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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
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1 APPEARANCES:

2 JAMES D. BEASLEY, J. JEFFRY WAHLEN, and
3 MALCOLM N. MEANS, ESQUIRES, Post Office Box 391,
4 Tallahassee, Florida 32302, appearing on behalf of Tampa
5 Electric Company (TECO).

6 DIANNE M. TRIPLETT, ESQUIRE, 299 First Avenue
7 North, St. Petersburg, Florida 33701; MATTHEW R.
8 BERNIER, ESQUIRE, 106 East College Avenue, Suite 800,
9 Tallahassee, Florida 32301-7740, appearing on behalf of
10 Duke Energy Florida, LLC (DEF).

11 RUSSELL A. BADDERS, ESQUIRE, One Energy Place,
12 Pensacola, FL 32520 and JASON A. HIGGINBOTHAM and JOHN
13 T. BURNETT, ESQUIRES, 700 Universe Boulevard, Juno
14 Beach, Florida 33408-0420, appearing on behalf of Gulf
15 Power Company (Gulf).

16 CHRISTOPHER T. WRIGHT and JOHN T. BURNETT,
17 ESQUIRES, 700 Universe Boulevard, Juno Beach, Florida
18 33408-0420, appearing on behalf of Florida Power & Light
19 Company (FPL).

20 JON C. MOYLE, JR. and KAREN PUTNAL, ESQUIRES,
21 118 North Gadsden Street, Tallahassee, Florida 32312,
22 appearing on behalf of Florida Industrial Power Users
23 Group (FIPUG).

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1 APPEARANCES (CONTINUED):

2 JAMES W. BREW and LAURA WYNN BAKER, ESQUIRES,
3 Stone Mattheis Xenopoulos & Brew, PC, 1025 Thomas
4 Jefferson Street, NW, Eighth Floor, West Tower,
5 Washington, District of Columbia 20007, appearing on
6 behalf of White Springs Agricultural Chemicals, Inc.
7 d/b/a PCS Phosphate - White Springs (PCS).

8 J.R. KELLY, PUBLIC COUNSEL, and CHARLES
9 REHWINKEL, DEPUTY PUBLIC COUNSEL; PATRICIA A.
10 CHRISTENSEN, A. MIREILLE FALL-FRY, and THOMAS A. (TAD)
11 DAVID, ESQUIRES, OFFICE OF PUBLIC COUNSEL, c/o The
12 Florida Legislature, 111 West Madison Street, Room 812,
13 Tallahassee, Florida 32399-1400, appearing on behalf of
14 the Citizens of the State of Florida (OPC).

15 STEPHANIE U. EATON, ESQUIRE, 110 Oakwood
16 Drive, Suite 500, Winston-Salem, North Carolina 27103,
17 and DERRICK PRICE WILLIAMSON and BARRY A. NAUM,
18 ESQUIRES, 1100 Bent Creek Boulevard, Suite 101,
19 Mechanicsburg, Pennsylvania 17050, appearing on behalf
20 of Walmart Inc. (Walmart).

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1 APPEARANCES (CONTINUED):

2 RACHAEL DZIECHCIARZ and CHARLES MURPHY,
3 ESQUIRES, FPSC General Counsel's Office, 2540 Shumard
4 Oak Boulevard, Tallahassee, Florida 32399-0850,
5 appearing on behalf of the Florida Public Service
6 Commission (Staff).

7 KEITH C. HETRICK, GENERAL COUNSEL; MARY ANNE
8 HELTON, DEPUTY GENERAL COUNSEL, Florida Public Service
9 Commission, 2540 Shumard Oak Boulevard, Tallahassee,
10 Florida 32399-0850, advisor to the Florida Public
11 Service Commission.

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

2 COMMISSIONER POLMANN: Okay. Good afternoon,
3 everyone. This is, let's see, July 28th, 2020, and
4 I have on my clock 1:30. This is the prehearing
5 conference for the storm protection plans. I have
6 Docket Nos. 20200067-EI, 20200069-EI, 20200070-EI
7 and 20200071-EI. This is the prehearing
8 conference. We are holding this as a GoToMeeting,
9 and we will go through the details in a few
10 minutes.

11 As I said, 1:30, July 28th, 2020. I will now
12 call this prehearing conference to order, and
13 staff, please read the notice.

14 MS. DZIECHCIARZ: Thank you.

15 By notice issued July 17th, 2020, this time
16 and place has been set for a prehearing conference
17 in the aforementioned docket numbers. The purpose
18 of the prehearing is set out more fully in the
19 notice.

20 COMMISSIONER POLMANN: Thank you, Ms.
21 Dziechciarz. Let's move to appearances.

22 MS. DZIECHCIARZ: Thank you.

23 We would like to note that there are four
24 dockets today in this consolidated proceeding. We
25 suggest that all appearances be taken at once. All

1 parties should enter their appearances and declare
2 the dockets that they are entering an appearance
3 for. After the parties make their appearances,
4 staff will make theirs.

5 COMMISSIONER POLMANN: Okay. Let's start with
6 Tampa Electric Company.

7 MR. MEANS: Good afternoon. This is Malcolm
8 Means of Ausley McMullen, appearing on behalf of
9 Tampa Electric. I would also like to enter an
10 appearance of Jim Beasley and Jeff Wahlen, also
11 with Ausley McMullen.

12 COMMISSIONER POLMANN: Thank you, Mr. Means.
13 Duke Energy.

14 MR. BERNIER: Good afternoon, Commissioner.
15 This is Matt Bernier with Duke Energy Florida
16 entering an appearance in Docket No. 20200069. I
17 would also like to enter an appearance for Dianne
18 Triplett.

19 Thank you.

20 COMMISSIONER POLMANN: Thank you.

21 Let's go to Gulf Power, please.

22 MR. BADDERS: Good afternoon, Commissioner
23 Polmann. Russell Badders on behalf of Gulf Power.
24 I would also like to enter appearances for Jason
25 Higginbotham and John Burnett in the 070 docket.

1 COMMISSIONER POLMANN: Thank you, Mr. Badders.
2 Let's go to Florida Power & Light, please.

3 MR. WRIGHT: Good afternoon, Commissioner
4 Polmann. This is Christopher Wright entering an
5 appearance on behalf of Florida Power & Light in
6 the 71 docket. I would also like to note an
7 experience for John Burnett.

8 COMMISSIONER POLMANN: Thank you, Mr. Wright.
9 Let's go to -- what I have here is Office of
10 Public Counsel.

11 MS. CHRISTENSEN: Good afternoon --

12 MR. REHWINKEL: Go ahead.

13 MS. CHRISTENSEN: Charles --

14 MR. REHWINKEL: This is Charles Rehwinkel with
15 the Office of Public Counsel, and I will enter an
16 appearance in all dockets.

17 Thank you.

18 MS. CHRISTENSEN: Patty Christensen with the
19 Office of Public Counsel. I will enter an
20 appearance for all dockets as well.

21 COMMISSIONER POLMANN: Thank you, both.

22 Okay, next I have --

23 MR. DAVID: Tad David with Office of Public
24 Counsel. I will make an appearance on all dockets.

25 MS. FALL-FRY: And this is A. Mireille

1 Fall-Fry with the Office of Public Counsel entering
2 an appearance on all dockets.

3 COMMISSIONER POLMANN: Okay. So we have all
4 four on my list present for OPC. All right, very
5 good.

6 Let's move on for Florida Industrial Power
7 Users Group, please.

8 MS. PUTNAL: Thank you, Commissioner. This is
9 Karen Putnal on behalf of FIPUG. I am making an
10 appearance in all four dockets, and I would also
11 like to enter an appearance for Jon Moyle.

12 COMMISSIONER POLMANN: Thank you, Ms. Putnal.
13 Next I have PCS Phosphate, please.

14 MR. BREW: Yes, Your Honor. This is James
15 Brew for White Springs Agricultural Chemicals, PCS
16 Phosphate, appearing in the 20200069 docket, and I
17 would like to note an appearance for Laura Baker.

18 COMMISSIONER POLMANN: Thank you, Mr. Brew.
19 Next I have Walmart, Inc.

20 MS. EATON: Good afternoon, Commissioner.
21 This is Stephanie Eaton. I am with Spilman Thomas
22 & Battle, and I am entering an appearance on behalf
23 of Walmart, and also like to enter an appearance
24 for Derrick Williamson also with Spilman Thomas &
25 Battle.

1 Thank you.

2 COMMISSIONER POLMANN: Thank you, Ms. Eaton.

3 Commission staff, please.

4 MS. DZIECHCIARZ: Thank you, Commissioner.

5 Rachael Dziechciarz with Commission staff, and
6 I would also like to make an appearance for Charles
7 Murphy in all four dockets.

8 MS. HELTON: And --

9 COMMISSIONER POLMANN: Thank you.

10 Go ahead, Ms. Helton.

11 MS. HELTON: I am sorry. I jumped the gun,
12 Commissioner.

13 I am here as your advisor in all four dockets,
14 Mary Anne Helton. I would also like to make an
15 appearance for your General Counsel, Keith Hetrick,
16 in all four dockets.

17 COMMISSIONER POLMANN: Thank you so much.

18 Okay. So do we have any appearances from
19 anyone else? We've got everybody. All right, very
20 good.

21 We will move on to the next section,
22 preliminary matters. I will ask are there any
23 preliminary matters we need to address before we
24 get to the -- reviewing the draft prehearing order?

25 MS. DZIECHCIARZ: Yes, Commissioner. Thank

1 you. I have a few COVID-19 related announcements,
2 and then I was going to just lay out our plan for
3 some of the pending stipulations and motions that
4 are out there.

5 So as we know, State buildings are currently
6 closed to the public and other restrictions on
7 gathering remain in place due to COVID-19.
8 Accordingly, this prehearing is being conducted
9 remotely by communications media technology.

10 Members of the public who want to observe or
11 listen to this prehearing may do so by accessing
12 the live video broadcast which is available from
13 the Commission website. Upon completion of the
14 prehearing, the archived video will also be
15 available.

