

VOTE SHEET

July 21, 2015

Docket No. 140107-PU – Petition for declaratory statement regarding discovery in dockets or proceedings affecting rates or cost of service processed with the Commission's proposed agency action procedure.

Issue 1: Should the Commission grant OPC's Petition for Declaratory Statement?

Recommendation: Yes, the Commission should grant the Petition for Declaratory Statement and declare that the Office of Public Counsel has the authority under Section 350.0611(1), F.S., to utilize discovery pursuant to Fla. R. Civ. Pro. 1.280 – 1.390 in any proceeding affecting rates or cost of service processed using the proposed agency action procedures of Sections 366.06(4) and 367.081(8), F.S.

DEFERRED

Issue 2: Should this docket be closed?

Recommendation: Yes, this docket should be closed.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

Oral Modification, assigned DN 04466-15, is attached.

Christopher Cooney

From: Mary Macko
Sent: Friday, July 17, 2015 1:46 PM
To: Braulio Baez; Lisa Harvey; Apryl Lynn; Carlotta Stauffer; Charlie Beck; Cindy Muir; CLK - Agenda Staff; Commissioners & Staffs; Mary Anne Helton; Samantha Cibula; Kathryn Cowdery; Cheryl Bulecza-Banks; Andrew Maurey
Cc: Kate Hamrick; Jacqueline Moore; Terri Fleming
Subject: FW: Request for oral modification to Item 3 on the July 21, 2015 Commission Conference, Docket No. 140107, Petition for declaratory Statement by the Office of Public Counsel

Please see the approved request below.

From: Braulio Baez
Sent: Friday, July 17, 2015 1:38 PM
To: Lisa Harvey; Mary Macko
Subject: Fwd: Request for oral modification to Item 3 on the July 21, 2015 Commission Conference, Docket No. 140107, Petition for declaratory Statement by the Office of Public Counsel

Approved. Thanks.

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Kathryn Cowdery <kcowdery@PSC.STATE.FL.US>
Date: 7/17/2015 1:23 PM (GMT-05:00)
To: Braulio Baez <BBaez@PSC.STATE.FL.US>
Cc: Lisa Harvey <LSHarvey@PSC.STATE.FL.US>, Samantha Cibula <SCibula@PSC.STATE.FL.US>
Subject: Request for oral modification to Item 3 on the July 21, 2015 Commission Conference, Docket No. 140107, Petition for declaratory Statement by the Office of Public Counsel

Staff requests approval to make an oral modification to Item 3, scheduled for the July 21, 2015 Commission Conference. A scrivener's error was made to the language on page 11 of Issue 1 of the recommendation. The only change to page 11 is the replacement of the phrase "production of documents" for the word "admission" in the second paragraph, as follows:

In addition, the limit of 30 interrogatories and requests for admission ~~production of documents~~ applies to the entire course of the docket. This procedure was followed in the FPUC Docket and in the AUF Docket, where OPC propounded discovery in both the PAA portion and the Section 120.57, F.S., proceeding in each docket. As discussed above, the prehearing officer has the discretion to grant more discovery or limit discovery pursuant to the applicable Florida Rules of Civil Procedure.