

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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FPSC - COMMISSION CLERK

In the Matter of:

DOCKET NO. 20180149-EI

PETITION FOR A LIMITED
PROCEEDING TO APPROVE FIRST
SOLAR BASE RATE ADJUSTMENT,
BY DUKE ENERGY FLORIDA,
LLC.

_____ /

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: ANDREW GILES FAY
PREHEARING OFFICER

DATE: Thursday, March 21, 2019

TIME: Commenced: 9:30 a.m.
Concluded: 9:56 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:

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4 BERNIER, ESQUIRE, 106 East College Avenue, Suite 800,
5 Tallahassee, Florida 32301-7740, appearing on behalf of
6 Duke Energy Florida, LLC.

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

12 JON C. MOYLE, JR., ESQUIRE, KAREN A. PUTNAL,
13 and IAN E. WALDICK, ESQUIRES, Moyle Law Firm, P.A., 118
14 North Gadsden Street, Tallahassee, Florida 32301,
15 appearing on behalf of Florida Industrial Power Users
16 Group.

17 JENNIFER CRAWFORD, LAUREN DAVIS, and JOHANA
18 NIEVES, ESQUIRES, FPSC General Counsel's Office, 2540
19 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,
20 appearing on behalf of the Florida Public Service
21 Commission Staff.

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1 APPEARANCES (CONTINUED):

2 KEITH HETRICK GENERAL COUNSEL; SAMANTHA
3 CIBULA, ESQUIRE, Florida Public Service Commission, 2540
4 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,
5 adviser to the Florida Public Service Commission.

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

2 COMMISSIONER FAY: Good morning.

3 This is the March 21st prehearing conference
4 for docket 2080149. I don't anticipate going to
5 noon, but hopefully you got your brackets filled
6 out and you are ready for the tournament.

7 We will start with request for staff to read
8 the notice.

9 MS. NIEVES: By notice issued March 14, 2019,
10 this time and place was set for a prehearing
11 conference in Docket No. 20180149-EI. The purpose
12 of the prehearing is set out in the notice.

13 COMMISSIONER FAY: Then we will take
14 appearances. We can start with you, Charles, and
15 just work our way back that way.

16 MR. REHWINKEL: Charles Rehwinkel, J.R. Kelly
17 with the Office of Public Counsel on behalf of
18 Duke's customers.

19 Thank you.

20 MR. MOYLE: Good morning, Jon Moyle and Ian
21 Waldick on behalf of the Florida Industrial Power
22 Users Group, FIPUG.

23 MR. BERNIER: Good morning. Matt Bernier on
24 behalf of Duke Energy. I would also like to enter
25 an appearance for Dianne Triplett.

1 Thank you.

2 MS. NIEVES: Johana Nieves and Jennifer
3 Crawford for staff.

4 MS. CIBULA: Samantha Cibula advisor for the
5 Commission. And I also would like to make an
6 appearance for Keith Hetrick, the Commission's
7 General Counsel.

8 COMMISSIONER FAY: Okay. Great, then take up
9 preliminary matter for PCS.

10 MS. NIEVES: We would like to note that PCS
11 Phosphate was excused from the prehearing today.
12 We are not aware of any other preliminary matters
13 at this time.

14 COMMISSIONER FAY: Okay, great. Thanks.

15 And their notice for excusal came in about a
16 day or two ago, is that --

17 MS. NIEVES: Yes.

18 COMMISSIONER FAY: Perfect. Great. Thank
19 you.

20 We will proceed on to the -- if there are no
21 more preliminary matters, we will proceed on to the
22 draft prehearing order.

23 I know different hearing officers operate this
24 a different way. But I will presume, unless I hear
25 something otherwise as we move through it, that you

1 guys are comfortable with what we have in front of
2 us.

3 And it also seems, from what I am looked at,
4 that Sections I through III, case background,
5 conduct of proceeding and jurisdiction, that
6 present those all just initially because there
7 doesn't seem to typically be any feedback on it.
8 So if you are okay with those first three, we will
9 move through to Section IV, Ms. Nieves.