16 Each person participating today needs to keep
17 their phone or device muted when they are not
18 speaking and only unmute when they are called upon
19 to speak. It's so important, I'm going to just go
20 ahead and say it for probably this one time, please
21 each person that is participating today, just keep
22 their phone or device muted when they are not
23 speaking, and only unmute when they speak, and then
24 put themselves back on mute, that would definitely
25 help us a lot. If you do not keep your phone

1 muted, or if you put your phone on hold, you may be
2 disconnected from the proceeding and will need to
3 call back in.

4 Also, telephone participants should speak
5 directly into their phone and not use the speaker
6 function, which I am guilty of, so I need to make
7 sure I remember to do that as well.

8 In addition, OPC has identified two issues for
9 inclusion in the dockets that are consensus. We
10 are recommending that we address these matters when
11 we get to Section VIII, which is the issues and
12 position section of the draft prehearing order, and
13 then further as I mentioned earlier, we have a few
14 other pending motions.

15 So we are recommending that Walmart's proposed
16 stipulation concerning Mr. Chriss' testimony and
17 exhibit, and the issue as well that was deferred,
18 be addressed when we get to Section X of the draft
19 prehearing order, which is the proposed
20 stipulations.

21 And then we also have three matters for when
22 we get to Section XI of the draft prehearing order,
23 which is Walmart's motion concerning the additional
24 exhibit of Ms. Perry, and Duke Energy Florida's
25 motion for approval of settlement agreement, and

1 the joint motion for approval of settlement
2 agreement submitted by OPC, Walmart, Gulf and FPL.

3 So staff is recommending that we address those
4 matters at the appropriate time in the draft
5 prehearing order, and we are aware of no other
6 preliminary matters at this time.

7 Is -- Commissioner, are you on mute? Is there
8 a --

9 COMMISSIONER POLMANN: Yeah, I am talking to
10 myself.

11 MS. DZIECHCIARZ: Oh --

12 COMMISSIONER POLMANN: I am talking to myself.
13 Thank you for -- thank you for that.

14 Let me say there are quite a few items that
15 Ms. Dziechciarz identified here, and let me agree
16 we will -- we will address the contested issues,
17 the Walmart stipulation, Walmart motion and DEF's
18 motion for approval of the settlement agreement,
19 the joint motion for approval of the multiparty
20 settlement agreement at the appropriate time as we
21 go through the draft prehearing order.

22 So rather than take up at the front end on the
23 preliminary matters, let's hold off on those, and
24 there will be an appropriate place as we go through
25 the draft prehearing order. And my preference is

1 that we take them up as we get to them --

2 MR. MARSTON: Commissioner --

3 COMMISSIONER POLMANN: -- so having said that,
4 I will --

5 MR. MARSTON: Commissioner, this is.

6 COMMISSIONER POLMANN: -- I will --

7 MR. MARSTON: Commissioner this is David
8 Marston in the hearing room, and we just lost
9 connection with the GoToMeeting, so there is a
10 network issue and I am not sure that anybody is on
11 the line any more. Could we check and see?

12 MS. DZIECHCIARZ: We are, I believe, on the
13 line, I think. I am not sure about the other
14 parties, but this is Rachael --

15 MR. REHWINKEL: OPC is here.

16 MS. CHRISTENSEN: OPC, Patty is on.

17 MS. PUTNAL: FIPUG.

18 COMMISSIONER POLMANN: Yeah.

19 MS. DZIECHCIARZ: David, would you like us --
20 I can do a full roll call, or is there something
21 that you need us to do while you work on the
22 technology?

23 MR. MARSTON: Would you -- would you do that,
24 please? I am only seeing partial. On one side, I
25 am seeing attendees, on the other side I am not,

1 so...

2 MS. DZIECHCIARZ: Okay. It also sounds like
3 someone needs to mute, so everyone, please check
4 your mute.

5 Okay. So let's do a quick technology break
6 and do a roll call.

7 Can -- Malcolm, are you there with TECO?

8 MR. MEANS: Yes, I am here. Thank you.

9 MS. DZIECHCIARZ: Okay. And Matt with Duke?

10 MR. BERNIER: Yes, I am here as well. Thank
11 you.

12 MS. DZIECHCIARZ: Thank you.

13 And Russ with Gulf?

14 MR. BADDERS: I am here.

15 MS. DZIECHCIARZ: Thank you.

16 Chris, FPL?

17 MR. WRIGHT: I am here.

18 MS. DZIECHCIARZ: I heard Patty with OPC. I'm
19 not sure -- could everyone from OPC just please
20 introduce themselves real quick?

21 MR. REHWINKEL: Charles Rehwinkel.

22 MR. DAVID: Tad David.

23 MS. FALL-FRY: Mireille Fall-Fry.

24 MS. DZIECHCIARZ: Okay, thank you, guys.

25 And what about Karen with FIPUG?

1 MS. PUTNAL: Here. Thank you.

2 MS. DZIECHCIARZ: Okay. PCS Phosphate, Jay
3 and Laura?

4 MR. BREW: Yes.

5 MS. DZIECHCIARZ: Okay. Stephanie with
6 Walmart?

7 MS. EATON: I am here. Thank you.

8 MS. DZIECHCIARZ: Okay. Great. Thank you
9 guys for -- for your patience. I will turn it back
10 over to David with -- David Marston to see if our
11 technology issue is okay.

12 MR. MARSTON: It appears to be okay. I just
13 got a strange screen pop up, so -- and it dropped a
14 bunch of people on one side, so it appears
15 everybody is connected. I think we can continue.

16 MS. DZIECHCIARZ: Okay. I think,
17 Commissioner, you were saying that we would wait
18 until the appropriate of the draft prehearing order
19 to take up some of those matters that are still
20 outstanding, and I believe you were about to give
21 parties a chance to wrap up any other preliminary
22 matters, so I don't want to -- I will turn it back
23 over to you in case you were at a different point.

24 COMMISSIONER POLMANN: I think you said what I
25 was going to say. I just wanted to check and make

1 sure everybody heard the first -- the first part,
2 meaning that we will take up the issues you
3 identified a few moments ago at the appropriate
4 place as we go through the draft prehearing order.

5 And then just to close out this discussion on
6 preliminary matters, I will ask if any other party
7 wishes to address something at this point. Okay, I
8 hear none. Shall we -- shall we move on?

9 MS. DZIECHCIARZ: Sounds like a plan. Thank
10 you.

11 COMMISSIONER POLMANN: Okay. I will move -- I
12 will move forward, and at this point we should be
13 proceeding through the draft prehearing order. Let
14 me pull up the document here.

15 Let's go through the draft prehearing order at
16 this time. I will identify each section, and I
17 would like the parties to let me know if they have
18 any corrections or changes to be made. I suspect
19 the first few will be very quick. If you have
20 changes, please speak up. And we will interpret
21 your silence to mean that there is no change.
22 As -- as we move through some of these sections, it
23 will be very quick because.

24 As I noted, if you have a change, please speak
25 up. Typically, I am inclined to call on each of

1 you, but I think for expediency in this case, we
2 will -- rather than doing that, we will just move
3 forward.

4 So if everybody has the draft order, if there
5 is no questions at this point, I will -- I will
6 start with the case background and ask if anyone
7 has any -- any changes they would like to make?

8 Okay. Hearing none, we go to Section II,
9 conduct of the proceedings; any comments or
10 questions? I hear no changes.

11 Moving on to jurisdiction, section number III.
12 I hear no changes.

13 Let's go for Section IV, which is procedure
14 for handling confidential information. I would
15 like to hear from staff first, please.

16 MS. DZIECHCIARZ: Thank you, Commissioner.

17 We just wanted to note that materials that
18 have been identified by the parties as confidential
19 have been marked, and they will be available via
20 the secure password on the Commission's website for
21 use at the hearing, similar to the way the Duke CR3
22 hearing was run.

23 Thank you.

24 COMMISSIONER POLMANN: Okay. Thank you.

25 Any other comments or changes on confidential

1 information, any of the parties, please? Okay.

2 Moving on.

3 Section V, I have prefiled testimony and
4 exhibits, witnesses, and I would like to hear from
5 staff first, please.

6 MS. DZIECHCIARZ: Thank you again,
7 Commissioner.

8 We are suggesting that the witness summary
9 testimonies be no longer than three minutes. If a
10 witness has filed both direct and rebuttal
11 testimonies, we recommend that he or she receive
12 three minutes for direct and three minutes for
13 rebuttal.

14 In addition, for OPC's witnesses that are
15 participating in more than one docket, staff
16 recommends that the witness present their
17 three-minute summary for the first docket, then be
18 submitted for cross-examination, and then present
19 their three-minute summary for the second docket,
20 and then be submitted for cross-examination. This
21 would pertain to OPC witnesses Norwood, Mara and
22 Mr. Smith.

23 Further, since Walmart Witness Perry presented
24 the same testimony in each of the dockets, we
25 recommend that her summary be limited to three

1 minutes as well.

2 And -- excuse me -- for the cross-examination
3 exhibits, all cross-examination exhibits,
4 confidential and nonconfidential, that a party
5 intends to use at the hearing must be provided to
6 the Commission Clerk by close of business August
7 3rd, 2020, in order to be processed and placed on
8 the Commission's website.

9 The parties have also been emailed
10 instructions as to how to electronically provide
11 this material to the Clerk, and they are attached
12 as Attachment A to the draft prehearing order.

13 That's all staff has for this section.

14 COMMISSIONER POLMANN: Okay. Let's see, how
15 do we want to deal with this? Let me see. We've
16 got time limits for summaries, and the witnesses
17 will have up to three minutes each for their
18 summary on direct and then also on rebuttal if they
19 are providing both.

20 So let me hear any comments or need for
21 clarification on that from the parties. Okay, I
22 don't hear comments on that.

