

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

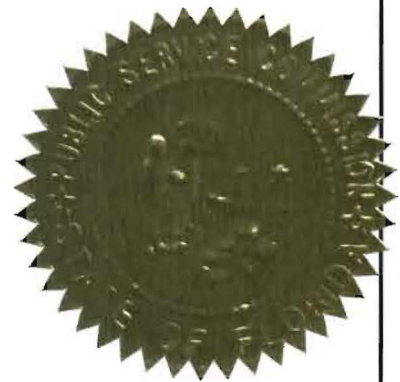
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

In the Matter of:

PETITION FOR INCREASE IN RATES BY FLORIDA POWER & LIGHT COMPANY. DOCKET NO. 080677-EI

2009 DEPRECIATION AND DISMANTLEMENT STUDY BY FLORIDA POWER & LIGHT COMPANY. DOCKET NO. 090130-EI

_____ /



PROCEEDINGS: AGENDA CONFERENCE
ITEM NO. 11

COMMISSIONERS PARTICIPATING: CHAIRMAN NANCY ARGENZIANO
COMMISSIONER LISA POLAK EDGAR
COMMISSIONER NATHAN A. SKOP
COMMISSIONER ART GRAHAM
COMMISSIONER RONALD A. BRISÉ

DATE: Tuesday, August 17, 2010

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

REPORTED BY: JANE FAUROT, RPR
Official FPSC Reporter
(850) 413-6732

DOCUMENT NUMBER-DATE
06928 AUG 20 09

P R O C E E D I N G S

1
2 **COMMISSIONER SKOP:** And just for the
3 record, this is limited to discussion by the
4 Commissioners that participated in the original
5 decision. That would be Commissioner Edgar,
6 Chairman Argenziano, and Commissioner Skop.

7 And, Commissioner Graham and Brisé, feel
8 free to stick around, but you may be excused if you
9 would like to.

10 Okay. If staff could please introduce
11 Item 11, please.

12 **MR. SLEMKEWICZ:** I'm John Slemkewicz.

13 Item 11 concerns Florida Power and Light
14 Company's rate case. Staff's recommendation
15 addresses FPL's motion for reconsideration, FPL's
16 motion for clarification, FPL's motion for leave to
17 file a response to the South Florida Hospital and
18 Health Care Association's response, the Florida
19 Industrial Power Users Group motion for
20 reconsideration, and Thomas Saporito's petition for
21 a base rate proceeding.

22 Except for Issue 9, participation by the
23 parties is at the discretion of the Commission. In
24 addition, legal staff will address the Office of
25 Public Counsel's recently filed request for oral

1 argument out of time and FPL's response to that
2 request. And staff is prepared to answer any
3 questions.

4 **COMMISSIONER SKOP:** Okay. Which staff
5 briefly would like to speak on the Public Counsel's
6 request, or can we just move forward at this point
7 without getting to that from legal?

8 **MS. BENNETT:** I would suggest we go
9 issue-by-issue.

10 **COMMISSIONER SKOP:** Okay. All right.
11 Well, my comments are limited to Issue 2. We can go
12 with Issue 1, if need be, but I believe after Issue
13 2 we'll see where the Commission wants to go with
14 this.

15 **COMMISSIONER EDGAR:** If I may, just for my
16 understanding of where we are and where we're
17 headed. I believe there has been a request for a
18 deferral on this Item. Commissioner Skop, do you
19 want to go issue-by-issue and discuss all of them,
20 or is there -- are you looking maybe for a vote on
21 the first issue to tee up? I just want to have a
22 better feel of where we are headed.

23 **COMMISSIONER SKOP:** Well, my preference,
24 again, I know that there is an outstanding motion
25 from OPC on oral argument if we are out of time.

1 I'm not sure whether it's necessary to get into
2 that. I know that a request has been made for
3 deferral. I do have specific comments on Issue 2
4 that I think are pressing. So if staff could
5 introduce Issue 2, and then perhaps we will grant a
6 deferral and take this up at a more appropriate
7 time.

8 **COMMISSIONER EDGAR:** Okay. Thank you.

9 **COMMISSIONER SKOP:** Thank you.

10 **MR. SLEMKEWICZ:** Issue 2 involves the
11 reconsideration of Issue 46 from the rate case
12 concerning the one-time refund of the fuel
13 overrecovery that was ordered in the fuel docket.
14 Staff is recommending that this issue should be
15 reconsidered and we should use the methodology that
16 was used in the fuel docket because a one-time
17 refund -- the refund was ordered to be done in one
18 month, the month of January of 2010. And in the
19 rate case that they had projected that there would
20 be an overrecovery and they did the normal
21 methodology of just prorating that over 12 months
22 versus what was actually done of ordering them to do
23 a refund in one month.

24 **COMMISSIONER SKOP:** Okay. And I have some
25 concerns about that proposed adjustment, and that's

1 the reason why I would like to speak to it prior to
2 the deferral, just so we can have a forum for
3 publicly getting my concerns on the record. I think
4 to start I have some questions that I would like to
5 direct to Mr. Willis, if I may, or Mr. Slemkewicz,
6 whichever is the appropriate member of staff.

7 But with respect to the staff
8 recommendation as it pertains to Issue 2, the
9 accounting adjustment proposed by staff would serve
10 to increase working capital by approximately
11 \$28 million, is that correct?

12 **MR. SLEMKEWICZ:** That's correct.

13 **COMMISSIONER SKOP:** Okay. And that
14 adjustment would also increase the rate base by the
15 same amount of 28 million, is that correct?

16 **MR. SLEMKEWICZ:** That's correct.

17 **COMMISSIONER SKOP:** Okay. And the
18 adjustment or making that adjustment to rate base
19 would also increase the revenue requirement, which
20 in turn normally would increase customer rates, is
21 that correct?

22 **MR. SLEMKEWICZ:** That's correct.

23 **COMMISSIONER SKOP:** Okay. And in this
24 matter on Issue 11, if the base rates were not fixed
25 then, subject to check, the annual revenue

1 requirement resulting from this increase would be
2 approximately \$2.8 million based on the current
3 authorized ROE of 10 percent, is that correct?

4 **MR. SLEMKEWICZ:** Approximately 2.7 to
5 2.8 million, that's correct.

6 **COMMISSIONER SKOP:** Okay. And that is a
7 recurring amount that would occur annually?

8 **MR. SLEMKEWICZ:** That is correct.

