

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

IN RE: DOCKET NO. 010441-EU - Petition to resolve territorial dispute with Gulf Power Company in Washington County by West Florida Electric Cooperative Association, Inc.

BEFORE: COMMISSIONER J. TERRY DEASON
COMMISSIONER LILA A. JABER
COMMISSIONER MICHAEL A. PALECKI

PROCEEDINGS: AGENDA CONFERENCE

ITEM NUMBER: 39

DATE: Tuesday, December 4, 2001

PLACE: 4075 Esplanade Way, Room 148
Tallahassee, Florida

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PARTICIPANTS:

JIM BREMAN, DANIEL LEE, and MARLENE STERN, FPSC Staff.

STAFF RECOMMENDATION

ISSUE 1: Pursuant to Rule 25-6.0441(1), Florida Administrative Code, what is the service area that is the subject of this territorial dispute?

PRIMARY RECOMMENDATION: The 35-acre parcel owned by FGT on which Station 13 and the Phase V Compressor Station 13A are located should be designated as the service area.

ALTERNATE RECOMMENDATION: The disputed service area is the area within a four-mile radius of Hinson Crossroads substation, including Station 13A. The service area should be designated as the footprint of the two 15,000 horsepower motors at Station 13A.

ISSUE 2: what is the existing and planned load to be served in the disputed area?

PRIMARY RECOMMENDATION: The existing load is that which FGT currently requires for Station 13. The planned load will be that which is required to serve Station 13A, including both the compressor motors and the ancillary electric services.

ALTERNATE RECOMMENDATION: The existing load in the four-mile vicinity of Station 13 is approximately 3,000 kilowatts including service to Station 13, which has a peak demand of 159 kilowatts. Projected load growth is approximately 2% per year absent the proposed new load at Station 13A. The estimated peak demand of the two electric motors to be sited at Station 13A is approximately 20,000 kilowatts.

STIPULATED ISSUE 3: what is the estimated cost for electric utility facilities to adequately and reliably serve the planned load in the disputed area?

The estimated cost of \$5.5 million for electric utility facilities is approximately the same for either utility to provide service. This amount includes a 230 kV switching station, approximately six miles of 230 kV transmission cable and poles from the new switching station to a new substation located at Station 13A, a new substation at Station 13A, land purchases, and one transformer.

ISSUE 4: Are the planned electric facility additions and other utility services to be provided within the disputed area reasonably expected to cause a decline in the reliability of service to existing and future utility customers?

RECOMMENDATION: No. The planned electrical facility additions and other utility services are not expected to cause a decline in the reliability to existing and future customers of either West Florida or Gulf.

STIPULATED ISSUE 5: What is the nature of the disputed area with respect to its population, the type of utilities seeking to serve it, degree of urbanization, proximity to other urban areas, and the present and reasonably foreseeable future requirements of the area for other utility services?

The nature of the disputed area is rural as defined by Section 425.03(1), Florida Statutes. Retail service to Station 13A is the only present and reasonably foreseeable future requirement in the area of dispute. The general vicinity is expected to remain rural with slow residential and agricultural load growth. Station 13A is approximately nine miles from Vernon, 12 miles from Bonifay, 10 miles in Caryville, and 18 miles from Chipley.

STIPULATED ISSUE 6: What utility does the customer prefer to serve the disputed area?

The customer, ECS, prefers retail service from Gulf.

STIPULATED ISSUE 7: Will the actions of either West Florida or Gulf cause uneconomic duplication of electric facilities with regard to serving the load in the disputed area?

The construction of the facilities identified in Issue 4, either West Florida or Gulf, will not cause uneconomic duplication of electric facilities with regard to serving the new retail load at Station 13A.

STIPULATED ISSUE 8: Does West Florida have the right of access, through its wholesale power provider or otherwise, to the same transmission facilities that Gulf proposes to tie into to provide service to the disputed area?

Yes. Gulf does not have exclusive access to the existing and future electric transmission system

necessary to serve the new retail load at Station 13A.

ISSUE 9: As a matter of law or policy, is it permissible for an existing customer of an electric utility to enter into a contract with a third party to provide electric service to the existing customer through another electric utility?