23 So in -- in the event where a witness is
24 providing both direct testimony and rebuttal, does
25 that apply only to OPC, am I correct on that?

1 MS. DZIECHCIARZ: No. Commissioner, that
2 would be the -- the utilities. Some of the
3 utilities have direct and rebuttal.

4 COMMISSIONER POLMANN: Okay. And then we have
5 OPC, where we have witnesses appearing in more than
6 one docket.

7 MS. DZIECHCIARZ: Yes, that's correct.

8 COMMISSIONER POLMANN: And -- so, Mr.
9 Rehwinkel, would you have a comment on that, or are
10 we -- are we clear on the three minutes for each?

11 MR. REHWINKEL: Commissioner Polmann, I think
12 we are fine with the way Ms. Dziechciarz set it
13 out. I think we can work within those limitations.
14 I have some comments on this section that I will
15 wait until we get through all the -- the
16 three-minute issue.

17 COMMISSIONER POLMANN: Okay.

18 MS. CHRISTENSEN: Can I -- this is Patty
19 Christensen with OPC as well. That was three
20 minutes per testimony filed for each one of the
21 witnesses, or three minutes per witness?

22 MS. DZIECHCIARZ: It's three minutes -- well,
23 for OPC -- in OPC's case, for example, Mr. Norwood
24 would -- he filed in both TECO and Duke, so he
25 would get TECO first -- I am sorry, three minutes

1 for his TECO and three minutes for Duke.

2 MS. CHRISTENSEN: Okay. Thank you for that
3 clarification.

4 MS. DZIECHCIARZ: Sure.

5 COMMISSIONER POLMANN: Okay. Anything else on
6 the witness summary testimony?

7 And then on cross-examination exhibits, are we
8 clear on that? I know there has been some
9 discussion on that, and there is an attachment.

10 MR. REHWINKEL: Commissioner, this is Charles
11 Rehwinkel.

12 COMMISSIONER POLMANN: Yes, sir.

13 MR. REHWINKEL: I have -- the question that I
14 have is we are doing the attachment in the
15 seven-day advanced based on what we did in Crystal
16 River. There was some discussion in an
17 organizational meeting that we had recently about
18 the provision that you also included in your ruling
19 section in the CR3 prehearing order about witnesses
20 and counsel not availing themselves of the
21 cross-examination exhibits until the -- the
22 appropriate time during cross-examination, and we
23 would -- we would like that provision to be
24 included in your ruling section again.

25 COMMISSIONER POLMANN: Understood. Any of

1 the --

2 MS. DZIECHCIARZ: Commissioner, this is
3 Rachael. That makes sense. Yep.

4 COMMISSIONER POLMANN: Okay. Thank you.
5 Any other parties have a comment on that
6 specific item? I am -- I am inclined to that
7 direction.

8 MS. HELTON: Commissioner Polmann, that's
9 actually on page 55 of the draft prehearing order
10 in the ruling section. And the Attachment A also
11 includes language to that effect in the last
12 paragraph.

13 COMMISSIONER POLMANN: Okay. Mr. Rehwinkel,
14 does that address your concern, sir?

15 MR. REHWINKEL: Yes, and it points out that I
16 overlooked it, so I appreciate Ms. Helton pointing
17 that out.

18 Thank you very much.

19 COMMISSIONER POLMANN: Okay. Any other
20 comments on cross-examination exhibits? If not, we
21 will move on.

22 Okay, I don't hear any, so Section -- Section
23 VI, witnesses unless I need to do anything else
24 there.

25 MS. DZIECHCIARZ: No, I think you are good,

1 Dr. Polmann.

2 COMMISSIONER POLMANN: Okay.

3 MS. DZIECHCIARZ: For Section VI, if you are
4 ready, I am ready when you are.

5 COMMISSIONER POLMANN: Yes, let's proceed.

6 Section VI order of witnesses. First I should
7 ask, Ms. Dziechciarz, do we have any witnesses that
8 can be stipulated?

9 MS. DZIECHCIARZ: Not exactly, but --

10 COMMISSIONER POLMANN: In this section --
11 okay, go ahead.

12 MS. DZIECHCIARZ: I would -- I would like to
13 note that if Walmart's proposed stipulation is
14 approved, they have indicated that they will
15 withdraw the testimony and exhibit of Mr. Chriss;
16 which, again, we recommend we address more fully
17 when we reach Section X, but that is -- although
18 that's a stipulation, it's not the way that we
19 typically use the word stipulated.

20 So when we are typically talking about
21 stipulations with the Commission, if we know of any
22 witnesses that all of the parties can stipulate to
23 not appearing at hearing, and not having cross for,
24 those are the kind of stipulations at this point
25 that we would just like to see if we can work

1 toward. If the Commissioners don't have any
2 questions for the witnesses, then the witnesses can
3 be excused from the hearing.

4 So this is just the opportunity to remind the
5 parties to please try to think of witness
6 stipulations, if appropriate, that we would be able
7 to then insert their testimony as though read,
8 which is a little bit different from what we are
9 doing in Mr. Chriss' case.

10 COMMISSIONER POLMANN: Understood.

11 As all the parties know, you are well aware,
12 we have a significant amount, kind of wealth of
13 information that we will be covering through this
14 hearing, four dockets consolidated here, and this
15 hearing is scheduled at the moment for
16 three-and-a-half days. So I would encourage
17 everyone, to the extent that would be reasonable,
18 to work together and identify any -- any testimony
19 that would be appropriate for stipulation of
20 witnesses that you believe might -- we might be
21 able to find an opportunity to stipulate and seek
22 to be excused. And, as was noted, then we will
23 review that with the Commissioners to see if they
24 have any questions. But I think this is an example
25 of where we would hope to find that out typically.

1 So I will just leave it there, unless anyone has
2 any other comment.

3 Okay. We will move on to basic positions.
4 And this is where, if you have any changes in your
5 basic positions we can take them now; if not, we
6 will move on to the issues.

7 Let's see, Ms. Dziechciarz, do you have any --
8 any other instructions or comments here that you
9 would like to offer?

10 MS. DZIECHCIARZ: No, just that if anybody
11 does have any changes to the basic position, or
12 when you get to the issues and positions section,
13 we -- if they have them now, great, as I mentioned.
14 If not, we would like them submitted in writing by
15 close of business tomorrow, July 29th, as well.

16 COMMISSIONER POLMANN: Okay. Well, thank you.

17 I am on -- in the draft order, I am at
18 Section -- Section VII on page seven, basic
19 positions. I will just go in order here very
20 quickly.

21 Tampa Electric Company, I will just call and
22 see if you have any comments or changes in your
23 basic position.

24 MR. MEANS: Thank you, Commissioner, no
25 changes to our basic position.

1 COMMISSIONER POLMANN: Duke Energy, Mr.
2 Bernier.

3 MR. BERNIER: Thank you, sir. No changes for
4 us either.

5 COMMISSIONER POLMANN: Thank you.
6 Mr. Badders for Gulf.

7 MR. BADDERS: Commissioner Polmann, we have no
8 changes to this section. Thanks.

9 COMMISSIONER POLMANN: Thank you.
10 Is Mr. Wright for FPL, any changes?

11 MR. WRIGHT: Thank you, Commissioner. No
12 changes for FPL. Thank you.

13 COMMISSIONER POLMANN: Thank you.
14 Mr. Rehwinkel, or anyone else for OPC?

15 MR. REHWINKEL: No. Thank you, Commissioner.
16 We are -- we are good here. Thank you.

17 COMMISSIONER POLMANN: All right. Ms. Putnal
18 for FIPUG, any changes?

19 MS. PUTNAL: Thank you, Commissioner. No
20 changes.

21 COMMISSIONER POLMANN: All right. Mr. Brew
22 for PCS Phosphate, any changes?

23 MR. BREW: Thank you, Commissioner. No
24 changes.

25 COMMISSIONER POLMANN: All right. And Ms.

1 Eaton for Walmart, do you have any changes on your
2 basic positions?

3 MS. EATON: No, sir. Thank you, Commissioner.

4 COMMISSIONER POLMANN: All right. Thank you
5 very much.

6 We will move on to Section VIII, issues and
7 positions. And again, here, we will go through --
8 I am not going to call each of you in this case. I
9 am going to go issue by issue, and if you -- if you
10 have a change in your position, please let me know.

11 As staff indicated, we will have a deadline
12 for you to submit the changes in writing, whatever
13 it is that you present here as a change, please
14 follow up directly to staff with those changes so
15 that we can get everything included.

16 I am on page 16, Section VIII, issues and
17 positions, Issue 1A. I believe you all have that,
18 I do not intend to read the position.

19 Let's start request Issue 1A. Do we have any
20 change in the parties' positions? Just please
21 identify yourself.

22 MR. REHWINKEL: Commissioner.

23 COMMISSIONER POLMANN: I heard Mr. Rehwinkel,
24 is that correct?

25 MR. REHWINKEL: Yes. Commissioner, I am about

1 to email Ms. Dziechciarz edits to Issues 1A and 1B,
2 and 2A and 2B, and I won't burden you with reading
3 those aloud. I will send them to her for
4 incorporation.

5 MS. DZIECHCIARZ: Thanks, Mr. Rehwinkel.

6 Well, since you mentioned it, are you also
7 including Issue 7B in that list?

8 MR. REHWINKEL: I will double check that, and
9 I will probably do that as well. Thank you.

10 MS. DZIECHCIARZ: Okay. Thank you.

11 MS. PUTNAL: Commissioner Polmann, this is
12 Karen Putnal for FIPUG.

13 So I would just like to clarify that the
14 position of FIPUG that's set forth in this draft
15 prehearing order adopts the position of the Office
16 of Public Counsel. And just for clarification,
17 FIPUG adopted the position of the Office of Public
18 Counsel as it existed when the first -- when the
19 draft prehearing order was prepared. We
20 understand, learned on Friday, that there has been
21 a proposed settlement, and we will take the time,
22 if permitted, between now and tomorrow and close of
23 business to review FIPUG's position and update that
24 in light of the -- in light of -- I don't know yet.
25 I haven't seen OPC's revised statement or had a

1 chance to talk to, you know, Mr. Moyle about that.

