

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

FILED 5/7/2018
DOCUMENT NO. 03511-2018
FPSC - COMMISSION CLERK

In the Matter of: DOCKET NO. 20170260-EI

PETITION FOR LIMITED
PROCEEDING TO APPROVE
FIRST SOLAR BASE RATE
ADJUSTMENT (SOBRA),
EFFECTIVE SEPTEMBER 1, 2018,
BY TAMPA ELECTRIC COMPANY.

_____ /

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: COMMISSIONER POLMANN
PREHEARING OFFICER

DATE: Thursday, April 26, 2018

TIME: Commenced: 9:30 a.m.
Concluded: 10:09 a.m.

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

REPORTED BY: ANDREA KOMARIDIS
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
114 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
(850) 894-0828

1 APPEARANCES:

2 CHARLES REHWINKEL, DEPUTY PUBLIC COUNSEL;
3 Office of Public Counsel, c/o the Florida Legislature,
4 111 W. Madison Street, Room 812, Tallahassee, Florida
5 32399-1400, appearing on behalf of the Citizens of the
6 State of Florida.

7 JAMES D. BEASLEY, J. JEFFRY WAHLEN, ESQUIRES,
8 Ausley & McMullen, Post Office Box 391, Tallahassee,
9 Florida 32302, appearing on behalf of Tampa Electric
10 Company.

11 WALT TRIERWEILER, ESQUIRE, FPSC General
12 Counsel's Office, 2540 Shumard Oak Boulevard,
13 Tallahassee, Florida 32399-0850, appearing on behalf of
14 the Florida Public Service Commission Staff.

15 ROSANNE GERVASI, GENERAL COUNSEL; Florida
16 Public Service Commission, 2540 Shumard Oak Boulevard,
17 Tallahassee, Florida 32399-0850, Advisor to the Florida
18 Public Service Commission.

19

20

21

22

23

24

25

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

2 COMMISSIONER POLMANN: Counsel for the people,
3 good morning.

4 MR. WAHLEN: Morning.

5 MR. BEASLEY: Morning.

6 MR. REHWINKEL: Morning.

7 COMMISSIONER POLMANN: Are the parties all
8 represented?

9 MR. WAHLEN: I think we're missing one.

10 MR. REHWINKEL: Yeah, I -- I haven't seen
11 FIPUG. I haven't seen Mr. Moyle.

12 COMMISSIONER POLMANN: Are we expecting
13 Mr. Moyle --

14 MR. TRIERWEILER: Yes, Commissioner, we are.

15 COMMISSIONER POLMANN: -- Mr. Trierweiler?
16 Okay.

17 MR. TRIERWEILER: Yes, we are.

18 COMMISSIONER POLMANN: Well, then, the
19 question issued is: Should we wait. Of course, we
20 should, but -- all right. Let's -- let's hold here
21 for a few minutes.

22 MR. REHWINKEL: I'm going to go outside and
23 give him a call to make sure that he's --

24 COMMISSIONER POLMANN: Of course. Yeah. Feel
25 free.

1 MR. REHWINKEL: Thank you.

2 (Brief recess.)

3 MR. REHWINKEL: Commissioner, when -- are we
4 back on the record? Can I -- I would like to
5 suggest something. I tried to call Mr. Moyle. I
6 texted him. I've asked him to text Mr. Wahlen
7 because I don't have coverage inside the building.

8 If I could suggest this, is -- I know he filed
9 a pre-hearing statement. His issues are
10 identical -- his positions are identical to ours.
11 If it would be acceptable to the Comm- -- to the
12 Chair, to staff, and the party, I would represent
13 that he agrees -- and I think usually you give,
14 like, until 5:00 the next day to conform positions,
15 but I think, if he needs to make a change, he could
16 do it by noon tomorrow, if not the end of the day
17 today.

18 COMMISSIONER POLMANN: Mr. Rehwinkel, let
19 me -- let me ask Counsel if we should include that
20 statement at the time that we come to the -- to
21 that -- in the proceeding.

