

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED



In the Matter of:  
ELECTION OF COMMISSION CHAIRMAN  
\_\_\_\_\_ /

PROCEEDINGS: COMMISSION CONFERENCE AGENDA  
ITEM NO. 1

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

DATE: Tuesday, October 26, 2010

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

REPORTED BY: LINDA BOLES, CRR, RPR  
Official FPSC Reporter  
(850) 413-6734

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FPSC-COMMISSION CLERK

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## P R O C E E D I N G S

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2           **MS. COLE:** Good morning. My name is Ann Cole.  
3 I'm the Commission Clerk for the Public Service  
4 Commission, and I call this Commission Conference to  
5 order.

6           The first item for business is Item Number 1,  
7 the election and term of the Chairman. Are there any  
8 nominations?

9           Commissioner Edgar, you're recognized.

10          **COMMISSIONER EDGAR:** Thank you, Ms. Cole. And  
11 although you've been with us a number of years, you  
12 clearly have forgotten the time-honored PSC Commission  
13 rule that we start about three minutes late.  
14 (Laughter.) That's called PSC time.

15          Good morning, Commissioners, interested  
16 participants. I have a few comments I'd like to make,  
17 and then I do have a nomination.

18          The statutes define the PSC Chair as the  
19 administrative head of the agency. Like competence and  
20 integrity, what this means in practice is sometimes in  
21 the eye of the beholder. It also means that each person  
22 who serves as Chair brings to it their own unique  
23 personality and experiences.

24          My own experience and my belief is that the  
25 role of Chair is by definition and by practical

1 necessity a role of leadership. It takes leadership to  
2 keep the trains running on time and to keep the ship of  
3 state afloat. It takes leadership to know when as part  
4 of a collegial body to debate and it takes leadership to  
5 know when to let go. It takes leadership to work for  
6 consensus, when appropriate, and it takes leadership to  
7 look beyond the headlines of today to the issues of  
8 tomorrow.

9 Like many long-standing institutions, the  
10 Florida PSC has traditions and practices established  
11 over time that guide function over whim, and this is a  
12 good and honorable thing. But, likewise, we have the  
13 responsibility and flexibility to exercise independent  
14 judgment and discretion in keeping with the statutes,  
15 which is also good and honorable.

16 Commissioners, it is our responsibility today  
17 to determine amongst ourselves which of us will serve in  
18 the administrative role as Chair from today forward. As  
19 with all of our decisions, we must look to the statutes  
20 for guidance.

21 There are two ways to interpret the statutes  
22 as to the term of office for our next Chair. Both are  
23 reasonable interpretations and, as such, the statutes  
24 give us, as independently appointed Commissioners,  
25 discretion to determine the administrative governance

1 for the Commission at this unique point in time.

2 The issues before us today and ahead of us  
3 will be a part of Florida's energy, environmental and  
4 economic future for decades to come. In two months,  
5 four out of the five of us Commissioners will have had  
6 an average of less than six months in this job. We must  
7 look beyond individual aspirations and strive for a  
8 reality and a function that will facilitate a focus on  
9 real issues, on real impacts and on real decisions.

10 And so, Commissioners, with those thoughts I  
11 ask for your support as I now make the motion that we  
12 elect our colleague Commissioner Art Graham to serve as  
13 Chair of this Commission to assume the responsibilities,  
14 duties and privileges the role requires for a term to  
15 begin immediately today and to extend until January 1 of  
16 2012.

17 Thank you, Ms. Cole.

18 **MS. COLE:** Do we have a second?

19 **COMMISSIONER BRISÉ:** I will second that.

20 **MS. COLE:** Thank you.

21 Is there any discussion? Commissioner Skop.

22 **COMMISSIONER SKOP:** Thank you, Madam Chairman.

23 Commissioners, this is the third time that  
24 I've had the opportunity to vote to elect a Chairman  
25 during my term on the Commission. Never once has there

1       been a debate or discussion on the issue. The  
2       long-standing tradition of the Commission has been that  
3       the most senior Commissioner who has not yet served as  
4       Chairman is unanimously elected the next Chairman. That  
5       is how Lisa Edgar was elected Chairman, that is how Matt  
6       Carter succeeded her as Chairman, and that is how Nancy  
7       Argenziano succeeded him as Chairman.