2 And that would be true for, I think, all of
3 the issues that are stated where FIPUG has adopted
4 the position of the Office of Public Counsel.
5 Again, that was the position of OPC at the time
6 that the initial draft was prepared.

7 COMMISSIONER POLMANN: Thank you, Ms. Putnal.
8 I understand your point. I would remind you that
9 traditionally we have asked for these changes the
10 day following the prehearing. There have been
11 occasions where we have extended that time, but
12 historically, my -- my understanding has also been
13 that the changes may have been asked for on the day
14 of the prehearing. So I would just ask that you --
15 you be aware that there will be a deadline for the
16 changes, and that's been identified as close of
17 business tomorrow, so --

18 MS. PUTNAL: Yes.

19 COMMISSIONER POLMANN: -- I don't know that
20 staff has a lot of leeway on that.

21 MS. PUTNAL: I understand, Commissioner, and
22 that's fine. Thank you.

23 COMMISSIONER POLMANN: All right. Thank you
24 very much.

25 All right. It -- it may be better on Issue 1,

1 if -- rather than going A, B, C, D, I have heard
2 from Mr. Rehwinkel. He identified 1A, 1B. Let me
3 back up here and just ask for Issue 1A, B, C, D,
4 unless someone has a lot of detail on here. Let me
5 go 1A, B, C, D and ask for -- ask for you to
6 identify that you have changes. And again, I think
7 Mr. Rehwinkel has a good point. Rather than
8 reading through those, just simply identify for
9 staff's benefit that you have changes, and you will
10 be -- you will be submitting them.

11 So any party, Issue 1A, B, C, D, if you have
12 changes, please identify that you will be
13 submitting changes. Thank you.

14 MS. DZIECHCIARZ: And I have OPC's already,
15 and FIPUG's caveat for all of the issues.

16 COMMISSIONER POLMANN: All right. Any other
17 party for 1 -- Issue 1A, B, C, D?

18 MR. BREW: Commissioner, this is Mr. Brew. We
19 will review OPC's changes and then advise staff if
20 we have anything to revise on our positions by
21 tomorrow.

22 COMMISSIONER POLMANN: Okay. All of Issue 1.
23 Thank you, sir.

24 Okay. Any other party Issue 1, otherwise, we
25 are moving on.

1 Okay, hearing none, let's go to Issue 2A, B,
2 C. Similarly, 2A, B, C, D, the same request. If
3 you have a changes to be made to any A, B, C, D
4 please identify yourself and note that you will be
5 submitting a change to staff.

6 MR. REHWINKEL: For the record, the OPC will
7 be providing 2A and 2B changes.

8 COMMISSIONER POLMANN: Thank you, Mr.
9 Rehwinkel.

10 Other parties?

11 MS. PUTNAL: Commissioner Polmann, this is
12 Karen Putnal again for FIPUG.

13 Same -- same response that we would be
14 reviewing and submitting by close of business
15 tomorrow any revisions based on the changes that
16 OPC makes to A and B, as well as after reviewing
17 the proposed settlement agreement.

18 COMMISSIONER POLMANN: Thank you, Ms. Putnal.
19 Mr. Brew -- I am sorry, did you have anything
20 else? Ms. Putnal, go ahead.

21 MS. PUTNAL: No, sir.

22 MR. BREW: Yes, Commissioner. This is Mr.
23 Brew. Same applies to us.

24 COMMISSIONER POLMANN: Thank you, sir.

25 Any other party on 2A, B, C, D?

1 Okay, hearing none, I am going to move to
2 Issue 3. Let's see, how many parts are there in 3?
3 I should know this. Looks like we have A, B, C, D
4 on there also.

5 So the same process, A, B, C, D, identify
6 yourself and indicate whether or not you will be
7 submitting a change to staff.

8 MS. DZIECHCIARZ: And I will also jump in and
9 note that I do have FIPUG and PCS comments that I
10 believe would be applicable to all of these, except
11 perhaps Issue 8.

12 MS. PUTNAL: Yes, thank you.

13 COMMISSIONER POLMANN: Okay. Any party, other
14 than what Ms. Putnal just indicated, for 3A, B, C,
15 D?

16 MR. BREW: Commissioner, the same for PCS.

17 MS. DZIECHCIARZ: I have that too, yes, Mr.
18 Brew. Thank you.

19 COMMISSIONER POLMANN: Okay. I didn't hear
20 anything else on Issue 3.

21 Issue 4, same process, A, B, C, D, if the
22 parties would identify themselves if you will be
23 submitting changes.

24 MS. DZIECHCIARZ: And I will note for the
25 record that we have FIPUG and PCS's comments

1 applicable to this issue as well.

2 COMMISSIONER POLMANN: Okay. Any other
3 parties intending to submit changes on any of the
4 issues under 4?

5 Okay, the same -- same question on Issue 5A
6 through D.

7 MS. DZIECHCIARZ: Again, this is Rachael
8 Dziechciarz, I will just note for the record that
9 we have FIPUG and PCS's comments applicable to this
10 issue as well.

11 COMMISSIONER POLMANN: Thank you.

12 Any other party on Issue 5? Any party?

13 Okay. Moving on to Issue 6, same process.
14 Any party on any of the items under Issue 6?

15 MS. DZIECHCIARZ: This is Rachael again. I
16 will note that we have FIPUG and PCS's comments for
17 this issue as well.

18 COMMISSIONER POLMANN: Okay. Any other
19 parties on Issue 6, please?

20 Okay. Moving to Issue 7, same process for A,
21 B, C, D, any of the parties wish to identify any
22 changes that they will be submitting?

23 MR. REHWINKEL: Yes. We have submitted a
24 change to Issue 7B, Commissioner.

25 Thank you.

1 COMMISSIONER POLMANN: Thank you, Mr.
2 Rehwinkel.

3 Any other parties for any item under Issue 7?

4 MS. DZIECHCIARZ: I will just note for the
5 record again, Commissioner -- again, this is
6 Rachael -- that FIPUG and PCS's comments would be
7 applicable to this issue too.

8 COMMISSIONER POLMANN: Thank you.

9 Okay. I am moving to Issue 8, should the
10 docket be closed, A, B, C and D, any party, please?

11 MS. DZIECHCIARZ: I will note for the record
12 that FIPUG and Duke have -- I don't know if their
13 comment would be applicable to this docket, but
14 just in case since, you know, we all have until the
15 close of business tomorrow, just in case you did
16 want to make a change.

17 COMMISSIONER POLMANN: Very good.

18 Okay. I think we have covered all of the
19 identified issues. We have a couple of contested
20 issues and --

21 MR. REHWINKEL: Commissioner, this is Charles
22 Rehwinkel. I think I can maybe streamline the
23 process here today.

24 As you are aware, we have submitted a
25 settlement agreement proposal with FPL and Walmart

1 for the FPL Gulf issues. Clearly, that settlement
2 and other settlements that are pending, or have
3 been approved, have the potential to affect the
4 overall direction and outcome of this hearing ahead
5 of us. In the spirit of the compromise that we
6 reached with FPL and Gulf and potential further
7 discussions, we think it would be appropriate for
8 us to withdraw those issues as contested issues
9 from the proceeding at this time.

10 COMMISSIONER POLMANN: Mr. Rehwinkel, is that
11 a definitive statement, sir?

12 MR. REHWINKEL: Yes, sir. They are withdrawn.
13 I just wanted to give context to it.

14 COMMISSIONER POLMANN: Well, I appreciate the
15 context, and I appreciate the definitive statement.
16 So I will take that in the full meaning that your
17 contested Issues No. 1 and No. 2 have been
18 withdrawn.

19 MR. REHWINKEL: Thank you, sir.

20 MS. DZIECHCIARZ: I would just -- and thank
21 you. I would just like -- this is Rachael
22 Dziechciarz.

23 Commissioner, I think we should -- and you may
24 be already doing this, so I don't mean to jump the
25 gun, but some of the intervenors agreed with OPC on

1 the contested issue, so I would just like to hear
2 from FIPUG and PCS and Walmart as to how they feel
3 about withdrawing the contested issue as well.

4 MR. BREW: PCS is willing to go along with OPC
5 on this.

6 MS. PUTNAL: This is Karen Putnal.

7 FIPUG doesn't object to the withdrawing of the
8 issue. I think to the extent there was any overlap
9 between this and some of the other issues, that we
10 can address that when we -- if we revise our
11 statement tomorrow.

12 MS. EATON: And this is Stephanie Eaton for
13 Walmart. We do not object to the contested issues
14 being withdrawn and agree with what Mr. Rehwinkel
15 said to the settlement agreement that OPC, Walmart,
16 FPL and Gulf have reached.

17 Thank you.

18 COMMISSIONER POLMANN: Okay. I think we've
19 covered the intervening parties. Does that address
20 your point, Ms. Dziechciarz?

21 MS. DZIECHCIARZ: Yes, it does. Thank you,
22 Commissioner Polmann. I just wanted to make sure
23 that everyone was on the same page.

24 COMMISSIONER POLMANN: I appreciate you
25 raising that issue.

1 Okay. Any other comments, concerns or
2 questions regarding those two contested issues?

3 MR. WRIGHT: Commissioner Polmann, this is
4 Chris Wright for Florida Power & Light. I would
5 just like to go on the record and state thank you
6 to Mr. Rehwinkel of Office of Public Counsel for
7 withdrawing these in the continued efforts of
8 compromise here. We just wanted to go on the
9 record and thank them.

10 COMMISSIONER POLMANN: Thank you, Mr. Wright.
11 And let me reflect. I think this is -- this
12 is a great example of the efficiency and the type
13 of actions by parties that are very helpful to the
14 Commission's proceedings, so I offer my -- my
15 thanks and appreciation as well.