22 MR. TRIERWEILER: We should, Your Honor.
23 Clarification, it is 5:00 today that -- April 26th,
24 that he would have to -- that they have an
25 opportunity to respond. Everyone -- every party

1 has filed a position and has -- so, they've taken a
2 position. So, they have -- you know, they have met
3 that burden.

4 Then there's the burden of appearance.
5 Perhaps he'll show, but it can be excused as -- you
6 know, for good cause shown, for whatever reason
7 that Mr. Moyle would need to be excused, but I
8 think that we should drive on and see if we don't
9 hear from Mr. Moyle before the end of the
10 pre-hearing conference, or by 5:00 today, as to
11 whether or not he wants to change any of his
12 positions.

13 But you have a legal adviser here and -- I
14 don't know if she has any comment.

15 MS. GERVASI: Commissioner, I would agree with
16 staff counsel on that. There is a section in the
17 order establishing procedure that deals with when a
18 party doesn't show. And a failure of a party not
19 to come to the pre-hearing constitutes a waiver of
20 that parties' issues and positions, unless they
21 show good cause. So, perhaps he will be able to do
22 that.

23 COMMISSIONER POLMANN: You know, I've been
24 here awhile and I still haven't figured out those
25 buttons. So, my apologies.

1 Thank you for those comments. Should we -- I
2 would like to revisit that issue under other
3 matters at the end. Would that be acceptable?

4 MS. GERVASI: Certainly.

5 MR. WAHLEN: No objection. That will be fine.

6 COMMISSIONER POLMANN: And between now and
7 then, perhaps, we'll hear from Mr. Moyle.

8 MR. REHWINKEL: I think that's a good
9 solution. Thank you.

10 COMMISSIONER POLMANN: Okay. And the issue of
11 good cause, I'll -- I'll get advice under other
12 matters. If -- if we need to address that, we'll
13 do so at that time.

14 Now, I'll take it that all the comments are on
15 the record, even though we haven't called the
16 hearing to order. So, we'll back up with regard to
17 the discussion we -- we just had.

18 MR. REHWINKEL: Understood.

19 COMMISSIONER POLMANN: And -- and we'll note
20 that that discussion was -- was recorded.

21 So, the -- let me say good morning, which
22 I've --

23 MR. REHWINKEL: Morning.

24 COMMISSIONER POLMANN: -- already met with you
25 here before we sat down. So, good morning, again.

1 And the time is approximately 9:42, a few
2 minutes behind our scheduled commencement. Today
3 is April 26th, 2018. At the noted time, I will now
4 call -- the time I just noted, I'll call this
5 pre-hearing conference to order. I'm Commissioner
6 Polmann, sitting as presiding officer today.

7 Staff, please read the notice.

8 MR. TRIERWEILER: By notice issued April 16,
9 2018, this time and place has been set for this
10 pre-hearing conference, in Docket No. 20170260-EI.

11 The purpose of this pre-hearing is set out in
12 the notice.

13 COMMISSIONER POLMANN: Thank you,
14 Mr. Trierweiler.

15 We'll now take appearances beginning with
16 TECO.

17 MR. WAHLEN: Good morning, Commissioner. I'm
18 Jeff Wahlen, appearing with James D. Beasley, of
19 the Ausley McMullen law firm, P. O. Box 391,
20 Tallahassee, Florida, on behalf of Tampa Electric
21 Company.

22 MR. REHWINKEL: Good morning, Commissioner.
23 Charles Rehwinkel, the Office of Public Counsel,
24 appearing on behalf of Tampa Electric's customers.

25 COMMISSIONER POLMANN: We'll note that FIPUG

1 is a party to the proceeding. And at this moment,
2 Mr. Moyle has not made an appearance here.

3 Commission staff?

4 MR. TRIERWEILER: Good morning, Commissioner.
5 I'm Walt Trierweiler and, together with Kurt
6 Schrader, we represent Commission staff.

7 MS. GERVASI: And Rosanne Gervasi, adviser to
8 the Commission.

9 COMMISSIONER POLMANN: Thank you.
10 Preliminary matters. Staff, do we have
11 preliminary matters?

12 MR. TRIERWEILER: Yes, Commissioner, staff has
13 a few items to address. The first is that the
14 parties have achieved a consensus list of issues,
15 but we don't have a consensus on the positions at
16 this time.