10 MS. NIEVES: Commissioner Fay, staff will note
11 that when confidential information is used in the
12 hearing, parties must have copies for the
13 Commissioners, necessary staff and the court
14 reporter in red envelopes clearly marked with the
15 nature of the contents.

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

22 COMMISSIONER FAY: Okay. Great. Thank you.

23 We will move on to prefiled testimony and
24 exhibits. I believe it's typically standard
25 practice for three minutes. I don't know if we

1 have any feedback from the parties on that.

2 MR. BERNIER: Nope.

3 COMMISSIONER FAY: Comfortable with that?

4 Okay, great.

5 Next we will move on to order of witnesses.

6 Do we have any witnesses that we believe will be

7 stipulated?

8 MS. NIEVES: So we will confirm with each
9 Commissioner that any identified witness can be
10 excused. If Commissioners don't have any questions
11 for the witnesses, the witnesses may be excused
12 from the hearing, and his or her testimony and
13 exhibits entered into the record in the hearing as
14 though read.

15 COMMISSIONER FAY: Do the parties have any
16 thoughts on stipulating?

17 MR. REHWINKEL: Yes, Commissioner. Prior to
18 this hearing, I spoke briefly with counsel for
19 Duke. And at this time, while we -- we have not
20 decided who we will have cross-examination for, but
21 we will have cross-examination.

22 What I will do is endeavor to identify
23 witnesses that I don't have questions for, and I
24 will let staff and Duke know that. I don't know --
25 staff, what I don't know is we had a recent

1 informal meeting with staff and the company, and I
2 don't know if they have questions for certain
3 witnesses, but I believe I probably could cut out
4 one witness, but I will need to make a --

5 COMMISSIONER FAY: To work through that.

6 MR. REHWINKEL: -- better determination of
7 that.

8 COMMISSIONER FAY: Yeah.

9 And just real quick, staff, they have time to
10 do that all the way up and to the hearing, correct,
11 to stipulate?

12 MS. NIEVES: That's correct.

13 COMMISSIONER FAY: Okay. So you anticipate
14 maybe one potential stipulation?

15 MR. REHWINKEL: Yes.

16 COMMISSIONER FAY: Anything else from Jon?

17 MR. MOYLE: No.

18 COMMISSIONER FAY: Okay. If not, we will move
19 on to basic positions.

20 Do the parties have any changes to their basic
21 positions at this time?

22 Okay. And I know that different prehearing
23 officers also operate in a different way, but I
24 presume, today is Thursday, we would say by the end
25 of close of business tomorrow would be the deadline

1 to submit any of those changes.

2 Let's see. Next we will move on to issues and
3 positions. From what I looked at, there didn't
4 appear to be any issues in dispute, but I will let
5 staff address maybe what we have before us, and
6 then the parties can have comment.

7 MS. NIEVES: So there do not appear to be any
8 issues of dispute for this proceeding. And we
9 would like to note that for Issues 2, 3, 5, 6, 7, 9
10 and 10, OPC has taken no position at this time,
11 with FIPUG adopting OPC's position and PSC
12 Phosphate agreeing with OPC.

13 If the parties do not take a position on the
14 issues per the OEP, their position to be changed to
15 no position in the prehearing order. Per the OEP,
16 if a party fails to take a position on the issue by
17 the time of the prehearing conference, the party
18 waives its opportunity to conduct cross-examination
19 on the issue as well as file a post-hearing brief
20 on this issue.

21 COMMISSIONER FAY: Okay. Any --

22 MR. REHWINKEL: Commissioner --

23 COMMISSIONER FAY: Yes.

24 MR. REHWINKEL: -- the Public Counsel would --
25 and I will read this into the record, and I will

1 provide it by email to staff.

2 COMMISSIONER FAY: Okay. Before -- by
3 tomorrow close of business?

4 MR. REHWINKEL: Yeah, I will get it to them by
5 today.

6 COMMISSIONER FAY: Okay.

7 MR. REHWINKEL: On Issue 3, our position is
8 going to be: "No. Duke has not conclusively
9 demonstrated need at this time." And I am going
10 to -- I can read that again, but I am going to give
11 that to the staff electronically.

