

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 060635-EU

In the Matter of

PETITION FOR DETERMINATION OF NEED FOR
ELECTRICAL POWER PLANT IN TAYLOR COUNTY
BY FLORIDA MUNICIPAL POWER AGENCY, JEA,
REEDY CREEK IMPROVEMENT DISTRICT, AND
CITY OF TALLAHASSEE.



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PROCEEDINGS: AGENDA CONFERENCE
ITEM NO. 16

BEFORE: CHAIRMAN LISA POLAK EDGAR
COMMISSIONER MATTHEW M. CARTER, II
COMMISSIONER KATRINA J. MCMURRIAN

DATE: Tuesday, February 13, 2006

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

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1 APPEARANCES:

2 MICHAEL COOKE, GENERAL COUNSEL, and JUDY HARLOW,
3 appearing on behalf of the Commission Staff.

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P R O C E E D I N G S

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2 CHAIRMAN EDGAR: We will be moving to our next item
3 of discussion, which is Item 16. We have a lot of staff, so we
4 are going to -- and, again, appreciate everybody's patience,
5 but we are going to take about a 15-minute recess and then we
6 will come back and move through the issues on Item 16.

7 (Recess taken.)

8 CHAIRMAN EDGAR: Okay. Again, thank everyone for
9 their patience. We are back on the record. And we are now on
10 Item 16 and I'll ask staff to get us started.

11 MS. HARLOW: Good morning, Commissioners. I'm
12 Judy Harlow with your staff.

13 Item 16 is staff's recommendation on the need
14 determination for the Taylor Energy Center. Chairman, I have
15 an opening statement and, with your indulgence, I'll go forward
16 with that.

17 CHAIRMAN EDGAR: Yes, ma'am.

18 MS. HARLOW: Thank you. Under the Florida Power
19 Plant Siting Act the Commission must determine the need for
20 major power plant additions in Florida. Under the Act the
21 Commission must look at three basic areas of need. First, the
22 need for power supply adequacy and reliability, taking into
23 consideration reasonably available conservation. This is
24 referred to as the megawatt or the reliability need. Second,
25 the economic need including whether the proposed power plant is

1 the most cost-effective alternative available. And, third,
2 most recently added by the Legislature, the need for fuel
3 diversity in Florida.

4 The evidence presented at hearing supports the
5 approval of the need determination for the 765-megawatt Taylor
6 Energy Center. The four applicants, JEA, FMPPA, Reedy Creek and
7 the City of Tallahassee, demonstrated a reliability need for
8 additional capacity in 2012, the in-service date of the unit.

9 Even if all the applicants were to deploy the
10 aggressive demand-side management plan adopted by Tallahassee,
11 the resulting reduction in peak demand would not overcome the
12 need for capacity in the 2012 to 13 time frame. The utilities'
13 analyses were based on reasonable assumptions, and the Taylor
14 Energy Center was shown to be the most cost-effective
15 alternative available to meet the utility's capacity need based
16 on current knowledge. The Taylor Energy Center was shown to be
17 based on proven technology that meets all current environmental
18 regulations and is estimated to provide \$899 million in savings
19 over a 30-year period when compared to the next best
20 alternative generation expansion plan for each applicant. As
21 shown by over 70 sensitivity analyses, these savings appear to
22 be robust under changed circumstances, including high and low
23 fuel prices and capital costs and changed environmental
24 regulations.

25 I'd like to quickly focus on two areas addressed at

1 hearing. First, demand-side management. Tallahassee has
2 approved an aggressive demand-side management program which
3 could defer the City's reliability need for capacity from
4 2011 until 2016. However, the proposed unit would still
5 provide savings and reduce risk for the City's ratepayers due
6 to low-cost baseload coal energy replacing higher cost natural
7 gas-fueled energy.

8 Further, even if the other applicants were to deploy
9 a similar demand-side management effort, as I stated
10 previously, the resulting reduction in peak demand would not
11 overcome JEA's, FMPA's and Reedy Creek's reliability need for
12 80 percent of the unit's capacity.