17 Staff requests that all parties bring at least
18 20 copies of all exhibits they wish to introduce
19 into evidence at the hearing with the appropriate
20 cover sheet to be placed on each exhibit, which
21 will be distributed by staff through e-mail,
22 following this pre-hearing.

23 No party has indicated in its pre-hearing
24 statement that it desires voir dire of the
25 witnesses.

1 COMMISSIONER POLMANN: Thank you,
2 Mr. Trierweiler.

3 Let's look at the draft pre-hearing order. I
4 trust everyone has a copy of this document; is that
5 correct?

6 MR. WAHLEN: Yes, sir.

7 MR. REHWINKEL: Yes.

8 COMMISSIONER POLMANN: Okay. I think it's
9 appropriate, we'll just go section by section.

10 MR. WAHLEN: Very well.

11 COMMISSIONER POLMANN: All right. And what
12 I -- what I would like to do, rather than going
13 through all of the detail here, I think it's
14 appropriate -- basically, we're going to ask for
15 corrections, changes, or if you have comments that
16 you would like to make -- and not necessarily, you
17 know, go into a narrative here. We're specifically
18 trying to focus -- we -- we've worked on this quite
19 a bit, and I -- I know you've been involved.

20 So, what we're looking for is comments in the
21 sense of -- of changes, corrections, things of that
22 nature. So, we're -- we'll move here pretty
23 quickly.

24 I'm going to start here, unless you have
25 anything up front in terms of the -- the

1 appearances and such. We'll just go to case
2 background, Section 1. Anybody would like to --

3 MR. WAHLEN: No changes.

4 COMMISSIONER POLMANN: Rather than -- rather
5 than calling -- calling parties, I'll just ask if
6 you have any -- any issues here.

7 MR. WAHLEN: No changes.

8 COMMISSIONER POLMANN: All right. Thank you.
9 Section 2, conduct of the proceedings.

10 MR. REHWINKEL: No changes.

11 MR. WAHLEN: No changes.

12 COMMISSIONER POLMANN: All right. Thank you.
13 Section 3, the jurisdiction. No?

14 MR. REHWINKEL: None.

15 MR. WAHLEN: No changes.

16 COMMISSIONER POLMANN: Section 4 is procedure
17 for handling confidential information.

18 MR. REHWINKEL: No changes.

19 MR. WAHLEN: No changes.

20 MR. TRIERWEILER: Regarding confidential
21 exhibits, staff would like to note the following.
22 When confidential information is used in the
23 hearing that has not been filed as prefiled
24 testimony or prefiled exhibits, parties must have
25 copies for the Commissioners, necessary staff, and

1 the court reporter, in red envelopes, clearly
2 marked with the nature of the contents and with the
3 confidential information highlighted.

4 Any party wishing to examine the confidential
5 material that is not subject to an order granting
6 confidentiality shall be provided a copy in the
7 same fashion as provided to the Commissioners,
8 subject to execution of any appropriate protective
9 agreement with the owner of the material.

10 Ten copies of all confidential prefiled
11 testimony and exhibits will be made available to
12 the parties in the hearing room on the day of the
13 hearing.

14 COMMISSIONER POLMANN: Thank you,
15 Mr. Trierweiler.

16 I'm looking at Section 5 on Page 3 of the
17 document. Any --

18 MR. WAHLEN: No changes.

19 COMMISSIONER POLMANN: Any comments there?

20 All right. Looking at -- at Section 6, we
21 have order of witnesses. Any changes, corrections
22 on that?

23 MR. WAHLEN: No changes.

24 MR. REHWINKEL: None.

25 COMMISSIONER POLMANN: All right.

1 MR. TRIERWEILER: Commissioner, staff
2 recommends that witnesses' summaries be limited to
3 no more than five minutes per witness.