12 MR. MOYLE: And FIPUG would take the same
13 position, no, Duke has not demonstrated need.

14 COMMISSIONER FAY: Okay. Mr. Rehwinkel, I
15 don't want to get too much into the substance,
16 that's the purpose of the hearing. But from
17 looking at the agreement that the parties entered
18 into, the rate agreement, I didn't believe there
19 was any language or requirements for a need
20 analysis, or also referred to as sort of a
21 different need determination. So I am not sure
22 that's really even at issue here. Could you just
23 elaborate where you think that requirement would
24 be?

25 MR. REHWINKEL: The issue is are the projects

1 needed pursuant to subparagraph 15(c) of the 2017
2 Second RRSRA. And we -- I could say needed
3 pursuant to subparagraph 15(c) of the 2017 Second
4 RRSSA. It's the need that is captured by that
5 provision there.

6 COMMISSIONER FAY: Okay. And you see that
7 being different than a need determination?

8 MR. REHWINKEL: Yes.

9 COMMISSIONER FAY: Like the projects don't
10 exceed the 75 megawatts --

11 MR. REHWINKEL: That's correct. It's more
12 about reserve margin issues. But certainly, we are
13 not suggesting that a need determination is
14 required.

15 Duke, in their position, says that they have a
16 need for cost-effective emission-free generation
17 that will diversify and strengthen supply side
18 generation portfolio. It's along those lines. And
19 it is a -- it's -- it's just within the issue.
20 That's all we are suggesting there.

21 COMMISSIONER FAY: Okay. I will go to Duke,
22 but FIPUG, do you have any additional --

23 MR. MOYLE: I think we may have a slightly
24 different view that we've set forth in another
25 arena with respect to need, and how that should be

1 considered by the Commission.

2 We've taken the position that the statute
3 requires a prudence review, a prudence
4 determination, and that's a wide net. It includes
5 need. So I would just put that out there for
6 consideration.

7 We are, you know, comfortable with the issue
8 as framed in Issue 3, and comfortable with the
9 revised position that we stated. But I think it
10 may be a little bit of an open question as to, you
11 know, whether, as part of a prudence review, need
12 is a subset of that. We believe it is.

13 COMMISSIONER FAY: So you don't -- your vision
14 is not that it's something required within the
15 stipulation, but just based on the prudence
16 analysis, it would be included -- that need would
17 be included?

18 MR. MOYLE: That's our overarching position.

19 COMMISSIONER FAY: Okay.

20 MR. MOYLE: But we did sign this agreement,
21 and intend to stick by the agreement with he
22 respect to what was in the agreement. So we are
23 bound by the agreement as well.

24 COMMISSIONER FAY: True, okay.

25 Go ahead.

1 MR. BERNIER: Thank you, Commissioner.

2 I think we would agree that the issue as
3 framed out in the prehearing order tracks the
4 standard of review for the projects that's included
5 in 15(c) of the settlement agreement. So I don't
6 think we would have any -- we don't have any
7 consternation with OPC, their position, or trying
8 to, you know, ask the questions.

9 I don't think it's a full, you know, prudence
10 review, to Jon's point. But I think that we are
11 governed by the settlement agreement, and I think
12 this all aligns with it. So we don't have any
13 objection to where we are now.

14 COMMISSIONER FAY: Okay. I will just -- just
15 to clarify with staff, to make sure I am on the
16 right page with this. I appreciate OPC's point. I
17 am not sure that -- I think the difference being
18 the interpretation of need kind of in this
19 language. And it sounds like the parties may have
20 different interpretations.

21 Allowing the issue to go forward to have OPC
22 present that argument gives them the opportunity to
23 do so, even though the rate settlement doesn't have
24 anything in there specifically about it. It's
25 still appropriate to be an issue, is that -- there

1 is nothing prohibiting -- the rate agreement
2 doesn't prohibit this analysis, and so if they want
3 to present it, and the utility wants to, you know,
4 make their argument for it, they are not prohibited
5 in doing so, right?