13 Secondly, the cost of future environmental
14 regulations. The cost of future environmental regulations, in
15 particular CO2 regulations, are unknown and largely
16 unquantifiable at this time. However, the Taylor Energy Center
17 compared favorably to a natural gas-fired combined cycle unit
18 which would be expected to produce less CO2 than the Taylor
19 Energy Center. A natural gas combined cycle unit is expected
20 to be \$1.3 billion more costly than the Taylor Energy Center.
21 This implies that the proposed unit's projected costs could
22 increase \$1.3 billion due to CO2 regulations or for any other
23 reason, and the TEC would still provide savings compared to a
24 baseload natural gas-fired unit. Further, an IGCC or gasified
25 coal unit is less proven technology than pulverized coal and is

1 estimated to be \$464 million more costly than the Taylor Energy
2 Center.

3 Staff would like to emphasize two things. First, we
4 believe that each applicant should continue to pursue
5 cost-effective demand-side management on an individual basis
6 and together, if possible.

7 Second, staff believes it is prudent utility practice
8 to continue to analyze whether it is in the best interest of
9 ratepayers to participate in the proposed unit before, during
10 and even after construction of the generating unit.

11 Finally, I'd like to say that we believe the
12 applicant should continue to examine the cost-effectiveness of
13 Taylor Energy Center if and when CO2 regulations are enacted.

14 And I thank you for your patience and we are
15 available for any questions.

16 CHAIRMAN EDGAR: Thank you, Ms. Harlow. I appreciate
17 the summary of the issues and the recommendation before us. It
18 is in the item, but I would like to note for the record that
19 this is a posthearing decision. The record has closed and so
20 participation today is limited to Commissioners and staff. I
21 want to thank everybody for, that has come today for their
22 interest and for participation up to this point before we go
23 into the individual issues. I know I don't need to remind
24 anyone, but we did have a full day of public testimony which
25 showed a great deal of interest in the community and

1 participation. And I've said it before, but I'd like to say it
2 again, when we have full and diverse participation, our
3 processes, procedures and decisions work better.

4 We also, as I know you all recall, had a couple of
5 long days of hearing and even extended the hearing time into
6 the evening and into an additional day so that all of the
7 parties and all of the witnesses, staff and the Commissioners
8 could be sure to have the full amount of time needed to pursue
9 their questions and answers and discussion in that particular
10 evidentiary forum.

11 And so with that, I think what I'd like to do,
12 Commissioners, is ask our staff to walk us through issue by
13 issue, and then -- and as they are doing that, any questions or
14 discussions -- I think if it's all right with you, what I'd
15 like to do is go through those issues, have those questions,
16 whatever discussion, and then we can see about voting
17 individually or collectively on the issue.

18 And so with that, if it's all right, I'll go ahead
19 and ask our staff to present to us their recommendation on
20 Issue 1.

21 MS. HARLOW: Yes, ma'am. Issue 1 involves whether
22 there is a reliability need for the capacity from Taylor Energy
23 Center. Staff has reviewed the record and it's our opinion
24 there is indeed a reliability need for the capacity.

25 We looked at this particularly in terms of the DSM

1 plan or demand-side management plan that the City of
2 Tallahassee proposed, and we looked at whether if we assumed
3 those same demand savings for the other utilities, whether it
4 would shift the reliability need, and it does not.

5 Staff's analysis in this case goes through utility by
6 utility, and what we saw was each utility properly looked at
7 purchased power alternatives, we looked at unit retirements,
8 they appeared to be appropriate, and we saw a reliability need
9 for the capacity.

10 CHAIRMAN EDGAR: Commissioners, at this time any
11 questions specifically on the information on Issue 1?

12 Commissioner McMurrian.

13 COMMISSIONER McMURRIAN: Thank you, Chairman.

14 My question is in regard to some of the information
15 about the City of Tallahassee and their DSM programs, which I
16 know staff has characterized as ambitious or at least something
17 along those lines and has said that even if it were to pan out,
18 even if their DSM program were to realize the goals that
19 they've set, that they still would have an economic need for
20 Taylor Energy Center in 2012.

