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October 6, 2006

Ms. Blanca S. Bayó, Director
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Administrative Services
Florida Public Service Commission
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COMMISSION
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RE: Fuel and Purchased Power Cost Recovery Clause with Generating
Performance Incentive Factor – Docket No. 060001-EI

CMP _____

COM 5 Dear Ms. Bayó:

CTR original Enclosed for filing in the above-referenced docket are the original and fifteen copies of
ECR _____ the Rebuttal Testimony of James A. Ross.

GCL 1 Please indicate the time and date of receipt on the enclosed duplicate of this letter and
OPC _____ return it to our office.

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Sincerely,

Joseph A. McGlothlin
Associate Public Counsel

JM/am
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09272 OCT-6 06
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power)
Cost Recovery Clause with)
Generating Performance Incentive)
Factor)
_____)

DOCKET NO. 060001-EI

October 6, 2006

**REBUTTAL TESTIMONY OF
JAMES A. ROSS**

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DOCUMENT NUMBER-DATE

09272 OCT-6 8

FPSC-COMMISSION CLERK

1 **REBUTTAL TESTIMONY OF**

2 **JAMES A. ROSS**

3 **ON BEHALF OF THE**

4 **FLORIDA OFFICE OF PUBLIC COUNSEL**

5 **Q PLEASE STATE YOUR NAME, OCCUPATION AND BUSINESS**
6 **ADDRESS FOR THE RECORD.**

7 A My name is James A. Ross. I am a member of the consulting firm of Regulatory
8 & Cogeneration Services, Inc. (RCS), a utility rate and economic consulting firm.
9 My business address is 500 Chesterfield Center, Suite 320, Chesterfield, Missouri
10 63017.

11 **Q DID YOU PREVIOUSLY FILE DIRECT TESTIMONY IN THIS**
12 **PROCEEDING?**

13 A Yes. A statement of my qualifications is attached as Appendix A to my Direct
14 Testimony.

15 **Q WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY IN THIS**
16 **PROCEEDING?**

17 A My rebuttal testimony addresses the testimony filed in this proceeding on August
18 22, 2006 on behalf of Florida Power & Light Company (FPL), Progress Energy
19 Florida, Inc. (PEF), Gulf Power Company (Gulf Power) and Tampa Electric
20 Company (Tampa Electric) (collectively, the Utilities).

21 **Q PLEASE SUMMARIZE YOUR CONCLUSIONS AND**
22 **RECOMMENDATIONS?**

23 A The central point of my testimony is that the existing Generating Performance
24 Incentive Factor (GPIF) methodology, with its reward process tied to modest

1 improvements in recent performance, sets the bar too low, especially when it is
2 possible that recent performance has been less than stellar (i.e., ratepayers can
3 fund “rewards” when the efficiency may have declined relative to what the utility
4 has attained in the past). In their rebuttal testimony, the utilities do not deny that
5 the GPIF methodology has the effect that I describe. Instead, they use various
6 means to try to defend the status quo. FPL’s witness appears to assert that long
7 term, sustained improvements are irrelevant to the GPIF — a claim that the
8 Commission should reject out of hand. Ms. Sonnelitter and Mr. Noack state that
9 the GPIF penalizes utilities that miss their targets and rewards utilities that meet
10 or exceed the targets. Both beg the question of whether the targets are set
11 sufficiently high to be equitable to ratepayers and establish a true incentive for
12 exemplary performance. Tampa Electric Witness Mr. Smotherman talks about the
13 impact of environmental systems and repowering on efficiency. While his
14 testimony is unrelated to the core of my recommendation, the testimony does
15 highlight that external circumstance may be a more driving force in actual
16 performance than the GPIF process. His testimony confirms the need to adopt a
17 change in the reward/penalty determination. All of the Utilities advocate a
18 “symmetrical” approach to rewards and penalties, but all overlook the fact that
19 unless the scale is adjusted to make rewards more difficult to achieve, customers
20 will be rewarding the utilities for meeting their basic obligations.

21 **Q WHAT IS THE PROPOSAL OF THE UTILITIES WITH REGARD TO**
22 **THE GPIF METHODOLOGY?**

1 A The Utilities propose that the GPIF methodology remain unchanged and the status
2 quo be adopted by the Commission. Generally, the Utilities testify that the GPIF
3 method is performing as intended.