6 And I apologize. I am directing that to you,
7 Ms. Nieves.

8 MS. NIEVES: That's correct.

9 COMMISSIONER FAY: Okay.

10 MR. REHWINKEL: Yes. Commissioner, just to be
11 clear, and I appreciate your perceptive question on
12 this point.

13 We certainly would not propound
14 cross-examination to the company that would be
15 intended to take the determination by the
16 Commission outside the bounds of the settlement
17 agreement.

18 As Mr. Moyle said, we also are signatories,
19 and we take that seriously, and we would stay
20 within the agreement that we made. So we are not
21 trying to stretch the agreement into something it
22 wasn't intended.

23 But the issues were phrased -- I believe this
24 issue was actually phrased by staff, and we are
25 taking the position within that issue. We will

1 explore it a little bit, but it is not a hard point
2 for us in the overall scheme of this case.

3 COMMISSIONER FAY: Yeah. I appreciate that.
4 I had some of the same thoughts when I looked at
5 it, and this isn't your first time in front the
6 Commission, so I am sure you will stay within the
7 parameters of the rate stipulation, and it won't be
8 an issue.

9 MR. REHWINKEL: Thank you.

10 COMMISSIONER FAY: Thank you.

11 Do we have any other --

12 MR. MOYLE: You might have to keep a closer
13 eye on us.

14 COMMISSIONER FAY: You in particular, Mr.
15 Moyle?

16 MR. BERNIER: We will help with that.

17 COMMISSIONER FAY: Yeah.

18 MR. REHWINKEL: I have changes to Issues 5, 6,
19 7 and 9 and 10 that I can give at this time if
20 that -- those are the only -- everything else looks
21 good.

22 COMMISSIONER FAY: Okay. If you want to walk
23 through those. And this is something that -- just
24 these are things that are new, kind of, on your
25 radar, like, you had the previous opportunity to

1 sort of review these things, correct?

2 MR. REHWINKEL: Yes.

3 COMMISSIONER FAY: Okay.

4 MR. REHWINKEL: And I am going to send this
5 electronically as well.

6 On Issue 5, our position will be we agree with
7 DEF subject to adjustments on other issues. So we
8 are essentially in agreement with the company
9 unless there is an adjustment to a cost in one of
10 the other issues.

11 And that issue, we will have the same
12 contingent agreement on Issue 6 and 7.

13 Issue 9, our position will be yes.

14 And on Issue 10, we will just take no
15 position. So we will strike that at this time.

16 MR. MOYLE: For the record, FIPUG would take
17 the same positions as articulated by Mr. Rehwinkel.

18 COMMISSIONER FAY: And so with 10, Mr.
19 Rehwinkel, do you have a change in the position?

20 MR. REHWINKEL: Well, it's just going to go to
21 what would be the default, which would be no
22 position.

23 COMMISSIONER FAY: Okay. And that's what the
24 current position was, correct?

25 MR. REHWINKEL: We had no position at this

1 time.

2 COMMISSIONER FAY: Okay. Got you.

3 Okay. And FIPUG, you said you align with all
4 of those changes?

5 MR. MOYLE: That's right. Thank you.

6 COMMISSIONER FAY: And then I believe legally
7 we have excused PCS Phosphate, but they would also
8 be accepting all those positions -- those changes,
9 is that correct?

10 MS. NIEVES: Yes.

11 COMMISSIONER FAY: Okay. Thank you.

12 Mr. Bernier, do you have any other comments on
13 those?

14 MR. BERNIER: No, sir. We are good with ours.

15 COMMISSIONER FAY: Okay. All right. So let's
16 move past that on to the exhibit list.

17 And I guess from -- I think those are pretty
18 simple, Mr. Rehwinkel, but I guess any sort of
19 specific change in the language that you want to
20 make, make sure you get with staff before, I guess,
21 today or tomorrow.

