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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20170271-EI

PETITION FOR RECOVERY OF  
COSTS ASSOCIATED WITH NAMED  
TROPICAL SYSTEMS DURING THE  
2015, 2016, AND 2017  
HURRICANE SEASONS AND  
REPLENISHMENT OF STORM  
RESERVE SUBJECT TO FINAL  
TRUE-UP, TAMPA ELECTRIC  
COMPANY.

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PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS  
PARTICIPATING: JULIE I. BROWN  
PREHEARING OFFICER

DATE: Monday, May 13, 2019

TIME: Commenced: 1:30 p.m.  
Concluded: 1:40 p.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 JAMES D. BEASLEY, J. JEFFRY WAHLEN, and  
3 MALCOLM MEANS, ESQUIRES, Ausley & McMullen, Post Office  
4 Box 391, Tallahassee, Florida 32302, appearing on behalf  
5 of Tampa Electric Company.

6 J.R. KELLY, PUBLIC COUNSEL; CHARLES REHWINKEL,  
7 DEPUTY PUBLIC COUNSEL; PATRICIA A. CHRISTENSEN and  
8 THOMAS A. DAVID, ESQUIRES, Office of Public Counsel, c/o  
9 the Florida Legislature, 111 W. Madison Street, Room  
10 812, Tallahassee, Florida 32399-1400, appearing on  
11 behalf of 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 ROBERT SCHEFFEL WRIGHT and JOHN T. LAVIA, III,  
18 ESQUIRES, Gardner, Bist, Wiener, Wadsworth, Bowden,  
19 Bush, Dee, LaVia & Wright, P.A., 1300 Thomaswood Drive,  
20 Tallahassee, Florida 32308, appearing on behalf of the  
21 Florida Retail Federation.

22 KURT SCHRADER, ESQUIRE, FPSC General Counsel's  
23 Office, 2540 Shumard Oak Boulevard, Tallahassee, Florida  
24 32399-0850, appearing on behalf of the Florida Public  
25 Service Commission Staff.

1 APPEARANCES (CONTINUED):

2 KEITH HETRICK GENERAL COUNSEL; MARY ANNE  
3 HELTON, DEPUTY GENERAL COUNSEL, Florida Public Service  
4 Commission, 2540 Shumard Oak Boulevard, Tallahassee,  
5 Florida 32399-0850, adviser to the Florida Public  
6 Service Commission.

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

2 COMMISSIONER BROWN: Good afternoon, everyone.

3 MR. WRIGHT: Good afternoon.

4 COMMISSIONER BROWN: Thank you.

5 Today is May 13th. The time is 1:30, and we  
6 are opening up here the prehearing to Docket No.  
7 20172 -- sorry, 0271-EI, the TECO storm docket.  
8 This is the prehearing, and it is called to order,  
9 and I will ask staff to please read the notice at  
10 this time, Mr. Schrader.

11 MR. SCHRADER: By notice issued April 29th,  
12 2019, this time and place has been set for a  
13 prehearing conference in Docket No. 20170271-EI.  
14 The purpose of the prehearing is set out more fully  
15 in the notice.

16 COMMISSIONER BROWN: Thank you.

17 And we are going to take appearances starting  
18 with Tampa Electric.

19 MR. WAHLEN: Good afternoon, Commissioner.

20 Jeff Wahlen, appearing today with Malcolm Means on  
21 behalf of Tampa Electric. And also would like to  
22 enter an appearance for James Beasley of the same  
23 firm.

24 COMMISSIONER BROWN: Thank you.

25 Office of Public Counsel.

1 MR. REHWINKEL: Good afternoon, Commissioner.  
2 Charles Rehwinkel, Deputy Public Counsel.  
3 Here with me today is Patty Christensen and Tad  
4 David with the Office of Public Counsel. And I  
5 would also like to enter an appearance for J.R.  
6 Kelly, the Public Counsel.

7 COMMISSIONER BROWN: Thank you.  
8 Retail Federation.

9 MR. WRIGHT: Thank you, Madam Chairman.  
10 Robert Scheffel Wright with the Gardner Law  
11 Firm on behalf of the Florida Retail Federation. I  
12 would like also to enter an appearance on behalf of  
13 my law partner, John T. LaVia, III.