4 MR. WAHLEN: That will be fine.

5 COMMISSIONER POLMANN: Okay. No issues there.

6 MR. REHWINKEL: That's fine.

7 COMMISSIONER POLMANN: Very good. Thank you.
8 All right. So, the conclusion there is that
9 five minutes would -- would be the -- would be the
10 limit. Feel free -- if you don't need the five
11 minutes, we'll be happy with less than five.

12 MR. WAHLEN: Less is more.

13 COMMISSIONER POLMANN: All right. Very good.

14 Moving on, we have Section 7, the basic
15 positions. Do we have everything spelled out here?
16 You have any corrections or changes on those?

17 MR. WAHLEN: No changes.

18 MR. REHWINKEL: None from us.

19 COMMISSIONER POLMANN: All right. Very good.

20 I'm on Section 8, issues and positions. What
21 we can do here -- let me just ask -- overall, we
22 have -- I should know this. I'm sure you do. How
23 many issues do we have? Is it --

24 MR. WAHLEN: Eight issues.

25 COMMISSIONER POLMANN: -- eight. Let me ask

1 both parties: Do you have any changes or comments
2 on any of the positions?

3 MR. WAHLEN: No, sir. Tampa Electric's
4 positions, as set forth in the draft pre-hearing
5 order, are fine as is.

6 COMMISSIONER POLMANN: Okay. So, no issues
7 on -- no comments, changes on any of the eight.

8 MR. WAHLEN: That's correct.

9 COMMISSIONER POLMANN: Mr. Rehwinkel?

10 MR. REHWINKEL: And from the Public Counsel's
11 standpoint, our issues are all accurately
12 reflected.

13 For the record, in Mr. Moyle's absence, I
14 would make this representation, based on a message
15 he sent me about a week and a half ago. I think he
16 wants to be aligned with Public Counsel's issues --
17 and positions, I mean.

18 And I think it would be appropriate to change
19 his position on Issue 7, contingent upon his
20 confirmation and -- and showing of good cause to --
21 for his absence here, to -- to make the FIPUG
22 position the same as the Public Counsel position,
23 which would just add the word "no" and a comma in
24 front of that position.

25 COMMISSIONER POLMANN: Okay. So, Issue 7,

1 Office of Public Counsel represents that the FIPUG
2 position, based on your communication with
3 Mr. Moyle, should be identical; that being, change
4 the FIPUG position, "Not at this time" to, "No,"
5 comma, "not at this time."

6 MR. REHWINKEL: Yes, Commissioner, subject to
7 his remaining in the docket and confirming that
8 with your Counsel by the end of the day today.

9 COMMISSIONER POLMANN: Thank you, sir.

10 MR. WAHLEN: That's fine.

11 COMMISSIONER POLMANN: All right. That was
12 concurrence from Mr. Wahlen.

13 Okay. So, we have the parties indicating, for
14 all eight issues, other than the comment we just
15 heard from Mr. Rehwinkel regarding FIPUG, that
16 there are no -- no changes.

17 We'll turn to Section 9, the exhibit list.
18 And I would like to hear from staff on that. And
19 then we'll -- we'll move forward here.

20 Mr. Trierweiler?

21 MR. TRIERWEILER: Commissioner, staff has
22 prepared a comprehensive exhibit list, which
23 includes all prefiled exhibits and also includes
24 those exhibits staff wishes to include in the
25 record.

1 A copy of the draft comprehensive exhibit list
2 was provided to the parties by e-mail on Wednesday,
3 April 25th, 2018, and they were provided with an
4 updated hard copy today.

5 Staff will check with the parties prior to the
6 hearing to determine if there are any objections to
7 the comprehensive exhibit list or any of staff's
8 exhibits being entered into the record. So far,
9 we've had no objections to the comprehensive
10 exhibit list.

11 Staff requests that the parties review the
12 list that's been provided today and be prepared to
13 state whether or not they can stipulate to the list
14 or will object to specific exhibits by the close of
15 business, Tuesday, May 1st, 2018.

16 COMMISSIONER POLMANN: Thank you,
17 Mr. Trierweiler.

18 We have 11 exhibits total. If you would,
19 please confirm that you have received the list
20 Mr. Trierweiler indicated. This is referred to as
21 the comprehensive exhibit list for entry into
22 hearing record May 8 and 9, 2018.