RECOMMENDATION: It is not necessary to decide this issue to resolve the territorial dispute.

ISSUE 10: Which utility should be awarded the service area in dispute?

PRIMARY RECOMMENDATION: West Florida should provide electricity to the service area because it is the historical service provider for the area.

ALTERNATE RECOMMENDATION: Gulf Power Company should be awarded the service to ECS at Station 13A. However, the Commission should decline to establish any other territorial boundary in the disputed area that lies within a four-mile radius of Hinson Crossroads.

ISSUE 12: Should this docket be closed?

RECOMMENDATION: This docket should be closed 32 days after the issuance of the order to allow the time for filing an appeal to run.

1 COMMISSIONER DEASON: Call the agenda back
2 the order. We are now on Item 39.

3 MS. STERN: Item 39 is staff's
4 recommendation for the final order -- staff's,
5 excuse me, primary and alternate recommendations
6 for the final order in Docket 010441-EU. The
7 legal staff would like to note for the record
8 that either alternate -- either the primary
9 recommendation or the alternate recommendation
10 is legally permissible.

11 COMMISSIONER DEASON: I'm sorry. Is what?

12 MS. STERN: Legally permissible.

13 COMMISSIONER JABER: That was one of my
14 questions. Thanks, Marlene, for addressing that
15 up front. I couldn't tell -- you're not saying
16 in your recommendation that -- you just
17 addressed it. Okay. So have you -- on Issue 1
18 in particular, technical staff, your only
19 disagreement with the primary relates to the
20 territory that's designated as the service area.

21 MR. BREMAN: That's correct. West Florida
22 simply said it was this big because of the
23 transmission line, and that's all. That's the
24 fundamental part of why we said it's four miles.

25 COMMISSIONER JABER: Okay. Now, educate me

1 on your bottom line with respect to we don't
2 need to reach the level of defining the
3 territorial -- the area just because there might
4 be a territorial dispute. You seem to indicate
5 that it's premature to go that far in this case.

6 MR. BREMAN: Yes. The utilities can have
7 different points of view as to why a service
8 area may be in dispute, and I think it's
9 appropriate for the Commission to make a
10 decision where a decision is needed. So if
11 there is a bona fide customer or an expected
12 customer in the primary future or the near
13 future, then we need to address that possible
14 problem. But where we don't know where there's
15 a bona fide customer or what facilities are
16 necessary to serve that future customer, no
17 decision is necessary.

18 COMMISSIONER PALECKI: Let me ask you a
19 hypothetical. What if we did not have a
20 territorial dispute and nobody wanted to serve
21 this customer? If the customer went to West
22 Florida and requested service, would not this
23 Commission order West Florida to meet its
24 obligation to serve this customer? No
25 territorial dispute, nearest Gulf Power customer

1 is four miles away.

2 I think you know the answer to that
3 question. This Commission would order west
4 Florida to serve the customer.

5 MR. BREMAN: It's a hypothetical. I don't
6 know what the Commission vote would be.

7 COMMISSIONER JABER: But what have we done
8 in the past? Because see, this is exactly the
9 education --

10 MR. BREMAN: The facts in the case would be
11 substantially the same. Okay? The existing
12 facilities that are in the area are not
13 sufficient to serve the customer, so you have to
14 bring in a transmission line.

15 COMMISSIONER DEASON: Wouldn't we require
16 them --

17 MR. BREMAN: The costs wouldn't be any
18 different.

19 COMMISSIONER DEASON: wouldn't we require a
20 review as to who can provide service most
21 economically?

22 MR. BREMAN: Yes, and I don't know how the
23 Commission would go through that process,
24 whether the Commission would declare a dispute
25 and then drag the two companies in, whether or

1 not there would be a show cause for failure to
2 respond to a request for service. I don't know
3 how the formula would work, because I don't know
4 that that would ever happen.

