

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

IN RE: DOCKET NO. 000824-EI - Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

DOCKET NO. 020001-EI - Fuel and purchased power cost recovery clause with generating performance incentive factor.

BEFORE: CHAIRMAN LILA A. JABER
COMMISSIONER J. TERRY DEASON
COMMISSIONER BRAULIO L. BAEZ
COMMISSIONER MICHAEL A. PALECKI
COMMISSIONER RUDOLPH BRADLEY

PROCEEDINGS: AGENDA CONFERENCE

ITEM NUMBER: 16

DATE: Tuesday, April 23, 2002

PLACE: 4075 Esplanade Way, Room 148
Tallahassee, Florida

REPORTED BY: MARY ALLEN NEEL
Registered Professional Reporter

ACCURATE STENOGRAPHY REPORTERS
100 SALEM COURT
TALLAHASSEE, FLORIDA 32301
(850)878-2221

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PARTICIPANTS:

VINNIE DOLAN, H. WILLIAM HABERMEYER, and JIM MCGEE, Florida Power Corporation.

VICKI GORDON KAUFMAN, on behalf of FIPUG.

JACK SHREVE, on behalf of the Citizens of the State of Florida.

MARY ANNE HELTON, BILL MCNULTY, JOHN SLEMKEWICZ, and DAVE WHEELER, FPSC Staff.

STAFF RECOMMENDATION

ISSUE 1: Should the Commission approve the proposed Stipulation and Settlement, including Exhibit A?

RECOMMENDATION: Yes. The Commission should approve the proposed Stipulation and Settlement, including Exhibit A.

ISSUE 2: Should the Commission approve Florida Power Corporation's petition for an adjustment to reduce its fuel and purchased power cost recovery factors?

RECOMMENDATION: Yes. The Commission should approve FPC's petition for an adjustment to reduce its fuel and purchased power cost recovery factors by \$85 million (\$83.7 million retail). FPC will reduce its levelized fuel and purchased power cost recovery factor to 2.363 cents per kilowatt-hour, effective with the May 2002 cycle 1 billings.

ISSUE 3: Should Docket No. 000824-EI be closed?

RECOMMENDATION: Yes, Docket No. 000824-EI should be closed.

ISSUE 4: Should Docket No. 020001-EI be closed?

RECOMMENDATION: No. Docket No. 020001-EI is an ongoing docket and should remain open.

1 CHAIRMAN JABER: Item 16.

2 MS. HELTON: Commissioners, Item 16 is
3 staff's recommendation to approve the settlement
4 between the parties that was opened in the
5 docket in which we investigated Florida Power
6 Corporation's earnings. Staff has reviewed the
7 settlement, and we believe that it's in the
8 public interest and that it should be approved.

9 CHAIRMAN JABER: Ms. Helton, are there any
10 corrections or clarifications to this? I know I
11 received a copy of a memo clarifying something
12 from Mr. Beck, if I'm not mistaken. Would you
13 point that out to the Commissioners as well?

14 MS. HELTON: Certainly. Staff sent last
15 week a memo clarifying paragraph 13 of the
16 stipulation. It was a little bit ambiguous as
17 far as when the \$3 million refund could be
18 applied to the customers, and it's in both years
19 2005 and 2006. Excuse me. I said that wrong.
20 2004 and 2005.

21 CHAIRMAN JABER: Thank you.

22 Mr. Shreve, the last time I started on that
23 side. You wanted to start. So do you all have
24 a preference for the order?

25 Okay.. Go ahead.

1 MR. MCGEE: Madam Chairman and
2 Commissioners, my name is Jim McGee with Florida
3 Power. I have with me Mr. Habermeyer, Florida
4 Power's president, and Mr. Dolan, Vice President
5 for Regulatory Policy. And we certainly support
6 the staff's recommendation. Mr. Habermeyer
7 would like to make a few statements to the
8 Commission.

9 CHAIRMAN JABER: Go ahead, Mr. Habermeyer.

10 MR. HABERMEYER: Good morning, Chairman.
11 Chairman Jaber and Commissioners, my purpose
12 this morning is to seek approval of the
13 settlement that you have before you. I think in
14 many cases it does things that certainly benefit
15 our customers. It significantly reduces prices,
16 plus provides additional value to our customers.
17 Through the mechanism of the settlement process,
18 we believe it is in the best interests of all
19 parties.

20 I thank the Chairman and the Commissioners
21 for their strong encouragement of settlement. I
22 think that it did have the effect that all
23 parties desired. We did reach settlement, and
24 it came through a very cooperative process.

25 This collaborative effort involved a lot of

1 people. It certainly involved members of the
2 staff. It involved Jack Shreve, the Public
3 Counsel, and his staff, and all the intervenors
4 in this case. And through the cooperative
5 efforts of all parties, I think we arrived at
6 what I believe to be a very, very fair
7 settlement.

8 It was an extensive process. It involved
9 more than a thousand pages of minimum filing
10 requirements. It involved more than 750 pages
11 of testimony and more than 170,000 pages of
12 responses to questions. And certainly from the
13 standpoint of due diligence, I think the staff
14 and all the other members who had a part in this
15 are certainly to be commended for their strong
16 efforts in ensuring that this issue got a very,
17 very thorough examination.

18 The new agreement itself does contain what
19 I believe to be very important benefits to the
20 customers, a \$125 million per year rate
21 reduction, and that equates over the term of
22 this agreement to more than \$500 million worth
23 of savings to our customers, a \$35 million
24 one-time adjustment for this past year and the
25 period leading up to the settlement, and also a

1 \$50 million reduction in fuel charges.

2 So all in all, this equates to a 9%
3 reduction in rates to our customers, a reduction
4 of an average cost of 1,000, kilowatt-hours of
5 electricity from \$91.65 to \$81.62, making us
6 among certainly the best 10%, or at least 10%
7 below the national average in terms of
8 electricity rates.

9 In the process of this agreement, we
10 listened. We listened to the Public Service
11 Commission quality of service hearings that were
12 held, we listened to our customers directly, and
13 we certainly listened to the members who had
14 intervened in this particular case in terms of
15 service quality as well as how we can better
16 provide service to our customers. And I think
17 that this agreement captures, both through the
18 service quality agreement as well as through the
19 guarantee of service quality, those elements
20 that we heard our customers referring to.

21 Additionally, we look to the future in
22 terms of our ability to meet the generation
23 needs of this state. And as such, we are
24 capturing in this agreement for the first two
25 years the construction of a new power plant with

1 no impact to our customers, again yielding rate
2 stability, which we think is very important to
3 customers.