9 **COMMISSIONER SKOP:** Not a one-time amount,
10 is that correct?

11 **MR. SLEMKEWICZ:** Not a one time. It would
12 recur every year.

13 **COMMISSIONER SKOP:** Okay. All right. And
14 in the MFRs, which for people that may be listening
15 or other Commissioners, which are minimum filing
16 requirements, FPL projected that on a 13-month basis
17 of being approximately \$94 million, is that correct?

18 **MR. SLEMKEWICZ:** That is correct.

19 **COMMISSIONER SKOP:** Okay. But the actual
20 overrecovery was approximately \$419 million, is that
21 correct?

22 **MR. SLEMKEWICZ:** I believe it was
23 364 million.

24 **COMMISSIONER SKOP:** That's what we
25 refunded, but I think I saw a more current filing

1 that showed with the true-up --

2 **MR. SLEMKEWICZ:** I do not know what the
3 current number is.

4 **COMMISSIONER SKOP:** Okay. All right.
5 Well, somewhere between 364.8 and 419. If the
6 Commission had not ordered the one-time refund of
7 \$364.8 million for the overrecovery of fuel charges,
8 then FPL would have been able to invest this cash
9 balance over a 12-month period, is that correct?

10 **MR. SLEMKEWICZ:** On a declining balance,
11 yes.

12 **COMMISSIONER SKOP:** Yes, on a declining
13 cash balance basis, but --

14 **MR. SLEMKEWICZ:** Right.

15 **COMMISSIONER SKOP:** -- nearly a third of a
16 billion dollars have been able to be retained and
17 invested by FPL, is that correct?

18 **MR. SLEMKEWICZ:** That's correct.

19 **COMMISSIONER SKOP:** Okay. Now, FPL
20 invests money at a market rate, is that correct?

21 **MR. SLEMKEWICZ:** I believe it does.

22 **COMMISSIONER SKOP:** Okay. And subject to
23 check -- I'll get to that in a minute. But FPL pays
24 customer interest on overrecovery amounts at the
25 commercial paper rate, is that correct?

1 **MR. SLEMKEWICZ:** That's correct.

2 **COMMISSIONER SKOP:** Okay. Now, the
3 difference, subject to check, and using, for
4 example, the market rate to be FPL's weighted
5 average cost of capital, that difference between the
6 investment market rate and the commercial paper rate
7 is approximately 7 percent, is that correct?

8 Mr. Maurey, feel free to chime in. I
9 heard Mr. Butler speak to that earlier.

10 **MR. MAUREY:** Andrew Maurey, Commission
11 staff. The current overall cost of capital approved
12 for the company was, I believe, 6.7, 6.8 range.

13 **COMMISSIONER SKOP:** Commercial paper is
14 less than -- far less than half of one percent?

15 **MR. MAUREY:** Oh, commercial paper is less
16 than half a percent.

17 **COMMISSIONER SKOP:** Okay. All right. So
18 the difference somewhere between 6 and 7 percent?

19 **MR. MAUREY:** 6.5, yes.

20 **COMMISSIONER SKOP:** All right. So I guess
21 what I'm getting at is by being able to keep this
22 money, then FPL would, therefore, profit by
23 approximately \$26 million to arbitraging the
24 difference in that interest rate, is that correct?

25 **MR. MAUREY:** I haven't done any of those

1 calculations, but the difference in interest rate
2 applied to some balance would be some amount, yes.

3 **COMMISSIONER SKOP:** So assuming it is not
4 100 percent accurate, if you take \$364.8 million and
5 multiply it by 6 or 7 percent, you are going to get
6 somewhere in the neighborhood of 24 to \$26 million,
7 is that correct?

8 **MR. MAUREY:** Some amount. But as Mr.
9 Slemkewicz mentioned earlier, it would be rateable
10 over the years, so it would be declining. It
11 wouldn't be a lump sum over the whole year.

12 **COMMISSIONER SKOP:** Okay. So by investing
13 that money, then, obviously, FPL is able to leverage
14 the difference between those two interest rates.
15 Who keeps that money?

16 **MR. MAUREY:** That would go to the company.

17 **COMMISSIONER SKOP:** Okay. So the
18 customers would not share in any of the profit that
19 FPL would have gained by investing customer money
20 that was not FPL's to begin with. Yes or no.

21 **MR. MAUREY:** Can you ask that question,
22 again?

23 **COMMISSIONER SKOP:** By investing the
24 money, the customers -- by FPL investing the money,
25 FPL customers would not share in any of the profit

1 that FPL would have gained by investing the customer
2 money that was not FPL's to begin with, because they
3 would arbitrage the difference in the interest rate,
4 and you said that would go to FPL?

5 **MR. MAUREY:** That's correct.

6 **COMMISSIONER SKOP:** Okay. So the
7 customers would not see any of that money?

8 **MR. MAUREY:** That's correct.

9 **COMMISSIONER SKOP:** Okay. All right.

10 I guess, Commissioners, the issue and
11 concern I have on this, and, you know, I'm prepared
12 to grant a request to defer it, but I need to get my
13 concerns out, because this is perhaps the only
14 sticking point I have with the staff recommendation.
15 I thought that, you know, that staff did a good job,
16 but on this particular issue, I disagree for two
17 respective reasons.

18 The first reason was in my legal judgment
19 there was no mistake of fact or law that the
20 Commission overlooked or failed to consider in
21 rendering its decision on this issue. Accordingly,
22 the motion for reconsideration does not meet the
23 legal standard for review and should be properly
24 denied.

25 Moreover, I disagree philosophically with

1 the adjustment to working capital. Since the rates
2 resulting from a rate case are being set for the
3 future, the rate case should reflect what the
4 Commission would normally do in an overrecovery
5 situation. Accordingly, consistent with FPL's MFR
6 filings, the overrecovery should be amortized over a
7 12-month period.

8 The Commission's decision to refund
9 \$364.8 million, which is over a third of a billion
10 dollars, to FPL's customers, was a one-time
11 extraordinary event. It was done because of the
12 magnitude, it was done because we are in the worst
13 recession that the state of Florida has seen since
14 the Great Depression, okay.