5 COMMISSIONER PALECKI: But on determining
6 the obligation to serve, what this Commission
7 normally looks to is who is serving customers in
8 the area. I mean, we have never asked a company
9 that does not have a single customer within four
10 miles, we've never burdened that utility with
11 the obligation to serve. If you can recall a
12 case, let me know, but I'm not familiar with
13 anything even close. I'm fairly certain that
14 under obligation to serve, West Florida, if they
15 were requested, would be required by this
16 Commission --

17 COMMISSIONER DEASON: Well, let me say
18 this. I'm not so sure. I don't think that the
19 proximity is the overriding factor. If no one
20 was willing to serve, we would require the
21 company that could extend service most
22 economically to extend that service and serve
23 that customer.

24 Now, there may be some CIAC involved,
25 depending on the circumstances. But I would

1 think we would require service to be provided
2 most economically, because that is what's most
3 beneficial to society as a whole, is for the
4 most economic provider to provide service.

5 MR. LEE: We agree. I think it will be --
6 it should be handled exactly the same as this
7 case. We look at the criteria. If we can find
8 the most economic provider, then that provider
9 should have an obligation to serve. If we
10 decide there's no difference in cost or
11 reliability, then the customer choice should be
12 -- should decide which utility has the
13 obligation to serve.

14 COMMISSIONER DEASON: But now, I would
15 recognize that everything else being equal, that
16 generally the utility that has the closest
17 proximity is probably going to be the one who is
18 most economically situated to provide service.
19 It's just that this is a rather unique
20 situation, in that the load requirements are
21 beyond what customarily have been provided for
22 this particular area.

23 MR. BREMAN: Correct.

24 COMMISSIONER DEASON: And so it presents a
25 rather unique circumstance.

1 MR. BREMAN: That's correct.

2 COMMISSIONER JABER: But, Commissioner
3 Deason and staff, the thing that has troubled me
4 with this recommendation is, I don't know if by
5 designating, quote, unquote, prematurely the
6 entire service area right now eliminates the
7 flexibility to look at that economic analysis.
8 I don't know the answer to that. Which actually
9 gives us from a policy standpoint more
10 flexibility?

11 COMMISSIONER DEASON: Will, let me take a
12 stab at it. Staff, you can disagree. I think
13 that to the extent that we only resolve what
14 currently has to be resolved, we would maintain
15 the most flexibility, and then we're in a better
16 position, regardless of what happens in the
17 future, that we be in a better position to make
18 a decision that we continue to think is in the
19 public interest. And whatever those facts bear
20 out at that point, they bear out.

21 That's why I'm comforted by staff's
22 alternate recommendation that, while we can
23 define the disputed area as a four-mile radius
24 or whatever, we're just -- I believe it's your
25 recommendation that we just designate one

1 utility or the other to provide service for this
2 particular location for the load currently in
3 dispute.

4 MR. BREMAN: That's correct.

5 MS. STERN: And can I just add something?
6 For either the primary or the alternate, the
7 four-mile radius area would not require the
8 Commission to set boundaries over the four-mile
9 radius area. In the primary recommendation it's
10 the 35-acre parcel that FGT occupies now, and in
11 the alternate recommendation it's the footprint
12 of the two 15,000-horsepower motors. So with
13 either recommendation, no one recommends that
14 you delineate the four-mile radius area for
15 reasons of preserving flexibility in the future.

16 COMMISSIONER JABER: Right. I understand.
17 But the distinction between the primary and the
18 alternative about what we would -- related to
19 what we would be approving is, the alternate
20 takes the view that the only thing in question
21 are the motors. And in the primary, it's a
22 territory -- you take a different definition of
23 the territory. You say that it's the
24 facilities.

25 MS. STERN: We say it's the Station 13A

1 expansion, that area.

2 COMMISSIONER JABER: And, staff, technical
3 staff, what's wrong with that approach? That is
4 not the entire four-mile radius. What's wrong
5 with what Marlene is saying, if anything?

6 MR. BREMAN: Simply that alternate staff
7 recognized that West Florida's testimony was one
8 that primary staff argues very well in their
9 writeup. The historical presence, they've been
10 in the area, and in comes a new company with a
11 transmission line. That transmission line in
12 their view and in their testimony threatens
13 every inch of that four-mile radius as it comes
14 in to serve the new load location.

