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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of: DOCKET NO. 20190164-EI

PROPOSED AMENDMENT OF RULE
25-6.0141, F.A.C.,
ALLOWANCE FOR FUNDS USED
DURING CONSTRUCTION; RULE
25-6.033, F.A.C., TARIFFS;
RULE 25-6.036, F.A.C.,
INSPECTION OF PLANT; AND
RULE 25-6.037, F.A.C.,
EXTENT OF SYSTEM WHICH
UTILITY SHALL OPERATE AND
MAINTAIN.

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PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 3

COMMISSIONERS
PARTICIPATING: CHAIRMAN ART GRAHAM
COMMISSIONER JULIE I. BROWN
COMMISSIONER DONALD J. POLMANN
COMMISSIONER GARY F. CLARK
COMMISSIONER ANDREW GILES FAY

DATE: Tuesday, November 5, 2019

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

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

PREMIER REPORTING
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TALLAHASSEE, FLORIDA
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1 P R O C E E D I N G S

2 CHAIRMAN GRAHAM: So, that being said, staff,
3 Item No. 3.

4 MR. KING: Good morning, Commissioners.
5 Andrew King for legal staff.

6 Item No. 3 on the agenda is staff's
7 recommended amendments to four rules from
8 Chapter 25-6: Rule 25-6.0141 is the AFUDC rule;
9 .033 is a rule on tariffs; and Rules .036 and .037
10 are rules that deal with plant inspection and
11 safety. So, these amendments are -- we initiated
12 these -- this rulemaking proceeding to answer some
13 questions brought to us by JAPC on these rules, the
14 Joint Administrative Procedure Committee. We have
15 addressed those comments in these amendments.

16 We also attempted, hopefully succeeded, in
17 making the rules more readable, so they're easier
18 to understand for the public. We've also
19 incorporated one change into the AFUDC rule that
20 was brought to us by Duke. And -- that's it.

21 I think Patti from OPC, Office of Public
22 Counsel, wants to make a comment on the amendments.
23 And staff is here to answer any questions.

24 CHAIRMAN GRAHAM: Thank you.

25 OPC.

1 MS. CHRISTENSEN: Good morning, Commissioners.
2 Patti Christensen with the Office of Public
3 Counsel.

4 While OPC has no objection to the rule changes
5 proposed in the recommendation, we would, however,
6 express some concerns about the repeal of
7 Subsection L5 in the original rule requiring a copy
8 of the utilities' rates and rules to be made
9 available to the local offices because of
10 availability to customers and -- and that's
11 Rule 25-6.003.

12 Staff had noted in its recommendation, on
13 Page 5, the second full paragraph, that the
14 utilities have tariffs on their websites with links
15 from the Commission's website to those tariff
16 sheets; however, while there may be a linkage at
17 the Commission's website, it's not easy to find.
18 And our concern is that the tariffs should be
19 readily available to customers.

20 And we would recommend to the Commissioners
21 that either a drop-down menu with the word "tariff"
22 that would give those links directly to the
23 customers or a button of some sort with the word
24 "tariff" that the Commission -- that customers can
25 push to get to those links to the utilities'

1 website be provided on the Commission's website
2 because, essentially, we think it should be made
3 easy to the public to be able to get all of that
4 information. And it would be very helpful for the
5 Office of Public Counsel as well, for selfish
6 reasons.

7 So, that was our comment today. So, thank you
8 for listening to those comments and -- and we hope
9 that we can work with you in the future on getting
10 this enacted for all of the utilities, although
11 we're here today specifically on an electric rule.

12 Thank you.

13 CHAIRMAN GRAHAM: Thank you, Ms. Christensen.
14 Commissioners.

15 Commissioner Polmann.

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

18 Follow-up to Ms. Christensen's comment,
19 there's nothing, in my daily life, more frustrating
20 than a website that's hard to navigate. I would
21 absolutely support her comment.

22 So, I'm not quite sure how to implement that,
23 but -- I hate to admit this, but I have difficulty
24 navigating our own website. And in fact, last
25 week, I mentioned that to -- to my adviser. So,

1 we'll -- whatever we can do to make that simpler,
2 I -- I would simply make that comment. So, I would
3 support that comment.

4 The only other comment I -- I have on this --
5 and it -- it's simply a comment -- I happen to like
6 the word "shall" in a rule. I don't have any
7 misunderstanding as to what that means. Now, I'm
8 not suggesting that we change it back to "shall,"
9 but I know what it means. Now, why people don't
10 know what means, the difference between "shall" and
11 "may" -- it confuses me as to why that's confusing
12 to people. So -- like, this is not me being
13 enthusiastic about changing this rule.

14 Having said that, I rest.

15 CHAIRMAN GRAHAM: Staff, is it possible to
16 make those changes that OPC had mentioned on the
17 website?

18 MR. BAEZ: We're -- we're always -- we're
19 always open to good suggestions and we're always
20 working on trying to make it a little bit easier to
21 navigate.

22 CHAIRMAN GRAHAM: All right. Well, I asked --

23 MR. BAEZ: I share the Commissioners'
24 frustrations --

25 CHAIRMAN GRAHAM: I ask the question now

1 because a Commissioner brought it up and I don't
2 know if you need direction from the Commission to
3 do that or is it just something that you guys are
4 going to attack?

5 MR. BAEZ: No, we can -- that's always an
6 ongoing effort, Chairman. And we'll -- we'll be in
7 touch with the Office of Public Counsel to get
8 their more-specific suggestions and try and work
9 them in.

10 CHAIRMAN GRAHAM: Okay.

11 MR. BAEZ: Thank you.

12 CHAIRMAN GRAHAM: Thank you.

13 Commissioner Brown.

14 COMMISSIONER BROWN: Thank you.

15 Just a follow-up to Ms. Christensen -- so,
16 you're suggesting, if the staff does kind of make
17 it more user-friendly for customers to access the
18 website and be able to locate all tariffs, would --
19 are you okay with the removal of the L5?

20 MS. CHRISTENSEN: I think with a more user-
21 friendly website on the Commission's site where
22 customers can easily get to those tariff sheets,
23 then you don't need to have it available in a
24 physical location because most people today, let's
25 be realistic, are going to access information

1 electronically, but you've got to be able to find
2 it electronically and, hopefully, easily.

3 And that -- that would be our -- our position.
4 If -- if we're going to take it out of a physical
5 location, then -- then let's make it a little bit
6 easier to find.

7 COMMISSIONER BROWN: I agree. I agree.

8 MS. CHRISTENSEN: Thank you.

9 COMMISSIONER BROWN: Thank you for the
10 suggestion.

11 Do you have anything to add, Samantha? No?

12 Mr. Chairman, I agree with the suggestions,
13 but with that, I would move approval of the staff
14 recommendation on this rule.

15 CHAIRMAN GRAHAM: On Item No. 3?

16 COMMISSIONER BROWN: Yes.

17 CHAIRMAN GRAHAM: It's been moved and second,
18 staff recommendation on Item 3. Any further
19 discussion?

20 Seeing none, all in favor, say aye.

21 (Chorus of ayes.)

22 CHAIRMAN GRAHAM: Any opposed?

23 By your action, you have approved by that
24 motion.

25 (Agenda item concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, ANDREA KOMARIDIS WRAY, 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 14th day of November, 2019.



ANDREA KOMARIDIS WRAY
NOTARY PUBLIC
COMMISSION #GG365545
EXPIRES February 9, 2021