15 The money was not FPL's to begin with.
16 They estimated that the balance at year end in the
17 MFRs would be \$94 million. In actuality, it was
18 four times more than that, okay. So the problem I
19 have, and FPL often uses this argument when they
20 appear before the Commission, they talk about
21 asymmetric risk, okay. In this case, by the
22 Commission doing the right thing and giving a third
23 of a billion dollars back to FPL's customers so that
24 FPL would not keep it and profit by it, we did the
25 right thing, in my mind, as Commissioners.

1 Now, FPL has taken this and in its motion
2 for reconsideration stated that because the
3 Commission did something that they should be able to do
4 the same thing retroactively back to their MFR. And
5 the problem I have with this is that it is
6 asymmetric because FPL wins either way. If we would
7 have let them keep the money, they would have
8 profited by over \$20 million that the customers
9 would have never seen. By keeping that money,
10 investing the declining balance over a 12-month
11 period, and the difference in interest rate would
12 have gone right into FPL's profits, okay. Not
13 subject to the revenue surveillance reports or
14 anything like that, just pure and simple, based on
15 staff testimony profit, okay.

16 So we did the right thing. Now, FPL is
17 coming in and asking for us to make this accounting
18 adjustment. Now, staff has told us that if rates
19 were not frozen here, this adjustment would increase
20 rates by 28 -- would increase the rate base by
21 \$28 million, and the annual revenue requirement
22 would increase approximately 2.6 to \$2.8 million per
23 year, okay.

24 But because rates are frozen here, what's
25 really going on is a non-cash adjustment. They are

1 whitling away at the depreciation surplus balance,
2 okay. So they win either way. By refunding the
3 money the customers won and we did the right thing.
4 We denied them the ability to profit from money that
5 was not theirs to begin with. But because we made a
6 tough decision, they are using that one-time
7 extraordinary decision against us and requesting
8 this adjustment to the MFRs. And the problem with
9 that is it still enures to their benefit.

10 I would like to make an investment like
11 that where I could not lose either way in life. If
12 I keep the money, I invest it, I make over
13 \$20 million I profit from. If the Commission does
14 something, I blame the Commission and make an
15 adjustment that earns me \$2.8 million a year for
16 doing nothing. That is asymmetric. That doesn't
17 work. That's why I am fundamentally opposed to this
18 adjustment being made.

19 And I think staff has agreed with
20 everything I said. It's a matter of how you look at
21 it. But at the end of the day when FPL filed its
22 MFRs they projected \$94 million in overrecoveries.
23 That number was four times higher than that, and
24 that's what the Commission rightfully did for a
25 one-time extraordinary refund whose magnitude was

1 over a third of a billion dollars, okay.

2 It wasn't to penalize FPL, but the
3 magnitude warranted the Commission exercising its
4 discretion to do the right thing and FPL should
5 respect that. But what FPL did in this motion for
6 reconsideration is say, hey, we want to go --
7 because you did this, we want the same treatment.
8 Well, rates are set on a forward-going basis. And
9 as I previously stated, the rates in itself are set
10 so that they should reflect what the Commission
11 would normally do.

12 And to just summarize this before we get
13 into any discussion, you know, normally we would
14 spread the money. The case that FPL cites for its
15 precedent that the Commission used is the infamous
16 hole drilling case. Not the best choice of cases to
17 use to look at this to the extent that the hole
18 drilling instance was \$6 million, and we are talking
19 about over a third of a billion dollars. So I think
20 what's fair is fair. I respect staff's opinion on
21 the adjustment, but making this adjustment, you
22 know, although it's an accounting entry and not a
23 cash issue, it does affect the consumer because it
24 whittles away at the depreciation surplus by
25 \$2.8 million a year. And I think that is inherently

1 unfair. But, moreover, from a legal standpoint,
2 there was no mistake of fact or law that the
3 Commission overlooked or failed to consider when
4 rendering its decision, and reconsideration of this
5 issue on a legal standpoint would also be improper.

6 So if there are any questions from my
7 colleagues, I'd be happy to answer them, but
8 hopefully I explained this simplistically enough.

9 **CHAIRMAN ARGENZIANO:** Commissioner Skop.

10 **COMMISSIONER SKOP:** Yes.

11 **CHAIRMAN ARGENZIANO:** Yes. I couldn't
12 agree with you more. We sat through that, and I
13 just am in total agreement. I just have a question
14 for you. Why are you wanting to defer, then?

15 **COMMISSIONER SKOP:** I'm not wanting to
16 defer. Apparently, the company -- I heard this
17 morning from staff that the item had been deferred.
18 And it has been deferred a couple of times, but, you
19 know, I spent a substantial number of hours
20 preparing on --

21 **CHAIRMAN ARGENZIANO:** Don't we have to
22 vote on that?

23 **COMMISSIONER SKOP:** Excuse me?

24 **CHAIRMAN ARGENZIANO:** Don't we have to
25 vote on whether to defer it or not?

1 **COMMISSIONER SKOP:** Yes, we have to vote
2 on whether to defer it, and I'm comfortable either
3 deferring it or moving forward as a Commission and
4 rendering a decision.

5 **CHAIRMAN ARGENZIANO:** Well, I'm not
6 comfortable in deferring it.

7 **COMMISSIONER SKOP:** Okay.

8 **CHAIRMAN ARGENZIANO:** Because I don't know
9 when it would be deferred. Would it be in January?

10 **COMMISSIONER SKOP:** Well, yes, that's my
11 concern, too. Things seem to be getting pushed off
12 here.

13 So if we're not comfortable deferring it,
14 and that's your preference, and, you know, I'll
15 respect the will of the majority. I would just as
16 soon go through issue-by-issue and vote the issues
17 out.

18 **CHAIRMAN ARGENZIANO:** For all the reasons
19 you have mentioned, and they are good reasons, I
20 would rather go through them than defer them.

21 **COMMISSIONER SKOP:** Okay.

22 **COMMISSIONER EDGAR:** I'm a little
23 confused, if I may. The message that I received
24 was, I think, from our Executive Director. I could
25 be wrong on that, not to try to put you on the spot,

1 but that the parties had requested a deferral, and
2 that that deferral had been granted as an
3 administrative matter. I'm guessing, but, please,
4 Mr. Devlin, correct me if I'm wrong, in that there
5 were no dates that need to be met, no deadlines,
6 that sort of thing. And often, in fact, I can't
7 think of an exception, although there certainly may
8 have been some, if all parties to a case request a
9 deferral for additional time for whatever reasons,
10 and there are no statutory deadlines or other things
11 that we need to meet, as a courtesy we generally
12 grant that. But I do believe that that was an
13 administrative decision made before we came in this
14 morning was my understanding.