4 **Q WHAT CRITICAL DETERMINATION MUST THE COMMISSION**
5 **MAKE IN ORDER TO MAINTAIN THE STATUS QUO?**

6 A The Commission must determine whether or not continuation of the status quo is
7 equitable to ratepayers in light of the Utilities' obligation to operate efficiently.

8 As addressed in my direct testimony, I believe now is the time to modify
9 the GPIF in a manner that treats ratepayers more equitably.

10 **Q WHAT IS THE CENTRAL THEME OF THE UTILITIES' CRITICISM OF**
11 **YOUR TESTIMONY?**

12 A The Utilities' testimonies focus on the premise that the GPIF is not intended to
13 promote continuous universal improvements in individual unit performance or
14 system-wide performance. In support of this position, the Utilities describe
15 operational, regulatory and technological circumstances that they contend support
16 continuing the status quo but that, properly viewed, actually confirm the need to
17 adopt a modification to the current GPIF process.

18 **Q IN WHAT WAYS HAVE THE UTILITIES CONFIRMED THE NEED TO**
19 **MODIFY THE GPIF?**

20 A PEF, for example, acknowledges that a prudent utility should strive to maintain
21 and operate generating units as effectively as possible. Additionally, PEF states
22 that "[t]he utility's regulatory obligation is to minimize total production cost, not
23 only fuel cost." Yet, PEF argues that the GPIF is not intended to promote
24 continuous universal improvements in individual unit performance or system-

1 wide performance. Indeed, PEF devotes a significant part of its testimony to
2 describing the cyclical degradation and refurbishment/replacement of generating
3 unit components. PEF testifies that generating units are made up of many
4 thousands of individual components with varying wear rates and which are
5 replaced/refurbished at varying levels. Thus, says PEF, the condition of a given
6 unit continually evolves, and what constitutes reasonable performance is a
7 complex matter.

8 Tampa Electric testifies that operating efficiencies of its generating units
9 are impacted by operating and equipment constraints resulting from increased
10 environmental regulatory requirements.

11 Finally, FPL and Tampa Electric testify that including repowered units or
12 new state-of-the-art combined cycle capacity into the GPIF unit mix will show
13 system improvement in availability and heat rate due to technology
14 improvements.

15 **Q WHAT OVERALL PICTURE IS PRESENTED BY UTILITIES’**
16 **TESTIMONY?**

17 **A** The utility witnesses assert that ratepayers should not expect continuous universal
18 improvements in individual unit performance or system-wide performance in
19 return for payments under the GPIF process. Additionally, the testimony
20 presented by the Utilities confirms that modifications to the GPIF reward process
21 is needed because actual performance experienced by a utility in any given year
22 may be less influenced by the GPIF process than impacted by: (1) cyclical
23 degradation and refurbishment/replacement of generating unit components; (2)

1 environmental regulatory requirements; or (3) utility efforts to repower units or
2 install new state-of-the-art combined cycle capacity.

3 **Q WHY DOES THE UTILITIES' TESTIMONY CONFIRM THE NEED TO**
4 **MODIFY THE GPIF?**

5 **A** Taken to its logical conclusion, this testimony points out that the current method
6 expects ratepayers to fund variations from annual targets that cycle between
7 generally the same unit/system high and low performance levels. Moreover, the
8 testimony makes the case that annual variations are driven more by uncontrollable
9 circumstances and normal prudent utility action than utility response to the GPIF
10 process.

11 **FPL**

12 **Q HAVE YOU REVIEWED THE TESTIMONY OF FPL WITNESS**
13 **PAMELA SONNELITTER?**

14 **A** Yes.

15 **Q HOW DOES THIS TESTIMONY DESCRIBE THE OPERATION OF THE**
16 **GPIF FOR FPL'S GENERATING UNITS?**

17 **A** At Page 3, the testimony states the "[t]he GPIF has resulted in rewards when the
18 performance of generating units improves relative to the GPIF targets, and it has
19 resulted in penalties when their performance has deteriorated compared to those
20 targets."

21 **Q HOW DO YOU RESPOND TO HER TESTIMONY THAT THE GPIF HAS**
22 **RESULTED IN REWARDS AND PENALTIES BASED ON**
23 **PERFORMANCE RELATIVE TO A GIVEN ANNUAL GPIF TARGET?**

24 **A** My response is that her statement misses the point of my testimony. The issue I
25 raise is this: At what level of change in expected performance should the utility

1 be rewarded or penalized such that ratepayers' interests are equitably served? I do
2 not dispute the fact that utilities receive rewards when performance exceeds the
3 GPIF targets under the existing GPIF regime, and that the utilities are penalized
4 when they fail to meet those targets. But the issue for the Commission to
5 determine is whether the process of setting the level of performance relative to the
6 targets is itself in need of modification when the rewards/penalties are assessed.