15 COMMISSIONER JABER: Okay. And the
16 alternate is consistent with how we've handled
17 these issues in the past?

18 MR. BREMAN: Yes.

19 MS. STERN: I disagree with that, the
20 alternate recommendation on the service area. I
21 think in the past we've never delineated the
22 footprint of two motors as a service area. I
23 think that stretches a little bit our concept of
24 what territory is. I mean, I think that
25 latitude is allowed in the rules and in the

1 statute, but it does stretch the concept of what
2 a territory is.

3 And in addition, those motors would be
4 housed in a building, and the facts we do have
5 in the record indicate West Florida would
6 provide all the ancillary electric services to
7 that building. So you have, you know, an
8 unusual situation there with motors served by
9 one utility in a building, with the electric
10 needs served by another. You know, that's
11 permissible too. I think it just sort of
12 stretches the idea of what a territory is and
13 the common sense notions of how we delineate
14 boundaries and how we have delineated them in
15 the past. I don't think there is another
16 delineation anything like this that I'm aware of
17 that the Commission has done.

18 COMMISSIONER PALECKI: Let me ask the
19 technical staff, have you considered just
20 considerations of basic fairness? I mean, the
21 rule and the statute both provide that the
22 Commission is not limited to consideration only
23 of the four points, that there are obviously
24 other issues that can be considered by the
25 Commission. And here we have a utility that has

1 been serving the general area for a very long
2 period of time. Under basic tenets of fairness,
3 don't we have to go with the utility that has
4 been historically serving the area?

5 And let me make an analogy. We have an
6 orchard, and we've had the orchard owner pulling
7 the weeds, trimming the trees, applying the
8 fertilizer. Is it fair to allow someone else to
9 come in and pick all the cherries off the
10 trees? I mean, it seems like you're not even
11 taking into consideration basic tenets of
12 fairness.

13 MR. LEE: That's a very interesting analogy
14 of cherry picking. But in this scenario, we can
15 look at this tree and this farmer that has done
16 all the work. But, you know, in most normal
17 cases, you know, this picker has -- they have,
18 you know, historically hired this picker, you
19 know, cherry picker to pick. And most of the
20 other similar trees owned by other farmers, you
21 know, that are operated by other farmers, it's
22 most likely, yes, we would agree that it's more
23 economical if you look at the historic -- the
24 historic area has always been considered as a
25 supporting factor for the economics. And so in

1 those situations, yes, we agree for a normal
2 kind of similarly situated trees, that would be
3 more economical, and so they should source their
4 picker, the same picker. Using the same is more
5 economical. But in this situation, this tree is
6 already, you know, 100 feet times taller, so it
7 requires different equipment to pick. And
8 picker number B, they have this specialized
9 equipment. But, you know, picker A can also,
10 you know, lease that equipment. So maybe the
11 farmer says, you know, we prefer B because
12 they've done more work, similar work for this
13 kind of situation.

14 But for our analysis, we think they are --
15 you know, essentially cost the same, and they
16 can, you know, both provide that service, you
17 know. It's really quite analogous. Cherry
18 picking is like electric service. They can both
19 provide that service reliably and
20 cost-effectively. But in picking either one, I
21 think we look at fairness as considering the --
22 I think it's better to consider the customer.
23 We look at -- first we make sure that all the
24 customers, the public interest is not affected.
25 That's why we look at the economic situation,

1 you know, which one is more economical. And if
2 it is essentially the same, then I think, you
3 know, this customer, new customer is a customer
4 where their preference should be, you know,
5 honored.

6 COMMISSIONER PALECKI: well, I think
7 statute and the rule both say that the customer
8 preference should only be considered when all
9 things are perfectly in balance.

10 COMMISSIONER DEASON: well, is that really
11 true? Is that really true given the Supreme
12 Court decision?

13 MS. STERN: Yes.

14 MR. BREMAN: Substantially, I believe is
15 the --

16 COMMISSIONER DEASON: well, it's within a
17 certain threshold; correct? I mean, the first
18 priority, the first priority is most economic,
19 and then it's a question of what is roughly the
20 same in terms of economics, and then it's
21 customer -- if everything is roughly equal, the
22 Supreme Court has said customer preference
23 should prevail; is that correct?