8               As to the decision before us today, I  
9       respectfully note that I'm the most senior Commissioner  
10      that not yet -- that has not yet had the opportunity to  
11      serve as Chairman. Obviously if my colleagues wish to  
12      afford me the traditional courtesy and honor of serving  
13      as Chairman during the remaining two months of my term,  
14      I would have welcomed the opportunity to serve the  
15      Commission in this capacity. As it turns out, however,  
16      alternatively, as predicted, if the Commission desired  
17      to depart from long-standing tradition and move in a  
18      different direction, it's certainly within its  
19      prerogative and discretion to do so.

20             In either case, I will cast my vote reflecting  
21      upholding the long-standing tradition of this Commission  
22      in the same manner in which I afforded this courtesy to  
23      more senior members who have served before me. Thank  
24      you.

25             **MS. COLE:** Any further discussion?

1                   **COMMISSIONER EDGAR:** Commissioners -- excuse  
2 me. Thank you, Ms. Cole.

3                   Commissioners, I have made a motion. I  
4 recognize that we have a second. And, again, I ask for  
5 your support.

6                   And, Commissioner Graham, I hope that you will  
7 appreciate and step up to the challenge willingly, and I  
8 look forward to working with you. And, Commissioners, I  
9 would call the question and again ask for your support.

10                  **MS. COLE:** We have a nomination on the floor  
11 to elect Commissioner Graham as Chairman for a term  
12 ending December 31st, 2011. All those in favor --

13                  **COMMISSIONER EDGAR:** No. Well, okay. I said  
14 January 1, 2012, because I thought that was the way the  
15 statute was written. But either December 31st, 2011,  
16 or January 1, 2012 --

17                  **MS. COLE:** Okay.

18                  **COMMISSIONER EDGAR:** -- whichever is most in  
19 keeping with the statute, and I believe that's  
20 consistent.

21                  **MS. COLE:** Thank you. All those in favor, say  
22 aye.

23                  **COMMISSIONER EDGAR:** Aye.

24                  **COMMISSIONER BRISÉ:** Aye.

25                  **COMMISSIONER GRAHAM:** Aye.

1           **MS. COLE:** All opposed.

2           **COMMISSIONER SKOP:** Aye.

3           **MS. COLE:** Commissioner Graham has been  
4 elected Chairman by a vote of two to one.  
5 Congratulations, Chairman.

6           **COMMISSIONER EDGAR:** I think that may be three  
7 to one, but --

8           **MS. COLE:** Three to one. I apologize.

9           **COMMISSIONER EDGAR:** That's okay, Ms. Cole.  
10 We have put you in a role that is a little different --

11          **MS. COLE:** A little different.

12          **COMMISSIONER EDGAR:** -- from the work that you  
13 usually do for us. And I appreciate you stepping up to  
14 this task as well.

15          **MS. COLE:** Congratulations, Chairman Graham.

16          **CHAIRMAN GRAHAM:** Thank you.

17          **COMMISSIONER EDGAR:** All right.

18                    (Applause.)

19          **CHAIRMAN GRAHAM:** Well, now, Ms. Cole, I have  
20 to admit that, yes, I did vote for myself. A little  
21 apprehensively, but, yes, I did.

22                    Wow, fellow Commissioners, I want to number  
23 one thank you, Commissioner Edgar, for those lovely  
24 words and for the nomination, and for, Commissioner  
25 Brisé, for the second.

1                   I, I, I hope to not disappoint you but to lead  
2 you into the path that I think that our, our, our  
3 friends over in the House and in the Senate want us to  
4 go. And with that being said, I think we should jump  
5 straight into this agenda. I see we have a lot of  
6 people out there. And, everybody, I promise you that  
7 this meeting will be longer than a minute.

8                   (Agenda item concluded.)

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

I, LINDA BOLES, RPR, CRR, 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 1st day of November, 2010.

Linda Boles  
LINDA BOLES, RPR, CRR  
FPSC Official Commission Reporter  
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