15 **MR. DEVLIN:** That's correct, Commissioner
16 Edgar. I came in this morning and I was faced with
17 that request from the parties. Normally we give
18 deference, since this is FPL's petition and the
19 parties were in agreement is our understanding, and
20 we didn't see any downside to a deferral since there
21 wasn't any statutory deadlines. And one of the
22 questions I always ask is would the consumers be
23 harmed in any way by a deferral. I couldn't think
24 where they would be harmed, either.

25 So I recommended approval. And it is, as

1 far as I'm concerned, an administrative decision.
2 But I recommended deferral to the Chairman's office,
3 and that is where it sat. And then Commissioner
4 Skop, though, did come to see me, and he wanted to
5 at least have the opportunity to discuss one of the
6 issues, Issue 2. So that's the way I looked at it
7 was, okay, that's probably valid, and we'll go --
8 that may have some influence in how the parties look
9 at this case, and we have had that discussion here
10 at the agenda, and then go forward with honoring the
11 parties' request for a deferral. That is where I
12 was.

13 **COMMISSIONER EDGAR:** And I appreciate that
14 additional explanation. Thank you.

15 Commissioner Skop, truly, as always, I'm
16 appreciative of the points that you've raised, and
17 what I was going to say a few moments ago, and I
18 will go ahead and say is with the points that you
19 have raised, although I have met with staff on this
20 item a couple of times, including this morning,
21 again -- with some of the points you have raised,
22 I'd like the additional time to think about them and
23 to look into them. And I say that because, as
24 always, you have raised one or two things that I'm
25 not sure I had thought about.

1 So the additional time that was requested
2 by the parties, and in addition to the points that
3 you have raised I think to me would be helpful.
4 And, again, I'm not aware of any detriment, and I am
5 in that statement relying on my own information,
6 but, of course, relying on the statements of our ED,
7 as well.

8 **COMMISSIONER SKOP:** Thank you,
9 Commissioner Edgar.

10 Just to legal staff, when was this
11 deferral requested?

12 **MS. HELTON:** Late yesterday afternoon,
13 about 5:00 or 5:15 we got the request. Most folks
14 had left for the day, and so I came in early this
15 morning to discuss it with the Executive Director
16 and the General Counsel.

17 **COMMISSIONER SKOP:** Okay. So we do have
18 Blackberries and, I mean, there was no advance
19 notice given? I mean, if the deferral was requested
20 yesterday, could not somebody have gotten some
21 advance notice prior to first thing before agenda
22 this morning?

23 **MS. HELTON:** I apologize, I did not do
24 that.

25 **COMMISSIONER SKOP:** And, you know,

1 Commissioner Edgar, I respect your position. Again,
2 I'm comfortable with the staff recommendation with
3 the exception of Issue 2. Chairman Argenziano has
4 expressed some desire to move forward. I recognize
5 the company's desire to have an administrative
6 deferral, but, frankly, you know, we have a
7 recommendation before us.

8 I think I would be comfortable with voting
9 out Issue 2 and deferring the remainder of the
10 issues, but I would look to the Chairman, because
11 she seemed to have some strong views on moving
12 forward. So, Chairman Argenziano, do you have
13 anything to add, or would it be possible to look at
14 Issue 2 separately and take a vote on that and defer
15 the remaining issues? What is your preference?

16 **CHAIRMAN ARGENZIANO:** Well, I could be
17 amenable to that. As far as administrative
18 decisions, the buck stops with the Commissioners,
19 and I'm a little tired of that -- it's convenient
20 when it's convenient. I'm a Commissioner, and I
21 will be a Commissioner for awhile, and I have
22 concerns with deferring it. And I have very good
23 reasons why I am concerned with deferring it. So I
24 would be amenable to taking up Issue 2 and deferring
25 the rest.

1 **COMMISSIONER EDGAR:** And I would note that
2 Issue 2 is the one issue, primarily, that I said I
3 would like additional time on.

4 If I may, Commissioner Argenziano. I am
5 not clear on, as I said, what the negative
6 consequences or what would be problematic with
7 deferral. And you have said that you have had some
8 concerns about a deferral. If you could share that
9 with me, then that would be helpful, because I'm not
10 seeing a concern with an additional two weeks.

11 **CHAIRMAN ARGENZIANO:** Well, I have
12 concerns, and I knew that you would not. Somehow I
13 understood that, or just figured it out. I just
14 make a motion to move on the issue, Issue Number 2,
15 and defer the rest.

16 **COMMISSIONER SKOP:** Chairman Argenziano,
17 if I heard you correctly it was a motion to deny
18 staff recommendation on Issue 2.

19 **CHAIRMAN ARGENZIANO:** Absolutely, yes.

20 **COMMISSIONER SKOP:** And defer the rest.

21 **CHAIRMAN ARGENZIANO:** Absolutely.

22 **COMMISSIONER SKOP:** Okay. So we have a
23 motion to deny staff recommendation on Issue 2 and
24 defer the remaining issues until a future point in
25 time. Do we have a second on the motion?

1 Okay. Hearing none, I'm passing the gavel
2 to Commissioner Edgar.

3 **COMMISSIONER EDGAR:** Commissioner Skop, I
4 would note that I have said that I would not take
5 the gavel this year.

6 **CHAIRMAN ARGENZIANO:** That is -- that
7 is -- you have to take the gavel. You cannot not
8 take the gavel. There is three of us; you have to
9 do that.

10 **COMMISSIONER SKOP:** Chairman Argenziano --
11 and, Commissioner Edgar, I respect your position.
12 Unfortunately, if I have one of my colleagues now,
13 which I am happy to do, I am happy to call down
14 Commissioner Brisé and pass him the gavel so that I
15 can second the motion, but I second the motion.

16 **COMMISSIONER EDGAR:** I would note that
17 Commissioner Brisé and Commissioner Graham are not
18 on this item.

19 **COMMISSIONER SKOP:** I understand. But in
20 an administrative proceeding, I'm sure that they
21 could chair -- act as Presiding Officer to resolve
22 this issue.

23 **COMMISSIONER EDGAR:** I would look to our
24 General Counsel.

25 **MR. KISER:** Commissioner Edgar, I'm not

1 aware of any ruling or any precedent or any law that
2 speaks to passing the gavel, and whether or not the
3 person has to take it or whether or not they can
4 refuse it. It's just not anything I'm familiar with
5 ever having been -- the question being addressed in
6 that area. So I'm not sure what kind of guidance I
7 can give.

