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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

FILED 11/9/2018
DOCUMENT NO. 07062-2018
FPSC - COMMISSION CLERK

In the Matter of:

DOCKET NO. 20180051-GU

CONSIDERATION OF THE TAX
IMPACTS ASSOCIATED WITH
TAX CUTS AND JOBS ACT OF
2017 FLORIDA PUBLIC
UTILITIES COMPANY - GAS.

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PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: COMMISSIONER JULIE I. BROWN
PREHEARING OFFICER

DATE: Monday, November 5, 2018

TIME: Commenced: 9:59 A.M.
Concluded: 10:10 A.M.

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

REPORTED BY: DEBRA R. KRICK
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
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1 APPEARANCES:

2 BETH KEATING, GREGORY MUNSON and LILA JABER,
3 ESQUIRES, Gunster Law Firm, 215 South Monroe Street,
4 Suite 601, Tallahassee, Florida 32301-1839, appearing on
5 behalf of Florida Public Utilities Company.

6 J.R. KELLY, PUBLIC COUNSEL; CHARLES REHWINKEL,
7 DEPUTY PUBLIC COUNSEL; VIRGINIA PONDER, ESQUIRE, Office
8 of Public Counsel, c/o the Florida Legislature, 111 W.
9 Madison Street, Room 812, Tallahassee, Florida
10 32399-1400, appearing on behalf of the Citizens of the
11 State of Florida.

12 CHARLES MURPHY, MARGO DuVAL, and RACHEL
13 DZIERCHCIARZ, ESQUIRES, FPSC General Counsel's Office,
14 2540 Shumard Oak Boulevard, Tallahassee, Florida
15 32399-0850, appearing on behalf of the Florida Public
16 Service Commission Staff.

17 KEITH HETRICK, GENERAL COUNSEL; MARY ANNE
18 HELTON, DEPUTY GENERAL COUNSEL; Florida Public Service
19 Commission, 2540 Shumard Oak Boulevard, Tallahassee,
20 Florida 32399-0850, Advisor to the Florida Public
21 Service Commission.

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P R O C E E D I N G S

COMMISSIONER BROWN: Good morning, everyone.
This is the 2018 FPUC Gas Tax Docket prehearing
conference. The date is November 5th, and the time
is 9:59 a.m., and at this time, I would like to
call this prehearing to order.

Staff, can you please read the notice?

MS. DZIECHCIARZ: Thank you, Commissioner.

By notice issued October 25th, 2018, this time
and place was set for a prehearing conference in
Docket Nos. 20180051-GU, 20180052-GU, 20180053-GU
and 20180054-GU. The purpose of the prehearing is
set out in the notice.

COMMISSIONER BROWN: Thank you.

And we will take appearances at this time. As
staff just noted, there are four dockets here to
address today, so if we could just take appearances
all at once and declare the dockets that you are
entering an appearance for.

We will start with FPUC.

MR. MUNSON: Good morning, Commissioner. I am
Greg Munson. With me is Beth Keating --

COMMISSIONER BROWN: Could you speak up --

MR. MUNSON: Sorry --

COMMISSIONER BROWN: -- or turn the mic on?

1 MR. MUNSON: That would explain it.

2 Good morning, Commissioner. My name is Greg
3 Munson. With me is Beth Keating. We are making
4 appearances on the FPU entities in Dockets 051,
5 052, 053 and 054.

6 COMMISSIONER BROWN: Thank you.

7 OPC.

8 MS. PONDER: Good morning, Commissioner.
9 Virginia Ponder for the Office of Public Counsel.
10 I would also like to make an appearance for Patty
11 Christensen, Charles Rehwinkel and J.R. Kelly, the
12 Public Counsel, for dockets 51, 52, 53 and 54.