16 MR. REHWINKEL: Commissioner, I've got -- I
17 want to echo Mr. Wright's remark that we are
18 working cooperatively.

19 I do want to say that we are not presuming
20 that the settlement will be approved, but we are
21 optimistic, given the track record and history of
22 this commission, and the desire, I think, of
23 everyone to work this out at this point where we
24 find ourselves that we withdrew the issues with
25 that level of faith and confidence in the process,

1 but we are not presuming that the settlement has
2 been approved just for the record.

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

5 Okay. So let me try to figure out where we
6 are. We didn't go through --

7 MS. DZIECHCIARZ: So, I think, Commissioner
8 Polmann, we are on page 12 of your script, I
9 believe, but you can -- I will let you review it.
10 I didn't mean to jump in.

11 COMMISSIONER POLMANN: Okay, that's not where
12 I was looking, so what section do you --

13 MS. DZIECHCIARZ: It is the very end of
14 Section X -- or I guess the -- not the very end,
15 but the -- we are under -- we are still under the
16 witnesses, because page -- let's see --

17 COMMISSIONER POLMANN: Where are you in the
18 draft order?

19 MS. DZIECHCIARZ: In the draft order, we are
20 on page 49, at the end of 49.

21 COMMISSIONER POLMANN: Yeah, because we didn't
22 get to the exhibit list yet.

23 MS. DZIECHCIARZ: Right. So the -- so the OPC
24 contested issues begin on page 46 of the draft
25 prehearing order. So it looks like we've

1 eliminated those, and I was -- when you are ready
2 or if there is something else, we would move on to
3 just addressing parties that have identified no
4 position, which we've already talked about a little
5 bit, but I have my little spiel.

6 COMMISSIONER POLMANN: Okay. So moving on,
7 parties who have taken no position, what would you
8 like to share with us?

9 MS. DZIECHCIARZ: Thank you, Commissioner.

10 We would like to note that the Order
11 Establishing Procedure requires that a party take a
12 position at the prehearing conference unless good
13 cause is shown as to why that party cannot take a
14 position at this time.

15 Accordingly, if a party's position in the
16 draft prehearing order is currently no position at
17 this time, that party must change its position or
18 show good cause as to why it cannot take a
19 position.

20 We have suggested that parties who have not
21 yet taken a position be -- or wish to change their
22 position, be allowed to submit their position in
23 writing no later than close of business tomorrow,
24 July 29th. If a party fails to take a position or
25 change their position by that time, the prehearing

1 order will reflect no position for that party on
2 such issue.

3 COMMISSIONER POLMANN: So all the parties
4 are -- are in agreement with this? Anyone wish to
5 make a comment, or speak on the issue with regard
6 to no position at this time being converted to no
7 position?

8 Are we clear? Any comments? Any discussion,
9 please?

10 MS. EATON: Commissioner, this is Stephanie
11 Eaton again.

12 COMMISSIONER POLMANN: Yes.

13 MS. EATON: To the extent the settlement
14 agreement is taken up and a motion for approval of
15 the joint -- of the joint motion is accepted by the
16 Commission, then that would -- that would
17 potentially change the issue on Issue 8 about
18 closing the dockets for FPL and Gulf.

19 So I am not exactly sure whether we are going
20 to write in a position change, but -- but I would
21 make that note, you know, to the extent a
22 settlement was approved, then -- then those dockets
23 would be closed.

24 MS. DZIECHCIARZ: And thank you, Ms. Eaton,
25 this is Rachael -- go ahead.

1 COMMISSIONER POLMANN: Well, I was going to
2 ask Ms. Helton if Issue 8, for example -- maybe
3 just a suggestion. I'm in not telling the parties
4 how to write their positions, but just a thought
5 that they would take a position and then indicate
6 if -- if the settlement were accepted, then
7 essentially the position becomes moot because the
8 docket is closed.

9 MS. HELTON: Well, Commissioner Polmann, just
10 as Mr. Rehwinkel said, I don't think at this point
11 we can presume that the settlement will be
12 approved. I think that all parties should include
13 their positions to issues as if the case were to be
14 fully litigated, and then I think that the
15 Commission most likely think -- staff has been
16 talking, and most likely the Commission would take
17 up the settlement at the beginning of the hearing,
18 and then if the Commission approved the settlement,
19 then obviously any position that a party would take
20 on an issue would become moot because the
21 settlement would be approved if the Commission were
22 to approve it.

23 So I think at this point in time, everyone
24 should include positions to issues as if the case
25 were to be fully litigated.

1 COMMISSIONER POLMANN: And I infer from that
2 there is no need to -- to make any statement with
3 regard to a potential settlement within the
4 statement their positions on the issue. That will
5 resolve itself in due course as appropriate.

6 MS. HELTON: That would be my suggestion,
7 Commissioner.

8 COMMISSIONER POLMANN: Okay, well, Ms. Eaton,
9 I -- that's where I stand. I mean, I will take the
10 advice with regard to -- to my understanding, I
11 will take the advice of counsel. And I think it
12 comes back to if you have a position, stated
13 position, you have no position, then -- then you
14 don't.

15 MS. EATON: Certainly. I appreciate that
16 clarification.

17 COMMISSIONER POLMANN: Okay. Any other
18 comments, concerns or questions on taking a
19 position or have no position?

20 Okay. We are going to move on to the
21 exhibits. In the draft order, that takes me to
22 Section IX. The draft prehearing order that I am
23 looking at, I think, is page 50, but it says
24 exhibit list.

25 So, Ms. Dziechciarz, you are up.

1 MS. DZIECHCIARZ: Yes. Thank you.

2 Staff has prepared a comprehensive exhibit
3 list which lists all of the prefiled exhibits and
4 those exhibits staff wishes to include in the
5 record. The draft was given to the parties, I
6 believe just yesterday, to see if there were any
7 changes or objections to the list or to -- to the
8 introduction of any of staff's exhibits being
9 entered into the record.

10 At this time, we would like to see if there
11 are any known changes that need to be made to the
12 parties' exhibits, or if there are any known
13 objections to the entry of staff's proposed
14 exhibits into the record. And we will continue to
15 work with the parties to work toward stipulating
16 the exhibit list prior to the hearing.

17 COMMISSIONER POLMANN: Okay. So I -- I
18 understand what we are asking for is to identify
19 things that we know about today, and then --

20 MS. DZIECHCIARZ: If anyone has any -- yes, go
21 ahead sorry.

22 COMMISSIONER POLMANN: Yeah. So whatever it
23 is that we've identified to this moment, and then
24 we will -- we meaning staff, will continue to work
25 with the parties to make adjustments as

1 appropriate.

2 MS. DZIECHCIARZ: Yes, sir. That's correct.

3 Normally, we try, if possible, to get
4 agreement on the list at the prehearing or prior
5 to, but since there has been a lot of moving
6 pieces, I wasn't expecting everyone to have a
7 chance to review every single thing on the list
8 just yet. It's a pretty long list, but just if
9 anybody new of any issues to let me know, that
10 would be great, and then we will continue to work
11 on getting the list stipulated.

12 COMMISSIONER POLMANN: Okay. To the parties,
13 do we have anything today that -- that you wish to
14 address?

15 And then the other question is, is everybody
16 comfortable with the process and procedure to
17 communicate with staff on this? I assume that
18 that's well established.

19 MS. DZIECHCIARZ: Yes. And just to clarify, I
20 think everyone knows that you can -- everyone can
21 email me directly and I will -- I will keep it all
22 in order.

23 COMMISSIONER POLMANN: Okay. So we will
24 take -- in this case, we will take everybody's
25 silence as confirmation that there are no questions

1 or concerns about the process going forward to --
2 to add to, or delete, or improve upon the exhibit
3 list.

4 Okay. I am moving forward to Section X,
5 proposed stipulations. If staff is ready to get on
6 with that, go ahead, please.

7 MS. DZIECHCIARZ: Yes. Thank you.

8 On July 20th, 2020, Walmart, TECO, Duke, Gulf
9 and FPL stipulated that the following issue
10 proposed for inclusion by Walmart in this
11 consolidated SPP proceeding will be deferred for
12 the Commission's consideration in the Storm
13 Protection Plan Cost Recovery proceeding, which is
14 Docket No. 20200092-EI.

15 The issue is: Should the Commission reject
16 the proposed illustrative SPP rate designs of DEF
17 and Gulf which recover SPP costs from demand
18 metered customers through a dollar per kilowatt
19 hour energy charge or defer that issue to the SPP
20 clause docket, comma, 20200092-EI.

21 In its prehearing statement, Walmart noted
22 that if the stipulation is approved, it intends to
23 request that Mr. Chriss' appearance be waived from
24 the hearing. The parties to the stipulation have
25 agreed that they may offer revisions to the

1 phrasing of the issue in accordance with the
2 standard issue identification process in Docket No.
3 20200092-EI.

4 OPC and FIPUG took no position on the
5 stipulation, and PCS did not respond.

6 Just to clarify, Walmart has indicated that if
7 the stipulation is approved, Walmart -- Walmart
8 will request that the direct testimony and exhibit
9 of Mr. Chriss be withdrawn from the record, which
10 is my understanding of Walmart's intent when it
11 indicated in the prehearing statement that they
12 would request that his testimony be waived.

13 So therefore, just to clarify again, if the
14 stipulation is approved, the prehearing order would
15 reflect that Mr. Chriss' testimony is not
16 stipulated but is, instead, withdrawn. So his
17 testimony would not be inserted into the record as
18 though read, which is what we typically do for what
19 we usually call a stipulation, I should say.

20 So that is all of our comments for the Walmart
21 stipulation. Thank you.

22 COMMISSIONER POLMANN: Okay. So that is the
23 staff understanding, and I would like to hear from
24 the parties if there are any other -- any other
25 comments, further concerns or questions on this

1 matter.