21 If we assumed that their DSM program ended up as
22 they've projected, can we still approve a need determination
23 based on economic need alone if we were to assume that they're
24 going to be, their DSM program is going to be fruitful? In
25 other words, if it's possible that they don't have a

1 reliability need until, I think, 2016, do we have the
2 flexibility to say that they have a need based on economic need
3 alone?

4 MS. HARLOW: Yes, I believe you do. We can look at
5 it in two ways. First of all, let's look at the applicants as
6 a whole. Even if we don't look at Tallahassee, the other
7 applicants have 80 percent of the capacity. So that's one
8 simple way to look at it.

9 Another way I look at an economic need is similar to
10 if a utility came in here and they had a proposed retirement of
11 a unit, that's an economic decision. So if you kept an
12 existing unit going, you don't have a reliability need. It's
13 an economic need, the decision to retire a unit and replace it
14 with more efficient capacity.

15 CHAIRMAN EDGAR: Commissioner Carter.

16 COMMISSIONER CARTER: Madam Chairman, I know you said
17 that we could go issue by issue, and sometimes my mind doesn't
18 flow in a logical manner, and if you would permit me just kind
19 of --

20 CHAIRMAN EDGAR: I like to start with a structure and
21 then be flexible, so go right ahead.

22 COMMISSIONER CARTER: This was, as you know and
23 everyone that participated in this knows, this was a very heart
24 wrenching experience but a necessary experience. And I
25 appreciate you allowing me to do this because it's really not

1 necessarily into one, but I think it is, is that there's so
2 much that happened in here, and staff has broken it out about
3 some things that they're saying we don't have jurisdiction for.
4 Which, for example, one of the issues they talked about was
5 impact on existing and future pollution services. That was,
6 you know, still one of those areas that was part of the
7 discussion and, I mean, it was, I looked at it as being more
8 than just an academic discussion.

9 Another thing they said that we didn't have
10 jurisdiction for that we looked at was the impact of the
11 increase on traffic, particularly rail traffic. I think that
12 all of the witnesses probably are squirming in their seat from
13 listening to me and staff going around and around about why
14 have you got this hang-up about trains. You know, for the
15 public, I don't have a hang-up about trains, y'all. But it was
16 just interesting to me that we're -- it may not necessarily be
17 our area of jurisdiction, but the Commissioner from Baker
18 County was talking about the different kind of situations that
19 happened there. And as I said, it's not necessarily dealing
20 with Issue 1, but that's something that got me, that I really
21 was hoping that we could kind of flesh out even more. And it
22 may just be a collateral issue, but to me it's more than a
23 collateral issue. And he was saying that everybody that he
24 talked to was saying it's "not their issue, not their issue,"
25 you know. And I asked, I think I asked Mr. Cooke, our general

1 counsel, is there something that we could do? Even though we
2 don't have jurisdiction, is there something that we could do to
3 send a letter to Congress or a letter to DOT or a letter to
4 whomever? But I'm still, you know, concerned about that.

5 Another issue was about the cost recovery for
6 municipals. But there's a plethora of things that spun out of
7 this, Madam Chairman, that -- and I have -- I think my stack is
8 now about four feet tall, and we just got this last week. I
9 think it was --

10 CHAIRMAN EDGAR: Thursday.

11 COMMISSIONER CARTER: Last Thursday, yes, ma'am.
12 Last Thursday.

13 CHAIRMAN EDGAR: Afternoon.

14 COMMISSIONER CARTER: Thursday afternoon. And it
15 just gave me a lot of concern in that -- and I respect, you
16 know, the people that are here today and I respect your time
17 and all like that, but there's a lot in this that I thought,
18 you know, whether we have jurisdiction or not, but it was
19 important to me and it was important to the people, and not
20 only the gentleman from Baker County mentioned the issue about
21 transportation, but I think we had some people from Taylor
22 County as well that mentioned that to me, and that was a
23 significant issue to me. And I know that we have things to do
24 and procedures and things to follow and all like that, but when
25 things -- I think the time when folks come to government and

1 they say, well, it's not my job, the time for that is over. I
2 mean, we've got a Governor who's the people's Governor, so
3 let's be the people's Commission.