4 All in all, we think this is a very sound
5 agreement. It has involved a lot of people, a
6 lot of time, a lot of energy, and we think that
7 the outcome is something that we can all be
8 proud of, and we certainly recommend it to you
9 for your approval.

10 Thank you very much.

11 CHAIRMAN JABER: Thank you, Mr. Habermeyer.
12 Mr. Shreve.

13 MR. SHREVE: Thank you, Chairman and
14 Commissioners. We appreciate you taking the
15 item up this morning.

16 We are here to support the staff
17 recommendation of approval. I feel this is a
18 very beneficial settlement to the customers. As
19 you know, we have a \$125 million rate cut, and
20 that is a permanent rate cut until it's changed.
21 We feel that the level of sharing is going to be
22 very beneficial to the customers.

23 As you also know, the service quality was a
24 large part of our case. Mr. Habermeyer and
25 Power Corp, have addressed that. We think the

1 service issues that have been taken care of in
2 this are going to be very beneficial to
3 customers and are going to provide better
4 service, and if not, provide compensation for
5 the people who are receiving the least service.
6 But we think it's going to really -- rather than
7 compensating the customers, we think it's going
8 to be beneficial to them over the entire system
9 of improved service, and we think that's where
10 Power Corp. wants to go.

11 working with all of the intervenors in this
12 case has been very good. We've had excellent
13 support from all of them. Vicki Kaufman, who is
14 here with FIPUG this morning, and John
15 McWhirter, who is not here, worked diligently
16 with us on this settlement, as well as the other
17 intervenors. There has excellent cooperation
18 between them and us and Power Corp.

19 I would like to also thank Charlie Beck.
20 Without the work that Charlie Beck did in this
21 case -- as you know, if you're not properly
22 prepared for a case, there would never be any
23 settlement, and I think Charlie has done an
24 excellent job in this, and I appreciate that.

25 I urge to you settle it. We'll be glad to

1 answer any questions you might have. We think
2 it's an excellent settlement on behalf of the
3 customers of Florida Power.

4 CHAIRMAN JABER: Thank you, Mr. Shreve.
5 Ms. Kaufman.

6 MS. KAUFMAN: Thank you, Madam Chairman.
7 Vicki Gordon Kaufman. I'm here on behalf of the
8 Florida Industrial Power Users Group. We were
9 one of the intervenors in this case.

10 I would like to echo the comments of
11 Mr. Habermeyer and Mr. Shreve. I think all the
12 parties worked hard and diligently and really
13 until the eleventh hour to hammer out an
14 agreement that I think that we all are satisfied
15 with and that is in the best interests of the
16 customers and the company, and we urge you to
17 approve it this morning. Thank you.

18 CHAIRMAN JABER: Thank you. Commissioners,
19 let's open it up for questions.

20 Commissioner Bradley?

21 COMMISSIONER BRADLEY: I just have some
22 comments.

23 CHAIRMAN JABER: Okay. Questions?

24 COMMISSIONER DEASON: Madam Chairman, I do
25 have a few questions.

1 CHAIRMAN JABER: So do I. Go ahead.

2 COMMISSIONER DEASON: Okay. I first of all
3 want to compliment the parties in coming forward
4 with a stipulation.

5 I have some questions. I think they're
6 more in the line of clarifying than they are
7 really questioning the appropriateness of the
8 stipulation. I have found that if we can get
9 things clarified on the front end that sometimes
10 it avoids confusion on the back end, and so
11 that's the effort I'm trying to enter into at
12 this point.

13 First, I want to address the clarification
14 which staff made. And I'm looking at the memo
15 that we received from staff, and it concerns the
16 commitment within the settlement to improve
17 reliability as measured by the SAIDI index,
18 which is the System Average Interruption
19 Duration Index. And there's an objective of a
20 20% improvement in this index from year to
21 year. I guess my question -- and, of course,
22 there is a \$3 million refund if that objective
23 is not met.

24 My question is, the 20%, is that
25 cumulative, in the sense that to avoid the

1 refund, there has to be a 20% improvement in
2 that index? For example, if in one year, the
3 first year, there's only a 18% improvement in
4 the index, they have failed to meet the
5 standard, and there would be a 3 million refund.
6 The next year's standard, is it 20% from the 18,
7 or is it 20% from where they should have been,
8 but failed to meet that objective?

9 MR. MCNULTY: Commissioner, I believe that
10 the meeting of this 20% reduction in the SAIDI,
11 in the index that measures the average duration
12 for the customers, is based upon a base year of
13 2000. So you would yield the same number for
14 both years 2004 and 2005. And --

15 COMMISSIONER DEASON: So -- go ahead. I'm
16 sorry.

17 MR. MCNULTY: So the number basically in
18 2000 was 100.6 minutes per customer, that
19 average, and so you would basically take 20% off
20 of that figure. And as I understand it, that
21 number would apply for both the years 2004 and
22 2005, and those calculations would be provided
23 in 2005 and 2006, and refunds would be made on
24 an annual basis and be provided in 2005 and
25 2006.

1 COMMISSIONER DEASON: So just to make sure
2 I'm clear and everyone is clear, it's a 20%
3 increase from a base year which has been
4 established and everyone agrees, and that's the
5 standard throughout the stipulated time period?
6 Is that -- I'm getting -- Mr. Shreve, that's
7 your understanding?

8 MR. SHREVE: That's my understanding.
9 That's to accomplish the 20%, and then that
10 would have to be maintained.

11 COMMISSIONER DEASON: Fine. That answers
12 my questions.

13 Madam Chairman, I have just a few other
14 questions.

15 CHAIRMAN JABER: That's fine.

16 COMMISSIONER DEASON: Okay.

17 CHAIRMAN JABER: You may cover mine.

18 COMMISSIONER DEASON: Okay. What I'm going
19 to do is, I think I'm going to refer to the
20 stipulation itself, because I made some notes on
21 it, and that may be the most expeditious manner
22 to proceed.

23 I'm looking at page 4, which is -- and
24 paragraph 9 on that page. And this addresses
25 the Hines Unit 2, and I think Mr. Habermeyer

1 also addressed that in his summary as well.

2 The question that I have, as I understand,
3 the recovery of depreciation expense and the
4 return on the investment associated with Hines
5 Unit 2 is contingent upon fuel savings generated
6 by that unit. That's correct, staff?