24 MS. STERN: well, the Supreme Court hasn't
25 called out the economic -- a certain economic

1 factor as more weighty or more important than
2 any other factor. The case, which is one of the
3 Gulf Coast cases, just said when all things are
4 substantially -- when all the factors are
5 substantially equal, customer preference should
6 be --

7 COMMISSIONER DEASON: And it's a question
8 of what is substantially equal. What we thought
9 was --

10 MS. STERN: Right.

11 COMMISSIONER DEASON: There was one
12 provider that could do it more economically. We
13 were overruled, and they said it's basically the
14 same, and then customer preference should carry
15 the day.

16 MS. STERN: Uh-huh.

17 COMMISSIONER PALECKI: But if you -- if
18 historic presence in the area is considered,
19 wouldn't that tip the scales in favor of West
20 Florida, which would mean that you would not
21 consider customer preference, because things are
22 no longer equal? We have someone who has been
23 in the area --

24 MR. BREMAN: I would bring --

25 COMMISSIONER PALECKI: -- for years.

1 MR. BREMAN: Go ahead. I'm sorry.

2 COMMISSIONER PALECKI: I mean, does that
3 tip the scale, in your opinion?

4 MR. BREMAN: I don't think it does,
5 because it brings you back to your discussion
6 about fairness. The record describes a
7 relationship that developed between the customer
8 and the utilities. Each utility nurtured its
9 own relationship with a future customer, and the
10 end product is before you, so there's a question
11 of investment.

12 And the Supreme Court in the Gulf Coast I
13 case or the first Gulf Coast case in 1996, the
14 Supreme Court weighed heavily on that, that the
15 cooperative put a lot of investment into
16 bringing this service into the area. So the
17 issue of fairness has to be weighed on both
18 sides, not only service integrity, but what the
19 utility is doing to preserve it, to do it, to
20 nurture it and to bring customers to the area.

21 COMMISSIONER PALECKI: But aren't you
22 considering that customer relationship
23 prematurely? It seems to me that the Supreme
24 Court has told us we don't even consider that if
25 things aren't equal. And if the historic

1 presence in the territory tips the scale to
2 favor West Florida, we're not permitted to
3 consider the issue of that relationship between
4 the customer and the utility. That's not to be
5 considered.

6 MR. LEE: Actually, we will agree, if this
7 load is the same, if this new Station 13A is
8 exactly -- you know, is similar to the existing
9 Compression Station 13. And if they used the
10 gas-driven compression, then their electric load
11 characteristic will be similar. And in that
12 case, we will agree that simply because West
13 Florida has served that area, it will be, you
14 know, just by simple reasoning, it will be more
15 economical for them to serve, to extend the
16 existing facility to serve that new customer.

17 COMMISSIONER PALECKI: No, I think it's
18 clear that it's going to cost the same for
19 either utility to serve. It will be identical.
20 The cost to serve is the same. The only thing
21 I'm having a hard time getting by is, doesn't
22 the presence in the area, is that something that
23 we should consider, especially when we say what
24 is the right thing to do, what is fair to do,
25 and what -- you know, I need to vote my

1 conscience, and that seems to me to be an
2 important factor.

3 MR. BREMAN: It is. And to perhaps muddy
4 the water a little bit with another
5 hypothetical, perhaps there should have been a
6 third or another alternative attached to Issue 1
7 and describe the disputed area as the six-mile
8 radius or perhaps the ten-mile radius. If that
9 had been the case, then you would have had to
10 conclude that there were customers in the
11 disputed area being served by both utilities.
12 So I'm just bringing that up so that in deciding
13 this case, we're not cleverly trapped into
14 something that has a very curious outcome down
15 the road.

16 COMMISSIONER JABER: Which brings us back
17 to exactly where we started, which is, I want a
18 policy decision that gives us the most
19 flexibility. I hate to simplify what probably
20 is a complex issue.

