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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of: DOCKET NO. 20210010-EI

STORM PROTECTION PLAN
COST RECOVERY CLAUSE.
_____ /

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: COMMISSIONER ANDREW GILES FAY
PREHEARING OFFICER

DATE: Monday, July 26, 2021

TIME: Commenced: 1:00 p.m.
Concluded: 1:25 p.m.

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
112 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
(850) 894-0828

1 APPEARANCES:

2 DIANNE M. TRIPLETT, ESQUIRE, 299 First Avenue
3 North, St. Petersburg, Florida 33701; and MATTHEW R.
4 BERNIER, STEPHANIE A. CUELLO, ESQUIRES, 106 East College
5 Avenue, Suite 800, Tallahassee, Florida 32301-7740,
6 appearing on behalf of Duke Energy Florida, LLC (DEF).

7 CHRISTOPHER T. WRIGHT and JASON A.
8 HIGGINBOTHAM, ESQUIRES, Florida Power & Light Company,
9 700 Universe Boulevard, Juno Beach, Florida 33408-0420,
10 appearing on behalf of Florida Power & Light Company
11 (FPL) and Gulf Power Company (GULF).

12 JAMES D. BEASLEY, J. JEFFRY WAHLEN and MALCOM
13 N. MEANS, ESQUIRES, Ausley McMullen, Post Office Box
14 391, Tallahassee Florida 32302, appearing on behalf of
15 Tampa Electric Company (TECO).

16 RICHARD GENTRY, PUBLIC COUNSEL; CHARLES
17 REHWINKEL, DEPUTY PUBLIC COUNSEL, PATRICIA A.
18 CHRISTENSEN, STEPHANIE MORSE, ANASTACIA PIRRELLO and
19 MARY A. WESSLING, ESQUIRES; Office of Public Counsel,
20 c/o the Florida Legislature, 111 W. Madison Street, Room
21 812, Tallahassee, Florida 32399-1400, appearing on
22 behalf of the Citizens of the State of Florida (OPC).

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1 APPEARANCES (CONTINUED):

2 JON C. MOYLE, JR., ESQUIRE, KAREN A. PUTNAL,
3 and IAN E. WALDICK, ESQUIRES, Moyle Law Firm, P.A., 118
4 North Gadsden Street, Tallahassee, Florida 32301,
5 appearing on behalf of Florida Industrial Power Users
6 Group (FIPUG).

7 JAMES W. BREW and LAURA A. BAKER, ESQUIRES,
8 Stone Mattheis Xenopoulous & Brew, PC, 1025 Thomas
9 Jefferson Street, Northwest, Eighth Floor, West Tower,
10 Washington, DC 20007, appearing on behalf of White
11 Spring Agricultural Chemicals, Inc., d/b/a PCS Phosphate
12 - White Springs (PCS Phosphate).

13 PETER J. MATTHEIS and MICHAEL K. LAVANGA,
14 ESQUIRES, Stone Mattheis Xenopoulous & Brew, PC, 1025
15 Thomas Jefferson Street, Northwest, Eighth Floor, West
16 Tower, Washington, DC 20007, appearing on behalf of
17 Nucor Steel Florida, Inc. (NUCOR).

18 STEPHANIE U. EATON, ESQUIRE, Spilman Thomas
19 and Battle, PLLC, 110 Oakwood Drive, Suite 500,
20 Winston-Salem, North Carolina 27103; and BARRY A. NAUM,
21 ESQUIRE, Spilman Thomas & Battle, PLLC, 1100 Bent Creek
22 Boulevard, Suite 101, Mechanicsburg, PA 17050, appearing
23 on behalf of Walmart Inc. (WALMART).

24

25

1 APPEARANCES (CONTINUED):

2 SHAW P. STILLER, JENNIFER CRAWFORD, MARGO A.
3 DUVAL and STEFANIE-JO OSBORN, ESQUIRES, FPSC General
4 Counsel's Office, 2540 Shumard Oak Boulevard,
5 Tallahassee, Florida 32399-0850, appearing on behalf of
6 the Florida Public Service Commission Staff (Staff).

7 KEITH 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 FAY: All right. July 26th, 1:00
3 p.m. We will call this prehearing conference to
4 order.

5 Staff.

6 MR. STILLER: By notice issued on July 12th,
7 2021, this time and place has been set for a
8 prehearing conference in Docket No. 20210010-EI.
9 The purpose of the prehearing is set out more fully
10 in the notice.