13 COMMISSIONER BROWN: Thank you.

14 Staff.

15 MS. DZIECHCIARZ: Rachael Dziechciarz on
16 behalf of Commission staff, and also Margo DuVal.

17 COMMISSIONER BROWN: Thank you.

18 MS. HELTON: And Mary Anne Helton. I am here
19 as your advisor this morning for all the dockets.

20 I would also like to enter an appearance for
21 your General Counsel, Keith Hetrick.

22 COMMISSIONER BROWN: Thank you.

23 All right. So we are going to open up the 51
24 docket. All parties are here.

25 Ms. Dziech -- okay, I am going to have a hard

1 time with that, Dziechciarz, right?

2 MS. DZIECHCIARZ: Dziechciarz, yep.

3 COMMISSIONER BROWN: Correct. Sorry.

4 MS. DZIECHCIARZ: No problem.

5 COMMISSIONER BROWN: Are there any preliminary
6 matters we need to address in the 51 docket?

7 MS. DZIECHCIARZ: Yes, Commissioner.

8 Staff will note that on Friday afternoon, we
9 received proposed revisions to the draft prehearing
10 order from the parties, and staff will work with
11 the parties to ensure that agreed upon changes are
12 incorporated into the final prehearing order, and
13 we will identify the issue numbers with the
14 proposed stipulations when we get to Section X of
15 the draft prehearing order, if that's okay.

16 COMMISSIONER BROWN: That sounds good to me.
17 Thank you all for that.

18 Do the parties have any preliminary matters,
19 Mr. Munson?

20 MR. MUNSON: No, Commissioner.

21 COMMISSIONER BROWN: Ms. Ponder?

22 MS. PONDER: No, Commissioner.

23 COMMISSIONER BROWN: All right. So we are
24 going to proceed through the draft prehearing
25 order. And I will identify the sections, and if

1 you have any changes to make, please go ahead and
2 speak up. And then when we get to the issues and
3 proposed stipulations, we will discuss what was
4 filed on Friday.

5 So we will start with Section I, the Case
6 Background. Any changes? Seeing none.

7 Section II, Conduct of Proceedings. Any
8 changes? Seeing none.

9 Section III, Jurisdiction. No changes.

10 Section IV, Procedure for Handling
11 Confidential Information, staff.

12 MS. DZIECHCIARZ: Staff would like to note
13 that when confidential information is used in the
14 hearing, parties must have copies for the
15 Commissioners, necessary staff and the court
16 reporter in red envelopes clearly marked with the
17 nature of the contents.

18 Any party wishing to examine the confidential
19 material that is not subject to an order granting
20 confidentiality shall be provided a copy in the
21 same fashion as provided to the Commissioners
22 subject to execution of any appropriate protective
23 agreement with the owner of the material.

24 COMMISSIONER BROWN: Thank you.

25 All right. Any questions on that? Seeing

1 none. Thank you, Ms. Dziechciarz.

2 Moving to Section V, Prefiled Testimony and
3 Exhibits and Witnesses. So since the stipulations
4 have been made, can the parties stipulate to any of
5 the witnesses in this docket?

6 MR. MUNSON: Yeah, Commissioner, we anticipate
7 asking to excuse probably one or two of our
8 witnesses. Again, that hasn't finalized yet, but I
9 think we will probably only need, based on the
10 stipulations we received, one witness, perhaps two.

11 COMMISSIONER BROWN: Okay. Do you have an
12 idea of when we can expect to have that information
13 by?

14 MR. MUNSON: I would think imminently. I
15 don't think it's something we need to spend a lot
16 of time discussing, but we hadn't discussed it yet
17 at all, so I don't want -- but I think within 48
18 hours, if that's acceptable.

