

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20180055-GU

Petition to resolve territorial dispute
in Sumter County and/or Lake County with
City of Leesburg and/or South Sumter Gas
Company, LLC, by Peoples Gas System.

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 2

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

DATE: Tuesday, January 14, 2020

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 P R O C E E D I N G S

2 CHAIRMAN CLARK: All right. Let's move to
3 Item 2. Mr. Trierweiler.

4 MR. TRIERWEILER: Good afternoon. This docket
5 involves a territorial dispute between Peoples Gas
6 System and the City of Leesburg and South Sumter
7 Gas Company regarding the provision of gas service
8 to the residential development within The Villages.

9 This matter was referred to DOAH for an
10 administrative hearing. And on September 30th,
11 2019, the Administrative Law Judge filed his
12 recommended order awarding Peoples Gas System the
13 right to serve the area in dispute.

14 The parties all filed exceptions and responses
15 to the other parties' exceptions requesting that
16 the Commission modify or reject certain portions of
17 the recommended order. Staff's recommendation will
18 address whether the Commission should accept any of
19 the parties' exceptions, and whether the Commission
20 should approve the recommended order as the
21 Commission's final order.

22 Participation is limited to Commissioners and
23 staff.

24 CHAIRMAN CLARK: All right. Thank you, Mr.
25 Trierweiler.

1 Any discussion, Commissioners?

2 I will entertain a motion -- I am sorry.

3 COMMISSIONER POLMANN: Thank you, Mr.
4 Chairman.

5 I have just one quick question. Does this
6 commission have any prior history in issues that
7 have gone to DOAH and then come back to us where we
8 have taken action to reject or modify according to
9 suggestions or adverse positions that the parties
10 have -- have taken exceptions other than accepting
11 DOAH's positions?

12 MR. TRIERWEILER: I am unfamiliar with any,
13 but that's why I am going to defer to my boss.

14 MS. HELTON: We have sent matters to DOAH and
15 had recommended orders come back. I can't think of
16 any where we have actually recommended to the
17 Commission that they take an exception from a
18 party, or actually make an exception themselves
19 when they enter the final order, but that doesn't
20 mean it hasn't happened. I just can't think of an
21 instance off the top of my head where that has
22 happened. If someone in the room can remember
23 differently.

24 COMMISSIONER POLMANN: Well, I will take your
25 memory as being the strongest as you are our

1 advisor, so thank you for that.

2 If you can just clarify, based on our action
3 today, what -- what would be the follow on next
4 step for this? Does this close this matter
5 completely?

6 MS. HELTON: Well, that depends on the
7 parties. If you approve staff's recommendation,
8 which staff is asking you to do, you will be, in
9 effect, entering a final order with respect to the
10 resolution of this dispute. And as a final order,
11 if the parties are adversely affected, then they
12 can appeal that order.

13 COMMISSIONER POLMANN: And that appeals goes
14 to --

15 MS. HELTON: That appeal should go to the
16 Supreme Court.

17 COMMISSIONER POLMANN: Thank you.

18 Mr. Chairman, I would move approval of staff
19 recommendation on all -- all matters.

20 COMMISSIONER BROWN: Second.

21 CHAIRMAN CLARK: I have a motion and a second
22 to approve all items.

23 Is there any further discussion?

24 Commissioner Brown.

25 COMMISSIONER BROWN: Thank you. And thank

1 you, Commissioner Polmann, for the motion, which I
2 support.

3 I do want to say we would be remiss if we did
4 not thank Judge Early for his extensive
5 participation in this particular docket. The
6 68-page order was extremely analytical. There were
7 a lot of facts in this case. I thought it was very
8 astute, and I think we are getting to the right
9 place that we need to be at.

10 And I also want to say to the parties, during
11 the transition from Leesburg to PGS, there is a
12 full expectation by this body here that there will
13 be no interruption in service on the customers'
14 part. So -- and as the parties work through this
15 dispute, I just want to make sure that you all are
16 aware of that, too.

17 And with that, I support the motion.

18 CHAIRMAN CLARK: Thank you, Commissioner
19 Brown.

20 Any other discussion from any Commissioners?

21 On the motion, all in favor, say aye.

22 (Chorus of ayes.)

23 CHAIRMAN CLARK: Opposed?

24 (No response.)

25 CHAIRMAN CLARK: Motion is carried.

1 Thank you.

2 MR. TRIERWEILER: Thank you.

3 (Agenda item concluded.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 23rd day of January, 2020.



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