law that much any more. If we want to take a
13 break so we can go get the cases, we can do that so that
14 the Commission is clear on this. But I remember --

15 COMMISSIONER CLARK: But if the law itself said
16 if you don't take action they remain in effect
17 permanently, then that would sort of argue against what
18 the cases say.

19 MR. ELIAS: Commissioner, I need to be more sure
20 of exactly what it says before I --

21 COMMISSIONER DEASON: Well, my question was more
22 on trying to perhaps remove a certain degree of ambiguity
23 and determine what we are going to do as opposed to
24 debating the finer points of the law. And I was justing
25 wanting to know what staff's view was, whether we should

1 just go ahead and approve the tariff and be done with it,
2 realizing what is being agreed to or if there is some
3 reason -- apparently, Bob, you don't feel like we have the
4 authority just to let it go into effect anyway, or that we
5 shouldn't take that action. That's what I'm trying to get
6 feedback on.

7 MR. ELIAS: I think it is the first course of
8 action, to approve the tariff.

9 MR. WATSON: Commissioner, I think the offer of
10 settlement gives you the option. I'm inclined to agree
11 with Mr. Elias in terms of the action the Commission ought
12 to take, and I believe that is simply to approve them and
13 bring some closure to the issues that were involved or
14 that were raised by the filing of the petition in the
15 first instance.

16 I would like to sort of clarify a couple of
17 things. One was Commissioner Deason had asked how would
18 you verify that Peoples is signing up or making service
19 available to not less than 300 customers a month. And
20 there was a monthly reporting requirement mentioned. I
21 believe that is a quarterly report. And Peoples would
22 continue to file the quarterly report.

23 The second thing was I believe the new
24 transportation tariffs that the company has committed in
25 this offer of settlement to file will spell out reasonable

1 terms and conditions on which transportation service will
2 be made available to these customers. Ms. Bulecza-Banks
3 mentioned first-come, first-served. There is also the
4 option of prorating. The company hasn't really worked
5 through that issue yet, but it would be spelled out in the
6 tariffs that are filed in terms of how requests by more
7 than 300 customers would be handled. It's just something
8 that the company has not yet worked through.

9 COMMISSIONER DEASON: Thank you for that
10 clarification. Is that staff's understanding? And is
11 staff in agreement that that process would work?

12 MS. BULECZA-BANKS: Yes, we are.

13 COMMISSIONER DEASON: Okay. And if there is any
14 question as to whether the terms are, in fact, reasonable,
15 is that something that would be brought to the Commission?
16 Hopefully that question would not even arise, but --

17 MR. WATSON: We have to bring the tariff
18 proposal to you that they file on July 31st, and bring
19 that before you for approval.

20 COMMISSIONER DEASON: So if staff has concerns
21 about the terms and conditions, you will make those known
22 at that time?

23 MS. BULECZA-BANKS: Absolutely. Commissioner
24 Clark, you said you had a question?

25 COMMISSIONER CLARK: Yes. How will this relate

1 to our rulemaking?

2 MS. BULECZA-BANKS: In talking with the company
3 -- originally our rule says that you will file a tariff by
4 July 1st. And in this petition it says July 31st. At the
5 time they made the settlement, the rule had not been
6 passed and they were looking at these as two separate
7 dockets.

8 However, in talking with the company they
9 understand it would be obviously a lot simpler to make one
10 filing which can apply and satisfy both requirements, and
11 that is what they are going to attempt to do.

12 COMMISSIONER CLARK: Okay. Just so I'm clear,
13 if the rule goes forward and becomes adopted and is
14 effective, they must comply with the rule and amend -- the
15 rule requirements will take precedent over the settlement.

16 COMMISSIONER DEASON: It may not take
17 precedence, but they will just kill two birds with one
18 stone and do it July 1st and be done with it.

19 MS. BULECZA-BANKS: I think they can make a
20 filing that would seek to accomplish both goals.

21 COMMISSIONER CLARK: Well, here is the thing,
22 the new tariff is going to say not less than 300
23 non-residential customers. Is our rule that limiting?

24 MS. BULECZA-BANKS: No. I mean, the rule is
25 very open; they can do the same thing, they can say 300.

1 COMMISSIONER CLARK: It requires the filing of a
2 tariff, it does not specify this amount of detail.

3 MS. BULECZA-BANKS: Absolutely. And one of the
4 things to consider is that if the rule then had to go to
5 hearing, if somebody sought a hearing this would still be
6 a requirement. They would still be filing July 31 even
7 though that requirement may be suspended for somebody
8 requesting a hearing.