23 MR. WAHLEN: Tampa Electric has the list and
24 we're prepared to stipulate --

25 COMMISSIONER POLMANN: Okay. We're --

1 MR. WAHLEN: -- to its contents.

2 COMMISSIONER POLMANN: We're showing
3 Exhibits 1, 2, and 3.

4 MR. WAHLEN: Yes, sir.

5 COMMISSIONER POLMANN: Tampa Electric Company,
6 in direct, and then staff exhibit -- staff hearing
7 exhibits numbered 4, 5, 6, 7, 8, 9, 10, 11.

8 MR. WAHLEN: Yes, and we're -- we're good with
9 all of those. We have no objections and will
10 stipulate to their admission.

11 COMMISSIONER POLMANN: All right. Thank you,
12 sir.

13 Mr. Rehwinkel.

14 MR. REHWINKEL: Yes, we have access to the --
15 to the list. And we have expressed to staff and to
16 Tampa Electric that, upon confirmation and final
17 review, it is our expectation that we will agree to
18 that, in order to streamline the hearing process,
19 but we will -- we will endeavor to let staff know
20 far in advance of the May 1st deadline.

21 COMMISSIONER POLMANN: Thank you, sir.

22 All right. Staff Counsel, do you have
23 anything further on that item, on the exhibit list?

24 MR. TRIERWEILER: No, Commissioner, other than
25 to note that the response to staff's sixth set of

1 interrogatories is due at -- later today, and it --
2 the placeholder for those responses is Exhibit 6,
3 the last exhibit.

4 MR. WAHLEN: Tampa Electric will be filing
5 that today.

6 And I'm not sure if I was clear, but Tampa
7 Electric is fine with the exhibit list in Section 9
8 of the pre-hearing order. That accurately reflects
9 our prefiled exhibits.

10 COMMISSIONER POLMANN: Okay. Mr. Trierweiler,
11 you referred to that as Exhibit 6. That is
12 actually Exhibit No. 11, staff's sixth set of
13 interrogatories; is that correct, sir?

14 MR. TRIERWEILER: That's accurate.

15 COMMISSIONER POLMANN: Thank you.

16 Anything further from any of the parties on
17 the exhibit list?

18 MR. WAHLEN: No, sir.

19 MR. REHWINKEL: No, sir.

20 COMMISSIONER POLMANN: All right. Thank you.

21 We're looking at Section 10 in the -- the
22 draft order.

23 MR. WAHLEN: I believe that's accurate at this
24 time, yes.

25 MR. TRIERWEILER: There are no stipulated

1 issues.

2 COMMISSIONER POLMANN: There are no stipulated
3 issues.

4 MR. WAHLEN: That's correct.

5 MR. TRIERWEILER: That is --

6 COMMISSIONER POLMANN: Is that -- everyone
7 agrees with that?

8 MR. WAHLEN: Yes.

9 COMMISSIONER POLMANN: All right. Let's see.
10 Section 11, pending motions. I'm showing motion
11 for temporary protective order. TECO has filed
12 three on various dates. Staff, you have comments
13 on those? And then we'll -- we'll confirm with
14 TECO.

15 Mr. Trierweiler, would you identify those,
16 please?

17 MR. TRIERWEILER: That -- that is accurate.
18 There are three pending motions for protective
19 order that accompanied the three requests from TECO
20 for confidentiality of certain documents.

21 MR. WAHLEN: That's correct. I believe those
22 are unopposed motions, and the list is accurate.

23 COMMISSIONER POLMANN: Okay. So, then, under
24 Section 12, those pending motions, then, leave us
25 with pending confidentiality matters.

1 Mr. Trierweiler?

2 MR. TRIERWEILER: That is correct,
3 Commissioner. And they'll be taken up at the same
4 time as the motions for protective order.