8 I have checked with Mary Anne, and she's
9 in the same position. We are not aware of anything
10 that deals with an answer to whether or not someone
11 has to take the gavel, or whether or not they can
12 refuse to take it. It's just one of those questions
13 that I'm not sure where to go on something like
14 that. We would have to research that to see exactly
15 what -- if there is any law on it, what the
16 situation is if somebody chooses not to take the
17 gavel.

18 **CHAIRMAN ARGENZIANO:** Mr. Chair.

19 **COMMISSIONER SKOP:** Chairman Argenziano,
20 you're recognized, and then I have comments.

21 **CHAIRMAN ARGENZIANO:** Well, then, if we
22 can't figure that out right now with our legal staff
23 that's there, then I suggest we take a break, an
24 hour or two and find out. And I will find out,
25 also. I believe that Commissioner Edgar must take

1 the gavel. And if not, then it has to go to one of
2 our other Commissioners, since they are not making a
3 decision on the issues.

4 **COMMISSIONER SKOP:** And, Chairman
5 Argenziano, with all due respect, I think this may
6 be some of the dysfunctionality that the Nominating
7 Council -- perhaps Chairman or Mr. Hightower seems
8 to refer to. Unfortunately, here there is a
9 difference of opinion. I respect not only
10 Commissioner Edgar's desire not to take the gavel,
11 but her concerns. But, again, there was a motion.
12 I passed the gavel. The motion was properly
13 seconded, and this would be completely simplified if
14 Commissioner Edgar would just be collegial and call
15 for a vote on the issue.

16 **COMMISSIONER EDGAR:** Commissioners, first
17 of all, if I may, a few comments. I am not aware of
18 any instance where a Commissioner has requested
19 additional time and a deferral, and there were no
20 statutory deadlines, where the rest of the
21 Commission and the Chairman and/or Presiding Officer
22 did not honor that request. And so discussions of
23 collegiality, I would point out that if my request
24 had been honored we would not have gotten to this
25 point.

1 **COMMISSIONER SKOP:** Okay. But --

2 **COMMISSIONER EDGAR:** Secondly, if I may.

3 **COMMISSIONER SKOP:** You may.

4 **COMMISSIONER EDGAR:** I was told and
5 received information when I came into the agenda
6 conference this morning that this item would be
7 deferred. Therefore, I was not prepared to vote,
8 because I received information that it would be
9 deferred. I did not receive information that a
10 deferral would be discussed. The form I saw -- my
11 understanding was that the deferral had been
12 granted, and whether that granting came from the
13 Executive Director's office or the Chairman's
14 office, I certainly presupposed that that would have
15 been coordinated, and, therefore, was a distinction
16 without a difference.

17 Now, I also have stated publicly that I
18 candidly did not want to preside or retain the gavel
19 during this calendar year. That was something that
20 I offered very much as an opportunity to try to gain
21 some, again, collegiality because that seemed to be
22 the desire of the majority, and, therefore, I was
23 glad to do that.

24 I do take some umbrage at the statement
25 that I have to do that now, because, candidly, I'm

1 not aware of anything that requires that of me. I
2 am not in favor of moving forward for the reasons
3 that I have given. I would certainly have
4 appreciated the honoring of my request for
5 additional time, since that has generally been the
6 way that we have conducted ourselves as a body.

7 But since that has not been honored, and
8 at the request of my colleagues, I will take the
9 gavel with strong concerns about the way we are
10 moving forward, and will recognize that Commissioner
11 Argenziano made a motion that I think -- it was
12 difficult for me to hear, so let me restate so that
13 we are all clear, was to address all of the issues
14 before us on Item 11, would adopt the staff
15 recommendation on all issues except Issue 2. And I
16 am not sure if I'm correct up to that point, then
17 what the motion would do as far as, or action on
18 Issue 2. So if one of you could maybe clarify that.

19 Commissioner Skop.

20 **COMMISSIONER SKOP:** Madam Chair, thank
21 you.

22 Just a point of clarification, as I heard
23 Chairman Argenziano's motion was to deny staff
24 recommendation on Issue 2, and to defer all
25 remaining issues on the docket.

1 And, Chairman Argenziano, correct me if
2 I'm wrong.

3 **CHAIRMAN ARGENZIANO:** No, that is correct.
4 That is the motion.

5 **COMMISSIONER SKOP:** Okay. All right. So
6 that is the motion. That is the motion that I
7 seconded.

8 And, Madam Chair, briefly.

9 **COMMISSIONER EDGAR:** Please.

10 **COMMISSIONER SKOP:** As a point of
11 confusion, you know, I respect your reluctance to
12 take the gavel, and I'm not trying to do that to be
13 argumentative. It is just in this instance there is
14 only three of us, so trying to pass the gavel was an
15 attempt by me to administratively allow the
16 Commission to perform its role.

17 I understand your concerns and don't want
18 to really get into that. I'm happy that you have
19 assumed the gavel so that we can move forward. What
20 concerned me, though, was when you stated that, you
21 know, the item had been deferred so you were not
22 prepared. The item just got deferred this morning,
23 so it seems reasonable to me that, you know, we
24 would be able to discuss the matters that would come
25 before the Commission. Because I didn't hear about

1 the deferral until about 9:00 this morning.

2 So, again, I'd like to move forward.
3 Again, I think Chairman Argenziano has made a motion
4 and I have properly seconded it. And you have the
5 gavel, if you will call for a vote, I would be most
6 appreciative.

7 **COMMISSIONER EDGAR:** And, again, so that I
8 am clear, what we are asking to do is to vote on
9 Issue 2, to deny the staff recommendation, and to
10 defer all other issues.

11 **COMMISSIONER SKOP:** Yes, ma'am.

12 **COMMISSIONER EDGAR:** Do we need to have
13 any clarification as to what a denial -- well, let
14 me ask this. Let me ask staff.

15 If a motion to deny the staff
16 recommendation on Issue 2 were to carry today, what
17 posture would that put us in?

18 **MS. BENNETT:** I think you would still need
19 to vote on the remaining issues. You would be
20 denying the request of FPL to reconsider what was
21 Issue 46 on the original FPL rate case. So I would
22 prepare an order just for that particular issue,
23 denying FPL's request for reconsideration on that
24 particular issue; the other issues would come before
25 you at another time.

