

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

FILED 11/9/2018  
DOCUMENT NO. 07064-2018  
FPSC - COMMISSION CLERK

In the Matter of:

DOCKET NO. 20180053-GU

CONSIDERATION OF THE TAX  
IMPACTS ASSOCIATED WITH  
TAX CUTS AND JOBS ACT OF  
2017 FOR FLORIDA PUBLIC  
UTILITIES COMPANY -  
FORT MEADE DIVISION.

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PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS  
PARTICIPATING: COMMISSIONER JULIE I. BROWN  
PREHEARING OFFICER

DATE: Monday, November 5, 2018

TIME: Commenced: 10:19 A.M.  
Concluded: 10:25 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  
114 W. 5TH AVENUE  
TALLAHASSEE, FLORIDA  
(850) 894-0828

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 MARGO DuVAL, RACHEL DZIERCHCIARZ, and CHARLES  
13 MURPHY, ESQUIRES, FPSC General Counsel's Office, 2540  
14 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,  
15 appearing on behalf of the Florida Public Service  
16 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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1 P R O C E E D I N G S

2 COMMISSIONER BROWN: We are opening the 53  
3 docket up at this time.

4 All right. Ms. DuVal, I think this is your  
5 docket. Are there any preliminary matters to  
6 address?

7 MS. DUVAL: Yes, Commissioner.

8 As in the other dockets, staff would like to  
9 note that the Friday afternoon email was received  
10 with proposed revisions to the draft prehearing  
11 order from the parties, and staff will continue  
12 working with the parties to ensure that the agreed  
13 upon changes are incorporated in the final  
14 prehearing order, and we will walk through those  
15 issue numbers at the appropriate time.

16 COMMISSIONER BROWN: Thank you.

17 Do any of the parties have any preliminary  
18 matters other than the stipulations?

19 MS. PONDER: No.

20 COMMISSIONER BROWN: Okay. So we are going to  
21 go ahead through the draft prehearing order,  
22 starting with Section I, Case Background, any  
23 changes?

24 Seeing none, Section II, Conduct of  
25 Proceedings. Any changes?

1           Seeing none, Section III, Jurisdiction. Any  
2 changes?

3           Seeing none, Section IV, Procedure for  
4 Handling Confidential Information.

5           MS. DUVAL: When confidential information is  
6 used in the hearing, parties must have copies for  
7 the Commissioners, necessary staff and the court  
8 reporter in red envelopes clearly marked with the  
9 nature of the contents. Any party wishing to  
10 examine the confidential material that is not  
11 subject to an order granting confidentiality shall  
12 be provided a copy in the same fashion as provided  
13 to the Commissioners subject to execution of any  
14 appropriate protective agreement with the owner of  
15 the material.

16           COMMISSIONER BROWN: Okay. Section V,  
17 Prefiled Testimony, Exhibits and Witnesses. Are  
18 there any witnesses that, Mr. Munson, that you see  
19 that can be stipulated in this docket?

20           MR. MUNSON: Yes. Again, Commissioner, we  
21 will work to alert the parties. We hope to excuse  
22 one or two witnesses. We will alert everybody in  
23 short order.

24           COMMISSIONER BROWN: Thank you.

25           OPC, can you excuse your witness?

1 MS. PONDER: Not at this time.

2 COMMISSIONER BROWN: Thank you.

3 All right. We are moving on to Sections --  
4 pardon me, Ms. DuVal.

5 MS. DUVAL: Staff would suggest that witness  
6 summaries be no longer than three minutes, as we  
7 did in the other dockets, but if you would like to  
8 take that under advisement.

9 COMMISSIONER BROWN: Okay. We are going to go  
10 ahead and do that. For the other dockets that we  
11 have already made the ruling on, though, Ms.  
12 Christensen, since you raised it, I guess we can go  
13 back and look at it -- right, staff, is that  
14 correct? Because in the 51 docket, we already  
15 ruled on the three minutes.

16 MS. DUVAL: That's correct.

17 COMMISSIONER BROWN: So for 52 and 53, we can  
18 look at it and issue a ruling in the final  
19 prehearing order.

20 MS. DUVAL: Yes, ma'am.

21 COMMISSIONER BROWN: Okay. So that's what we  
22 are going to do based on OPC's concerns.

23 Section VI, Order of Witnesses. Anything you  
24 would like to add here, Ms. DuVal?

25 MS. DUVAL: Only that staff will confirm with

1           each Commissioner that any identified witnesses can  
2           be excused. If Commissioners don't have questions  
3           of those witnesses, they may be excused from the  
4           hearing and his or her testimony and exhibits will  
5           be entered into the record as though read.