21 Okay. And, staff, the only difference in
22 your primary and alternative as it relates to
23 Issue 2, Marlene, is that you set that up to be
24 consistent with your recommendation in Issue 1?

25 MS. STERN: Yes.

1 COMMISSIONER JABER: Okay. Commissioners,
2 I can make a motion to approve staff's
3 alternative on Issue 1.

4 COMMISSIONER DEASON: Okay. There's a
5 motion. Is there a second?

6 There's not a second; is that correct?

7 COMMISSIONER PALECKI: No, I cannot second
8 the motion.

9 COMMISSIONER DEASON: Okay. I guess what
10 I'll have to do is pass gavel to you,
11 Commissioner Palecki, and I will second the
12 motion, so you can have a vote.

13 COMMISSIONER PALECKI: There has been a
14 motion and a second. All in favor?

15 COMMISSIONER JABER: Aye.

16 COMMISSIONER DEASON: Aye.

17 COMMISSIONER PALECKI: All opposed? Nay.

18 COMMISSIONER DEASON: Staff's alternate
19 recommendation is approved for Issue 1. We're
20 now on Issue 1.

21 COMMISSIONER JABER: And to be consistent,
22 I would approve the alternative on Issue 2.

23 COMMISSIONER DEASON: There's a motion.

24 COMMISSIONER PALECKI: I'll take the gavel.
25 Is there a second?

1 COMMISSIONER DEASON: There is a second,
2 yes.

3 COMMISSIONER PALECKI: All in favor?

4 COMMISSIONER JABER: Aye.

5 COMMISSIONER DEASON: Aye.

6 COMMISSIONER PALECKI: All opposed? Nay.

7 COMMISSIONER DEASON: Okay. We have -- on
8 Issue 2, the alternate recommendation is
9 approved.

10 COMMISSIONER JABER: On the stipulated
11 issues, we didn't vote on those at the hearing?
12 Remind me. Do you all need a motion to accept
13 the stipulated issues?

14 MR. BREMAN: The stipulated issues were
15 voted on at the hearing.

16 COMMISSIONER JABER: We did that? Okay.

17 COMMISSIONER DEASON: So there's no need to
18 address Issue 3, and we can proceed to Issue 4.

19 COMMISSIONER JABER: And you're sure about
20 that? Because I don't remember --

21 COMMISSIONER DEASON: Well, in an
22 abundance of caution, we can go ahead and
23 dispose of the stipulated -- we'll address
24 stipulated Issue 3. Is there a motion?

25 COMMISSIONER JABER: Move Stipulated Issue

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COMMISSIONER PALECKI: Second.

COMMISSIONER DEASON: Moved and seconded.

All in favor say "aye."

COMMISSIONER PALECKI: Aye.

COMMISSIONER JABER: Aye.

COMMISSIONER DEASON: Aye. Show that
Stipulated Issue 3 is approved. We're now on
Issue 4.

COMMISSIONER PALECKI: I can move Issue 4.

COMMISSIONER DEASON: There is a motion.

Is there a second?

COMMISSIONER JABER: Second.

COMMISSIONER DEASON: Moved and seconded.

All in favor on Issue 4 say "aye."

COMMISSIONER PALECKI: Aye.

COMMISSIONER JABER: Aye.

COMMISSIONER DEASON: Aye. Show that
Issue 4 is approved.

We're on Stipulated Issue 5.

COMMISSIONER JABER: I can move 5 through
8, Commissioners Deason.

COMMISSIONER DEASON: Okay. Is there a
second?

COMMISSIONER PALECKI: Second.

1 COMMISSIONER DEASON: Issues 5 through 8,
2 which are stipulated, they have been moved and
3 seconded. All in favor say "aye."

4 COMMISSIONER PALECKI: Aye.

5 COMMISSIONER JABER: Aye.

6 COMMISSIONER DEASON: Aye. Show that
7 stipulated Issues 5 through 8 are approved.

8 We're now on Issue 9.

9 COMMISSIONER JABER: Now, staff, with the
10 majority's vote on Issues 1 and 2, we still
11 don't need to vote on Issue 9; right? No vote
12 is necessary?