1 **COMMISSIONER SKOP:** Madam Chair.

2 **COMMISSIONER EDGAR:** Yes, Commissioner
3 Skop.

4 **COMMISSIONER SKOP:** Chairman Argenziano,
5 if I might, given what legal counsel just stated,
6 perhaps it might be better just to offer a
7 friendly -- to just approve all issues, the staff
8 recommendation on all issues with the exception of
9 Issue 2, which would deny, and that might put us in
10 a better procedural posture, if I heard Ms. Bennett
11 correctly.

12 Is that correct, Ms. Bennett? Less
13 cumbersome for staff.

14 **MS. BENNETT:** I think I may not have made
15 myself clear. The other items you would be
16 deferring until a later time.

17 **COMMISSIONER SKOP:** Okay. All right. So
18 legal staff is comfortable with that?

19 **MS. BENNETT:** Yes.

20 **COMMISSIONER SKOP:** Okay. All right.
21 Great. All right. Sorry, Chairman, I thought I
22 misheard something. So I think we are good. We
23 have a motion that is properly seconded. So, thank
24 you, Chairman Edgar.

25 **MR. BUTLER:** Madam Chairman.

1 **COMMISSIONER EDGAR:** Mr. Butler.

2 **MR. BUTLER:** Just a point of procedure, if
3 I might, to be sure I understand. A concern we
4 have, FPL, is that if what happens on this
5 decision -- there's a decision made on Issue 2, the
6 other issues are deferred, and then an order comes
7 out separately on Issue 2, it's obviously going to
8 be issued before an order on the remaining issues.
9 It's going to create kind of a problem in terms of
10 any parties' interests in appeal, if that were to
11 arise, because you are going to have just one little
12 tiny slice of the case that has a particular clock
13 associated with it, and then all the other issues
14 will have a different clock associated with them.

15 We would strongly prefer, if that is the
16 approach you want to take being to decide Issue 2
17 today and defer the other issues, to have the
18 decision, the order, I'm sorry, ultimately issued
19 that would reflect a decision on all of the issues.
20 It would, of course, include the denial on Issue 2,
21 but not to have a separate order issued just
22 covering Issue 2 that's going to have sort of
23 timetable ramifications of that order having been
24 issued. Thank you.

25 **COMMISSIONER EDGAR:** Are there comments at

1 all from OPC?

2 **MR. McGLOTHLIN:** Procedurally, I think Mr.
3 Butler makes a good point. Our office supports a
4 full deferral. I can also say that Cecilia Bradley,
5 who could not be here today because of surgery, has
6 authorized us to say that that office also supports
7 a full deferral.

8 **COMMISSIONER SKOP:** Chairman.

9 **COMMISSIONER EDGAR:** Commissioner Skop.

10 **COMMISSIONER SKOP:** Thank you, Madam
11 Chair.

12 Again, either way is preferable to me.
13 Again, it's the Chairman that has made the motion.
14 You know, I'm comfortable voting out the staff's
15 recommendation on all issues with the exception of
16 Issue 2, if that would make things easier. You
17 know, I think that staff has done a good job. My
18 only reservation I had was on Issue 2.

19 So if it's the will of the Commission, or
20 the will of the Chairman to amend the motion to
21 approve the staff recommendation and deny it on
22 Issue 2, I'm equally fine with that. And I just
23 wanted to offer that as the basis for discussion to
24 make this administratively more streamlined to
25 address the issue.

1 **COMMISSIONER EDGAR:** And it's always my
2 preference to move forward and to not move
3 backwards. But in this instance, I will say my
4 desire and stated wish to not chair this proceeding
5 and to not, as we say, take the gavel was not a
6 desire to be -- for a desire of lack of
7 collegiality. It was truly to try to work
8 procedurally through the fact that there is a motion
9 that I do not support, and I was in the position of
10 seconding or not. I clearly did not, because I do
11 not support the motion, and I have requested that we
12 not be in a position to vote on this today. And I
13 do not believe trying to follow a procedure is not
14 being collegial.

15 Now, I would ask, again, as a courtesy to
16 me, can we please defer a vote on all issues on this
17 item?

18 **CHAIRMAN ARGENZIANO:** Madam Chair.

19 **COMMISSIONER EDGAR:** Commissioner
20 Argenziano.

21 **CHAIRMAN ARGENZIANO:** Yes. I think I'm
22 done with courtesy at the PSC.

23 **COMMISSIONER EDGAR:** I'm sorry, I cannot
24 hear you.

25 **CHAIRMAN ARGENZIANO:** Excuse me, I've got

1 the floor. Excuse me. And the reason I say that is
2 because that any time that an issue arises, it seems
3 that maybe you are not in favor of, or someone else,
4 I guess, it turns out to be some kind of roadblock
5 that's put in place. So, if -- the way I look at it
6 is that there is no rule, there is no statute that
7 says that you must follow precedent as far as if a
8 Commissioner asks for more -- I have always asked
9 for more time. As a matter of fact, you are the one
10 who has accused me -- of telling me you couldn't
11 have more time when that was absolutely not true for
12 whatever purposes there could be.

13 The point today is that I have a strong
14 feeling about this issue. So the way you say you
15 didn't have time, you just found out this morning
16 that it was going to be deferred to deal with the
17 issue, I have had time, and I am very concerned with
18 it. So if that doesn't concern you, well, then, why
19 should I extend any courtesy to you other than what
20 I'm trying to do as a particular Commissioner? I'm
21 going to focus in on what I need to do as a
22 Commissioner, and that is what I feel strongly about
23 is this issue, Issue Number 2.

24 So with all due respect to your feelings
25 at this time, and what you have stated, I have

1 feelings of my own. And, as a Commissioner, I would
2 like to take care of that Issue Number 2 today. And
3 whatever helps staff get along to do it the right
4 way, and the concerns that Mr. Butler has, which are
5 well taken, we will do it that way. So if I need to
6 amend the motion, that's what I will do.

7 **COMMISSIONER SKOP:** Madam Chair.

8 **CHAIRMAN ARGENZIANO:** Commissioner Skop.