11 COMMISSIONER FAY: Great. Thank you, Mr.
12 Stiller.

13 We will move to appearances. We will start
14 with Duke Energy.

15 MS. CUELLO: Good afternoon. Stephanie Cuello
16 on behalf of Duke Energy Florida, and I would also
17 like to make an appearance for Dianne Triplett and
18 Matt Bernier.

19 COMMISSIONER FAY: Great. Thank you.
20 Florida Power & Light and Gulf.

21 MR. WRIGHT: Good afternoon, Commissioner Fay.
22 Christopher Wright on behalf of Florida Power &
23 Light and Gulf Power Company.

24 COMMISSIONER FAY: Great. Thank you.
25 Tampa Electric.

1 MR. MEANS: Good afternoon, Commissioner.

2 Malcolm Means with the Ausley McMullen Law Firm on
3 behalf of Tampa Electric. I would also like to
4 enter appearances for Jim Beasley and Jeff Whalen.

5 COMMISSIONER FAY: Great. Thank you.
6 Office of Public Counsel.

7 MS. WESSLING: Hi. This is Mary Wessling with
8 Office of Public Counsel. Also entering an
9 appearance for Charles Rehwinkel and Richard
10 Gentry.

11 COMMISSIONER FAY: Great. Thank you so much.
12 FIPUG.

13 MR. MOYLE: Jon Moyle on behalf of Florida
14 Industrial Power Users Group, FIPUG, with the Moyle
15 Law Firm. And I would also like to enter an
16 appearance for Karen Putnal with my firm.

17 COMMISSIONER FAY: Great. Thank you, Mr.
18 Moyle.

19 Next is PCS Phosphate.

20 MR. BREW: Good morning, Commissioner. For
21 White Springs Agricultural Chemicals, PCS
22 Phosphate, I am James Brew. I would like to note
23 an appearance for Laura Baker.

24 COMMISSIONER FAY: Great. Thank you.
25 Nucor Steel Florida.

1 MR. MATTHEIS: Good afternoon, Commissioner.
2 I am Pete Mattheis here on behalf of Nucor Steel,
3 and I would like to enter an appearance for Michael
4 Lavanga.

5 COMMISSIONER FAY: Great. Thank you, Mr.
6 Mattheis. Sorry we had to put you all the way over
7 there. We are loaded up today.

8 MR. MATTHEIS: No problem. I've got a good
9 view. Thank you.

10 COMMISSIONER FAY: Walmart.

11 MS. EATON: Good morning. Stephanie Eaton on
12 behalf of Walmart.

13 COMMISSIONER FAY: Great. Thank you so much.
14 Staff.

15 MR. STILLER: Shaw Stiller for Commission
16 staff. I would also like to enter an appearance
17 for Jennifer Crawford, Margo DuVal and Stephanie-Jo
18 Osborn.

19 MS. HELTON: And Mary Anne Helton is here as
20 your Advisor. I would also like to enter an
21 appearance for your General Counsel, Keith Hetrick.

22 COMMISSIONER FAY: Great. Thank you so much.

23 Just as we get going, I know this -- this
24 prehearing might be a little bit fluid as we work
25 through the issues, but we will get through it.

1 Any preliminary matters we need to address?

2 MR. STILLER: Staff is aware of no preliminary
3 matters at this time.

4 COMMISSIONER FAY: Okay. Great.

5 Okay. What we will do now is we will proceed
6 through the draft order -- draft prehearing order.
7 If you can, as a party, just please feel free to
8 speak up when we are going through something if
9 there is something you would like addressed in
10 here. We will move somewhat quickly just to make
11 sure we can get every -- get through everything.

12 Starting first with the Sections I, II and
13 III, Case Background, Conduct of Proceedings and
14 Jurisdiction.

15 Next Section IV, Procedure for Handling
16 Confidential Information.

17 Section V, Prefiled Testimony, Exhibits and
18 Witnesses.

19 MR. STILLER: Commissioner, staff suggests
20 that witness summary testimony be no longer than
21 three minutes.

22 COMMISSIONER FAY: Okay. Great.

23 Any issues with the parties? Great.

24 Mr. Stiller cross-examination.

25 MR. STILLER: Yes, Commissioner.

1 All cross-examination and impeachment
2 exhibits, confidential and nonconfidential, that a
3 party intends to use at the hearing must be
4 provided to the Commission Clerk by close of
5 business July 27, 2021, in order to be processed
6 and placed on the Commission's website.