22 MR. REHWINKEL: I will have it to them today.

23 COMMISSIONER FAY: Great. Thank you.

24 MR. REHWINKEL: And I will send it -- one of
25 the reasons I am going to send it out is parties

1 have adopted our position, so I want to get it to
2 them so that if they want to diverge, they can do
3 that by your deadline of tomorrow.

4 COMMISSIONER FAY: Great. Thank you.

5 MS. CRAWFORD: Commissioner Fay, if I may.

6 Just in an abundance of clarity, Mr. Moyle, if
7 I can confirm, rather than have your position be
8 adopt the position of OPC for the ones that Mr.
9 Rehwinkel modified today, you want the language to
10 track specifically the exact same language he
11 stated here today?

12 MR. MOYLE: Yes. That would be preferred.

13 MS. CRAWFORD: That's fine. Thank you.

14 MR. MOYLE: I think for efficiency purposes, I
15 don't know that I need to send you the same thing
16 that he did. But if that's okay, I will just set
17 forth his position as he sends it in.

18 COMMISSIONER FAY: Unless you don't trust Mr.
19 Rehwinkel to present it the way you have approved.

20 MR. MOYLE: I think we will be okay. Thank
21 you.

22 COMMISSIONER FAY: Okay. Let's see, move on
23 to the exhibit list next. Staff.

24 MS. NIEVES: We have created a draft
25 comprehensive exist list which includes the

1 prefiled exhibits and exhibits that we wish to
2 include in the record.

3 We will circulate the draft list after today's
4 prehearing and determine if there are any
5 objections to it and/or any of staff's exhibits
6 that are being entered into the record.

7 COMMISSIONER FAY: Okay, great.

8 Any changes?

9 MR. REHWINKEL: No. Mr -- commissioner, I am
10 going to try something in this case that I haven't
11 done before, and it's mostly because of the small
12 scale of this case.

13 Our cross-examination will probably explore
14 some issues that have confidential discovery
15 related to it. And what I would like to do, maybe
16 to make things go smoother and for Commissioners
17 who want to -- well, I think I am going to try to
18 give notice to staff and the company of what
19 documents I am going to use in cross-examination
20 that are confidential so they will be on notice of
21 that, instead of kind of dropping it in at the
22 hearing. Sometimes confidentiality can be a little
23 clunky.

24 So I am just going to try to do that just
25 so -- I usually don't -- usually parties don't

1 bring their cross-examination exhibits out until
2 cross, but I am going to try this just, because of
3 the confidentiality of it, to do it with certain
4 documents.

5 COMMISSIONER FAY: Sure. The parties would
6 still be on notice, and it would give them -- give
7 staff time to make sure that the, you know, things
8 are done properly to protect those confidentiality
9 issues.

10 MS. CRAWFORD: And staff appreciates,
11 actually, the heads-up.

12 Just for clarification, will you still be
13 bringing the red folders and the copies for all at
14 parties and the Commissioners?

15 MR. REHWINKEL: Yes. I just -- just because
16 in case folks want to look at them ahead of time
17 and be prepared, I am going to do that.

18 MS. CRAWFORD: It's very much appreciated.
19 And I do acknowledge this works much better on a
20 smaller scale hearing.

21 MR. REHWINKEL: Yes.

22 MS. CRAWFORD: So thank you for that.

23 MR. REHWINKEL: Sure.

24 COMMISSIONER FAY: And I guess just ensuring
25 that whatever is provided beforehand is consistent

1 with what's brought to the hearing.

2 MR. REHWINKEL: Yes.

3 COMMISSIONER FAY: Okay. Do the parties have
4 anything to add to that? No.

5 Okay. We will move on to proposed
6 stipulations, Section X.

7 MS. NIEVES: There are no proposed
8 stipulations at this time.

9 COMMISSIONER FAY: Okay. Section XI, pending
10 motions.

11 MS. NIEVES: No pending motions at this time.

12 COMMISSIONER FAY: Okay. And Section XII,
13 pending confidentiality motions, I believe we have
14 some of those.

15 MS. NIEVES: We do have two confidential
16 matters at this time, but we are working to get
17 those done, and we will try to get those done
18 before the hearing, if possible.