9 COMMISSIONER CLARK: Okay.

10 COMMISSIONER DEASON: Mr. Watson, you are in
11 agreement with that?

12 MR. WATSON: Yes, sir. Commissioner Deason, we
13 had originally thought about crafting this offer of
14 settlement to refer to the rule. But simply the way
15 things go in rulemaking, you don't know whether that rule
16 is going to be effective. You don't know when it is going
17 to become effective. And because Peoples wanted to make
18 this commitment whether or not the rule is adopted, we
19 opted not to refer to the rule in the offer of settlement.

20 COMMISSIONER DEASON: I understand. Let me ask,
21 do we need to go ahead and procedurally get the prefiled
22 testimony into the record and the exhibits, or is that
23 mooted by the settlement?

24 MR. KEATING: I think it is mooted by the
25 settlement.

1 COMMISSIONER DEASON: Do you agree with that
2 also, Mr. Watson? There is no need to have testimony
3 inserted in the record, that we can just act on the
4 settlement?

5 MR. WATSON: I wouldn't mind having the
6 testimony and exhibits admitted, but I do agree it is
7 probably moot.

8 COMMISSIONER CLARK: Mr. Chairman, I would move
9 approval of the settlement with the clarification that we
10 talked about with regard to Paragraph 3 specifically
11 indicating that investigated allegations, found them not
12 to be -- could not substantiate the allegations, and
13 therefore the staff found them to be without merit. What
14 the staff did find was customer confusion, which
15 apparently caused -- was the basis for the allegation.

16 And then with respect to the first full
17 paragraph after 5(b), where it says shall be approved or
18 permitted to remain in effect without approval, that it
19 does appear that the statute would require us to approve
20 within 12 months. So that I think it should indicate we
21 have approved the tariff based on the terms of the
22 settlement.

23 COMMISSIONER DEASON: There is a motion.

24 COMMISSIONER JACOBS: A brief point of
25 clarification. This docket was open as a petition to

1 approve that tariff. Should we keep it open pending the
2 actual filing?

3 MS. BULECZA-BANKS: No, the docket should be
4 closed.

5 COMMISSIONER JACOBS: But we are not approving
6 the tariff, because you are going to bring us back another
7 docket to approve the actual tariff?

8 MS. BULECZA-BANKS: It would be a different
9 docket.

10 COMMISSIONER CLARK: It would be a different
11 tariff, yes.

12 COMMISSIONER JACOBS: Okay.

13 COMMISSIONER CLARK: So I would amend my motion
14 to include closing the docket.

15 COMMISSIONER JACOBS: I second.

16 COMMISSIONER DEASON: It has been moved and
17 seconded. All in favor say aye.

18 (Unanimous affirmative vote.)

19 COMMISSIONER DEASON: Show the motion is
20 approved unanimously. Mr. Watson, do you have any
21 concluding thoughts or comments?

22 MR. WATSON: No, Commissioners. And, again, we
23 appreciate the Commissioners agreeing to handle this
24 matter by telephone.

25 COMMISSIONER DEASON: Thank you. We are glad to

1 make that accommodation and appreciate the hard work by
2 staff. And with that this -- I'm sorry, Mr. Keating.

3 MR. KEATING: I have one minor thing. I don't
4 know if it is necessary, but just to tie up a loose end.
5 Staff had a motion for a protective order and I just
6 wanted to reflect that is now moot.

7 COMMISSIONER DEASON: Very well. This hearing
8 is adjourned. Thank you all.

9 MR. WATSON: Thank you.

10 (Whereupon, the hearing concluded at 10:05 a.m.)

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1 STATE OF FLORIDA)

2 : CERTIFICATE OF REPORTER

3 COUNTY OF LEON)

4
5 I, JANE FAUROT, RPR, Chief, FPSC Bureau of Reporting
6 FPSC Commission Reporter, do hereby certify that he
7 Hearing in Docket No. 990935-GU was heard by the Florida
8 Public Service Commission at the time and place herein
9 stated.

10
11 It is further certified that I stenographically
12 reported the said proceedings; that the same has been
13 transcribed under my direct supervision; and that this
14 transcript, consisting of 25 pages, constitutes a true
15 transcription of my notes of said proceedings.

16
17 I FURTHER CERTIFY that I am not a relative, employee,
18 attorney or counsel of any of the parties, nor am I a
19 relative or employee of any of the parties' attorney or
20 counsel connected with the action, nor am I financially
21 interested in the action.

22
23 DATED this 29th day of February, 2000.

24
25 

26
27 JANE FAUROT, RPR
28 FPSC Division of Records & Reporting
29 Chief, Bureau of Reporting