4 And I think that those are some issues that I really
5 thought would have a little more, even though it's not our
6 jurisdiction, but I was looking for a little bit more. And I
7 went back through that four-foot stack and I did not see that.
8 And I was thinking about what Commissioner Tew was just asking
9 about, you know, the reliability versus the integrity and the
10 efficiency, the economics and all like that is -- I didn't get
11 a whole lot of information out of it. And I know this is --
12 but I asked for your indulgence to get off of the issue by
13 issue, but those are some things that I'm still concerned about
14 on this. And then last Thursday afternoon -- you know, every
15 case is important, but this is something that I've still got
16 some concerns about. And obviously by the folk here today,
17 they've got some concerns about it as well. And I think we
18 really -- we're deliberative in all of our cases that come
19 before us. But those are some areas that staff in their report
20 said that we don't have jurisdiction for, so they kind of put
21 them aside, but those are significant issues and those are some
22 issues that, you know, I certainly would like to know more
23 about.

24 I mean, what do we tell the Commissioner from Baker
25 County, you know? Can we get you a letter, and who would we

1 get the letter to? I mean, those are meat and bread issues.
2 Those are people issues out there. It's -- I mean, what do we
3 do? I'm still concerned about that and I know you are, too,
4 Madam Chairman, because you allowed, and I appreciate that, is
5 that we were scheduled for, I think it was two days, you had
6 three days, then you brought back another entire day and
7 allowed for the public input and the parties, both on either
8 side also were here, and additional, we went to the next week
9 on that. There's a lot into this and there are a lot of
10 concerns that were raised and I just -- I don't see a lot of
11 things that I wanted to, you know, see in here.

12 Mr. Cooke.

13 CHAIRMAN EDGAR: Well, and if I may, Mr. Cooke,
14 before I ask you to, to respond, just a couple very general
15 thoughts that come to mind as I listen to you, Commissioner.

16 We all know that under the Power Plant Siting Act and
17 all other relevant statutes that the siting of a generation
18 facility is a multistep process. We talk about one-stop
19 permitting, and, of course, the Power Plant Siting Act is an
20 umbrella that we can also call one-stop, but it is a multistep
21 process and different bodies and levels of government have
22 different roles under our statutory scheme.

23 There are a number of issues that were raised during
24 public testimony and during the evidentiary portion as well
25 that do, as staff has described in their analysis, perhaps go

1 beyond some of our areas of jurisdiction. And, again, that is
2 why we have a multistep process to allow full review. I know
3 in my own mind I think of ourselves as the economic regulators
4 under the statute, and there is, of course, another state
5 agency that is, has the expertise and the statutory authority
6 to be the environmental regulators. But when we get into
7 questions of energy policy, fuel diversity and, as Commissioner
8 McMurrian raised, efficiency and economy, sometimes that line
9 between economic and environmental and lowest cost and the
10 assumptions that go into that are not as bright line
11 differentiated as I personally wish that they easily were.

12 So as you've said, there are a lot of issues before
13 us. At whatever point beyond this there will continue to be a
14 lot of issues. We do have statutory time lines and, as you
15 know, we pride ourselves on meeting those statutory time lines.
16 On the other hand, I can also say personally as the presiding
17 officer and as the administrative keeper of the calendar,
18 sometimes it is, it is difficult to meet all, all needs in
19 order to try to meet some of those time lines and scheduling
20 requirements. So just a couple of random thoughts perhaps.
21 And I know that you did direct your comments to Mr. Cooke, and,
22 Mr. Cooke, if you're ready to jump in.