7 MR. MCNULTY: It's limited by the total
8 amount of fuel savings that would be provided.
9 It would be the lower of, so if you --

10 COMMISSIONER DEASON: The lower of. So
11 just for sake of ease of understanding, if the
12 -- and these numbers may not even be in the
13 ballpark, but if the depreciation expense and
14 the return on investment associated with this
15 plant is \$10 million and the fuel savings
16 generated from that plant is \$8 million, then
17 Power Corp. is limited to \$8 million of fuel
18 savings as it pertains to depreciation expense
19 and return on investment; correct?

20 MR. MCNULTY: Yes, Commissioner.

21 COMMISSIONER DEASON: Okay. The question
22 that I have is, under that scenario, that \$8
23 million, does it first go to depreciation
24 expense, or does it go to return on investment?
25 And the reason I'm asking the question is, is

1 the amount of depreciation actually booked on
2 the company's books contingent upon what they
3 recover through this mechanism, or are they
4 still going to book the same amount of
5 depreciation regardless for book purposes?
6 That's the question, whoever feels comfortable
7 in answering or clarifying it.

8 MR. SHREVE: I believe we're in agreement.
9 That's an excellent question. But the
10 depreciation expense is going to be incurred
11 regardless of recovery.

12 COMMISSIONER DEASON: So we would continue
13 to book the depreciation amount regardless of
14 whether those dollars are actually recovered
15 through this mechanism; is that correct?

16 MR. MCNULTY: Yes, Commissioner, it is.

17 COMMISSIONER DEASON: Okay. That addresses
18 my concern. Thank you very much.

19 MR. SHREVE: We can accept that,
20 Commissioner.

21 COMMISSIONER DEASON: I believe that you
22 would. That's beneficial for the customers. I
23 wanted to point that out, that that is done that
24 way, that regardless of what is recovered
25 through this mechanism, the depreciation expense

1 is going to be booked and recorded, and when we
2 go forward in future years and look at
3 depreciation rates, that will be the
4 depreciation reserve which we will use to
5 analyze future considerations of depreciation
6 expense for this unit.

7 I'm getting nods of the head yes, so I
8 appreciate that.

9 And, staff, I'm looking for some
10 clarification on paragraph 10, which is found on
11 the bottom of page 4 and the top of page 5 of
12 the stipulation. There is going to be a credit
13 to depreciation expense and a debit to the
14 bottom line depreciation reserve of 62.5
15 million, and everyone agrees to that.

16 And then the question that I have is the
17 second portion of that, which is at the
18 company's option. And it states that at its
19 option, it may record up to an equal annual
20 amount as an offsetting accelerated depreciation
21 expense and a credit to the bottom line
22 depreciation reserve. Is the option at the
23 company to reverse part of that entry, or is it
24 some other entry in addition to the 62.5
25 million?

1 MR. SLEMKEWICZ: The way I understand it,
2 it would be a reversal of that \$62-1/2 million.

3 COMMISSIONER DEASON: So we're not looking
4 at anything in addition to the 62.5. The 62.5
5 is the maximum amount which would be
6 permissible, and at the company's option, they
7 could take less than the 62.5, or in essence,
8 reverse part of that entry out.

9 MR. SLEMKEWICZ: That's correct.

10 COMMISSIONER DEASON: And the company
11 agrees with that interpretation as well?

12 MR. MCGEE: That's correct.

13 COMMISSIONER DEASON: And then I'm looking
14 at the attachment to the stipulation, which is
15 Exhibit A. I'm looking at paragraph 5 of that.
16 And this has to do with the capacity cost
17 recovery clause which is associated with the --
18 with Power Corp.'s acquisition of retail
19 customers in and near the City of Sebring.

20 Can staff explain to me your understanding
21 of what this actually does and what it
22 accomplishes?

23 MR. WHEELER: The origin of that credit in
24 capacity had to do with when Power Corp. bought
25 out the City of Sebring's electric system.

1 There was a situation created whereby there was
2 a double recovery of the capacity costs
3 associated with sales to the Sebring customers,
4 so that credit was created in the capacity
5 clause in order to avoid that double recovery
6 situation. So ever since 1993, there has been a
7 credit passed through capacity or given through
8 capacity in order to make the retail customers
9 whole for that double recovery.

10 The stipulation specifically stated that
11 the new base rates that are coming out of this
12 stipulation would not take into account that
13 transaction so that, in other words, the base
14 rates that are going in now are not going to
15 result in double recovery.

16 COMMISSIONER DEASON: So the new rate,
17 there's no double recovery, so there's no longer
18 a need for the credit to be run through the
19 clause.

20 MR. WHEELER: Right.

21 COMMISSIONER DEASON: And the parties agree
22 with that? I'm getting shaking of the heads.
23 Okay. Fine. That's what I needed to know.

24 Madam Chairman, that's all of my questions.

25 CHAIRMAN JABER: Thank you. I've got a few

1 along those lines. I too commend the parties
2 for the settlement. And I'm sure we'll all
3 comment in the motion stage, but I have some
4 questions as a follow-up to the service hearings
5 as well as questions from staff's
6 recommendation. And the first one involves the
7 initial levelized residential rate.

8 Staff, clarify for me -- and perhaps this
9 is a Mr. Habermeyer question. I'm not sure.
10 There are parts of the recommendation as it
11 relates to that rate structure that make it
12 sound like some customers would see an increase
13 in their rates, but that's not the case, is it?

14 MR. WHEELER: No. No, no more customers
15 will receive an increase as a result of the
16 inverted rate. What will happen is that
17 relative to the new levelized rate, when you go
18 to an inverted rate, certain customers will pay
19 more than they would have under the new
20 levelized rate. The breakpoint is 1,500
21 kilowatt-hours per month. In other words,
22 customers who use more than that amount under
23 the inverted rate will pay more they would have
24 under the new levelized rate, and customers who
25 use less than that amount will see a decrease

1 relative to the new levelized rate. But
2 relative to the previous existing rate, all
3 customers will see a decrease.

4 CHAIRMAN JABER: Right. So said
5 differently, the inverted rate is really a
6 conservation rate structure.

7 MR. WHEELER: Correct.

8 CHAIRMAN JABER: So customers would need to
9 know the more they use in power, the more they
10 might pay, but on the other hand, if they reduce
11 their energy consumption, they'll pay less.

12 MR. WHEELER: That's correct.

13 CHAIRMAN JABER: By the same token, some
14 customers, although all customers will see a
15 decrease in rates, some customers, because of
16 their usage, will not get as great a decrease.
17 They will get a decrease in the rate, but the
18 level of decreases are different from customer
19 to customer based on usage.