7 In my testimony, I assert that the existing methodology, with its reward
8 process tied to modest improvements or deteriorations in recent performance, sets
9 the bar too low, especially when it is possible that recent performance has been
10 less than stellar (i.e., ratepayers can fund "rewards" when the efficiency may have
11 declined relative to what the utility has attained in the past).

12 **Q HOW DOES MS. SONNELITTER CHARACTERIZE THE PURPOSE OF**
13 **THE GPIF?**

14 **A** She states, on Page 4, that "[i]f utilities are exposed to rewards or penalties for the
15 performance of their generating units relative to the recent past, then the GPIF is
16 achieving its purpose regardless of the long-term operational trends." FPL's
17 witness further testifies that references in my testimony "on performance trends
18 over extended periods of time misses the point of the GPIF." Essentially, FPL's
19 witness appears to argue that long-term improvements in efficiency are irrelevant
20 to the workings of the GPIF. I believe, and I hope the Commission agrees, that
21 sustained, long-term improvements in base load unit performance should be a
22 goal of a program of incentives.

23 **Q WHAT IS THE PURPOSE OF THE GPIF AS STATED IN THE ORDER**
24 **ESTABLISHING THE GPIF?**

1 A Appendix A of Order 9558 states that “[t]he purpose of the Generation
2 Performance Incentive Factor (GPIF) is to encourage utilities to improve the
3 productivity of their base load generating units.”

4 I cannot find any reference in the Order that the purpose of the GPIF is to
5 encourage improvement relative to the “recent past” as opposed to the “long-
6 term.” Moreover, my testimony regarding “long-term operational trend”
7 highlights the fact that ratepayers have been funding rewards where, after some 25
8 years of “incentives” under the current GPIF, any resulting long-term benefits are
9 difficult to discern (and, according to FPL, would be irrelevant).

10 **Q FPL TESTIFIES THAT, WHILE THE GPIF-RELATED UNITS ON FPL’S**
11 **SYSTEM MAY NOT DEMONSTRATE SUSTAINED IMPROVEMENTS**
12 **IN EFFICIENCY, SUCH IMPROVEMENTS ARE SEEN WHEN THE**
13 **ENTIRE FLEET — INCLUDING NEW COMBINED CYCLE UNITS —**
14 **ARE INCLUDED. HOW DO YOU RESPOND?**

15 A First, I need to clarify that the use of the term “system” or “system-wide” in my
16 direct testimony refers to only those units encompassed by the GPIF process.

17 Second, FPL testimony concerning new combined cycle units confirms
18 that my dead-band recommendation is a logical refinement to the current GPIF
19 process. The fact that the improvement in “entire fleet” performance can be
20 accomplished by merely incorporating new technology combined cycle units with
21 inherently superior performance characteristics relative to the technology of
22 existing units in the GPIF proves that technology will distort the ability of other
23 metrics to provide equity to ratepayers.

1 **Q THE FPL TESTIMONY STATES THAT FPL GPIF SCORES ARE**
2 **ADVERSELY AFFECTED BY THE FACT THAT SOME OF THE OLDER**
3 **GPIF UNITS HAVE BEEN DISPLACED IN THE DISPATCH ORDER, SO**
4 **THAT THESE GPIF UNITS ARE NOT OPERATING IN THEIR MOST**
5 **EFFICIENT RANGES. DO YOU FIND THIS TO BE PERSUASIVE?**

6 **A** No. As I understand the method for establishing the heat rate targets (and as FPL
7 seems to acknowledge), the existing calculation methodology takes into account
8 the “net output factor” of the units being measured, meaning that the units’
9 expected place in the dispatch order is factored into the target (i.e., adjusting for
10 the expectation that these units will not operate at their most efficient levels).

11 **PEF**

12 **Q HAVE YOU REVIEWED THE TESTIMONY OF PEF WITNESS**
13 **OLIVER?**

14 **A** Yes.