9 **COMMISSIONER SKOP:** Thank you. At least
10 from my perspective to Chairman Argenziano's
11 concerns, again, I think that, you know, we do have
12 a motion. If she would make a friendly, or consider
13 a friendly if it would meet the staff's liking, that
14 maybe we could just dispose of the entire issue and
15 deny the staff recommendation on Issue 2, but
16 approving the staff recommendation on all remaining
17 issues. That might go a long way in addressing the
18 uncertainty that Mr. Butler spoke of and Public
19 Counsel spoke of.

20 **MS. BENNETT:** May I correct something I
21 said earlier?

22 **COMMISSIONER EDGAR:** Of course.

23 **MS. BENNETT:** I just spoke with
24 Ms. Crawford, and after listening to Mr. Butler and
25 Mr. McGlothlin's concern, we can hold off on issuing

1 the order on Issue 2 until you make a decision, if
2 you choose to defer it, for the rest. So I don't
3 have to do separate orders, I can do Issue 2 later.

4 **COMMISSIONER SKOP:** Subsumed in one issue?

5 **MS. BENNETT:** Yes.

6 **COMMISSIONER EDGAR:** Okay. And, Mr.
7 McGlothlin.

8 **CHAIRMAN ARGENZIANO:** I'm going to have to
9 switch phones and call --

10 **COMMISSIONER EDGAR:** Excuse me,
11 Commissioner Argenziano.

12 Mr. McGlothlin, did I hear you correctly
13 that your office had requested a deferral and that
14 you believe that the Attorney General's Office had,
15 as well?

16 **MR. MCGLOTHLIN:** Yes. We support the
17 request for a deferral.

18 **COMMISSIONER EDGAR:** Okay. So my
19 understanding, I believe, Commissioners, is that
20 where we are procedurally is that Commissioner
21 Argenziano has made a motion to deny the staff
22 recommendation on Issue 2 and defer on all other
23 issues.

24 Commissioner Skop, you seconded it, but
25 have made a suggestion, potentially, that we go

1 ahead and vote on all issues as a suggested
2 amendment to the motion, which would be to deny the
3 staff recommendation on Issue 2 and vote out the
4 staff recommendation positively on all other issues.

5 Commissioner Argenziano, do you have any
6 comments on that? (Pause.)

7 Okay. Then, Commissioner Skop, you asked
8 that we call for a vote. All in favor of the --

9 **MR. KISER:** Madam Chairman, hold.

10 **COMMISSIONER EDGAR:** Yes.

11 **MR. KISER:** I didn't hear any response
12 from Commissioner Argenziano. Is she still on the
13 line?

14 **CHAIRMAN ARGENZIANO:** I got bumped off and
15 I just got back on, so I have no idea what was just
16 said.

17 **MR. KISER:** I was aware we didn't have a
18 quorum.

19 **CHAIRMAN ARGENZIANO:** Chris just patched
20 me back in, so I don't know what was said.

21 **COMMISSIONER EDGAR:** Okay. Well, let me
22 try to do it again, then. Commissioner Argenziano,
23 I was trying to state where we are procedurally, and
24 I believe where we are is that you have a motion
25 that Commissioner Skop has seconded to deny the

1 staff recommendation on Issue 2, defer a vote on all
2 other issues. Commissioner Skop has suggested an
3 amendment to that motion, which would be to deny on
4 Issue 2 and to vote out positively the staff
5 recommendation on all other issues, and I was asking
6 if you had any comments to that.

7 **CHAIRMAN ARGENZIANO:** No, that will be my
8 amended -- amended.

9 **COMMISSIONER EDGAR:** I'm sorry, could you
10 restate?

11 **CHAIRMAN ARGENZIANO:** No, that would be
12 fine.

13 **COMMISSIONER EDGAR:** In other words --

14 **CHAIRMAN ARGENZIANO:** I have no problems
15 with it, and that motion would be amended as
16 Commissioner Skop had mentioned. If that makes it
17 easier and addresses Mr. Butler concerns, and OPC's
18 concerns, then I'm very happy with amending the
19 amendment to say just that.

20 **COMMISSIONER EDGAR:** Okay. Thank you for
21 that clarification.

22 Commissioner Skop.

23 **MR. MCGLOTHLIN:** Commissioners, may I
24 speak to that before you vote?

25 **COMMISSIONER EDGAR:** Mr. McGlothlin,

1 please do.

2 **MR. McGLOTHLIN:** First of all, I believe
3 that staff counsel's suggestion that she could defer
4 putting out an order on Issue 2 and incorporate a
5 single order on all issues when you finally voted
6 would satisfy the procedural complication that
7 Mr. Butler addressed. And if that is correct, that
8 might be a way to go forward.

9 If the Commissioners doesn't think well of
10 that, I would just like to point out that FPL's
11 pleading is in two parts, reconsideration as to
12 certain calculation errors, request for
13 clarification as to certain depreciation issues, and
14 we have an outstanding request for oral argument on
15 that portion of it. But if the suggestion that
16 staff delay the preparation of an order until all
17 issues have been voted on gets us over this
18 procedural hump that is facing us, then that might
19 be a way that satisfies all concerns going forward.
20 I will let Mr. Butler speak to it.

21 **COMMISSIONER EDGAR:** Mr. Butler.

22 **MR. BUTLER:** You know, we, I believe, the
23 Office of Public Counsel and Office of the Attorney
24 General support the full deferral, and that remains
25 our preference. I do believe that what Mr.

1 McGlothlin said is correct that what could happen
2 would be a denial on Issue 2, deferral on all the
3 other issues, an order eventually that would end up
4 addressing all of the issues once we had heard and
5 resolved everything as opposed to a, you know,
6 single order addressing, or a separate order
7 addressing the single issue, Number 2. So I do
8 concur with what Mr. McGlothlin indicated. That
9 would be an option.

10 **CHAIRMAN ARGENZIANO:** Madam Chair, I'm
11 having a hard time hearing, so I'm not sure what Mr.
12 McGlothlin had suggested.

13 **COMMISSIONER EDGAR:** Well, and,
14 Commissioner Argenziano, I am having difficulty
15 hearing and understanding you, so I am going to look
16 to our technical staff for just a moment and see if
17 they can make any adjustments to our mikes or
18 whatever that might help us all out. I don't know
19 if that is possible or not; but, Chris, I am going
20 to give you a minute to try. A minute in place.

21 **CHAIRMAN ARGENZIANO:** Great.

22 **COMMISSIONER EDGAR:** We are doing the best
23 we can. Okay.

24 Mr. Butler, for Commissioner Argenziano
25 and for me, as well, would you restate, please, what

1 your suggestion -- I will say suggestion, but you
2 can take it from there.