6           COMMISSIONER BROWN: Thank you so much.

7           All right. Parties, any changes to the Basic  
8           Positions under Section VII?

9           MR. MUNSON: No, Commissioner.

10          MS. PONDER: No, Commissioner.

11          COMMISSIONER BROWN: Great. Thank you.

12          Section VIII, Issues and Positions, Ms. DuVal.

13          MS. DUVAL: Staff notes that the order  
14          establishing procedure requires that a party take a  
15          position at the prehearing conference unless good  
16          cause is shown as to why that party cannot take a  
17          position at that time. And my understanding is  
18          that, of the proposed stipulations that we received  
19          on Friday, all parties were able to take a position  
20          on all issues.

21          COMMISSIONER BROWN: Okay. Could you do me a  
22          favor, Ms. DuVal, and walk us through the Type 1  
23          and Type 2 stipulations issue by issue in the 53  
24          docket here?

25          MS. DUVAL: Yes.

1           For the 53 docket, it's staff's understanding  
2           that the following issues are subject to a Type 1  
3           stipulation: 1, 2, 4A, 5A, 9, 12, 13, 22 and 23.

4           And the following are subject to Type 2  
5           stipulation: 3, 10, 11, 14, 15, 16 and 17. And  
6           unless 6, 7, and 8 are also the same in this docket  
7           as well, I will let the parties speak to that.

8           COMMISSIONER BROWN: Mr. Munson.

9           MR. MUNSON: That's correct. Again, we  
10          anticipate circulating language in short order that  
11          will allow us to stipulate to Issues 6, 7 -- I am  
12          sorry, I think it's a different number in this  
13          docket -- yeah, I am sorry, it is 6, 7 and 8.

14          COMMISSIONER BROWN: Okay. All right. OPC  
15          anything to odd?

16          MS. PONDER: No.

17          COMMISSIONER BROWN: All right. Moving on --  
18          oh, anything else to add, Ms. DuVal, under Issues  
19          and Positions?

20          MS. DUVAL: No, nothing at this time, other  
21          than staff will continue working towards getting  
22          that finalized language in order.

23          COMMISSIONER BROWN: Thank you.

24          Section IX, Exhibit List.

25          MS. DUVAL: Staff notes that it has prepared a

1 draft exhibit list that has been circulated to the  
2 parties to determine if there are any objections,  
3 and we will continue working towards finalizing  
4 that list.

5 COMMISSIONER BROWN: All right. Moving on to  
6 Section X, Proposed Stipulations, anything  
7 additional to add?

8 MS. DUVAL: No, Commissioner.

9 COMMISSIONER BROWN: All right. Moving on to  
10 Section XI, Pending Motions.

11 MS. DUVAL: There are no pending motions.

12 COMMISSIONER BROWN: Section XII, Pending  
13 Confidentiality.

14 MS. DUVAL: There are no pending  
15 confidentiality motions.

16 COMMISSIONER BROWN: Thank you.

17 Section XIII, Post-Hearing Matters.

18 MS. DUVAL: If issues are stipulated and the  
19 parties agree to waive briefs, the Commission may  
20 make a bench decision for that portion of the  
21 docket. If there are any issues to be briefed,  
22 post-hearing briefs be no longer than 40 pages, and  
23 due on December 28th, 2018.

24 COMMISSIONER BROWN: Are parties okay with all  
25 of that?



1 MR. MUNSON: Yes, Commissioner.

2 MS. PONDER: Question, commission.

3 COMMISSIONER BROWN: Thank you.

4 Sorry for the redundancy here, but it's record  
5 for the record.

6 Moving on to Section XIV, Rulings. Staff.

7 MS. DUVAL: Staff recommends that the opening  
8 statements, if any, should not exceed five minutes  
9 per party unless any party chooses to waive its  
10 opening statement.

11 COMMISSIONER BROWN: Thank you.

12 All right. On to other matters. Are there  
13 any other matters that the parties would like to  
14 address in this prehearing conference?

15 MR. MUNSON: No, Commissioner.

16 COMMISSIONER BROWN: OPC, it looks like you  
17 are conferring with counsel.

18 MS. CHRISTENSEN: We are fine.

19 COMMISSIONER BROWN: All right. Staff, any  
20 other matters?

21 MS. DUVAL: Staff is not aware of any other  
22 matters.

23 COMMISSIONER BROWN: Okay. Seeing none, then  
24 we are going to conclude the 53 docket and move on  
25 to 54 docket, which is our final docket here today.

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(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.



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