15 **Q MR. OLIVER TESTIFIES THAT A UTILITY’S OBLIGATION IS TO**
16 **MINIMIZE TOTAL PRODUCTION COST AND NOT ONLY FUEL**
17 **COSTS. HOW DO YOU RESPOND?**

18 **A** PEF’s Mr. Oliver misses the point of my testimony and appears to misunderstand
19 my recommendation. Nothing in my testimony conflicts with the observation that
20 a power plant has many parts subject to wear, or that overall costs are to be
21 considered. My point is that, in the context of such a reality, under the existing
22 GPIF process ratepayers are being required to pay rewards for “improvements”
23 that, under many circumstances, may reflect only mediocre performance. My
24 recommendation is that rewards should be reserved for exemplary performance, as
25 it is the utility’s “job” to maintain its units and minimize costs. Quite simply,
26 under the existing methodology the bar is set too low, with the result that utilities

1 receive rewards when no exemplary improvements are demonstrated. Note that
2 under my recommendation nothing about the methodology for measuring
3 performance or establishing targets would change; only the manner of calculating
4 the payments would change, and that change would be designed to ensure that the
5 utility has demonstrated exemplary improvement before receiving a reward.

6 **GULF POWER**

7 **Q GULF POWER WITNESS MR. NOACK SAYS THAT THE PURPOSE OF**
8 **THE GPIF IS TO PROVIDE INCENTIVE FOR THE EFFICIENT**
9 **OPERATION OF BASE LOAD UNITS. HE SAYS THE CURRENT GPIF**
10 **ACCOMPLISHES THAT PURPOSE BY REWARDING UTILITIES WHO**
11 **SHOW REASONABLY ATTAINABLE IMPROVEMENTS AND**
12 **PENALIZING UTILITIES THAT FAIL TO DO SO. DO YOU AGREE?**

13 **A** I agree with the first portion of the statement. I disagree with the proposition that
14 the current GPIF accomplishes the purpose in a manner that is equitable to
15 ratepayers.

16 **Q PLEASE EXPLAIN.**

17 **A** Like the other IOU witnesses, Mr. Noack fails to consider the circumstance that is
18 at the core of my criticism and recommendation. Take the example of a utility
19 that, for whatever reason, sees the efficiency of its base-load units slide
20 significantly. It receives a monetary penalty. The next target is then set at a
21 reduced level of performance based on the declining “recent experience,” such
22 that, if the utility then modestly beats this new lower performance target, even at a
23 level that falls short of its prior standard, it receives a ratepayer funded reward for
24 improvement performance that is less than exemplary. In this scenario, the
25 ratepayers are essentially paying extra for the utility doing its “job” in the normal

1 course of prudent operation. My recommended remedy is needed to ensure that
2 the GPIF is actually an incentive to make meaningful improvements.

3 **Q MR. NOACK CRITICIZES YOUR PROPOSED DEAD-BAND BECAUSE**
4 **IT IS NOT SYMMETRICAL. HOW DO YOU RESPOND?**

5 **A** In my opinion, the incentive mechanism should take into account that
6 performance at a high level is the basic responsibility of the utility. To reflect that
7 basic premise, it is only fair and reasonable to structure the reward/penalty portion
8 of the mechanism such that the utility is not paid extra for doing no more than
9 meeting its basic obligation. In my opinion, a “symmetrical” reward/penalty
10 would fail to take this obligation into account, to the detriment of the ratepayers
11 who are entitled to high quality service in return for the rates they pay without the
12 additional burden of rewards.

13 **TAMPA ELECTRIC**

14 **Q TAMPA ELECTRIC WITNESS MR. SMOTHERMAN DESCRIBES THE**
15 **TAMPA ELECTRIC DECREASE IN EFFICIENCY OCCASIONED BY**
16 **INCREASED ENVIRONMENTAL CONTROLS ON SOME OF ITS GPIF**
17 **UNITS, AND THE INCREASE IN EFFICIENCY THAT THE**
18 **REPOWERED BAYSIDE UNITS WILL ADD TO ITS SYSTEM. HOW DO**
19 **THESE POINTS AFFECT YOUR PROPOSALS?**

20 **A** They do not affect my proposal at all. Mr. Smotherman’s observations are not
21 even tangentially related to my point. It is true that modifications to units can
22 decrease or increase efficiency. This does not alter the fact that, in its present
23 form, the GPIF methodology’s reliance on recent past performance for future
24 targets and rewards can require, and has required customers to pay rewards when
25 the utility has not produced appreciable gains in efficiency.