23 MR. COOKE: Commissioners, let me just -- perhaps I
24 can answer some of these questions or address these comments by
25 just discussing where we were procedurally, and then we can

1 talk about where it is we could be able to take this perhaps or
2 what it is that will meet the needs of you as decision-makers.

3 As the Chairman noted, we are in a posthearing
4 posture, which means the record is closed, briefs have been
5 filed, those have been reflected upon by staff and a
6 recommendation has been submitted. We do have by statute a
7 deadline to reach a decision, and based on where we are at this
8 point we have a waiver in place through today by which we
9 still, if we make a decision today, can meet the deadline, the
10 statutory deadline.

11 I realize that we filed a fairly extensive
12 recommendation with the Commission last Thursday, and I
13 recognize the kind of questions you were raising, Commissioner.
14 I can talk about some of those individually, if you want. As
15 far as getting those questions answered, I think we need to do
16 that through questioning staff in a session like this.
17 However, because of the timing of when we filed the
18 recommendation, I did take the liberty -- I have taken the
19 liberty previously of speaking to the applicants, and they've
20 represented to me that they would be willing to waive the
21 statutory deadline an additional period of time so that this
22 could happen also at the next agenda conference, which is
23 March 13th, I believe. We would not be in a posture to reopen
24 the record or do anything like that, but it could give you more
25 time, if that's something that would help you reach a, you

1 know, better decision to reflect on the record and think about
2 questions you might like to ask staff that, as you indicated,
3 arguably are outside jurisdiction. We can answer those
4 questions, we can deal with those in discussion and try to
5 explain how the process does work from this point on, assuming
6 there's, there were a positive decision for the need
7 determination. So that's a general answer to the kind of
8 questions I think you're asking.

9 CHAIRMAN EDGAR: Commissioner Carter.

10 COMMISSIONER CARTER: I was -- okay. Thank you,
11 Madam Chair.

12 CHAIRMAN EDGAR: Sorry.

13 COMMISSIONER CARTER: And, Chairman, I realize that
14 we have deadlines and all and this is a very important issue.
15 Obviously, you know, we, we have to follow our leadership. But
16 the thing that concerns me is we're talking about something
17 that has -- I think there are about 3,000 acres that's involved
18 in this process going to be put in a county just south of here
19 that's going to be a situation that within the next five years
20 or so of coming to full activation. We have a situation before
21 us where -- there are a number of issues, Madam Chairman. I
22 realize they're nonjusticiable, but there are a number of
23 issues that we just -- I mean, obviously if we have to move,
24 we'll move. But there are some issues that if we can get some
25 further dialogue, maybe some questions. I know that -- thank

1 you, Mr. Cooke -- that the record is closed. We can't get any
2 new anything. But certainly based upon his recommendation,
3 statement that he's made, representation, maybe, maybe there
4 may be some questions that you may have of staff along these
5 lines. But I just -- I mean, you have to forgive me. I'm
6 grasping for words here because there's a lot of stuff that's
7 in here that I didn't see in here that was really significant
8 to me but it's not justiciable, and I understand that. But I'm
9 just really concerned about it, and I don't know if, you know,
10 where you and Commissioner McMurrin are, but that's -- I'm
11 just concerned.

12 CHAIRMAN EDGAR: Thank you. Commissioner McMurrin,
13 I didn't mean to turn my back. You're way down there.

14 COMMISSIONER McMURRIAN: I'm trying to make sure I
15 don't infect anyone.

16 Thank you, Commissioner Carter, for raising the
17 concerns about the nonjurisdictional issues that have been
18 brought up. I've heard from several people, and I think
19 several of them are here today, and during the public testimony
20 portion that they're not really sure where to go to raise the
21 concerns they have. And they understand that it's a three-step
22 process and all, but I think it's easy to get kind of lost
23 about exactly where to go when and which issues are appropriate
24 for which body. And I think sometimes we even get a little
25 tripped up, as the Chairman mentioned, about where the exact

1 line is.