20 MR. WHEELER: Right.

21 CHAIRMAN JABER: Company and Mr. Shreve,
22 you agree with everything I just said?

23 MR. MCGEE: Yes. Yes, we do.

24 CHAIRMAN JABER: Mr. Shreve, you agree with
25 everything I just said?

1 MR. SHREVE: Yes, I do, Commissioner. And
2 I think all customers will receive a lower rate
3 for that lower part of the usage, so everyone
4 will benefit from that.

5 Now, as you said, when we get into a higher
6 range, there will be a higher rate at that
7 point, but all customers will receive a lower
8 rate for the first 1,500 hours.

9 CHAIRMAN JABER: Mr. Habermeyer, it strikes
10 me this may be a good opportunity in these bills
11 to repeat the conservation message. I don't
12 know. You may have already thought of that, but
13 to the degree you haven't considered it, I would
14 ask that you do consider it.

15 MR. HABERMEYER: Well, we certainly will.
16 And it is the intent really of the inverted rate
17 to honor and recognize that conservation
18 measure. We think it's a very important part of
19 this rate structure.

20 CHAIRMAN JABER: Okay. On the -- there is
21 an increase with the lighting fixtures and the
22 pole lighting, and that's because we have not
23 looked at that charge in quite some time; is
24 that correct?

25 MR. WHEELER: Yes. It's my understanding

1 from talking to the Power Corp. staff that in
2 their initial filing they did propose increases
3 to certain of the lighting fixtures because the
4 relative cost between the older and the newer
5 offerings was kind of out of whack, and they
6 kind of wanted to fix that problem.

7 CHAIRMAN JABER: Are these new charges in
8 line with what other companies are assessing?

9 MR. WHEELER: Yes. Lighting has always
10 been a kind of a problematic rate class, and
11 there has always been problems just due to the
12 nature of the class in terms of getting the
13 prices right. But staff agrees that by raising
14 the rates that they're raising, the rates will
15 make more sense across the various offerings.

16 CHAIRMAN JABER: Okay. On Section 14 --
17 let's see. Commissioner Deason, you asked the
18 Section 9 clarification. You didn't ask
19 anything on Section 14, did you? I don't want
20 to --

21 COMMISSIONER DEASON: I did not ask
22 anything about 14.

23 CHAIRMAN JABER: On page 5 of your
24 recommendation, staff, it sounded like you were
25 not clear on a provision in section 14 related

1 to how the refund allocations were to be made,
2 and you propose something right there. And my
3 question is really for the company. Do you
4 agree what the staff has said on the bottom of
5 page 5, because that's how they've proposed we
6 handle it, which is, because the settlement is
7 silent, we'll assume that the amount to be
8 refunded has been accumulated on an even monthly
9 basis during the interim period.

10 MR. DOLAN: Yes, Madam Chair, we do
11 agree.

12 CHAIRMAN JABER: Now, going to some of the
13 other questions that we all heard at the service
14 hearings, at one of the service hearings, staff,
15 we had a speaker discuss their desire to be on
16 the interruptible rate. I think it was Pasco
17 County. And my question is for you and the
18 company. Is Pasco County excluded from the
19 interruptible rate because the tariff -- the
20 last tariff on interruptibles for Power Corp.
21 sort of grandfathered in existing customers;
22 right?

23 MR. WHEELER: Yes. The Pasco school
24 representative, he brought up several issues.
25 There are currently two sets of interruptible

1 rates for Power Corp. There's an IS-1 rate,
2 which has been closed to new customers since
3 1996. The existing customers were allowed to be
4 grandfathered on that rate. At the time that
5 rate was closed, a new IS-2 rate was opened.
6 And under the stipulation, that will basically
7 remain the status quo. The IS-1 customers will
8 continue to be allowed as to take service under
9 IS-1. IS-2 will still be available.

10 The only change really was that a minimum
11 billing demand provision was added to the IS-2
12 rate, which requires that customers under that
13 rate be billed for a minimum 500 kw per month
14 regardless of what their actual demand during
15 the month was. So really, that's the only -- in
16 terms of the rate structure, that's the only
17 change that was made.

18 well, there was one other change that
19 actually adjusted the credits offered under IS-2
20 to reflect the new cost-effective level as filed
21 by Power Corp. in the filing, which actually
22 raises the credits a little bit, which, in
23 effect, would lower the rates to those
24 customers. The IS-1 credits remain exactly the
25 way they were before.

1 CHAIRMAN JABER: Okay. Does that mean that
2 Pasco County can seek the IS-2 rate? Or any
3 School Board, for that matter?

4 MR. WHEELER: Yes. The IS-2 rate continues
5 to be available to all customers with a maximum
6 demand of 500 kw or higher.

7 One of the things that the Pasco
8 representative brought up was the fact that he
9 had current IS-2 customers, or schools that were
10 on the IS-2 rate, and he wanted to know why he
11 couldn't take service under IS-1 for newly built
12 schools, since they were an existing customer.
13 It has been the staff's interpretation of that
14 tariff that that would not be allowed, because
15 unless it's a school that's located contiguous
16 to an existing school, a new school would, in
17 effect, be a new customer as defined under the
18 rate, so they would be required to take service
19 under IS-2 and not the IS-1 rate.

20 CHAIRMAN JABER: Generally speaking, when
21 we allow the interruptible rate or the
22 curtailable rate, the benefit that is derived
23 from the lower rate obviously goes to the
24 participant, but it's the general body of
25 ratepayers that pick up that difference, isn't

1 it?

2 MR. WHEELER: Yes. Power Corp.'s
3 interruptible rates are structured as a
4 conservation program, so the credits are
5 recovered through the energy conservation cost
6 recovery clause.

7 CHAIRMAN JABER: Have we ever -- has this
8 agency ever looked at the big policy question
9 of should we start, you know, migrating away
10 from the interruptible and the curtailable
11 rates, especially -- the reality -- and I
12 suppose I should ask this of the company. The
13 reality of interrupting a school I just don't
14 see coming to fruition. And if that's the case,
15 if that's the case, why allow the benefit of the
16 interruptible rates?

