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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20200215-WS

Petition for approval to defer
legal expenses in Marion County,
by East Marion Utilities, LLC.

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 5

COMMISSIONERS
PARTICIPATING: CHAIRMAN GARY F. CLARK
COMMISSIONER ART GRAHAM
COMMISSIONER JULIE I. BROWN
COMMISSIONER ANDREW GILES FAY
COMMISSIONER MIKE LA ROSA

DATE: Tuesday, January 5, 2021

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: Next up is Item No. 5. We
3 are out of order just a little bit here. Number --

4 MR. MOURING: Good morning, Commissioners.
5 This is Curt Mouring with Commission staff.

6 Item 5 is staff's recommendation to approve
7 East Marion Utilities' petition to defer legal
8 expenses associated with resolving a DEP issue.

9 Staff is prepared to answer any questions the
10 Commission may have.

11 CHAIRMAN CLARK: Thank you, Mr. Mouring.
12 Commissioners?

13 Commissioner Brown.

14 COMMISSIONER BROWN: I just have a legal
15 question really, and it's about what is going to be
16 in the order. And I am sorry I didn't pull it
17 earlier, but the recommendation cites two cases
18 from the early '90s for previously allowing
19 recovery of legal expenses as a result of fines,
20 violations from DEP, and I just want to state that
21 by allowing the deferral of legal expenses herein
22 we are not figuratively allowing recovery in the
23 next rate case. We will have an opportunity to
24 review whether those costs incurred are reasonable
25 and prudent. And if that is the case, I would like

1 that to be included in the order, as I think it's
2 very notable; is that correct, Ms. Helton?

3 MS. HELTON: I think that is -- I mean, we --

4 MS. TAN: Commissioner --

5 MS. HELTON: Ms. Tan is closer to this, so it
6 sounds like she would like to speak, so...

7 CHAIRMAN CLARK: Who is it?

8 MS. HELTON: Lee Eng Tan.

9 MS. TAN: Commissioners, this is Lee Eng Tan
10 on behalf of Commission staff.

11 CHAIRMAN CLARK: Ms. Tan, you are recognized.

12 MS. TAN: And, indeed, you -- thank you. And,
13 indeed, you are correct, that this is just a
14 deferral to consider these expenses in the
15 utility's next rate proceeding. So it is part of
16 the order, and it is something that we can
17 highlight as well.

18 COMMISSIONER BROWN: Thank you.

19 And, Mr. Chairman, with that, I would move
20 approval of this item with that provision included
21 in the order.

22 CHAIRMAN CLARK: Duly noted.

23 Do I have a second?

24 COMMISSIONER FAY: I'll second.

25 CHAIRMAN CLARK: I have a motion and a second.

1 Any discussion?

2 On the motion, all in favor say aye.

3 (Chorus of ayes.)

4 CHAIRMAN CLARK: Opposed?

5 (No response.)

6 CHAIRMAN CLARK: Motion carries.

7 (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 13th day of January, 2021.



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