2 MS. EATON: This is Stephanie Eaton for
3 Walmart. I did want to clarify that what Rachael
4 said as to us withdrawing Mr. Chriss' testimony is
5 accurate. That would be our plan if the
6 stipulation here is approved, that the issue itself
7 is moved into the -- into the clause docket, and we
8 are -- we would agree that the other parties can
9 offer revisions to the phrasing of the issue.

10 We would also, if the stipulation is -- is
11 allowed, would be withdrawing SWC-1, which is an
12 exhibit on the exhibit list, as well as Mr. Chriss'
13 testimony.

14 COMMISSIONER POLMANN: Okay. Very good.

15 I -- I will acknowledge my -- my history using
16 the term waiver or, you know, the concept of the --
17 the stipulation, or so forth, there is a number of
18 different words that have been used legally in my
19 history. I recognize the distinction. I always
20 look to -- for legal advice for which word to use
21 when. I -- I am not going to pretend to be able to
22 make the distinction here. So I -- I will simply
23 say that the attorneys will, I am going to trust,
24 will use the appropriate language for the rate --
25 the rate case here to get -- to get the meaning

1 correct following the intent that we all come to
2 some understanding of. So I will just leave
3 that -- leave that there.

4 Is there any other comment or questions from
5 any other party on this matter?

6 Okay. Seeing none, I -- I hear no objection.
7 I see no reason that the stipulation is not
8 appropriate. I see no reason that it should not be
9 approved, so I think we will move forward.

10 My position now is -- is to approve the
11 stipulation, and the next question is what -- what
12 is the appropriate next action to be taken for Mr.
13 Chriss' testimony and exhibit to be withdrawn? Is
14 there -- is there some other step that Walmart
15 needs to do formally to do that? And if so, is
16 there some other action that the prehearing officer
17 needs to -- needs to take, or is that among the
18 attorneys in the process?

19 MS. DZIECHCIARZ: Commissioner Polmann, this
20 is Rachael.

21 It's my understanding that as long as Walmart
22 has agreed and confirmed on the record that, you
23 know, since you approved the stipulation they are
24 withdrawing Mr. Chriss' direct testimony, as well
25 as the exhibit SWC-1, I believe that confirming on

1 the record, and we can handle that and make sure
2 that the appropriate items are removed from the
3 exhibit list.

4 I will defer to Ms. Helton if she has any
5 additional ways she would like to handle it, or if
6 there is something I am missing.

7 MS. HELTON: Commissioner Polmann, I am good
8 if you are good.

9 COMMISSIONER POLMANN: I am good, as long as
10 I -- as long as you tell me that I am -- I have
11 covered my side, then I leave it to the attorneys
12 to handle the rest of the process, then I think we
13 are done with that issue -- with that matter.

14 MS. HELTON: Yes, sir.

15 COMMISSIONER POLMANN: Okay. All right. Very
16 good.

17 I am ready to move on to pending motions.

18 MS. DZIECHCIARZ: Okay. Great. Thank you,
19 Commissioner.

20 So as I noted earlier. We have three pending
21 motions. First the Walmart motion regarding Ms.
22 Perry's additional exhibit, the Duke motion for
23 settlement agreement, as well as the joint motion
24 for settlement agreement that was submitted
25 yesterday. So we will start with the Walmart

1 motions as supplemental exhibits.

2 On July 27th, 2020, Walmart submitted a motion
3 to add supplemental Exhibit LVP-2 to the direct
4 testimony of Walmart's witness Ms. Lisa Perry. No
5 parties objected to the motion, and staff
6 recommends that the prehearing officer grants
7 Walmart's motion at this time.

8 COMMISSIONER POLMANN: Okay. I understand,
9 from what I just heard, there were no objections.
10 Any further comment from any of the parties at this
11 point? Any second thoughts on that?

12 Okay. Hearing none, seeing none, then I would
13 say Walmart's motion is granted and we can move
14 forward.

15 MS. DZIECHCIARZ: Okay. Thank you very much,
16 Commissioner.

17 The next motion is the Duke Energy Florida
18 motion to approve settlement agreement.

19 On July 17th, 2020, Duke -- DEF presented a
20 motion to approve 200 SPP/CRC settlement agreement.
21 The motion is supported by OPC and PCS. Walmart
22 does not object to the motion, and FIPUG did not
23 respond.

24 In its motion, DEF states that the signatories
25 have established the reasonable costs DEF should be

1 permitted to recover through the SPP Cost Recovery
2 Clause proceeding in 2021, subject to Commission
3 review for prudence in the normal course of clause
4 proceedings, and assuming DEF SPP is approved
5 without modification.

6 This motion does not directly impact the
7 outcome of this SPP proceeding and will be reviewed
8 by the Commission in a separate proceeding.

9 COMMISSIONER POLMANN: Okay. I would like to
10 hear from the parties. Any -- any comments on this
11 matter?

12 MS. PUTNAL: Commissioner Polmann, this is
13 Karen Putnal for FIPUG. Just to update FIPUG's
14 position as no objection.

15 COMMISSIONER POLMANN: Okay.

16 MS. PUTNAL: No position, I should say.

17 MR. BERNIER: Commissioner Polmann, Matt
18 Bernier for Duke Energy.

19 COMMISSIONER POLMANN: Yes.

20 MR. BERNIER: I would just chime to say that I
21 agree with the recitation of the facts as Ms.
22 Dziechciarz provided regarding this motion.

23 COMMISSIONER POLMANN: Okay. Thank you.

24 To be honest with you, I am a little bit
25 unclear exactly what the scope is here.

1 MR. BERNIER: So, Commissioner, Matt Bernier
2 again. On that, I can -- I can help a little bit,
3 I think.

4 I agree, again, as I said, with staff's
5 recitation of this motion. I think it is prob --
6 it was filed in both of these dockets due to the
7 interplay between the SPP and the SPP/CRC dockets.
8 I would agree that because it does not actually
9 settle, or determine any of the issues in this
10 docket, in the 069 docket, it can probably be
11 removed as a pending motion in this docket and just
12 taken up as part of the clause proceeding.

13 I don't know if any of the other parties to
14 the agreement see it any differently, or staff has
15 an issue with that, or if they would like to have
16 it listed as a pending motion. But I agree, it is
17 probably better determined in the 92 docket.

18 MR. BREW: Commissioner, this is Jay --

19 COMMISSIONER POLMANN: I'm sorry, go ahead.

20 MR. BREW: Yeah, this is Jay Brew.

21 PCS agrees that the issues covered by the
22 motion are really more applicable to the clause
23 docket. It came up, however, because the plan
24 includes estimated illustrative rate impacts, which
25 assume certain treatments in -- or how they would

1 develop those estimates, and so that sort of led to
2 the discussions of and then led the motion.

3 So I would support it still staying here,
4 although the issues themselves should be resolved
5 in the clause docket.

6 COMMISSIONER POLMANN: I know there has been a
7 lot of concern expressed, and I don't know how much
8 discussion outside of our purview has occurred on
9 the details of the cost issue and all things
10 surrounding that. So I know there is a lot of
11 concern about cost.

12 I have some hesitancy to -- to take any action
13 on this here without really truly understanding the
14 full implications. Now, I -- you know, I recognize
15 and I think I understand the statement that it
16 notes directly impact the outcome, and I know the
17 cost and cost recovery and the details will be
18 addressed elsewhere in a separate proceeding.

19 And -- and so I am kind betwixt and between
20 here as to, you know, if this somehow was -- was a
21 real benefit, although, it's not necessary, you
22 know, I want to be helpful; but then on the other
23 hand, you know, there is a nice to have and then
24 there is a need to have, so that's where I am
25 stuck.

1 MR. REHWINKEL: Commissioner --

2 COMMISSIONER POLMANN: Yes, Charles.

3 MR. REHWINKEL: Thank you.

4 I -- I don't disagree with the three prior
5 statements from Ms. Dziechciarz, Mr. Bernier and
6 Mr. Brew. I don't think -- I -- I personally don't
7 believe there is anything that the prehearing
8 officer can dispose of with respect to the motion.
9 I think it has to be acted upon by the full panel.

10 In the -- when the TECO settlement that
11 touches on SPP, SPP/CRC matters was approved
12 earlier in the year, it was filed in four different
13 dockets, and it was just taken up and disposed of
14 in the first one of those four dockets that came
15 around the corner.

16 It -- it would be my recommendation to you,
17 and a fairly strong one, that the motion and the
18 proposed settlement, or agreement, be left in this
19 docket as it may facilitate further resolution of
20 matters that -- that deal with both SPP and SPP/CRC
21 docket, and so I don't think it would -- I don't
22 think would harm anything to leave it pending for
23 the full panel to dispose of if -- if it became
24 necessary for them to do so in conjunction with
25 other matters. And if they decided not to dispose

1 of it, it could be left for disposal in the CRC
2 docket in September.

3 That's -- that's a suggestion on my part for
4 you. I don't think it really means that you have
5 to dispose of anything other than just to -- to let
6 it stay in the docket.

7 MS. HELTON: Commissioner Polmann.

8 COMMISSIONER POLMANN: Yes, Ms. Helton.

9 MS. HELTON: I -- I think what everybody is
10 telling you is that I don't think the Commission
11 needs to take up this motion, or deliberate on this
12 motion for this particular proceeding. It does, I
13 guess, tangentially affect this proceeding, but I
14 don't think it needs to be voted on during the
15 August proceeding. I had talked to some of the
16 parties about having a, I guess, a mini settlement
17 hearing prior to the cost recovery hearing, and we
18 are working out the details for that now. And if
19 that has changed, I would appreciate knowing.

20 So I don't know that we are planning to wait
21 until the cost recovery proceeding itself. We were
22 planning on bringing it before the -- this motion
23 before the Commission in between both proceedings.

24 But I don't think the Commission needs to take
25 it up during August. I am comfortable if you want

1 to leave a notation about the settlement motion in
2 this prehearing order. I think that's perfectly
3 acceptable, but I don't think you need to do
4 anything beyond that.