17 MR. WHEELER: Well, I think --

18 CHAIRMAN JABER: Go ahead, staff.

19 MR. WHEELER: I think Power Corp. at one
20 point basically threw open interruptible rates
21 to all customers regardless of size, and I think
22 that's when they had a lot of these
23 nontraditional interruptible type customers such
24 as schools sign up for the rate. I think in
25 retrospect, that probably wasn't a real good

1 idea. And so I think with the imposition of the
2 500 kw minimum billing demand, and also they
3 added a provision that stated that if the
4 customer was designated an emergency shelter,
5 they could also not take service under the
6 interruptible rate, which I think served to
7 disqualify some schools.

8 But I think you're right. To my mind, an
9 interruptible customer is an industrial load, a
10 process customer, a customer who can -- a fairly
11 sophisticated customer who can plan for times
12 when interruptions might occur, as opposed to a
13 school. It's probably not the best idea to have
14 schools on interruptible rates.

15 CHAIRMAN JABER: We don't see that in the
16 agreement; right? We've approved the general
17 tariff, and then it's up to whoever wants the
18 interruptible rate to seek that from the
19 company; right? How do we find out that there
20 has been an arrangement?

21 MR. WHEELER: You mean in terms of the
22 types of customers who are signing up?

23 CHAIRMAN JABER: Yes.

24 MR. WHEELER: There is no filing mechanism
25 to find that out, basically. We find that out

1 just through conversations with the company, but
2 there's no formal filing requirements where we
3 know what types of customers are taking
4 service.

5 CHAIRMAN JABER: Mr. Habermeyer, let me
6 start over. The Pasco County School Board can
7 seek the IS-2 rate?

8 MR. HABERMEYER: That is correct.

9 CHAIRMAN JABER: And in the process of
10 getting applications for the interruptible rate,
11 do you consider the type of customer that entity
12 is and whether it's realistic that you'll ever
13 interrupt them? Do you go through that --

14 MR. HABERMEYER: We consider them. We
15 certainly advise them of the liability that
16 would come from interrupting a customer such as
17 a school. We don't have a choice to refuse it.

18 However, I think it is, as you suggest,
19 Madam Chair, is certainly an area that would be
20 very fruitful for examination. It's very
21 difficult for us, on those occasions when we do
22 have interruptions, to be interrupting a school
23 and then to recognize that that is going to
24 imposition a good number of our customers who
25 have to keep their children at home or have to

1 make other arrangements.

2 I believe also the prisons are on an
3 interruptible rate, which is somewhat
4 interesting as well.

5 CHAIRMAN JABER: That would be my point.
6 There are some customers on the interruptible
7 program, I don't see the reality of interrupting
8 them. This is outside the settlement, but it's
9 a question that occurred to me as I was reading
10 the issues over again. And my request of staff
11 is, would you meet with Public Counsel and FIPUG
12 in particular and start thinking about a generic
13 review of that? It may not come to anything,
14 but at least someone would have thought about
15 that.

16 COMMISSIONER PALECKI: Chairman Jaber,
17 along that line, I would like to see that there
18 is a very clear signal sent to these customers
19 that they can and will be interrupted, so that
20 when they make the choice to go on an
21 interruptible rate, they do it in an educated
22 manner, because I have seen situations where
23 customers didn't really understand when they
24 signed up for this less expensive rate that they
25 could and would be interrupted during times of

1 shortage. And I think it's so important that
2 the customer be well aware when they sign the
3 application to go on the interruptible rate that
4 they will be interrupted so they're not
5 surprised later on.

6 CHAIRMAN JABER: Yes, Commissioner Palecki,
7 I agree with you. I think I'm trying to go even
8 further, because even if that school board is
9 completely educated about the program, which I
10 don't know why they wouldn't be, the reality of
11 a company interrupting a school, regardless of
12 how educated that customer is, I don't see a
13 company bringing on criticism to itself for
14 interrupting a prison or a school or a hospital
15 or -- you know, I don't know what other
16 customers you have on the interruptible
17 program. That's my point, that maybe the
18 incentive really should be to not even give that
19 choice.

20 COMMISSIONER PALECKI: That's an excellent
21 point.

22 CHAIRMAN JABER: I don't know.

23 MR. DOLAN: Chairman Jaber, if I might add
24 to that, I think it's important to point out,
25 Commissioner Palecki, we have gone to great

1 lengths as a company to inform these types of
2 customers, but I think as Mr. Habermeyer said,
3 ultimately the tariff is open to customers that
4 qualify based on their demand and their use
5 characteristics. And these schools are making
6 economic decisions based on the rules of the
7 tariff to place their schools on this
8 interruptible tariff.

9 But we have, I will tell you, on numerous
10 occasions, that I'm sure when we have had
11 interruptions, schools have been impacted by
12 that in the past. We've had less frequent
13 interruptions of late. But that is a risk, and
14 we point that out to any of the customers that
15 choose to go on it.

16 Certainly it's an appropriate application,
17 and it has been a good rate for the mining loads
18 through the years, and we think that is the type
19 of load that warrants this type of tariff. But
20 we share the same concerns.

21 But quite frankly, you know, the tariff
22 ultimately is the decision maker, and customers
23 that have the use characteristics and the
24 kilowatt-hour load that qualify for the tariff,
25 we're not in a position to say no, because it's

1 open to all that qualify under the current
2 tariff. But perhaps, Chairman Jaber, as you
3 suggested, that may be worth some reexamination,
4 and maybe that's something we will -- we would
5 support taking a new look at that as well.

6 CHAIRMAN JABER: At one of the service
7 hearings, there was a lot of discussion, staff,
8 about meter reading and some concerns by the
9 customers that some meters had not been read for
10 quite some time, and perhaps there were used
11 meters put in place when the customer complained
12 about the meter.

13 And again, this is all for the purpose of
14 sort of completing the discussion and reflects
15 not on the good reliability plan that the
16 parties have come up with. I think that you
17 have addressed that adequately. I just want to
18 go to the specific concerns raised by the
19 customers.

20 Bill, have you had an opportunity to take a
21 look at those issues?

22 MR. McNULTY: Yes, we have followed up in
23 this rate proceeding and have issued requests
24 for production of documents to address FPC's
25 policies relating to meter reading. We've

1 reviewed that. We have some follow-up questions
2 that were actually going to be posed at the
3 hearing. We don't feel as though -- basically,
4 these are in response to the Commissioners'
5 concerns that were raised at the Clearwater
6 service hearing, and we feel as though we can
7 follow up on those types of concerns through a
8 data request issued to the company, and if there
9 are any concerns, respond back to you. Through
10 the course of reviewing the existing testimony,
11 we haven't found anything that hasn't either
12 been able to be resolved or that there isn't an
13 ongoing follow-up plan for each of the customers
14 to address in the area of meter reading.

