

P R O C E E D I N G S

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2 **CHAIRMAN BRISÉ:** All right. Moving on to item
3 6A.

4 **MS. TAN:** Good morning, Commissioners. Lee
5 Eng Tan on behalf of staff.

6 Item 6A addresses Florida Power & Light's
7 motion to dismiss the protest of the Commission's order
8 which found that FPL is eligible for cost recovery on
9 the proposed Sabal Trail and Florida Southeast
10 Connection pipelines in the fuel clause.

11 The protest was filed by a group of Florida
12 landowners. Essentially the landowners allege safety
13 concerns and environmental harm, which are not of the
14 type of injuries this proceeding was designed to
15 protect. So consistent with the *Agrico* test of
16 standing, which holds that there must be an injury in
17 fact which is of sufficient immediacy to support an
18 administrative hearing, and that the substantial injury
19 is of a type or nature against which the proceeding is
20 designed to protect, staff recommends that FPL's motion
21 to dismiss be granted due to lack of standing. Staff
22 recommends that the proposed agency action order should
23 be deemed final and effective.

24 **CHAIRMAN BRISÉ:** All right. Thank you.

25 Any questions, okay, or comments on this one?

1 All right. Well, thank you very much.

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3 **CHAIRMAN BRISÉ:** All right. Perfect.

4 At this time I think we're ready to entertain
5 a motion on the block.

6 Commissioner Edgar.

7 **COMMISSIONER EDGAR:** Mr. Chairman, I have a
8 motion.

9 **CHAIRMAN BRISÉ:** Sure. All right.

10 **COMMISSIONER EDGAR:** I move that we approve
11 the staff recommendation for items 1, 2, 3, 6A, and 8.

12 **COMMISSIONER BROWN:** Second.

13 **CHAIRMAN BRISÉ:** All right. It's been moved
14 and seconded. Any further discussion?

15 Okay. Seeing none, all in favor, say aye.

16 (Vote taken.)

17 All right. Thank you very much. So we have
18 approved items number 1, 2, 3, 6A, and 8.

19 All right. Thank you very much.

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1 STATE OF FLORIDA)
2 COUNTY OF LEON)

CERTIFICATE OF REPORTER

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4 I, LINDA BOLES, CRR, RPR, Official Commission
5 Reporter, do hereby certify that the foregoing
6 proceeding was heard at the time and place herein
7 stated.

8 IT IS FURTHER CERTIFIED that I
9 stenographically reported the said proceedings; that the
10 same has been transcribed under my direct supervision;
11 and that this transcript constitutes a true
12 transcription of my notes of said proceedings.

13 I FURTHER CERTIFY that I am not a relative,
14 employee, attorney or counsel of any of the parties, nor
15 am I a relative or employee of any of the parties'
16 attorney or counsel connected with the action, nor am I
17 financially interested in the action.

18 DATED THIS 19th day of December,
19 2013.

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22 _____

23 LINDA BOLES, CRR, RPR
24 FPSC Official Commission Reporters
25 (850) 413-6734