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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20200182-EI

Joint petition for declaratory  
statement regarding application  
of MFR requirements in Rule  
25-6.043(1), F.A.C. or, in the  
alternative, petition for variance,  
by Florida Power & Light Company  
and Gulf Power Company.

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PROCEEDINGS: COMMISSION CONFERENCE AGENDA  
ITEM NO. 4

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

DATE: Tuesday, September 1, 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. Item No. 4, Ms.  
3 Helton.

4 MS. HELTON: Item No. 4 is a joint petition by  
5 Florida Power & Light Company and Gulf Power for a  
6 declaratory statement regarding certain minimum  
7 filing requirements or, in the alternative, a  
8 variance from Rule 25-6.043(1) of the Florida  
9 Administrative Code.

10 No comments or request to intervene were  
11 filed.

12 Although staff recommends that the petition  
13 for declaratory statement be denied because the  
14 relief requested by the joint petitioners is not  
15 proper for a declaratory statement, staff  
16 recommends the Commission grant Florida Power &  
17 Light and Gulf's alternative request for a rule  
18 variance for its 2021 rate case filing subject to  
19 discovery and cross-examination procedures  
20 remaining intact.

21 Mr. John Butler and John Burnett representing  
22 Power & Light and Gulf are available if you have  
23 any questions, and Patti Christensen would like to  
24 make a statement concerning the petition --  
25 concerning the petition, and your staff is also

1 available if you have questions for them.

2 CHAIRMAN CLARK: Thank you, Ms. Helton.

3 Ms. Christensen, are you on the line for an  
4 opening statement?

5 MS. CHRISTENSEN: Yes, I am.

6 CHAIRMAN CLARK: You are recognized.

7 MS. CHRISTENSEN: Good morning -- good  
8 morning, Commissioners. This is Patti Christensen  
9 with the Office of Public Counsel. We have a brief  
10 statement to read into the record.

11 FPL, Gulf and the OPC jointly agree as follows  
12 in support of the Commission's granting the relief  
13 as recommended by staff:

14 The Commission does not -- or OPC does not  
15 object to the relief sought as long as the  
16 substantive effect of the relief is limited to  
17 ensuring that, if the 63 schedules at issue in the  
18 petition, along with the two schedules identified  
19 in staff's first data request in number one, are  
20 populated as proposed in the petition, that FPL's  
21 and Gulf's MFRs will not be deemed to be deficient  
22 for purposes of compliance with that rule.

23 The OPC's support for the relief is premised  
24 on the further understanding that neither FPL nor  
25 Gulf will assert that the Commission's order

1           granting relief in this docket provides any basis  
2           for FPL or Gulf to object to, or the Commission to  
3           deny, discovery served by OPC in any FPL/Gulf base  
4           rate case.

5           The OPC acknowledges that such forbearance by  
6           FPL and Gulf will not preclude the companies from  
7           objecting to the discovery sought by OPC or others  
8           related to the MFR schedules on the grounds that  
9           such information is, in fact, not available or  
10          otherwise subject to other appropriate objections  
11          to discovery.

12          With these understandings, that F -- that FPL  
13          and Gulf acknowledge and concur in, the OPC does  
14          not object to the relief sought by FPL and Gulf.

15          Further, OPC would ask that this language be  
16          included in the order. We believe that inclusion  
17          of this language in the order will provide clarity  
18          for future proceedings, and OPC is now available  
19          for any questions.

20          Thank you.

21          CHAIRMAN CLARK: Thank you, Ms. Christensen.

22          Okay. Commissioners, just as a quick  
23          reminder, staff recommendation is for a denial of  
24          the declaratory statement and approval of a  
25          variance.

1           Any Commissioners have any questions?

2           All right. Seeing none, I will entertain a  
3 motion.

4           COMMISSIONER BROWN: Mr. Chair, I would move  
5 approval of all issues in this staff  
6 recommendation.

7           COMMISSIONER FAY: I will second.

8           COMMISSIONER POLMANN: Second.

9           CHAIRMAN CLARK: I have a motion and a second.  
10 Is there any discussion?

11 On the motion, all in favor say aye.

12 (Chorus of ayes.)

13 CHAIRMAN CLARK: Opposed?

14 (No response.)

15 CHAIRMAN CLARK: Motion carries.

16 (Agenda item 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 11th day of September, 2020.



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DEBRA R. KRICK  
NOTARY PUBLIC  
COMMISSION #HH31926  
EXPIRES AUGUST 13, 2024