15 CHAIRMAN JABER: Do you remember that
16 customer that thought you were Commissioner
17 Deason?

18 MR. McNULTY: Yes, I do.

19 CHAIRMAN JABER: He --

20 MR. McNULTY: I thought he was Dan Marino.

21 CHAIRMAN JABER: That's the one.

22 MR. McNULTY: Yes. I remember him well.

23 CHAIRMAN JABER: He asked if it was time
24 for us to review the meter reading rule. Have
25 you all had time to take a look at that, and is

1 that a request that's worth pursuing?

2 MR. MCNULTY: Again, we didn't find
3 anything that would say that our existing meter
4 reading rule is not appropriate. We do want to
5 follow up to make sure that the procedures that
6 are being used and the policies that are being
7 used by Florida Power Corporation are consistent
8 with that particular rule.

9 CHAIRMAN JABER: Okay. Mr. Habermeyer, if
10 you didn't hear personally, you've probably read
11 the transcript by now. With respect to the
12 complaints on meter reading, how have you
13 addressed those concerns?

14 MR. HABERMEYER: I did read the transcript,
15 Madam Chair, and we have made substantive
16 changes in our meter reading operation as well
17 as meter reading techniques. We have certainly
18 trained our people further to address issues
19 that were brought up in those hearings as well
20 as issues that we have observed ourselves. I
21 feel that our current statistics, which we share
22 with the staff, bear that out, that we have made
23 substantive improvements in the meter reading
24 area.

25 MR. SHREVE: Madam Chair.

1 CHAIRMAN JABER: And I wouldn't doubt --
2 I'm sorry, Mr. Shreve. And I wouldn't doubt
3 that you'll continue to work with staff on
4 resolving all of those remaining issues, and to
5 the degree the policy or the rule needs --

6 MR. HABERMEYER: That is correct.

7 CHAIRMAN JABER: -- to be revised, that
8 you'll suggest changes to our staff.

9 MR. HABERMEYER: Most definitely.

10 CHAIRMAN JABER: Mr. Shreve.

11 MR. SHREVE: I just wanted to mention that
12 since this was large part of our case, we've had
13 extensive discussions with Mr. Habermeyer and
14 Florida Power over a period of months concerning
15 this issue. And although it's not represented
16 in the settlement agreement, I'm convinced that
17 the plans that Mr. Habermeyer has implemented
18 and Florida Power has implemented are going to
19 take care of a lot of these problems. And we
20 will be continuing to cooperate and work with
21 them on that, so we're comfortable with that
22 situation.

23 CHAIRMAN JABER: Thank you, Mr. Shreve.
24 And you don't feel precluded from raising that
25 issue as a service concern going forward by this

1 settlement; right?

2 MR. SHREVE: No. If something came up that
3 we needed to bring to the Commission's
4 attention, we would feel free to do it.

5 CHAIRMAN JABER: Okay. Great.

6 My final question goes to the tree
7 trimming. We heard at almost every service
8 hearing in the Central Florida area that the
9 tree trimming program is something that the
10 company sends employees out every three years,
11 if I'm not mistaken.

12 MR. MCNULTY: Yes, the three-year trimming
13 cycle.

14 CHAIRMAN JABER: The Commissioners asked
15 you at one of those service hearings,
16 Mr. McNulty, to take a look at that and whether
17 it should be, you know, a yearly event. Have
18 you had an opportunity to look at that?

19 MR. MCNULTY: We have an ongoing docket
20 that's open at this time relating to
21 distribution reliability and rulemaking relating
22 to what the definition should be and what the
23 reporting standards should be for distribution
24 reliability, what is labeled in our rules is
25 continuity of service, things that they have to

1 report on an annual basis. I think that the
2 follow-up in terms of the adequacy of tree
3 trimming is something that can be rolled into
4 looking at how we address distribution
5 reliability through either rulemaking or some
6 other such proceeding.

7 CHAIRMAN JABER: Great. Mr. Habermeyer, is
8 there anything more you need to add to that?

9 MR. HABERMEYER: I would say that certainly
10 we're looking forward to working through that
11 docket and addressing issues, including tree
12 trimming and other reliability related issues.
13 I know in reading through the transcripts, there
14 were a number of issues in terms of failure to
15 clean up areas that had been impacted during the
16 storm particularly for which tree trimming was
17 necessary, we have certainly taken that under
18 advisement and will correct that issue in terms
19 of addressing the customers' concerns. I think
20 the other area that we've discussed has been
21 evaluating our cycle of trimming, and we're
22 certainly looking at that as well, and I think
23 we can do it within the context of this docket.

24 CHAIRMAN JABER: Okay. Good.

25 Commissioners, I'm going to give everyone

1 an opportunity to comment, but I want to make
2 sure there are no other questions.

3 COMMISSIONER DEASON: Madam Chairman, I do
4 have one question which I failed to ask earlier,
5 and it has to do again with the recovery of
6 costs associated with the Hines unit and that
7 being contingent upon fuel savings. And as
8 staff points out on page 5 of the
9 recommendation, the stipulation is silent on the
10 methodology that would be utilized to estimate
11 the fuel savings. And that's fine. I don't
12 think the stipulation has to have that.

13 I guess my question is, can the parties
14 offer us any vision as to how they think this
15 will be accomplished? Will the company make a
16 filing as to what they believe the estimated
17 fuel savings to be, and then the parties can
18 review that and get additional information to
19 verify the calculation of fuel savings?

20 MR. DOLAN: Commissioner Deason, in some
21 preliminary discussions we've had with staff, I
22 think it's our intent to run an analysis that
23 essentially runs our system absent Hines 2 and
24 then with Hines 2. It's probably going to be --
25 you know, it's not as simple as that, but I

1 think it's fairly straightforward, that shows
2 that we would look at that analysis, file it in
3 the fuel docket, go through and review it with
4 staff and the other parties as part of the fuel
5 docket and make sure that they have adequate
6 time to ask whatever questions they have about
7 that.

8 COMMISSIONER DEASON: Okay. Well, that's
9 the key to my question. I think you've answered
10 it. I want to make sure. You will file that,
11 parties will be able to review that and get
12 further information and clarification to satisfy
13 themselves that that represents the fuel savings
14 associated with the Hines unit.

15 MR. DOLAN: Absolutely.

16 MS. KAUFMAN: Commissioner Deason, if I
17 could just comment on that. I think it is
18 contemplated by the parties that to the extent
19 it's necessary, if there is disagreement, that
20 that would be an issue in the fuel docket.