19 COMMISSIONER FAY: Okay. Great.

20 The parties are okay with that?

21 Okay. Post-hearing procedures, Ms. Nieves?

22 MS. NIEVES: If issues are stipulated and
23 parties agree to waive brief, the Commissioner may
24 make a bench decision for this docket.

25 If there are any issues to be briefed, staff

1 recommends post-hearing briefs to be no longer than
2 40 pages, and that a summary of each position set
3 off with asterisks should be included in each
4 post-hearing statement.

5 If we stay on current schedule, the briefs due
6 June 2nd, 2019.

7 MR. REHWINKEL: Commissioner, in that
8 regard -- and I don't know how this hearing is
9 going to go. I don't know how cross-examination is
10 going to go, and I haven't consulted with the other
11 parties. But from our standpoint, after the
12 conclusion of cross-examination -- I think we did
13 this -- something very similar to this in Tampa
14 Electric's first SoBRA under their stipulation,
15 which would be to maybe take a short break and
16 parties can consult and see if they are in
17 agreement on the issues and can give the Commission
18 comfort such that you could do a bench vote if you
19 desired such that we wouldn't have to have briefing
20 and recommendations filed.

21 I don't know how that's going to go, but I
22 think we did something similar to that, if my
23 memory serves me, with Tampa Electric's. So if
24 that option presents itself, I would like to put
25 the company and staff and Commission on notice that

1 it could happen in this case.

2 COMMISSIONER FAY: And I don't have any
3 problem with that. I probably would encourage it,
4 but what would the timeline be for that? When
5 would the determination have to be made then?

6 MS. CRAWFORD: For a bench vote?

7 COMMISSIONER FAY: Yeah -- no, just for them
8 to make that decision, that they are saying --

9 MS. CRAWFORD: Well, if the parties wish to
10 kind of confer, perhaps, even at the conclusion of
11 the cross-examination, I mean, they could be
12 afforded a little time to discuss amongst
13 themselves if they want. That's really up for the
14 Commission's discretion.

15 The presiding officer could grant them some
16 time if they want to take a moment to reflect
17 whether they would be comfortable with a bench
18 vote. That might be time well served if that would
19 afford the Commission an opportunity to have a
20 bench vote on the docket.

21 COMMISSIONER FAY: Yeah.

22 MS. CRAWFORD: But that's something the
23 presiding officer could --

24 COMMISSIONER FAY: Yeah. I mean, there is
25 nothing that I, sitting here at this time, could do

1 to, you know, allow the parameters for that to be
2 done and when it could be done. Obviously, I
3 encourage it, but I think you just want to -- you
4 are just making the point that at some point in
5 time, the parties are going to attempt do that.

6 MR. REHWINKEL: Absolutely. I just wanted to
7 put you on notice that if things go well, we -- in
8 all likelihood, we would ask for that opportunity,
9 and also to put the Commission on notice that there
10 may be an opportunity for a bench vote just so they
11 can have that in the back of their mind.

12 COMMISSIONER FAY: Sure.

13 MR. REHWINKEL: So that was my purpose, and I
14 appreciate --

15 COMMISSIONER FAY: Sure.

16 MR. REHWINKEL: -- that that will be
17 determined at the hearing and not here.

18 COMMISSIONER FAY: And the Chair may decide a
19 40-page minimum, you know, I mean, who knows. So
20 we will hope that you get that worked out.

21 Okay. I think -- let's see, so anything --
22 anything else as far as the post-hearing
23 procedures, comments? No.

24 Okay. And then I think finally we have
25 Section XIV, rulings. Ms. Nieves?

1 MS. NIEVES: We recommend that the prehearing
2 officer make a ruling about opening statements, if
3 any, should not exceed five minutes per party,
4 unless party chooses to waive its opening
5 statement.