2 And I think, following up on your comments, I mean, I
3 think it would be good to have some more time to think about
4 how we can make sure those concerns, to the extent we can't do
5 anything concrete about them, make sure those concerns get to
6 the right place. And I think staff did a good job trying to
7 outline generally where the concerns were addressed in the rec,
8 and, to the extent they weren't, which agency would probably
9 address them. But I think maybe we could go farther than that,
10 perhaps even compiling for the agencies that would deal with
11 those things public testimony that we think that they could
12 deal with. And I noted in several of the footnotes there was
13 exact transcript references and customer names that had brought
14 up different issues. But, again, I think at least doing
15 something like if it's a matter that DEP should look at, maybe
16 we could send perhaps a cover letter from the Chairman, a
17 specific list of what references that the customers made that
18 would be along those lines. But just whatever we can do to try
19 to make it easier for those customer concerns to be raised at
20 the appropriate place to make sure it doesn't get lost in the
21 shuffle somehow.

22 But, you know, that's not, that's not necessarily the
23 best way to go. That's just an idea I had. But I think to
24 give us some more time to explore options like that to make
25 sure that everyone knows that their concerns were heard and

1 that we will try to consider them to the extent we can and then
2 get them to the right place, I think that deferring this to the
3 next agenda would probably help us do that. Thank you.

4 CHAIRMAN EDGAR: Thank you, Commissioner. As our
5 staff described and as you each have noted, the written
6 recommendation that is before us does point out and in it
7 directly says, "Staff urges that those other entities and
8 forums in which these additional issues may be addressed take
9 particular note of many of the points raised," which is
10 language that in my two years here I don't know that I've ever
11 seen before in a recommendation and I think shows how, how hard
12 our staff has worked to identify some of those issues and
13 listen to the comments that we heard at public testimony and
14 listen to the comments that each of us, comments and questions
15 that each of us have made. And I think that that's a, a very
16 strong step, a positive one, a meaningful one.

17 But yet as each of you have, have described, there
18 are, there are lots of issues, and I am, you know, always
19 trying to balance the need for us as, as a body, as an arm of
20 government to move forward and to act on things that are
21 brought to us. However, we want those actions to be
22 deliberative and thoughtful. And when I'm uncomfortable, I'm
23 uncomfortable, and I'm still a little uncomfortable. Our staff
24 did just an incredible job pulling this recommendation together
25 in a very short time frame; all of the parties as well

1 submitting briefs. But it is a multiyear (phonetic), a
2 multistep process. And when you look at all of the time that
3 goes into the statutory time frame, I guess I'd like to be able
4 to think that a couple of weeks to be able to dot the Is, cross
5 the Ts, give some more thoughtfulness, the opportunity to have
6 additional, full question and discussion in a public forum with
7 our staff, it seems like there may be some benefit to that. So
8 I'm seeing some nods. Mr. Cooke has laid out to us, again, the
9 fact that we are under a time clock which was waived for a
10 period of time once. However, as he represented, we think we
11 may be able to, to have some additional time granted on that
12 point.

13 Mr. Cooke, do you have additional thoughts?

14 MR. COOKE: Not really, Chairman. I think that based
15 on my discussion with the applicants' counsel that we can rely
16 on the fact that they would waive through March 13th. However,
17 again, it's with the understanding that we're not going to
18 reopen the record. We would bring this recommendation back as
19 written. But it would allow the Commissioners time to reflect
20 on questions that you want to ask, given the short period of
21 time that's available.

22 Also, we understand the jurisdictional question,
23 which is really in my mind outside of the recommendation
24 itself, but we could perhaps, I'll have to think about this,
25 but there may be a way for us to be prepared to discuss it

1 better with you at a future agenda conference.

