

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the matter of:

APPROVAL OF COMMISSION CONFERENCE MINUTES

August 9, 2011 Regular Commission Conference

August 23, 2011 Regular Commission Conference

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
APPROVAL OF MINUTES
ITEM 1

COMMISSIONERS
PARTICIPATING: CHAIRMAN ART GRAHAM
COMMISSIONER LISA POLAK EDGAR
COMMISSIONER RONALD A. BRISÉ
COMMISSIONER EDUARDO E. BALBIS
COMMISSIONER JULIE I. BROWN

DATE: Tuesday, September 20, 2011

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

REPORTED BY: JANE FAUROT, RPR
Official FPSC Reporter
(850) 413-6734

DOCUMENT NUMBER DATE

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P R O C E E D I N G S

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2 **COMMISSIONER EDGAR:** We will look at the move
3 staff list, and we are going to do it just a little bit
4 differently. What I'm going to do right now is call
5 Item 1, which is the minutes.

6 **COMMISSIONER BROWN:** Madam Chairwoman, I have
7 one modification to Item 7 on the Minutes of Commission
8 Conference, August 23rd, 2011. Under the decision
9 area, it says the recommendations were approved with a
10 modification to Issue 10 to disallow legal fees and
11 miscellaneous expenses associated with the litigation,
12 noting that the utility did not --

13 **COMMISSIONER EDGAR:** Commissioner Brown, I'm
14 so sorry, can you point us to a page number?

15 **COMMISSIONER BROWN:** Oh, my apologies. 17.

16 **COMMISSIONER EDGAR:** Thank you. Okay. Go
17 right ahead.

18 **COMMISSIONER BROWN:** Under decision -- I'll
19 just repeat myself -- it says the recommendations were
20 approved with the modification to Issue 10 to disallow
21 the legal fees and miscellaneous expenses associated
22 with the litigation, noting that the utility did not
23 have the correct insurance to cover the costs. I think
24 the words that would be more appropriate are for
25 correct insurance or necessary or appropriate. That, I

1 believe, captures the discussion on the issue, rather
2 than the word correct. So I would amend that correct
3 insurance to be necessary or appropriate insurance.
4 And with that, I would move the minutes, with that
5 modification.

6 **COMMISSIONER EDGAR:** Okay. So just so I'm
7 clear, on Page 17 of the minutes for August 23rd, Item
8 7, Commissioner Brown has made the motion that in -- at
9 the bottom of the page on the decision portion that the
10 language in the parens would be changed to say, "Noting
11 that the utility did not have the necessary as
12 appropriate insurance to cover the cost." Is that
13 correct?

14 **COMMISSIONER BROWN:** Necessary or
15 appropriate.

16 **COMMISSIONER EDGAR:** Necessary or
17 appropriate. Thank you. If I could read my own
18 writing, that would help.

19 Commissioners, any questions about that
20 requested change to the minutes, to the draft
21 minutes? No questions. Okay.

22 Then Commissioner Brown has made a motion
23 for a change, a slight modification to the language
24 for the minutes of August 23rd, and to approve all
25 other of those minutes as they are presented before

1 us.

2 Is there a second?

3 COMMISSIONER BALBIS: Second.

4 COMMISSIONER EDGAR: Okay. Then all in favor
5 of approving the minutes as modified for August 23rd
6 say aye.

7 (Vote taken.)

8 COMMISSIONER EDGAR: Show it adopted. And
9 then if I could have a motion to approve the minutes
10 for August 9th.

11 COMMISSIONER BRISÉ: I move the minutes for
12 August 9th.

13 COMMISSIONER EDGAR: Is there a second?

14 COMMISSIONER BALBIS: Second.

15 COMMISSIONER EDGAR: All in favor say aye.

16 (Vote taken.)

17 COMMISSIONER EDGAR: Thank you. That takes
18 up Item 1.

19 * * * * *

20 COMMISSIONER EDGAR: And then, Chairman
21 Graham, we did take up approval of the minutes
22 separately, and I believe Commissioner Brown made that
23 motion. So I'm going to look to Commissioner Brown to
24 consider a reconsideration motion.

25 COMMISSIONER BROWN: Yes. I move to

1 reconsider the motion on the minutes.

2 **COMMISSIONER EDGAR:** And we did take that up
3 as two separates votes on August 9th and August 23rd,
4 but for these purposes I think we can combine them. So
5 we have a motion. Do we have a second?

6 **COMMISSIONER BALBIS:** We have a second. And
7 I assume that the reconsideration will include the same
8 revision that Commissioner Brown indicated.

9 **COMMISSIONER EDGAR:** It will, but right now
10 we are just reconsidering.

11 **COMMISSIONER BALBIS:** Then I second.

12 **COMMISSIONER EDGAR:** Thank you. (Laughter.)

13 All in favor of reconsidering the motions
14 for approval of the minutes for August 9th and
15 August 23rd say aye.

16 (Vote taken.)

17 **COMMISSIONER EDGAR:** All opposed?

18 Show it adopted.

19 Commissioner Brown.

20 **COMMISSIONER BROWN:** And this is for Mr.
21 Chairman's pleasure, leisure, information. I made a
22 modification to the minutes of August 23rd, 2011, for
23 Item 7 on Page 17. And I moved to amend under the
24 decision, the recommendations were approved with the
25 modification to Issue 10 to disallow the legal fees and

1 miscellaneous expenses associated with the litigation,
2 in parens, noting that the utility did not have the
3 correct insurance to cover the costs, end paren. And I
4 move to change the word from correct insurance to
5 necessary or appropriate to capture the discussion that
6 we had on that issue. And I would move that again.

7 **COMMISSIONER EDGAR:** Commissioner Brown has
8 moved approval of the minutes with a slight
9 modification as described for August 23rd. Is there a
10 second?

11 **COMMISSIONER BALBIS:** Second.

12 **COMMISSIONER EDGAR:** All in favor say aye.

13 (Vote taken.)

14 **COMMISSIONER EDGAR:** All opposed?

15 Show it adopted.

16 Chairman Graham, back to you.

17 **CHAIRMAN GRAHAM:** That's it. I just wanted
18 to say thank you. Of course, I was probably okay with
19 not the approval of the minutes, but, ah. (Laughter.)

20 Commissioner Edgar, I want to thank you
21 for taking over for me this morning. You know how
22 these things are from time to time, you get summoned
23 over to the capital, and I was glad that I went, and
24 I look forward to discussing in IA some of the
25 details of some of the stuff we went over.

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COMMISSIONER EDGAR: Then with that,
Commissioners, we are adjourned.

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STATE OF FLORIDA)

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COUNTY OF LEON)

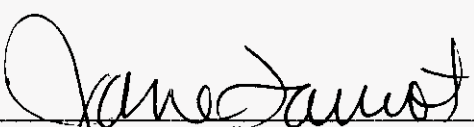
CERTIFICATE OF REPORTER

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 23rd day of September, 2011.



JANE FAUROT, RPR
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