3 **MR. BUTLER:** Thank you.

4 Yes. What I was saying, first of all, is
5 that I did concur with Mr. McGlothlin. I pointed
6 out the FPL, the Office of Public Counsel, Office of
7 the Attorney General, I think our first preference
8 is a full deferral of this item. That is what we
9 had requested, and that remains what we think is
10 appropriate to be done.

11 If the Commission is determined to decide
12 today Issue 2, then I do believe that my procedural
13 concern could be addressed if there were a decision
14 on Issue 2, a deferral of all the other remaining
15 issues, and then a single order issued that would
16 address the full range of reconsideration items at
17 such time as a decision was made after the deferral.
18 I hope that's clear.

19 **MR. MCGLOTHLIN:** I concur with Mr.
20 Butler's summary.

21 **COMMISSIONER EDGAR:** Thank you.

22 Commissioner Argenziano, was that helpful,
23 or do you have any comment in reply?

24 **CHAIRMAN ARGENZIANO:** Can you hear me?

25 **COMMISSIONER EDGAR:** So far.

1 **CHAIRMAN ARGENZIANO:** Okay. I thought
2 that was what we were aiming for, so maybe there was
3 miscommunication somewhere. But if that works for
4 everybody and addresses my concerns, as well as
5 Commissioner Skop's concerns, that's fine with me.
6 Is there any reason not to do that?

7 **COMMISSIONER EDGAR:** Commissioner Skop,
8 comment, and then we will go from there?

9 **COMMISSIONER SKOP:** Thank you,
10 Commissioner Edgar.

11 Chairman Argenziano, you know, I'm hearing
12 from the parties, and I sense there is something
13 that they are thinking that they can't tell us. I'm
14 trying to read between the lines what the hesitancy
15 is here. So I think that if you, perhaps, could
16 stick with your original motion to deny Issue 2 and
17 defer the remaining issues, that probably would
18 accommodate everyone's concerns as well as mine, if
19 that's acceptable to you. And that's the motion we
20 currently have that is properly seconded.

21 **CHAIRMAN ARGENZIANO:** That is what I'm
22 going to stick with. It is getting too convoluted
23 or too confusing. I think it will work out fine.
24 I'm going to stick with the original motion, and I
25 think we have a second on the original motion.

1 **COMMISSIONER SKOP:** Okay.

2 **COMMISSIONER EDGAR:** Okay. So the
3 suggestion and agreement to amend the prior motion
4 has been withdrawn. Commissioner Skop, if you
5 would, I know we have been round and round and
6 round, but if you would, since you are in the room
7 and seconded the motion, go ahead and restate it
8 just so we all hear it at the same time, that would
9 be helpful to me. And so I would ask you to do so
10 at this time.

11 **COMMISSIONER SKOP:** Thank you, ma'am. The
12 motion --

13 **CHAIRMAN ARGENZIANO:** I think it was my
14 motion.

15 **COMMISSIONER SKOP:** -- the motion on the
16 table, as I understand it, made by Chairman
17 Argenziano is to deny the staff recommendation on
18 Issue 2 and to defer the remaining issues. And that
19 is the motion that I properly seconded. And my
20 reasons for seconding -- well, I will wait until the
21 discussion, but that is the motion on the table
22 properly seconded.

23 **COMMISSIONER EDGAR:** All right.
24 Commissioner Argenziano, does that comport with your
25 desires?

1 **CHAIRMAN ARGENZIANO:** That was my motion.

2 **COMMISSIONER EDGAR:** Okay. Commissioner
3 Skop.

4 **COMMISSIONER SKOP:** All right. Thank you.

5 Just for discussion, again, the reason
6 that I feel the way strongly on Issue 2, the ten
7 second version is, again, on Issue 2 the staff
8 recommendation and the pleading by FPL states that
9 at least from my perspective and my legal judgment
10 there was no mistake of fact or law that the
11 Commission overlooked or failed to consider in
12 rendering its decision on this issue.

13 The motion for reconsideration does not
14 meet the legal standard for review and should be
15 properly denied, notwithstanding all of the concerns
16 that are on the record that I had about how
17 philosophically this adjustment is inappropriate.
18 So I could not concur more that on Issue 2 the staff
19 recommendation should be denied, and I look forward
20 to vote on the matter.

21 Thank you.

22 **COMMISSIONER EDGAR:** Okay. Any additional
23 comments before I call for a vote?

24 **COMMISSIONER SKOP:** None.

25 **COMMISSIONER EDGAR:** Okay. Hearing none,

1 then on the motion to vote to deny on Issue 2 and to
2 defer all other issues, all in favor say aye.

3 **COMMISSIONER SKOP:** Aye.

4 **CHAIRMAN ARGENZIANO:** Aye.

5 **COMMISSIONER EDGAR:** All opposed?

6 Aye.

7 And I would point out that my vote in
8 opposition is primarily on procedural grounds, which
9 I feel very strongly about.

10 And, Commissioner Skop, you may have your
11 gavel back.

12 **COMMISSIONER SKOP:** Thank you.

13 **CHAIRMAN ARGENZIANO:** Excuse me.

14 **COMMISSIONER SKOP:** And this is
15 Commissioner Skop, and I have the gavel back. And
16 I'd like to, before we begin, I would like to thank
17 Commissioner Edgar for helping the Commission work
18 through the difference. And I appreciate her taking
19 the gavel and leading the proceeding so that we
20 could get a vote on the matter. So, thank you,
21 Commissioner Edgar.

22 With that, I believe that addresses Item
23 11. And at this point the Commission is going to
24 adjourn the agenda conference and we will reconvene
25 for Internal Affairs at 12:45. So, we stand

1 adjourned.

2 Thank you.

3 * * * * *

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

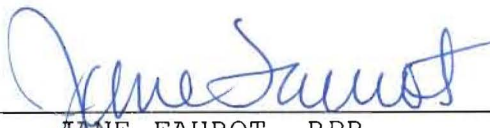
STATE OF FLORIDA)
 :
 : CERTIFICATE OF REPORTER
COUNTY OF LEON)

I, JANE FAUROT, RPR, Chief, Hearing Reporter Services Section, FPSC Division of Commission Clerk, 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' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 20th day of August, 2010.



JANE FAUROT, RPR
Official FPSC Hearings Reporter
(850) 413-6732