19 COMMISSIONER BROWN: Thank you.

20 Ms. Ponder, how about your witness?

21 MS. PONDER: We will not be excusing our
22 single witness, no.

23 COMMISSIONER BROWN: Okay. Staff, anything
24 else you would like to address under this Section
25 V?

1 MS. DZIECHCIARZ: Yes, Commissioners.

2 If witnesses are presented, staff will suggest
3 that the witness summary testimony be no longer
4 than three minutes.

5 COMMISSIONER BROWN: All right. We will move
6 along to Section VI, the order of witnesses.
7 Staff.

8 MS. DZIECHCIARZ: Staff has reached out to the
9 parties to ask if any of the witnesses can be
10 stipulated to, and it appears that no witnesses can
11 be excused at this time other than those that Mr.
12 Munson mentioned previously that might be able to.

13 Stipulations to any witnesses may be suggested
14 at this time, which -- I am sorry, I guess we
15 already conferred that.

16 Staff will confirm with each Commissioner that
17 any identified witness can be excused. If
18 Commissioners don't have questions of these
19 witnesses, the witnesses may be excused from the
20 hearing and his or her testimony and exhibits
21 entered into the record at the hearing as though
22 read.

23 COMMISSIONER BROWN: Thank you.

24 My understanding is that with the stipulations
25 that were filed on Friday, there are only a few

1 issues remaining, and we will get to that in just a
2 moment. But I would encourage the parties, then,
3 if all issues are stipulated, to come to a
4 resolution on stipulating to the witnesses prior to
5 the hearing.

6 Moving on to Section VII, the Basic Positions.
7 Any changes? Seeing none.

8 Now we will get to Section VIII, Issues and
9 Positions. Staff.

10 MS. DZIECHCIARZ: Staff will note that the
11 order establishing procedure requires that a party
12 take a position at the prehearing conference unless
13 good cause is shown as to why that party cannot
14 take a position at this time.

15 Based on the information that we received on
16 Friday, it appears that all parties have taken a
17 position on all of the issues, with OPC taking no
18 position in several of the issues.

19 COMMISSIONER BROWN: All right. Do any of the
20 parties have anything to address at this time under
21 that section?

22 MR. MUNSON: Commissioner, I am not sure --
23 this is just in an effort to be helpful, OPC and
24 FPU sent to staff on Friday the list of particular
25 issues.

1 COMMISSIONER BROWN: I have them.

2 MR. MUNSON: Okay. We thought it might be
3 helpful, if you want us to, to describe, generally
4 speaking, the areas of agreements so that you have
5 a sense, because I think even though there is a lot
6 of specifics in general, I think it's accurate to
7 say, and OPC can certainly correct me, we have
8 agreement on the calculations by and large. I
9 think completely the area of disagreement that
10 remains is whether or not the FPU entity should be
11 allowed to retain any earnings. And that seems
12 like it's going to be the sole issue presented for
13 the hearing.

14 And then just this morning we have agreed on
15 language that isn't reflected in the stipulations
16 on Friday. And for example, in the 051 docket,
17 that's Issues 6, 7 and 8, and generally regards the
18 private letter ruling. So, again, I think we are
19 narrowing that issue out.

20 COMMISSIONER BROWN: That's great.

21 Would you like to then walk through -- we have
22 the type of stipulations in the 51 docket, the
23 different ones you provided to staff. We can have
24 staff go over those now at this time if you would
25 like and just mention them. But they will

1 obviously all be incorporated into the final
2 prehearing order, so would you like that?

3 MR. MUNSON: I think that would be helpful.
4 Thank you, Commissioner.

5 MS. BROWNLESS: All right. Ms. Dziechciarz.

6 MS. DZIECHCIARZ: So for the proposed
7 stipulations in the 0051 docket, it's staff's
8 understanding that the following issues are subject
9 to Type 1 stipulation: Issue numbers 1, 2, 3, 4A,
10 5A, 9, 12, 13, 18, 19, 20, 22 and 23.

11 And then for Type 2 stipulations, we have
12 issue numbers 10, 11, 14, 15, 16 and 17.

13 And staff would also like to note that we will
14 work with the parties again to make sure that we
15 have the proper language that's incorporated into
16 the final prehearing order.

