

State of Florida



RECEIVED-FPSC

09 SEP 14 PM 2:30

COMMISSION
CLERK

Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: September 14, 2009
TO: Ann Cole, Commission Clerk – PSC, Office of Commission Clerk
FROM: Kay Posey, Executive Secretary to Commissioner McMurrrian *KP*
RE: Communication Received in Docket No. 080677-EI, 090130-EI, 090079-EI,
090144-EI, and 090145-EI

Commissioner McMurrrian has received the attached letter in the above noted dockets. In an abundance of caution, the Commissioner has asked that the letter be placed in the record and disseminated to all parties in the dockets pursuant to the provisions of Section 350.042, Florida Statutes.

KP:tf
Attachment

DOCUMENT NUMBER-DATE

09484 SEP 14 8

FPSC-COMMISSION CLERK



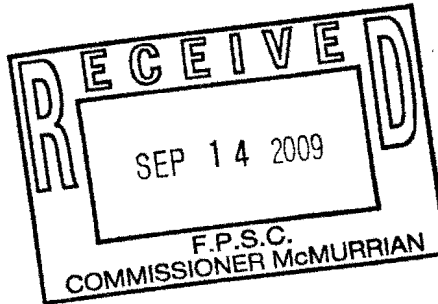
THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Transportation and Economic Development
Appropriations, *Chair*
Banking and Insurance
Communications, Energy, and Public Utilities
Ethics and Elections
Governmental Operations - Policy and Steering
Judiciary
Ways and Means - Policy and Steering

JOINT COMMITTEE:
Legislative Budget Commission

SENATOR MIKE FASANO
President Pro Tempore
11th District



September 11, 2009

The Honorable Katrina McMurrian
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Dear Commissioner McMurrian:

In the face of the serious controversy swirling around the Florida Public Service Commission I am requesting that the hearings regarding the Florida Power & Light and Progress Energy Florida rate cases be suspended immediately. Until the various investigations which are underway are complete, and the Senate confirms or rejects whomever the governor appoints to fill the two upcoming commission seats, any further work on these cases should be postponed indefinitely.

The integrity of the Commission has been brought into question due to the recent resignation of the PSC's lobbyist, the firing of a commission aide and the placement of two others on leave due to the question of ex parte communications, as well as sharing of Blackberry PINs, with utility executives of the two companies seeking the rate increases. With the possibility of the Florida Senate Ethics & Elections Committee holding a hearing to look into the serious allegations regarding the operation of the PSC, any decision made while under the cloud of controversy would forever plague all parties in the case.

I do not make this request lightly. The PSC has within its power the ability to impact millions of Floridians who receive utility service from these two companies. The utilities themselves will forever have their operations impacted by any action taken by the PSC at this time. As the custodian of the public's trust the PSC must make decisions without taint of scandal or misconduct. At some future time, when all investigations are finalized and appropriate actions are taken, would be the prudent moment to continue the rate cases.

The customers whom you serve need to have the confidence that all decisions made will be in their best interests. The utility companies will still be here when the investigations are closed and the findings are released. They may not be happy with this delay but they can continue to operate until the work of law enforcement and other bodies is complete. The customers surely

REPLY TO:

- 8217 Massachusetts Avenue, New Port Richey, Florida 34653-3111 (727) 848-5885
- 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5062

Senate's Website: www.flsenate.gov

JEFF ATWATER
President of the Senate

MIKE FASANO
President Pro Tempore

DOCUMENT NUMBER-DA

09484 SEP 14 8

FPSC-COMMISSION CLE

September 11, 2009

Page 2

cannot afford the potential of increased rates that may or may not be imposed upon them if those decisions are made under the shroud of suspicion that currently exists.

I would greatly appreciate your response to this request. I believe that it would best serve Floridians to know that, when this all ends, their chief regulatory agency has been given, hopefully, a clean bill of health.

Yours truly,

A handwritten signature in black ink that reads "Mike". The letters are cursive and fluid.

Mike Fasano
State Senator, District 11

MF/gg

Cc: The Honorable Charlie Crist
The Honorable Jeff Atwater
The Honorable Larry Cretul