5 MR. REHWINKEL: Commissioner Polmann.

6 COMMISSIONER POLMANN: Yes, go ahead.

7 MR. REHWINKEL: I guess I wasn't clear. I
8 think it ought to stay in. It may have a
9 benefit -- there may be a resolution that it lends
10 itself to by a Commission vote. And that's all I
11 can say.

12 I don't know that -- I mean, the worst that
13 can happen is that the Commission, when they do
14 whatever deliberation and voting that they do at
15 the end of this particular proceeding, they may
16 decide they don't need to take it up. But leaving
17 it here may mean that it can be taken up in
18 conjunction with other matters that may be helpful.
19 That's all I can say.

20 COMMISSIONER POLMANN: Yes. That's what I
21 understood. But I -- I appreciate the additional
22 comment.

23 Ms. Helton, what I would suggest that -- that
24 we move forward on here is do we leave the motion
25 pending to be -- to be considered by the Commission

1 as they determine, either at the SPP hearing or
2 not, however it is that the staff would choose to
3 write that in the -- in the prehearing order. But
4 I am going to choose to not take any action on this
5 in the prehearing order. I am not going to -- I'm
6 not going to make a decision what to do with it.

7 MS. HELTON: I think that's perfectly fine.
8 And I think leaving -- showing that it's pending is
9 perfectly fine, Commissioner Polmann, and I think
10 we can probably move on from this one.

11 COMMISSIONER POLMANN: Yeah. Yeah. I think
12 we -- and I had this discussion, I think my feeling
13 on it is -- is satisfied that we will leave it
14 pending, so -- all right, I appreciate everybody's
15 input on this. Let's just move on.

16 MS. DZIECHCIARZ: I can chime in if you are
17 ready, Commissioner Polmann.

18 COMMISSIONER POLMANN: Yes. Go ahead. Go
19 ahead.

20 MS. DZIECHCIARZ: Okay. Great. Thank you.

21 So this is similar, and perhaps I could have
22 introduced this a little more clearer in hindsight.
23 This motion that I'm about to introduce is similar
24 in that it is to going to be a pending motion,
25 these are all -- the first Lisa Perry motion, that

1 was one that you could deal with, and you were able
2 to grant, so thank you, but these -- the Duke, as
3 well as this one that I am about to introduce, is
4 probably going to be similar, but it is helpful to
5 hear everybody's comments and everything anyway.

6 So for our last pending motion that currently
7 is not listed in the draft prehearing order that
8 you all have but will be added, the plan is to add
9 it to the pending motion section, is the OPC, Gulf,
10 FPL and Walmart joint motion submitted on July
11 27th, 2020. It is a joint motion for expedited
12 approval of the stipulation and settlement
13 agreement.

14 The motion resolves all matters in Docket Nos.
15 20200070-EI and 20200071-EI. And a partial
16 resolution of matters in the SPP cost recovery
17 docket, which is Docket No. 20200092-EI.

18 FIPUG took no position on the motion. And
19 just so you are aware, Commissioner, PCS Phosphate
20 is not a party to the Gulf and FPL docket, so they
21 were not involved in this motion.

22 This motion, like similar to the Duke, will
23 require full Commission review at the appropriate
24 time.

25 COMMISSIONER POLMANN: Okay. So we will do as

1 you say. It will be included, documented
2 appropriately and dealt with at a later time on
3 this matter --

4 MR. WRIGHT: Commissioner Polmann --

5 COMMISSIONER POLMANN: Any party who wishes to
6 make a comment at this point, but I think we are --
7 we are just going to leave this pending, but go
8 ahead.

9 MR. WRIGHT: Hi, Commissioner Polmann. This
10 is Chris Wright for Florida Power & Light, and
11 obviously we joined on this settlement and may have
12 some additional comments.

13 But I just would like a little bit of clarity.
14 I believe Ms. Helton indicated earlier that -- that
15 this particular joint motion for the Gulf and FPL
16 SPP dockets will be taken up at the beginning of
17 the August 10th hearing for the SPP.

18 I would just like a clarification, if that's
19 the case and we are going to get an official ruling
20 on that, that it will be addressed during those
21 hearings, I'm fine, and I don't have much to add to
22 that. But if the idea is that we are going to
23 leave this pending to be addressed at some
24 uncertain date, I have got several points I would
25 like to raise for staff and -- and Your Honor's

1 consideration.

2 Importantly, unlike the Duke, this is directly
3 related to this docket for both the Gulf FPL and
4 Gulf SPP plan. And as Ms. Dziechciarz indicated,
5 it fully resolves -- if approved, it would fully
6 resolve all of the issues raised by parties that
7 submitted testimony in both the FPL and Gulf SPP
8 docket.

9 So maybe we can get a clarification from Ms.
10 Helton, but, you know, my recommendation is that we
11 treat it differently than Duke and do get a ruling
12 on whether or not this will be addressed during the
13 hearings beginning August 10th. And I am happy to
14 provide some further reasoning of why I think
15 that's appropriate, and why it should be delayed
16 for some later date to be established; but before I
17 go down that path, maybe Ms. Helton could give us a
18 clarification on if her statement earlier was
19 correct and if we can -- if we are going to get an
20 order deciding when this will be addressed.

21 MS. HELTON: Commissioner Polmann, would you
22 like me to respond?

23 COMMISSIONER POLMANN: Well, I think the -- I
24 think the question is one of timing, and I had
25 that -- I had that thought that came to mind rather

1 softly seeing the title of this, which is a joint
2 motion for expedited approval, and I wasn't quite
3 sure what that meant. So I will let you respond
4 within mind my question as well, because I -- I
5 don't -- I don't recall ever seeing something that
6 came in with that title.

7 Now, I understand what Mr. Wright has stated,
8 but I am not sure exactly what he is asking for,
9 other than take this up at the beginning of the
10 hearing. I get that.

11 So there are a number of questions here. Are
12 we looking for a time certain to take this up? Are
13 we looking to take it up specifically the first
14 matter on the day of hearing, are we looking for a
15 special meeting?

16 So anyway, what are your thoughts, Ms. Helton?

17 MS. HELTON: Commissioner Polmann, as you
18 know, this motion came in late yesterday afternoon,
19 and staff has been furiously going through it to
20 look to see whether we can recommend to the
21 Commission to take it up at the beginning of the
22 storm protection plan proceeding.

23 At this point in time, we have not seen
24 anything to indicate to the staff that it should be
25 taken -- that it could not be taken up then, but we

1 are still looking at the document.

2 I didn't -- I wasn't speaking out of school
3 earlier. I just was trying to put on the record
4 that that's what staff's immediate inclination was.
5 If staff feels like there is additional information
6 that it needs, or the Commission needs, with
7 respect to the settlement, then obviously we would
8 recommend a different course.

9 But at this point in time it's looking take it
10 up at the beginning of the proceeding, but I can't
11 definitively say that because we have not had a
12 chance to fully study it, nor can we make that
13 decision for the Commission. That's really up to,
14 I guess, the Chairman who will be conducting the
15 proceeding on August 10th.

16 COMMISSIONER POLMANN: I certainly understand
17 your last comment, that's always true. At the
18 moment, I have to say, I -- you know, I don't want
19 to respond harshly to -- to -- to the parties, but
20 I mean, I really honestly don't understand the
21 motion for expedited approval.

22 You know, they -- they heard -- certain
23 Commissioners, you know, expressed opinions about
24 settlements, and we certainly do feel that
25 settlements are -- are important, settlements are

1 favorable in many regards. But as you just
2 indicated, which I absolutely agree with, we need
3 sufficient time to review these things so, you
4 know, we do have to -- we do have to allow for
5 that.

6 I am not quite sure what I can do here in
7 terms of, you know, committing the Commission to
8 take this up, you know, a time certain.

9 MS. HELTON: And, Commissioner Polmann, I
10 don't think you can commit the -- the Commission at
11 this point in time. So perhaps maybe one course of
12 action if Mr. -- I am sorry, I can't -- Mr. Wright
13 thinks that there is additional information that
14 you might need, or the Commission might need with
15 respect to the timing, perhaps you could hear from
16 him and the other parties that would be affected by
17 the settlement. But I really -- I think other than
18 noting the fact that this is here and ripe for a
19 decision at a certain point in time is about all
20 you can do.

21 COMMISSIONER POLMANN: Well, thank you for --
22 for the feedback. You know, I am certainly willing
23 to take it under advisement to review this with
24 counsel, you know, and -- and try and put something
25 helpful into the prehearing order as soon -- as

1 soon as we can turn that around.

2 I am certainly not unaware of -- of the
3 importance of this, you know, and I -- and I want
4 to deal with it as quickly as I can. I want to
5 deal with it appropriately.

6 So I would like to hear from Mr. Wright again,
7 and then any other parties to this that wish to --
8 to put something on the record.

9 Back to you, Mr. Wright.

10 MR. WRIGHT: Sure. Thank you, Commissioner
11 Polmann.

12 Let me -- let me take things a little bit
13 reverse order here. I certainly appreciate what
14 Ms. Helton said, that staff was looking at the
15 settlement, you know.

16 The parties -- all the parties to the
17 settlement have been working diligently to resolve
18 their issues, working collaboratively, and, you
19 know, we are very happy to report that we have been
20 successful in those accomplishments, but we
21 certainly recognize that we just produced that on
22 staff on yesterday, late yesterday afternoon.
23 Unfortunately, that was the earliest that we could
24 complete, you know, a full resolution, which I
25 think in and of itself is a big accomplishment in

1 this first time out of the box storm protection
2 plan proceeding.

3 But with respect to information that staff
4 would want to know, you know, FPL can certainly
5 make its witnesses available at the hearing for any
6 questions that staff or the Commission may have on
7 the settlement provisions. You know, we've done
8 that in prior proceedings, where we've made folks
9 available that can respond to -- to questions
10 during -- during the hearing. Hurricane Irma is an
11 example of that.

12 You know, additionally, in the event that
13 staff has any questions prior to the hearing, you
14 know, FPL will endeavor to respond to all such
15 questions as quickly as practicable and provide
16 responses prior to the hearing.