5 COMMISSIONER POLMANN: Okay. So, it's
6 understood where we stand on all of those?

7 MR. WAHLEN: Yes, sir.

8 COMMISSIONER POLMANN: Very good.

9 Section 13 deals with post-hearing procedures.
10 And Mr. Trierweiler, you -- please elaborate on
11 that.

12 MR. TRIERWEILER: Commissioner, it is staff's
13 understanding that the parties want to waive the
14 filing of briefs and may prefer to submit this
15 docket to a bench vote. If that's true, then the
16 Commission determines whether or not that's
17 acceptable. And if it is acceptable, then no
18 briefs would be required. If the Commission does
19 not render a bench decision, then the procedures in
20 the OEP will be followed.

21 Perhaps it would be appropriate to see if that
22 is, indeed, the will of the parties.

23 MR. REHWINKEL: Yes, Commissioner, it is. I'm
24 mostly in agreement with Mr. Tri- -- Trierweiler.
25 I hope I pronounced your name correctly.

1 The -- it is our expectation that we will
2 conduct our cross-examination at the hearing with
3 the goal of satisfying the positions that we've
4 taken, such that the Commission would be able to
5 render a bench decision, if that would be your
6 desire. And it would be our goal to work to that.

7 So, it is our expectation and hope -- although
8 we don't know for sure how the hearing will
9 transpire, that's how we intend to -- to -- to
10 work.

11 MR. WAHLEN: And Tampa Electric would endorse
12 that approach. We're going to do our part, too.

13 COMMISSIONER POLMANN: Okay.

14 MR. TRIERWEILER: Your Honor, staff
15 appreciates hearing that and especially appreciates
16 the timely heads-up. Other- -- otherwise, it might
17 induce a significant emotional event because staff
18 has certain requirements it has to perform in order
19 to prepare for a bench vote.

20 COMMISSIONER POLMANN: Well, what we've heard
21 is the intentions and desires and also the
22 indication that a bench vote is not a certainty.
23 Given that it's not a certainty, let's look at
24 Section 13 in the -- the order, as presented today.
25 And I'll ask if there are any comments or concerns.

1 What we see here is a -- a number of dates,
2 word limits and such, recognizing that we don't
3 wish to go this way, but -- any- --

4 MR. WAHLEN: We're perfectly fine with that.

5 COMMISSIONER POLMANN: Anything to offer
6 there? Is this acceptable to the parties or do we
7 need to --

8 MR. REHWINKEL: Commissioner --

9 MR. WAHLEN: Fine -- fine with Tampa Electric.

10 MR. REHWINKEL: Yeah, to the extent brief
11 would be required, this is adequate for -- for our
12 purposes, if we have to write one. So, we -- we
13 appreciate and are in concurrence with these
14 standards and limitations.

15 COMMISSIONER POLMANN: Okay. Very good. I
16 appreciate that acknowledgment.

17 So, moving on, looking at Section 14,
18 rulings -- and perhaps -- perhaps I need some
19 advice here. Where -- where -- other than what's
20 written in -- in the order, as we have it today --
21 we've got opening statements at five minutes, which
22 we've already discussed.

23 And then, staff, what -- what do we have
24 remaining that -- I think we've already talked
25 about --

1 MR. TRIERWEILER: Commissioner --

2 COMMISSIONER POLMANN: -- a couple of these
3 things.

4 MR. TRIERWEILER: That's -- that is correct,
5 Commissioner. We also have the rulings on witness
6 summaries. Witnesses shall be given under five
7 minutes to present their summaries at the hearing.
8 And hearing exhibits -- parties must bring at least
9 20 copies of all exhibits they wish to introduce at
10 hearing.

11 Parties, are there any other rulings that you
12 need to --

13 MR. WAHLEN: Just a clarification on that --
14 the -- the 20 copies for exhibits -- is that for
15 exhibits that are not already identified on the
16 comprehensive exhibit list; just additional
17 exhibits? Or do you want us to bring 20 copies of
18 each of our prefiled exhibits?