2 CHAIRMAN EDGAR: Commissioner Carter.

3 COMMISSIONER CARTER: I mean, with four feet worth of
4 exhibits and information, I don't think we need, we don't
5 really need to open the record again. I don't, I don't want
6 that. It's just that, you know, I was just thinking that
7 there's some areas in there that maybe I could get staff to
8 flesh out a little more for me on that. And we obviously, as
9 you said, Madam Chairman, we are timely but we're deliberative
10 too. As Ms. Reva Locklear (phonetic), who was my eighth grade
11 teacher, she used to -- well, she was teaching me typing. She
12 said, "Speed and accuracy equals efficiency." So in order for
13 us to, to be efficient, speed is one thing, but we need to also
14 be accurate.

15 And I think that with the number of concerns that we
16 have here, and, again, Madam Chairman, just echoing your
17 comments, this is probably one of the most outstanding
18 recommendations I've seen of staff in terms of being able to --
19 I mean, because they had to keep track of everything and they
20 pulled out these issues that, you know, I probably made a big
21 deal out of that were outside of the scope of our jurisdiction,
22 but they certainly were able to break them down and put them,
23 compartmentalize them so that I could focus in on them. And
24 there were issues that you had, Madam Chairman, as well as
25 Commissioner McMurrian -- excuse me if I say Tew --

1 Commissioner McMurrian had as well as we went through the
2 deliberations. And I want us to do the public's business, I
3 want us to do it right, and I want us to be accurate. But I
4 just think, you know, if, if it's okay with you, Madam Chairman
5 and Commissioner McMurrian, if we could look at that. And
6 obviously, according to Mr. Cooke, the parties wouldn't have a
7 problem. This is just our next agenda. We'd just be deferring
8 it to our next agenda. And when this came out last Thursday
9 afternoon and I had to go back through the stacks, it took me
10 like 30 minutes to organize the stacks. I had packed them
11 away. But I thank you for your indulgence, Madam Chairman.

12 CHAIRMAN EDGAR: Thank you. And one other point or
13 just thought of mine that I meant to mention a few minutes ago
14 is realizing that the applicants that we have on this matter
15 are municipals and not subject to the same rate regulation
16 jurisdiction of this Commission as the IOUs, this, this
17 proposal is not one that we would have as much future
18 opportunity to review and impact as we would if it were some of
19 the applicants that we do have additional regulatory authority
20 over, which in my mind is all the more reason if we feel that
21 we would like to take some additional time and we have the
22 opportunity to take some additional time, that we may want to
23 avail ourselves of that opportunity.

24 And so with that, Mr. Cooke, I think I am hearing the
25 will of the body to be a deferral of this item, recognizing the

1 factors that you have laid out for us. And with that, do we
2 need a vote?

3 MR. COOKE: In my view you don't need a vote. But if
4 you want to make it clear on the record that everybody is in
5 agreement, that would be a way to do that. I mean, you as
6 Chair have the administrative authority to set the agenda, et
7 cetera. But since it's come this far, it might not hurt to
8 make sure that everybody feels comfortable with that approach.

9 CHAIRMAN EDGAR: Okay. Well, in that case, with my
10 administrative authority by virtue of sitting in the center
11 chair, what I would ask, Commissioners, if you are comfortable
12 with this, for a motion that we would take up this matter, the
13 record and the staff recommendation that is before us at our
14 next agenda, which is March 13th.

15 COMMISSIONER CARTER: I so move.

16 COMMISSIONER McMURRIAN: I so second.

17 CHAIRMAN EDGAR: Thank you. All in favor, say aye.

18 (Unanimous affirmative vote.)

19 CHAIRMAN EDGAR: Opposed? Show the motion adopted.

20 Thank you all.

21 (Agenda Item 16 adjourned.)

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STATE OF FLORIDA)
 :
COUNTY OF LEON)


CERTIFICATE OF REPORTER

I, LINDA BOLES, CRR, RPR, Official Commission Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 20th day of February, 2007.



LINDA BOLES, CRR, RPR
FPSC Official Commission Reporter
(850) 413-6734