7 The parties are aware of the cross-examination
8 requirements in Attachment A to the draft
9 prehearing order.

10 COMMISSIONER FAY: Great. Thank you, Mr.
11 Stiller.

12 Any issues?

13 All right. We will move on to Section VI,
14 Order of Witnesses.

15 I know we might -- might have some discussion
16 about stipulation. I guess, let's just address
17 first if there is any order, do the parties want
18 any changes in the order? Great.

19 Any witnesses that could be stipulated at this
20 time? Any parties want to address that? If not,
21 we can come back to it.

22 Okay, Mr. Stiller.

23 MR. STILLER: If the parties advise staff of
24 any witness stipulations for witnesses in which the
25 testimony will still be included in the docket,

1 staff will confirm with each Commissioner that any
2 identified witness can be excused. If
3 Commissioners do not have any questions of these
4 witnesses, the witnesses may be excused from the
5 hearing, and their testimony and exhibits entered
6 into the record at hearing as though read.

7 COMMISSIONER FAY: Great. Thank you.

8 Next we will move on to Section VII, Basic
9 Positions. Any parties have any change in their
10 basic positions? Great.

11 All right. Next we will move on to Section
12 VIII. Staff, any -- any points you want to address
13 here?

14 MR. STILLER: Yes, Commissioner.

15 Staff will note that for a number of issues,
16 there are parties who have not taken a position.
17 Per the OEP, if a party fails to take a position on
18 an issue by the time of the prehearing conference,
19 the party waives its opportunity to conduct
20 cross-examination on the issue, as well as file a
21 post-hearing brief on the issue.

22 COMMISSIONER FAY: Great. Thank you.

23 Next we will move on to any changes in the
24 parties' positions Issues 1 through 12?

25 All right. Next we will go on to the issues.

1 I guess we could take them up, essentially Issues 1
2 through 9.

3 Issues 10 and 11?

4 Issue 12?

5 All right. Great. Thanks.

6 Staff, we'll move on to the comprehensive
7 exhibit list.

8 MR. STILLER: Staff has prepared a
9 comprehensive exhibit list which lists all prefiled
10 exhibits and those exhibits staff wishes to include
11 in the record. The draft list was provided to the
12 parties to see if there were any changes or
13 objections to the CEL or to the introduction of any
14 of staff's exhibits being entered into the record.

15 At this time, we'd like to see if there are
16 any known changes that need to be made to the
17 parties' prefiled exhibits, and if there are any
18 known objections to the entry of staff's proposed
19 exhibits into the record.

20 Staff will continue to work with the parties
21 to work towards stipulating the exhibit list prior
22 to the hearing.

23 COMMISSIONER FAY: Great. Any of issues with
24 the exhibit list?

25 Mr. Moyle.

1 MR. MOYLE: So I just want to make sure I
2 understand. What we are being asked to say now is
3 whether we object to the list, not all the
4 exhibits?

5 COMMISSIONER FAY: Correct.

6 MR. MOYLE: All right. Okay.

7 MR. STILLER: And staff exhibits.

8 MR. MOYLE: Yeah. I -- I need a little more
9 time to look at them. So I would ask for --

10 COMMISSIONER FAY: Can I just get some clarity
11 on what you are requesting, Mr. Moyle?

12 MR. MOYLE: Sure.

13 There has -- there has been a few things.
14 It's been a while since we've been here in person,
15 at least for FIPUG, for a prehearing conference.
16 And, you know, typically on the issues, the process
17 is to say, okay, you got to take a position by
18 close of business tomorrow so people can, you know,
19 provide that to the Commission. You know, I didn't
20 hear that today.

21 I didn't hear -- on the exhibits, I have
22 always practiced out here for cross-examination
23 that there is an element of surprise to
24 cross-examination and, you know, you have your
25 exhibits, but I heard today now you have to file

1 them or provide them July 27th, which is far in
2 advance.

3 I know the parties have worked out a system
4 where you don't look at the cross-examination, so
5 there are just a few new things, and including the
6 idea -- typically, you know, we agree to a list of
7 exhibits but aren't agreeing to the admission of
8 all the exhibits. And I thought I heard to say,
9 okay, today you are agreeing to not only the list,
10 but the admission of all the exhibits. I'm just
11 saying I need a little time to look at them.

12 COMMISSIONER FAY: Fair.

13 So just for clarity, just as you are
14 referencing, I think any prehearing we've done the
15 close of business tomorrow to allow any changes to
16 be made, and that's fluid, and any comments you
17 have to staff regard that we will absolutely take
18 into account before I sign the prehearing order.