13 MS. STERN: No vote is necessary.

14 COMMISSIONER JABER: Okay.

15 MS. STERN: Well, a vote is necessary on
16 Issue 9, to approve it or --

17 MR. BREMAN: To approve staff's
18 recommendation.

19 COMMISSIONER PALECKI: I would move to
20 approve the staff recommendation on Issue 9.

21 COMMISSIONER JABER: Second.

22 COMMISSIONER DEASON: Moved and seconded.
23 All in favor say "aye."

24 COMMISSIONER JABER: Aye.

25 COMMISSIONER PALECKI: Aye.

1 COMMISSIONER DEASON: Aye. Show that
2 Issue 9 is approved. Issue 10.

3 COMMISSIONER JABER: Alternative would be
4 my motion.

5 COMMISSIONER PALECKI: I'll take the
6 gavel. Is there a second?

7 COMMISSIONER DEASON: There is a second,
8 yes.

9 COMMISSIONER PALECKI: All in favor?

10 COMMISSIONER DEASON: Aye.

11 COMMISSIONER JABER: Aye.

12 COMMISSIONER PALECKI: All opposed?

13 Nay.

14 COMMISSIONER DEASON: Okay. Show then that
15 the alternate recommendation on Issue 10 is
16 approved. Issue 12.

17 COMMISSIONER JABER: I think that's all.

18 COMMISSIONER PALECKI: I would move staff.

19 COMMISSIONER DEASON: That's the issue to
20 close the docket.

21 COMMISSIONER JABER: Yes. I'm sorry.

22 COMMISSIONER PALECKI: I would move staff.

23 COMMISSIONER DEASON: Moved and seconded.

24 All in favor say "aye."

25 COMMISSIONER PALECKI: Aye.

1 COMMISSIONER JABER: Aye.

2 COMMISSIONER DEASON: Aye. Show that Issue
3 12 is approved.

4 I want to thank staff for a very thorough
5 recommendation, and I think it was constructed,
6 at least for my consideration, to have the
7 benefit of the primary and the alternate
8 recommendations. That's a good job.

9 I think that concludes today's agenda.
10 Thank you all for your participation.

11 COMMISSIONER PALECKI: One moment. Before
12 we leave this item --

13 COMMISSIONER DEASON: Did we skip an issue?

14 COMMISSIONER PALECKI: I believe it has
15 come to my attention that we've skipped an
16 issue.

17 COMMISSIONER DEASON: All right. Well, we
18 certainly didn't intend to. Which issue?

19 COMMISSIONER PALECKI: Issue 11.

20 MS. STERN: I think the issues were
21 numbered incorrectly. Issue 12 should have been
22 numbered Issue 11.

23 COMMISSIONER DEASON: On my recommendation,
24 we do go from Issue 10 to Issue 12.

25 COMMISSIONER PALECKI: That's the way mine

1 is written also. Should we correct that at this
2 time or just leave it the way it is?

3 COMMISSIONER DEASON: I think we can just
4 leave it as is, with the understanding that
5 there was no Issue 11 to address. Is that
6 sufficient?

7 COMMISSIONER PALECKI: Yes.

8 COMMISSIONER DEASON: Very well. Thanks
9 for that clarification. The agenda is
10 concluded.

11 (Conclusion of consideration of Item 39.)

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2 CERTIFICATE OF REPORTER
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4 STATE OF FLORIDA)

5 COUNTY OF LEON)
67 I, MARY ALLEN NEEL, do hereby certify that the
8 foregoing proceedings were taken before me at the time
9 and place therein designated; that my shorthand notes
10 were thereafter transcribed under my supervision; and
11 that the foregoing pages numbered 1 through 27 are a
12 true and correct transcription of my stenographic
13 notes.14 I FURTHER CERTIFY that I am not a relative,
15 employee, attorney or counsel of any of the parties,
16 or relative or employee of such attorney or counsel,
17 or financially interested in the action.18 DATED THIS 11th day of December, 2001.
19
2021 
22 _____
23 MARY ALLEN NEEL, RPR
24 100 Salem Court
25 Tallahassee, Florida 32301
(850) 878-2221