17 COMMISSIONER BROWN: All right. Do any of the
18 parties have any other additions to include in
19 this?

20 MR. MUNSON: Commissioner, I should probably
21 just add, we hadn't talked about this, but we will
22 circulate the language that OPC and FPU agreed to
23 to staff shortly. We did just reach agreement on
24 this this morning --

25 COMMISSIONER BROWN: That's great.

1 MR. MUNSON: -- so we will circulate that.
2 And that should take care of, like I said, 6, 7,
3 and 8 in the 051 docket.

4 COMMISSIONER BROWN: That's excellent. Thank
5 you very much.

6 OPC, anything to add?

7 MS. PONDER: No.

8 COMMISSIONER BROWN: Thank you for working
9 with the parties here.

10 All right. Staff, anything to add under
11 Section VIII before we move to Section IX?

12 MS. DZIECHCIARZ: No, Commissioner.

13 COMMISSIONER BROWN: Thank you.

14 We will move on to Section IX, the Exhibit
15 List.

16 MS. DZIECHCIARZ: Staff would note that it has
17 prepared a draft comprehensive exhibit list which
18 includes all prefiled exhibits, and includes those
19 exhibits staff wishes to include in the record.

20 Staff has already circulated a draft list to
21 determine if there are any objections, and we will
22 continue to work with the parties to get that list
23 finalized before the hearing.

24 COMMISSIONER BROWN: All right. We are moving
25 on to Section X, which we've covered already, but

1 it's proposed stipulations, if -- Ms. Dziechciarz,
2 if you would like to add anything additional.

3 MS. DZIECHCIARZ: Nope, just that we will make
4 sure that we work with the parties to ensure that
5 everybody is happy with the final language in the
6 final order.

7 COMMISSIONER BROWN: Sound good?

8 All right. Moving to Section XI, Pending
9 Motions.

10 MS. DZIECHCIARZ: There are no pending motions
11 at this time.

12 COMMISSIONER BROWN: Thank you.

13 Section XII, Pending Confidentiality Matters.

14 MS. DZIECHCIARZ: No pending confidentiality
15 matters either.

16 COMMISSIONER BROWN: Thank you.

17 Section XIII, Post-Hearing Procedures.

18 MS. DZIECHCIARZ: If issues are stipulated and
19 the parties agree to waive briefs, the Commission
20 make a bench decision for this portion of the
21 docket. And if there are any issues to be briefed,
22 the staff recommends post-hearing briefs be no
23 longer than 40 pages.

24 COMMISSIONER BROWN: Okay. Are all parties in
25 agreement with that amount?

1 MR. MUNSON: Yes.

2 COMMISSIONER BROWN: Thank you. All right.

3 MS. DZIECHCIARZ: Staff notes that any briefs
4 will be due on December 28th, 2018.

5 COMMISSIONER BROWN: Thank you.

6 Moving on to Section XIV, the Rulings.

7 MS. DZIECHCIARZ: Staff recommends that the
8 prehearing officer make a ruling that opening
9 statements, if any, should not exceed five minutes
10 per party unless any party chooses to waive its
11 opening statement.

12 COMMISSIONER BROWN: Thank you.

13 Parties okay with that? More than generous.

14 MR. MUNSON: Yes, Commissioner.

15 COMMISSIONER BROWN: All right. Other
16 matters. Are there any other matters to address at
17 this prehearing conference in the 51 docket?

18 MS. DZIECHCIARZ: Staff is not aware of any
19 other matters.

20 COMMISSIONER BROWN: Do any other parties have
21 anything else to address?

22 MR. MUNSON: No, Commissioner.

23 MS. PONDER: No Commissioner.

24 COMMISSIONER BROWN: Seeing none, we will
25 adjourn -- go ahead and adjourn the 51 docket and

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move on to the 52 docket now.

(Proceedings concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, DEBRA KRICK, 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 9th day of November, 2018.



DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #GG015952
EXPIRES JULY 27, 2020