19 COMMISSIONER POLMANN: This would be anything
20 to be introduced at hearing.

21 MR. WAHLEN: Okay. Very well. Okay.

22 COMMISSIONER POLMANN: Staff, do we -- do you
23 have that same understanding?

24 MR. TRIERWEILER: We concur.

25 MR. WAHLEN: Okay.

1 COMMISSIONER POLMANN: Yeah, the comprehensive
2 items --

3 MR. WAHLEN: -- would be included. Okay.

4 COMMISSIONER POLMANN: -- are -- are included.
5 Anything you're going to introduce at hearing,
6 we're asking for 20 copies --

7 MR. WAHLEN: Sure.

8 COMMISSIONER POLMANN: -- so that everybody --
9 everybody at hearing will have access to the
10 material.

11 MR. WAHLEN: That's -- that's what I thought.
12 I just wanted to make sure I understood.

13 COMMISSIONER POLMANN: Thank you for the
14 question.

15 MR. REHWINKEL: And Commissioner, with respect
16 to opening statements, we would intend to make one
17 that would be less than five minutes. So, that is
18 more than enough time. And we will endeavor to
19 make it much shorter than that.

20 COMMISSIONER POLMANN: Okay. That would be
21 appreciated, so --

22 MR. WAHLEN: Same for Tampa Electric.

23 COMMISSIONER POLMANN: To the utility -- we
24 have concurrence with -- with five minutes. Very
25 good. So, we have five minutes for opening

1 statements.

2 We have up to five minutes for the witness
3 summaries.

4 And exhibits introduced at hearing, 20 copies
5 to -- to ensure that everyone has the material in
6 front of them.

7 I think we've -- we've covered what we've
8 discussed here today. We have -- unless there's
9 something else under that section, we're looking at
10 other matters.

11 Other than the issue with FIPUG, is there
12 anything -- any other matters the parties wish to
13 bring forward here?

14 MR. WAHLEN: Tampa Electric has no other
15 matters.

16 COMMISSIONER POLMANN: All right.

17 MR. REHWINKEL: None from the Public Counsel.

18 COMMISSIONER POLMANN: Okay.

19 MR. TRIERWEILER: Your -- Commissioner, staff
20 would remind all parties that, to the extent
21 parties' positions change or are added, due to
22 discussion at the pre-hearing conference, that they
23 provide any such changes to staff by close of
24 business, 5:00 p.m., which is today, April 26th,
25 2018. This is required to issue a timely pre-

1 hearing order.

2 COMMISSIONER POLMANN: Okay. So, we're clear
3 on the deadline for that.

4 We also have -- we have a deadline for
5 something else, Mr. Trierweiler. Remind me what
6 that -- that was a May 1st --

7 MR. TRIERWEILER: May 1st was a -- an
8 identification of any objections to the --

9 COMMISSIONER POLMANN: That was --

10 MR. TRIERWEILER: Of the exhibit list --

11 COMMISSIONER POLMANN: Exhibit list. Thank
12 you.

13 MR. TRIERWEILER: -- or a stipulation to the
14 list. And we've already received a stipulation --
15 or --

16 COMMISSIONER POLMANN: Okay. Yes.

17 MR. TRIERWEILER: -- from TECO.

18 COMMISSIONER POLMANN: Very good.

19 MR. REHWINKEL: Commissioner Polmann --

20 COMMISSIONER POLMANN: Yes.

21 MR. REHWINKEL: -- I just want to report, I
22 have not heard from Mr. Moyle by -- on my -- my
23 device, my phone.

24 If -- if I could offer a suggestion, is
25 that -- that, on his behalf, I would ask that you

1 take under advisement his ability to demonstrate
2 good cause shown. And perhaps, it could be
3 addressed at the start of the hearing, whether he
4 showed good cause to not make it here today.

5 It's un- -- it's very unusual for Jon not
6 to -- to make a hearing like this. In the years
7 I've known him, he never has. So, something must
8 have come up.

9 And I -- I think it -- I would ask, on his
10 behalf, that he be given opportunity to make that
11 showing and -- and you take it under advisement
12 and -- and deal with it before the start of the
13 hearing, as far as whether he's eligible to
14 participate in the hearing throughout.