14 COMMISSIONER BROWN: FIPUG.

15 MR. MOYLE: Good afternoon, Madam Chairman.  
16 Jon Moyle on behalf of the Florida Industrial  
17 Power Users Group, FIPUG. And I would like to  
18 enter an appearance for Karen Putnal Ian Waldick  
19 with our firm as well. Thank you.

20 COMMISSIONER BROWN: Thank you.  
21 Staff.

22 MR. SCHRADER: Kurt Schrader for Commission  
23 staff.

24 MS. HELTON: Mary Anne Helton. I am here as  
25 your advisor, along with your General Counsel,

1 Keith Hetrick.

2 COMMISSIONER BROWN: Thank you.

3 And thank you all for being here today.

4 So for purposes of preliminary matters, we  
5 have a procedural order that was established that  
6 process for laying out, given the fact that we have  
7 a settlement agreement that is before us in this  
8 posture today. So with that being said, staff, are  
9 there any other preliminary matters at this time?

10 MR. SCHRADER: Not at this time, ma'am.

11 COMMISSIONER BROWN: Do any of the parties  
12 have any preliminary matters?

13 MR. WAHLEN: No, ma'am.

14 COMMISSIONER BROWN: All right. Okay. We are  
15 going to move along with the hearing matters then.

16 Let's go through how we will conduct the  
17 upcoming hearing in this matter.

18 Staff, can you please advise us of that?

19 MR. SCHRADER: Staff notes that a settlement  
20 has been reached in this matter among the parties.  
21 Pursuant to the most recent order establishing  
22 procedure in this matter, the hearing in this  
23 docket that is scheduled for May 21st, 2019, will  
24 be the purpose of taking oral evidence or argument  
25 regarding TECO's request for approval of settlement

1 agreement filed on April 9th, 2019.

2 COMMISSIONER BROWN: Thank you.

3 Now the procedure for handling confidential  
4 information, staff.

5 MR. SCHRADER: Staff will note if you intend  
6 to use confidential material at the hearing, please  
7 have copies for the Commissioners, necessary staff  
8 and the court reporter in red envelopes clearly  
9 marked with the nature of the contents.

10 Any party wishing to examine to the  
11 confidential material that is not subject to an  
12 order granting confidentiality shall be provided a  
13 copy in the same fashion as provided to the  
14 Commissioners subject to the execution of any  
15 appropriate protective agreement with the owner of  
16 the material.

17 COMMISSIONER BROWN: Okay. Thank you.

18 Any questions so far?

19 Seeing none, prefiled testimony and the order  
20 of witnesses.

21 MR. SCHRADER: As per the settlement  
22 agreement, the parties have stipulated to all  
23 witness testimony and prefiled exhibits in this  
24 manner -- sorry, matter. Staff will confirm with  
25 each Commissioner if these witnesses may be

1           excused.  If Commissioners don't have any questions  
2           of these witnesses, the witnesses may be excused  
3           from the hearing and his or her testimony and  
4           exhibits entered into the report as though read.

5           COMMISSIONER BROWN:  Thank you.

6           With regard to exhibits and the exhibit list,  
7           have the parties identified any exhibits or  
8           discovery responses that they wish to be on the  
9           comprehensive exhibit list -- included?

10          MR. SCHRADER:  I am sorry.  We did have one --  
11          we did have one change this morning that was  
12          identified by TECO, was to bring in the  
13          confidential deposition of Wesley Caldwell that was  
14          originally marked as nonconfidential.  That is the  
15          only revision I am aware of.

16          TECO has agreed to that, as well as, I  
17          believe, Office of Public Counsel.  We have not  
18          heard yet from the Florida Retail Federation or  
19          from FIPUG.

20          COMMISSIONER BROWN:  Okay.  So we are going to  
21          go ahead and confirm that on the record.  Public  
22          Counsel first.

23          MR. REHWINKEL:  Yes, Commissioner.  With that  
24          change, we agree with the comprehensive exhibit  
25          list.