21 COMMISSIONER DEASON: So the parties are
22 free to raise that as an issue if they think
23 that it is appropriate to do so?

24 MS. KAUFMAN: That's my understanding.

25 MR. DOLAN: We agree.

1 MR. SHREVE: As well as the reasonableness
2 and prudence of the costs that would be incurred
3 in the plant and the fuel charges. So that
4 would still be -- if there was some
5 disagreement, we would bring it to you.

6 COMMISSIONER DEASON: Thank you.

7 CHAIRMAN JABER: Okay. Commissioner
8 Bradley, let's start with you. You said you had
9 some comments.

10 COMMISSIONER BRADLEY: Yes. Thank you,
11 Madam Chair.

12 First of all, let me commend the
13 intervenors for again doing a very good job of
14 mediating and, in my opinion, coming to a good
15 settlement for all the parties that have an
16 interest in the business dealings of Florida
17 Power here in the State of Florida.

18 Also, I would like to state that I have
19 been following this rate case probably a little
20 bit more closely than some of the others, for
21 obvious reasons. I'm from St. Petersburg, which
22 is a major area that Florida Power serves, so
23 I'm quite familiar with Florida Power's history
24 as a power company, in that for years I was a
25 ratepayer or a customer. And after listening to

1 some of the answers to some of the very tough
2 questions that were asked by my fellow
3 Commissioners Deason and Jaber, I have even -- I
4 have more comfort with the settlement itself,
5 and in particular, as it relates to the issues
6 that are -- the quality of service issues that
7 we heard as a part of our proceedings down in
8 St. Petersburg and in Clearwater.

9 Therefore, I would like to commend Florida
10 Power on reaching an agreement with all parties
11 involved that would provide a \$125 million rate
12 reduction to its customers. Florida Power, in
13 my opinion, has been a very progressive company
14 and has made progressive strides toward reliable
15 and affordable electric service under the
16 leadership of Bill Habermeyer. And I look
17 forward to not only working with you presently,
18 but in the future, Mr. Habermeyer, and I think
19 that Florida Power's leadership is in capable
20 hands.

21 Under the leadership of Mr. Habermeyer,
22 just as an observation, Florida Power will add
23 150 new pay stations to provide greater access,
24 expand hours, and in allowing the clocked
25 payment service. That is an issue that is near

1 and dear to me, and I would like to commend you
2 for extending that service so that you can
3 better and more effectively serve your
4 customers.

5 Also, Florida Power intends to add four new
6 operating centers which will place Florida Power
7 line service, engineering and management
8 resources closer to the customers. This should
9 improve time -- this should improve response
10 time and reliability, which I think ties into
11 some of the issues that we heard quite
12 frequently as a part of the service hearings
13 that were held in the Clearwater and
14 St. Petersburg area.

15 Also, I would like to commend Florida Power
16 -- also, I would like to state that Florida
17 Power will be investing \$16 million in a new
18 radio system for use throughout its service
19 territory. This in itself should increase
20 reliability and reduce interference from radio
21 users, paging companies, and television
22 networks, and I think this will add tremendously
23 to Florida Power's ability to respond to
24 situations such as we -- such as what it
25 encountered recently as a result of that -- I

1 like to call it a no-name storm.

2 It is obvious that Florida Power's primary
3 objective is to be a first rate power provider
4 or energy provider to its customers. The terms
5 reached in this rate case are a testament to
6 their objective.

7 Again, I would like to congratulate
8 Mr. Habermeyer and Vinnie and all the other
9 folks in Florida Power, as well as the other
10 intervenors who have worked very diligently to
11 bring --

12 CHAIRMAN JABER: You just said
13 Mr. Habermeyer and Vinnie.

14 COMMISSIONER BRADLEY: To bring this rate
15 case in for a landing.

16 And, you know, I'll tell you, Madam Chair,
17 that's a mistake that I should have learned a
18 long time ago not to make, and that is never
19 when you're commending to call names, because
20 invariably you will leave out an important
21 person. So anyone from Florida Power that I did
22 not mention, please forgive me for not including
23 you as a part of the process as it relates to
24 the company.

25 But, Mr. Shreve, I would like to commend

1 your office, and I would like to commend the
2 lady here who is representing some of the
3 business customers for again working and doing a
4 great job as it relates to bringing this in for
5 a landing, and in my opinion, establishing and
6 achieving the process that will benefit the
7 ratepayers and hopefully make everyone happy.

8 MR. HABERMEYER: Commissioner Bradley, on
9 behalf of all of us at Florida Power, thank you
10 for your comments.

11 CHAIRMAN JABER: Commissioner Baez.

12 COMMISSIONER BAEZ: I'm going to keep mine
13 short. I was Prehearing Officer on this rate
14 case as well. Lord knows what I did at some
15 point.

16 I too want to commend everyone involved,
17 and I really do mean everyone. This was a
18 monumental effort on the part of not just the
19 parties, but the staff, right down to the people
20 that picked up the hearing rooms for the service
21 hearings. And I also want to include the
22 customers. I think the service hearings in this
23 particular case went a long way -- I'm not sure
24 I've been involved in any other dockets where
25 the public comment has had as much of an impact

1 as in this case, and I do commend the company
2 for listening and paying attention. The staff
3 was terrific. I'll say it again. I think they
4 were very, very diligent. And in sum, I think
5 this case is one example of what happens when
6 you put the right people together in a room.

7 And following my good friend Commissioner
8 Bradley's advice, I'll leave it up to you all to
9 decide who those people were. But I do want to
10 commend everyone on this monumental effort, and
11 the Commissioners as well. I think they got the
12 ball rolling, and I'm glad everybody was
13 listening.

14 CHAIRMAN JABER: Commissioner Palecki, do
15 you want to, and then Commissioner Deason.

16 COMMISSIONER PALECKI: I believe that this
17 settlement is beneficial to Florida Power
18 Corporation's customers in that it not only
19 results in a significant rate reduction, but it
20 also addresses the reliability concerns that we
21 heard about at the customer hearings. And
22 Florida Power Corporation, I appreciate the
23 commitment that you have made to resolve these
24 concerns.

25 I also very much like the rate structure

1 that has been put in place in this settlement.
2 This rate structure recognizes and rewards
3 frugal customers who work hard to conserve
4 energy and to keep their rates or their bills
5 low. And I think it's high time that Florida
6 utilities started recognizing those efforts that
7 are made by the customers, and I think
8 especially because of the large number of
9 citizens who are on fixed incomes in your
10 territories that this rate structure will be
11 especially appreciated.