15 COMMISSIONER POLMANN: Well, thank you for --
16 for those remarks.

17 MR. WAHLEN: Tampa Electric doesn't -- has no
18 problem with that procedure.

19 COMMISSIONER POLMANN: Okay.

20 MR. WAHLEN: No objection to that procedure.

21 COMMISSIONER POLMANN: So, no objection from
22 the utility.

23 MR. WAHLEN: That procedure --

24 COMMISSIONER POLMANN: Comments from --

25 MR. WAHLEN: -- would be fine.

1 COMMISSIONER POLMANN: -- staff or
2 Ms. Gervasi?

3 MS. GERVASI: Commissioner, that sounds
4 reasonable. And particularly, since his positions
5 are identical to OPC's positions, and TECO does not
6 object, I don't see that any party would be
7 prejudiced by that approach.

8 COMMISSIONER POLMANN: Okay. Can we -- let me
9 just ask this, as a matter of procedure: Would we
10 memorialize that in -- in pre-hearing order? Is
11 that -- I'm just asking. I simply -- I simply
12 don't know.

13 MS. GERVASI: I think it would be taken up as
14 a preliminary matter at the hearing. I don't know
15 that it needs to be memorialized in the pre-hearing
16 order. I think it's fine --

17 COMMISSIONER POLMANN: I'm fine either way.
18 I'm simply just asking.

19 MS. GERVASI: Yeah, I don't think it's
20 necessary.

21 COMMISSIONER POLMANN: It's on the record here
22 as a matter of discussion.

23 MS. GERVASI: Right.

24 COMMISSIONER POLMANN: How -- how do we
25 provide notice to Mr. Moyle?

1 MS. GERVASI: I'm sure we'll be letting him
2 know.

3 COMMISSIONER POLMANN: Okay. Okay. All
4 right. So, we've dispensed with that. Is that --
5 everybody is satisfied that that's been covered?

6 MR. WAHLEN: Yes, sir.

7 MR. REHWINKEL: Yes, I've been practicing here
8 for 32 years. I've never had this happen. So,
9 we're kind of winging it, so --

10 COMMISSIONER POLMANN: Very good. As long as
11 everyone is comfortable that -- that it's been
12 addressed, I'll just leave it at that.

13 MR. REHWINKEL: Thank you.

14 COMMISSIONER POLMANN: Okay. Staff, do we
15 have any -- any other matters at this time? We're
16 close to the end here. I think this is our last
17 shot, so --

18 MR. TRIERWEILER: No, staff has no additional
19 matters, Your -- Commissioner.

20 MR. WAHLEN: I would just like to thank the
21 staff and -- and the Office of Public Counsel for
22 working cooperatively and diligently to help us
23 prepare a good draft pre-hearing order. I think
24 all the work paid off today, and really appreciate
25 the effort by everybody involved.

1 MR. REHWINKEL: I want to echo that. I
2 thought we had a very smooth plan until this
3 wrinkle came up, but your staff did a good job
4 of -- of making this -- making this work behind the
5 scenes. And we appreciate it. Thank you.

6 COMMISSIONER POLMANN: Well, thank you for
7 those comments. I actually would echo those. I
8 think staff has done a great job. I'm -- it's gone
9 very smoothly from my office, and been a great
10 help.

11 So, I've -- I know of no issues, no -- no
12 difficulty with the parties and I -- I thank you
13 for your efforts. This has gone very well and I
14 look forward to the next steps.

15 Seeing no additional matters before us today,
16 I thank everybody for being here. And I believe
17 we'll -- we'll come to conclusion with Mr. Moyle.
18 I -- I would say, at this time, the pre-hearing is
19 adjourned. Thank you.

20 MR. WAHLEN: Thank you.

21 MR. BEASLEY: Thank you.

22 MR. REHWINKEL: Thank you.

23 (Whereupon, proceedings concluded at 10:09
24 a.m.)

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, ANDREA KOMARIDIS, Court 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'
attorney or counsel connected with the action, nor am I
financially interested in the action.

DATED THIS 7th day of May, 2018.



ANDREA KOMARIDIS
NOTARY PUBLIC
COMMISSION #GG060963
EXPIRES February 9, 2021