1 COMMISSIONER BROWN: Thank you.

2 MR. WRIGHT: And so does the Retail

3 Federation. Thank you.

4 COMMISSIONER BROWN: Thank you.

5 FIPUG.

6 MR. MOYLE: We are fine as well.

7 COMMISSIONER BROWN: Great.

8 All right. You can continue.

9 MR. SCHRADER: Okay. Excuse me --

10 COMMISSIONER BROWN: Anything further under  
11 exhibits and exhibit list?

12 MR. SCHRADER: Okay. Sorry.

13 Staff will prepare a comprehensive exhibit  
14 list which lists all prefiled exhibits and exhibits  
15 staff wishes to include in the record. TECO  
16 provided a staff with a proposed draft  
17 comprehensive exhibit list that has been stipulated  
18 to by the parties as per the settlement agreement.

19 To this list, staff added TECO's responses to  
20 staff's most recent data request. The compiled  
21 list was distributed to the parties to see if there  
22 are any changes or objections. Staff also intends  
23 to move TECO's responses to staff's most recent  
24 data request into the record.

25 At this time, we would like to see if any

1 changes need to be made to the parties exhibits,  
2 and if there is any objection to the entry of  
3 staff's proposed exhibits into the record.

4 COMMISSIONER BROWN: I will go down the line  
5 here, yes with TECO?

6 MR. WAHLEN: No objections.

7 COMMISSIONER BROWN: Thank you.  
8 Public Counsel.

9 MR. REHWINKEL: No objections.

10 MR. WRIGHT: No objection. Thank you.

11 MR. MOYLE: FIPUG has no objection.

12 COMMISSIONER BROWN: Thank you.

13 So we are going to go through the hearing  
14 procedures in accordance with the fourth order  
15 modifying the OEP.

16 The parties shall present opening statements  
17 of no more than three minutes per party unless you  
18 would like more. Now is the time to speak. Three  
19 minutes is good.

20 Request that also any stipulated testimony,  
21 exhibits and discovery responses as well be moved  
22 into the record. And you will be responding to  
23 questions potentially from Commissioners regarding  
24 the storm cost settlement agreement.

25 Are there any questions regarding the process?

1 MR. WAHLEN: No questions.

2 MR. REHWINKEL: No questions.

3 MR. WRIGHT: No questions.

4 COMMISSIONER BROWN: Okay. Wonderful.

5 You have a question?

6 MR. MOYLE: No.

7 COMMISSIONER BROWN: Okay.

8 MR. MOYLE: But I think that three minutes is  
9 short, except for the fact that we have a  
10 settlement, and a settlement should suffice for  
11 three minutes.

12 COMMISSIONER BROWN: So three minutes is good  
13 then, in this juncture?

14 MR. MOYLE: Given the posture of the case.

15 COMMISSIONER BROWN: I agree.

16 All right. Pending motions.

17 MR. SCHRADER: None at this time, other than  
18 the motion to approve the proposed settlement.

19 COMMISSIONER BROWN: Okay. Thank you.

20 Pending confidentiality motions.

21 MR. SCHRADER: Not at this time as well.

22 COMMISSIONER BROWN: Thank you for that.

23 All right. Post-hearing procedures, please.

24 MR. SCHRADER: As discussed in the fourth  
25 order modifying the OEP, the Commission may enter a

1 bench decision if the parties waive post-hearing  
2 briefs. If a bench decision is not made, the  
3 Commission will render a decision at the July 2019  
4 Agenda Conference currently set for July 9th, 2019.  
5 Post-hearing briefs, if any, will be due June 19th,  
6 2019.

7 Staff recommends should post-hearing briefs be  
8 necessary in this docket, that such briefs be  
9 limited to 40 pages.

10 COMMISSIONER BROWN: Thank you.

11 I think that sounds -- all that sounds fair.  
12 Are all parties in agreement? Sounds good?  
13 Looking at nods.

14 Any other matters to be addressed in this  
15 prehearing conference?

16 MR. SCHRADER: Staff is aware of no other  
17 matters at this time.

18 COMMISSIONER BROWN: Okay. Do any of the  
19 parties have any additional pre -- other matters?

20 MR. WAHLEN: No, ma'am.

21 COMMISSIONER BROWN: Seeing none, this  
22 prehearing conference is adjourned.

23 Thank you.

24 (Whereupon, the proceedings concluded at 1:40  
25 p.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 16th day of May, 2019.




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