



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

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2           **CHAIRMAN GRAHAM:** Okay. We are bringing the  
3 meeting to order. Let the record show it is Thursday,  
4 April the 10th. This is our Agenda Conference.

5           Okay. Let's start at the beginning of this.  
6 We have several things on the Move Staff List. And I  
7 guess, staff, let's just get us through this and we'll  
8 come full circle back around for it looks like Number  
9 5, Number 6, and Number 11.

10           Staff, Number 1.

11           **MS. CORBARI:** Good morning, Commissioners.  
12 Kelley Corbari, Commission staff. Item 1 concerns a  
13 motion to dismiss filed by FPL in Docket 130290,  
14 initiation of formal proceedings of complaint of Brian  
15 J. Ricca against FPL for failing to provide reasonable  
16 service.

17           Staff is recommending that the Commission  
18 grant FPL's motion to dismiss the complaint without  
19 prejudice as the complaint fails to demonstrate a cause  
20 of action upon which relief can be granted, and that  
21 Mr. Ricca be permitted to file an amended complaint.

22           Oral argument was not requested by either  
23 party. Counsel for FPL is present, and staff is  
24 available to answer questions.

25           **CHAIRMAN GRAHAM:** Thank you, staff.

1 Commissioners, any questions of staff?

2 Commissioner Balbis.

3 **COMMISSIONER BALBIS:** Thank you, Mr.

4 Chairman. I just have one quick question for staff.

5 In accordance with Rule 25-6.064, Section 9,  
6 where it states that if the utility and applicant are  
7 unable to agree on a CIAC amount, either party may  
8 petition the Commission for review. If Mr. Ricca  
9 simply in his formal pleading would have just asked the  
10 Commission to review, we would have proceeded with  
11 that, correct?

12 **MS. CORBARI:** That is correct. The  
13 Commission can review the reasonableness of the  
14 estimate. However, Mr. Ricca would still have to have  
15 had to amend his requested relief.

16 **COMMISSIONER BALBIS:** Okay. Thank you.

17 **CHAIRMAN GRAHAM:** Any other questions?

18 Can I get somebody to move staff, please.

19 **COMMISSIONER EDGAR:** Move staff,

20 Mr. Chairman.

21 **CHAIRMAN GRAHAM:** It has been moved and  
22 seconded, staff recommendation on Item Number 1. Any  
23 further discussion?

24 Seeing none, all in favor say aye.

25 (Vote taken.)

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**CHAIRMAN GRAHAM:** Any opposed?

By your action you have approved Item Number

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