17 And finally, in an effort to further
18 streamline the hearing, FPL is committed to work
19 with all of the other parties to try and reach
20 stipulations on the testimony and exhibits where we
21 can to -- to further reduce the time necessary for
22 the hearing, and instead we can kind of focus on
23 any questions that the Commission or staff may have
24 with respect to the -- the settlement.

25 So I just wanted to put that on the record

1 that we are willing -- we understand that staff may
2 have some questions, and we are willing to do what
3 we need to do to be responsive to those, including
4 making witnesses available for questions at the
5 hearing with respect to the settlement provisions.

6 I am happy to explain some reasons why we
7 think, you know, what we -- we requested that for
8 expedited approval is appropriate if that's
9 helpful, Commissioner Polmann, if you would like to
10 hear that now, I can do so.

11 COMMISSIONER POLMANN: Well, it may be more
12 appropriate to review it with -- with -- with staff
13 counsel or with the General Counsel's Office. It's
14 not going to help me make a decision sitting here
15 right this minute. It may be -- it may be helpful
16 in -- in staff preparing the prehearing order, so
17 you can perhaps review that off-line here with --
18 with our legal department.

19 MR. WRIGHT: Certainly, Commissioner Polmann.
20 We -- we -- we will do that, and I'm happy to do
21 so, and I certainly welcome input from -- from the
22 other signatories to the joint motion and
23 settlement.

24 COMMISSIONER POLMANN: Thank you.

25 Do we have comments or input from any of the

1 other parties?

2 (Multiple speakers.)

3 MR. BADDERS: Commissioner Polmann, Russell
4 Badder, can I address something?

5 COMMISSIONER POLMANN: Mr. Badders, sir.

6 MR. BADDERS: Thank you. Very quickly.

7 I agree with the comments made by Mr. Wright,
8 and just want to let you and the staff know that,
9 you know, Gulf stands ready to respond to questions
10 if they have any related to the settlement, and --
11 and we will work with the other parties again to
12 make sure that we are ready if this is able to be
13 taken up at the August 10th, first day, that we
14 will be ready, and we will have a witness available
15 for questions for the Commissioners or staff.

16 COMMISSIONER POLMANN: Thank you, sir.

17 Who else did I hear?

18 MS. CHRISTENSEN: This is Patty Christensen
19 with the Office of Public Counsel, on behalf of the
20 Office of Public Counsel for the FPL, and I know
21 Mr. Tad David is also on the phone for Gulf.

22 We are willing and we are in agreement that if
23 the Commission could take it up at the hearing, we
24 will provide whatever will be necessary to provide
25 joint responses back to the Commission and staff

1 should they have any questions about the
2 stipulation at the hearing.

3 We do have -- there may be some accounting
4 provisions of the stipulations where we would need
5 to respond. We'll have -- we'll have to think
6 about witnesses on that. Maybe Mr. Rehwinkel can
7 address how we would propose to respond to the
8 accounting provisions in the stipulations, if he
9 can today. If not, we may need to have that
10 discussion before the hearing.

11 MR. REHWINKEL: Mr. -- Commissioner, Dr.
12 Polmann, we are -- we stand ready to facilitate
13 whatever review the Commission can give this at its
14 earliest possible point in discharging its
15 statutory responsibility.

16 If there is a desire for a witness on the
17 Public Counsel's side, we are willing to make one
18 available. We haven't had to do that in the past,
19 but -- but we have offered. We offered in the TECO
20 situation. It wasn't necessary. It would be
21 offered again in this situation if it would
22 facilitate things.

23 So we will work with your staff, your General
24 Counsel's Office, counsel for FPL and Gulf and
25 Walmart to have whatever conversations are

1 necessary to -- to make this happen. So we commit
2 that to you unequivocally.

3 COMMISSIONER POLMANN: Thank you, sir.

4 MS. EATON: And Commissioner, this is
5 Stephanie Eaton for Walmart.

6 We also support what Mr. Wright, Mr. Badders
7 and Ms. Christensen and Mr. Rehwinkel have said.
8 And would also note that the -- the -- taking up
9 this particular motion at the SPP hearing can
10 potentially impact testimony filed by intervenors
11 and/or staff in rebuttal testimony in the clause
12 docket because, for example, to the extent the
13 Commission reviewed the settlement, and believed
14 that it was in the public interest to approve it,
15 that could potentially eliminate the need for
16 certain testimony to be filed on the clause dockets
17 that are being resolved with the settlement. So
18 that's just an additional piece of consideration.

19 COMMISSIONER POLMANN: Thank you for your
20 comments. I appreciate all of the -- the input and
21 the feedback.

22 I -- we are having the discussion primarily
23 because it has to do with -- with the amount of
24 time that we have. And sincerely, I appreciate the
25 commitment from all of the -- all of the parties,

1 the signatories to the stipulation and settlement
2 agreement, your willingness to provide the
3 information, make yourselves and those who assist
4 you available to staff, which is really the key
5 point, because the staff will be working diligently
6 to the best of their ability within the time that
7 remains before the hearing to -- to understand
8 what's -- what's in the agreement, and to be in the
9 position to provide that analysis and
10 recommendation to the Commission, and we will be
11 looking to that as Commissioners to -- to be able
12 to make an informed decision.

13 And so that's the key here, is -- is for our
14 technical and legal staff to have adequate time to
15 be able to give us the best available information.
16 And without that, the worst possible case is for
17 the Commissioners to be in a position that says we
18 don't have enough information to make a decision.
19 We don't feel adequately informed. We are not
20 comfortable, which is not to say that -- that the
21 agreement is not -- is not a good one. It's just
22 that we don't understand it. We haven't had enough
23 time.

24 Now, I understand the circumstances are what
25 they are, and we will absolutely, you know, as an

1 agency, do the best we can, and I appreciate your
2 commitment to provide the assistance.

3 So that's the only reason we are having the
4 discussion, is because we are talking about it,
5 which is also the reason I was trying to
6 understand, you know, what -- what it was that was
7 being asked and what can be done.

8 As I sit here today, I think the first
9 opportunity for this being discussed by the
10 Commission will be -- will be at the hearing,
11 perhaps taking that first. That will be determined
12 by the presiding officer with input from -- from
13 legal advice.

14 So I will just leave it there. I appreciate
15 everyone's commitment to provide resources
16 available to the staff as they work through this.
17 That's -- that's really I all I have to say.

18 So moving forward, we have --

19 MS. DZIECHCIARZ: Thank you -- go ahead.

20 COMMISSIONER POLMANN: Yeah, we have some
21 pending confidentiality motions. Is there anything
22 there that, Ms. Dziechciarz, you need -- you need
23 to address for us?

24 MS. DZIECHCIARZ: No, we've got none at this
25 time. They should be all taken care of.

1 COMMISSIONER POLMANN: Okay. Let's move on to
2 the post-hearing procedures.

3 MS. DZIECHCIARZ: Thank you, Commissioner.

4 We recommend that post-hearing briefs be
5 limited to 40 pages, should briefs be necessary.
6 And that would be 40 pages per docket.

7 Staff recommends that a summary of each
8 position of 50 words set off with asterisks should
9 be included in each post-hearing statement.

10 If a bench decision is not made, post-hearing
11 briefs will be due on September 4th, 2020.

12 COMMISSIONER POLMANN: Okay. Any -- any
13 concerns? We have everybody in agreement on the 40
14 and 50 and September 4th?

15 Okay. Moving on.

16 MS. DZIECHCIARZ: Thank you. Are we ready to
17 go on to the Section XIV, rulings, Commissioner?

18 COMMISSIONER POLMANN: Well, I didn't hear any
19 objection on post-hearing procedures.

20 MS. DZIECHCIARZ: We should be good then.
21 Just double checking.

22 For the ruling, we would recommend that the
23 prehearing officer make a ruling at this time that
24 all parties shall be provided five minutes for
25 opening statements, and that OPC be provided 10

1 minutes for its opening statement.

2 COMMISSIONER POLMANN: Does anybody want to
3 comment on that --

4 MS. DZIECHCIARZ: In addition -- yeah.

5 COMMISSIONER POLMANN: -- or are we just going
6 to leave it there?

7 Okay. I didn't hear any complaints.

8 MS. DZIECHCIARZ: Okay. And I just wanted to
9 make --

10 COMMISSIONER POLMANN: Go ahead.

11 MS. DZIECHCIARZ: I just want to -- I would
12 just like to note that we've already determined the
13 witness summaries would be three minutes, as
14 discussed earlier. And just for clarification, the
15 Walmart stipulation and withdrawal of Mr. Chriss'
16 testimony and Exhibit SWC-1, was approved, as well
17 as the Walmart motions and supplemental Exhibit
18 LVP-2 to Ms. Perry's testimony, that was also
19 approved, and that will be reflected in the ruling
20 section.

21 But as indicated, again for clarity, the Duke
22 motions and FPL and Gulf joint motions, they will
23 be listed as pending motions in the prehearing
24 order, but there will not be a ruling, so to speak,
25 on those matters.

1 COMMISSIONER POLMANN: I agree with that.

2 Any comments or any need for clarification
3 from any of the parties? I think we covered those.
4 Okay. Other matters.

5 MS. DZIECHCIARZ: We have no other matters at
6 this time.

7 COMMISSIONER POLMANN: Okay. Any other
8 matters by any party? I hear none. Last chance,
9 Ms. Dziechciarz. Nothing?

10 MS. DZIECHCIARZ: I am good if you are good.

11 COMMISSIONER POLMANN: All right. We have a
12 number of parties who will be submitting comments
13 or changes by tomorrow close of business, and I
14 have taken a number of things I will be reviewing
15 with staff in preparing a prehearing order.

16 And seeing no additional matters, it is 3:11
17 p.m. by my clock, and I will call this prehearing
18 conference adjourned.

19 Thank you very much for everybody attending.

20 (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 6th day of August, 2020.



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