6 COMMISSIONER FAY: Any issue with that from
7 the parties?

8 MR. REHWINKEL: That's fine. That's plenty of
9 time.

10 COMMISSIONER FAY: Okay.

11 MS. CRAWFORD: Commissioner Fay, if I.

12 COMMISSIONER FAY: Yes.

13 MS. CRAWFORD: Be very grateful Ms. Cibula is
14 here as your advisor. She has ably pointed out
15 that the briefs are currently due on a Sunday.
16 June 2nd is a Sunday, so that's an error on our
17 part. Apologies to all.

18 I also note that that affords a rather
19 extraordinary amount of time after the hearing for
20 briefs. Usually briefs are due about four weeks,
21 sometimes six, if time allows. And I wonder if
22 that was actually a mistake in the month, and
23 whether May 2nd was the intended brief date, but I
24 wanted to raise that to the parties.

25 We want to make sure briefs aren't due on a

1 Sunday, and that we select a date that is a working
2 day, but also affords sufficient time for the
3 parties to brief, but also for staff to complete a
4 post-hearing rec and get a decision from the
5 decision, get the order out within 90 days after
6 the hearing if at all possible.

7 COMMISSIONER FAY: Okay. So I'm presuming --
8 OPC, you might have a problem with this, but I
9 mean, moving it up to May 2nd, I -- if --

10 MR. REHWINKEL: We wouldn't object to that.

11 COMMISSIONER FAY: Okay.

12 MS. CRAWFORD: That would afford roughly a
13 month for briefs. And I would assume, given the
14 relatively small size of the case in terms of
15 issues, and not through others, that would be
16 sufficient for parties hopefully. If everybody is
17 in agreement, could we have the order reflect a
18 ruling of May 2nd being the briefing date?

19 COMMISSIONER FAY: So under Section XIII, we
20 would just make the change --

21 MS. CRAWFORD: Correct.

22 COMMISSIONER FAY: -- post-hearing procedures
23 to May 2nd?

24 MS. CRAWFORD: Correct. And again, our
25 apologies for not noticing that sooner.

1 COMMISSIONER FAY: That's okay. I just
2 thought you wanted to come here and Sunday and hang
3 out with me maybe, but I understand.

4 MR. MOYLE: FIPUG doesn't have an objection to
5 moving that date. And I think actually you got it
6 right in the draft order, it says June 3rd, on a
7 Monday so --

8 MS. CRAWFORD: Okay. If it's possible --

9 MR. MOYLE: -- error prematurely.

10 COMMISSIONER FAY: Yeah. I mean --

11 MS. CRAWFORD: Yeah. If it it's possible to
12 do May, that would actually afford staff the
13 opportunity to hopefully hit a sooner agenda where
14 we can get within that 90-day statutorily deadline.

15 COMMISSIONER FAY: Yeah. Once again, I think
16 it could be set for different dates, but as long as
17 the parties here today don't have any issue to
18 doing it May 2nd, I don't see any reason why that's
19 not appropriate.

20 MS. CRAWFORD: Thank you.

21 MR. REHWINKEL: Not a problem. We thought
22 were you trying to give us incentive for a bench
23 vote with the Sunday filing.

24 COMMISSIONER FAY: All right. So let's see.
25 Okay, any other matters, staff, parties?

1 MS. NIEVES: We are not aware of any other
2 matters.

3 COMMISSIONER FAY: Okay. Ms. Nieves, is this
4 your first and your last presentation to the
5 Commission?

6 MS. NIEVES: Yes.

7 COMMISSIONER FAY: We are going to miss having
8 you here, but good luck on your next adventure.

9 MS. NIEVES: Thank you.

10 COMMISSIONER FAY: And hopefully, wherever it
11 is, you will be tuning into to the Florida Channel
12 to watch us here having fun in the PSC. So good
13 luck with everything. We will miss you.

14 MS. NIEVES: Thank you.

15 COMMISSIONER FAY: Thanks.

16 With that, seeing no other comments from the
17 parties or staff, this meeting is adjourned.

18 Thanks.

19 MR. MOYLE: Thank you.

20 MR. BERNIER: Thank you.

21 (Whereupon, the proceedings concluded at 9:56
22 a.m.)

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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 27th day of March, 2019.



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