12 Commission staff, I want to commend you for
13 the hard work you've done. Without a doubt, the
14 questions you asked and the concerns you raised
15 very early in this docket and all the discovery
16 you did led the parties to this settlement.

17 Mr. Shreve and Office of Public Counsel, I
18 appreciate the many thousands of hours of work
19 and the many pages of testimony that you filed,
20 all the discovery did you. And FIPUG, I would
21 also like to commend you for all the work you
22 did in this docket.

23 I think in Florida we're seeing a very
24 positive trend. Our electric utilities are
25 working to become more streamlined, more

1 efficient. They are better managed and afford a
2 better quality of service, and at the same time,
3 offer lower rates to the customers.

4 I think Florida's utilities or Florida's
5 electric utilities have sent a signal loud and
6 clear, and that is that our electric utilities
7 stand ready and able to meet any competition
8 that may in the future come to the State of
9 Florida. I believe this bodes well for the
10 citizens of the State of Florida and also for
11 Florida Power Corporation.

12 Thank you.

13 COMMISSIONER DEASON: Madam Chairman, I'll
14 be very brief. We are here and we're supposed
15 to make decisions which are in the public
16 interest. I think this stipulation is certainly
17 in the public interest, and it gets my full
18 endorsement and support, and I will be voting to
19 approve it. And I also wish to commend the
20 parties for the efforts that went into this.

21 I wish to reiterate one point that I think
22 Mr. Habermeyer made earlier, and also one that
23 Mr. Shreve made. Mr. Habermeyer indicated the
24 volumes of information which had been provided
25 in the form of discovery and the minimum filing

1 requirements that were filed in this case. We
2 had early discovery by all the parties. We had
3 testimony filed. Commissioners, we had a rate
4 case. The only thing is, we just did not go to
5 hearing and go through that litigious process.
6 But we've had a rate proceeding. We've had a
7 very thorough and extensive review of this
8 company's operations and its rates, and we are
9 -- even though this is a stipulation, I wouldn't
10 want anyone to think that we have not conducted
11 what is essentially a rate case minus the
12 hearing. That's the only thing we've not done,
13 is the hearing. All of the review, all the
14 testimony and all the discovery has taken place,
15 and I commend the parties for all of the effort
16 that went into coming to this.

17 I wish to also reiterate something
18 Mr. Shreve said, that you cannot have a
19 stipulation unless you come from a position of
20 strength. That position of strength was because
21 of the fact that Power Corp. had come forward
22 with all the information, made the filings, and
23 the parties had access to all the information
24 and the discovery, and everyone was adequately
25 informed of the issues and could negotiate from

1 a position of strength, and that's why we have
2 such a good stipulation in front of us.

3 CHAIRMAN JABER: Thank you, Commissioner
4 Deason.

5 Obviously, I agree with all the comments
6 that were made. You know, when we started this
7 endeavor last year, I really didn't know what to
8 expect at the end of today. I had no idea. All
9 I knew was opening this docket was the absolute
10 right thing to do. There was never a doubt in
11 my mind that this agency made the right decision
12 in initiating this proceeding.

13 But you have all collectively, our staff
14 and the Commissioners included, exceeded my
15 expectations. I knew that there would be an
16 opportunity for all of you to get together and
17 sit down and talk about the issues and reach
18 resolution. I knew that there was an
19 opportunity to have refunds made to the
20 customers. I knew that there was an opportunity
21 to have the service concerns addressed. But you
22 have all exceeded our expectations. Staff, your
23 diligence made this possible. Mr. Shreve, your
24 attorneys were just beyond professionalism.
25 They were absolutely the best in raising the

1 issues that we needed to look at and making sure
2 the testimony was covered and the customers
3 received the proper care at the service
4 hearings.

5 I think, Company, that you now have a
6 healthy respect for your customers. I vote with
7 a clear conscience today, because I know you
8 have a health respect for your customers. I
9 know, Mr. Habermeyer, you've read the transcript
10 from the service hearings, because I've seen the
11 stipulation, and had you not read that
12 transcript, you wouldn't have been able to come
13 through the way you did.

14 But I have to suggest to you that reading
15 the transcript and listening to them the way
16 that we did are two different things, and I
17 would encourage you to continue that dialogue
18 with your customers. This has always been about
19 the customer. The success of your company, your
20 economic viability, although I care about that
21 greatly, I care about that for the benefit of
22 Florida and the benefit of the citizens of the
23 State of Florida. So I would encourage you to
24 continue to have that dialogue.

25 I would also add that you are the only one

1 that received a compliment from the customers at
2 one of the service hearings, so you should take
3 that as an acknowledgment that you're doing the
4 right thing. But you have a good team, so I
5 don't want to take away from your team. I just
6 compliment all of you.

7 With that, Commissioners, I would
8 compliment Commissioner Baez once again for
9 being the Prehearing Officer on this case, and
10 had he not stuck to the issues and made the
11 parties collect as often as they collected, I
12 don't think we would be right where we are
13 today.

14 Staff, words will never express the good
15 job you're doing. This is an example of more to
16 come. So it ain't over.

17 Commissioners, I need a motion.

18 COMMISSIONER BRADLEY: I'll do one. I'll
19 do a motion, and my motion would be to approve
20 the agreed-upon settlement and the staff
21 recommendations after Madam Chair puts them in
22 their proper order.

23 CHAIRMAN JABER: Okay. There are two --
24 no, there are four issues, aren't there. I
25 think, Commissioner, you can move the entire

1 staff recommendation. That would satisfy --

2 COMMISSIONER BRADLEY: Yes. That would be
3 my motion then, to move the entire settlement
4 and to move all the staff recommendations.

5 COMMISSIONER BAEZ: I can second it.

6 CHAIRMAN JABER: There has been a motion
7 and a second on Item 16. All those in favor say
8 aye.

9 (Simultaneous affirmative votes.)

10 CHAIRMAN JABER: Okay. Aye. I went blank
11 there for a minute. Item 16 is approved
12 unanimously. Thank you.

13 (Conclusion of consideration of Item 16.)

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2 CERTIFICATE OF REPORTER3
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 51 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 29th day of April, 2002.
19
2021
22 
23 MARY ALLEN NEEL, RPR
24 100 Salem Court
25 Tallahassee, Florida 32301
(850) 878-2221