1 **Q MR. SMOTHERMAN OPPOSES YOUR DEAD-BAND PROPOSAL.**
2 **WHAT IS YOUR RESPONSE?**

3 **A** Like other utility witnesses, Mr. Smotherman wants a “symmetrical” approach.
4 The concept of “symmetry” has the ring of fairness in many situations, but not
5 here. As I stated earlier, the utility has an obligation to provide efficient service.
6 A “symmetrical” approach to rewards and penalties would result in paying the
7 utility additional sums for that which it should be doing in any event.

8 **Q DO YOU HAVE ANY OTHER COMMENTS REGARDING MR.**
9 **SMOTHERMAN’S TESTIMONY?**

10 **A** Yes. I need to reiterate the clarification that the use of the term “system” or
11 “system-wide” in my direct testimony refers to only those units encompassed by
12 the GPIF process. It appears from the testimony that Mr. Smotherman mistakenly
13 believes that when I used the term “system” I was referring to both GPIF-included
14 generators and those outside the GPIF program. I did not — when I referred to
15 “system” values, I was referring to the composite of all GPIF-related power
16 plants, not the total utility system.

17 **Q DOES YOUR RECOMMENDED DEAD-BAND ADDRESS THE**
18 **CENTRAL THEME OF THE UTILITIES’ CRITICISMS?**

19 **A** Yes. While the Commission makes the final decision on whether a goal of the
20 GPIF should be to promote continuous universal improvements in individual unit
21 performance or system-wide performance, there is nothing in my dead-band
22 recommendation that ties the GPIF payment by ratepayers to long-term historical
23 performance. Indeed, the dead-band recommendation retains the basic method for
24 establishing GPIF targets in evaluating performance consistent in the present

1 GPIF structure. Thus, the GPIF under my recommendation would continue to be
2 a comparison of the subject year's performance versus a historically determined
3 target.

4 A prudent utility should strive to maintain and operate generating units as
5 efficiently as possible. Accordingly, my recommendation reflects the notion that
6 actual payments by ratepayers should only occur when the utility has achieved
7 exemplary performance. The recommended dead-band establishes the level of
8 exemplary performance before payment is made, by tempering the degree to
9 which the current GPIF methodology provides rewards relative to recent
10 experience.

11 **Q HOW DO YOU RESPOND TO THE FPL SUGGESTION THAT**
12 **RATEPAYERS HAVE RECEIVED SUBSTANTIAL FUEL SAVINGS**
13 **WITH THE GPIF STATUS QUO?**

14 A As I read the testimony, FPL does not specifically state that fuel savings are a
15 direct result of the GPIF process, only that "the same availability and heat rate
16 improvement that lead to these GPIF rewards" resulted in fuel savings. Given
17 that it is the "job" of a utility to maintain and operate generating units as
18 efficiently as possible, I doubt, absent a specific showing by a utility that the
19 GPIF process altered its behavior, whether any such "fuel savings" or "fuel loss"
20 can be directly attributable to the GPIF process.

21 In fact, the FPL testimony suggests that a more efficient means of
22 providing an incentive for the more modest performance improvements that lie
23 within my recommended dead-band would be to include availability and/or heat
24 rate performance as part of power plant management compensation.

1 **Q THE UTILITIES HAVE CRITICIZED THE IMPLEMENTATION OF AN**
2 **ABSOLUTE SYSTEM WEIGHTED EAF AND HEAT RATE NUMBER**
3 **THAT WOULD PRECLUDE ANY REWARD PAYMENTS FOR**
4 **ACTUALLY BEING MADE TO A UTILITY. WHAT IS THE**
5 **RATIONALE BEHIND THIS RECOMMENDATION?**

6 A The GPIF data can indicate a consistent reduction in system performance while
7 the method can continue to reward a utility on an annual basis. According to
8 Tampa Electric, the explanation for this circumstance in their case is that the
9 performance numbers are a function of restrictions related to environmental
10 regulatory requirements and the fact that repowered generating units have not yet
11 been placed in the GPIF process. Nevertheless, the Tampa Electric data
12 highlights a potential concern that the Commission may wish to address.

13 I merely point out in my direct testimony that one way that the
14 Commission can address the problem of GPIF rewards at a time of consistent
15 declines in system performance over time is by establishing absolute system
16 weighted EAF and heat rate numbers. Because establishing the appropriate levels
17 for each unit would involve complex considerations, I raised only the concept in
18 this proceeding. I believe the Utilities possess sufficient data to enable the
19 Commission to develop appropriate values next year.

20 **Q DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?**

21 A Yes, it does.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of Rebuttal Testimony of James A. Ross has been furnished by e-mail and U.S. Mail this 6th day of October, 2006, to the following:

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