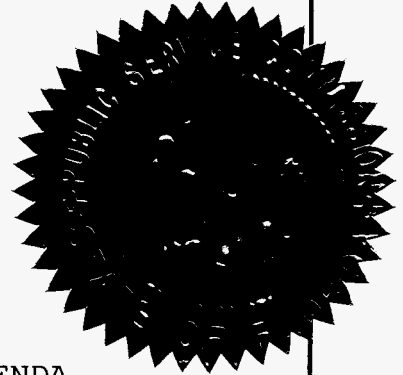


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 100446-SU

In the Matter of:

SETTLEMENT PROPOSAL FOR POSSIBLE
OVEREARNINGS BY TIERRA VERDE
UTILITIES, INC. IN PINELLAS
COUNTY.



PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 17

COMMISSIONERS
PARTICIPATING: CHAIRMAN ART GRAHAM
COMMISSIONER LISA POLAK EDGAR
COMMISSIONER NATHAN A. SKOP
COMMISSIONER RONALD A. BRISÉ
COMMISSIONER EDUARDO E. BALBIS

DATE: Tuesday, December 14, 2010

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

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

DOCUMENT NUMBER DATE

10012 DEC 17 2010

FPSC-COMMISSION CLERK

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P R O C E E D I N G S

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CHAIRMAN GRAHAM: All right. Let's go to Item 17.

MR. FLETCHER: Commissioners, I'm Bart Fletcher with Commission Staff. Item 17 --

CHAIRMAN GRAHAM: Hold on. Hold on. Hold on. Hold on. I know I called on you last time, but relax. Mr. Fletcher.

MR. FLETCHER: Commissioners, Item 17 is Staff's recommendation to approve a settlement proposal for possible overearnings by Tierra Verde Utilities, Inc. Staff is prepared to answer any questions the Commission may have.

CHAIRMAN GRAHAM: Thank you. Mr. Friedman.

MR. FRIEDMAN: Marty Friedman, Law Firm of Rose, Sundstrom & Bentley. We're just here to answer any questions you may have also.

CHAIRMAN GRAHAM: Thank you. To the Commission board. Commissioner Skop.

COMMISSIONER SKOP: Thank you. Just a few questions for Staff.

With respect to page 3 of the Staff

1 recommendation, it discusses the proposed settlement
2 offer, and basically the proposed rate reduction is
3 approximately \$39,681, which compromises a
4 4.39 percent rate reduction; is that correct?

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

6 **COMMISSIONER SKOP:** Okay. And then also the
7 proposed refund amount is \$20,271; is that correct?

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

9 **COMMISSIONER SKOP:** Okay. In reviewing the
10 recommendation, I guess Staff feels that the proposed
11 settlement is reasonable because it addresses possible
12 overearnings on a prospective basis while avoiding the
13 cost of going into an overearnings investigation; is
14 that correct?

15 **MR. FLETCHER:** That's correct, Commissioner.

16 **COMMISSIONER SKOP:** Okay. And just one final
17 question. I think it's embedded within Issue 2, but I
18 was hoping that there would be some guidance with
19 respect to the, the proposed refund. Obviously that
20 would be probably a credit to customer bills. Is that
21 the --

22 **MR. FLETCHER:** That's typically how Utilities,
23 Inc., administers particularly smaller refunds.

24 **COMMISSIONER SKOP:** Okay. And with respect to
25 the timing of those refunds, I think that there's, you

1 know, a reference to a Commission rule, but is there a
2 specific time frame that those refunds will be made
3 without referencing the rule?

4 **MR. FLETCHER:** Commission Staff just mentioned
5 the rule in Issue 2, and the rule states that it would
6 be 90 days from the final order by the Commission.

7 **COMMISSIONER SKOP:** Okay. All right. So
8 that's no later than -- if we get an order out of here
9 in 20 days, it's probably 110 days from now, within that
10 period.

11 **MR. FLETCHER:** Yes, Commissioner.

12 **COMMISSIONER SKOP:** All right. Very well.
13 Thank you. No further questions.

14 **CHAIRMAN GRAHAM:** Anything else from the
15 board?

16 **COMMISSIONER EDGAR:** Move Staff.

17 **COMMISSIONER SKOP:** Second.

18 **CHAIRMAN GRAHAM:** It's been seconded, moved and
19 seconded to move Staff's recommendation on Item Number
20 17. Any further discussion? Seeing none, all in favor,
21 say aye.

22 (Vote taken.)

23 Those opposed? By your action, you've
24 approved Item Number 17.

25 (Agenda item concluded.)

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STATE OF FLORIDA)
 :
COUNTY OF LEON)

CERTIFICATE OF REPORTER

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 17th day of December, 2010.

Linda Boles
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