19 With that said, with the cross-examinations, I
20 know things changed a little bit related to the
21 fact that we went on-line and how those are
22 presented, so maybe, Mary Anne, if you could shine
23 some light on that.

24 MS. HELTON: For this proceeding, because we
25 had envisioned -- we didn't know whether we would

1 be virtual or not, we put the requirement in the
2 Order Establishing Procedure that parties would be
3 expected to file their prefiled -- or excuse me,
4 their cross-examination exhibits by tomorrow, and
5 we saw no reason to make that change, and had not
6 heard anything, to my knowledge, where folks were
7 objecting to that. So we liked that process. We
8 thought that it made the hearing go well when we
9 were doing the hearings virtually. It seems to
10 me -- Mr. Moyle, are you taking issue with that
11 process now?

12 MR. MOYLE: Yeah. I think it's worthy of a
13 discussion for this reason: I think if I were a
14 petitioner, I would very much like that process so
15 that I could see the cross-examination exhibits way
16 in advance of the hearing, and I am not so much
17 worried about this hearing, just about -- about
18 precedent of all of a sudden, coming out of
19 COVID -- we made that change to accommodate the
20 COVID situation, how are we going to deal with
21 exhibits. But this hearing, as I understand it, is
22 in person, and so I would be more comfortable using
23 the historical practice of in-person exhibits, not,
24 you know, having to file your cross-examination
25 exhibits very far in advance of the hearing. I

1 don't mean to be like the long --

2 COMMISSIONER FAY: Yeah. No, I think the
3 point is well taken. I am just excited to be the
4 first person that has a prehearing when you are
5 back for this process.

6 So I do think, to your point, though, a
7 transition between the virtual hearings that we've
8 had and the formal process, we are still in
9 somewhat of a hybrid format. I think there are
10 folks on the phone today related to this, and so I
11 take your comments under consideration and make
12 sure, from a process standpoint, that we are
13 providing fairness, and that's something I will
14 address in the prehearing order.

15 MR. MOYLE: Sure. And really, I mean, I have
16 had a couple of rate cases that are scheduled, and
17 those are more litigious, and here's an exhibit,
18 and I just don't want someone to say, well, that's
19 how it's done now. It's a new process, a new
20 procedure, so I wanted to flag it.

21 COMMISSIONER FAY: Yeah. Again, I understand
22 what you are saying. Thank you. Great.

23 MR. BREW: Commissioner.

24 COMMISSIONER FAY: Yes, Mr. Brew.

25 MR. BREW: If I may be heard on that.

1 COMMISSIONER FAY: Do you have something to
2 add to that?

3 MR. BREW: Yes, I wanted to reinforce what Mr.
4 Moyle said.

5 We made the change to the post and prefile
6 cross-examination exhibits as an extraordinary
7 exception to the pandemic, a big change from normal
8 hearing preparations. The reason for that was that
9 we wanted to make sure when we had a litigated
10 hearing, so we had litigated hearings last summer
11 over a couple of items, that everyone would have
12 access to the same documents at the same time. And
13 the way to do that was to post them so you could
14 see them so that everybody could view them.

15 With an in-person physical hearing, we no
16 longer have that limitation. There -- there is no
17 reason not to go back to the normal procedure that
18 applies in a normal physical hearing in terms of
19 presenting the exhibits for the parties and the
20 witnesses to have at the hearing.

21 So to my mind, the restriction from normal
22 trial preparation, and have to prefile
23 cross-examination exhibits a week in advance of the
24 hearing is totally unnecessary.

25 COMMISSIONER FAY: Great. I appreciate your

1 point. Thank you.

2 Moving on, we -- I guess to address that going
3 back. So the comprehensive exhibit list itself, no
4 issues on that. The process, the point is taken
5 from Mr. Moyle and Mr. Brew, I appreciate that.

6 Next, we will move to proposed stipulations.
7 Any of the parties have any proposed stipulations
8 to raise at this time?

9 MR. STILLER: Commissioner, has a new deadline
10 been established for parties to object to staff's
11 exhibits?

12 COMMISSIONER FAY: So I want to look at the
13 dates for that, Mr. Stiller, to set it in the
14 prehearing order, if we need to. I mean, I do
15 understand the transition of going back from
16 virtual to in-person, and the comments that have
17 been made regarding that. And so I will -- I will
18 take that under consideration in setting the date
19 in the prehearing order.

20 My -- my clarity is just that, from a process
21 standpoint, the input from the parties would still
22 be by close of business July 27. If we need to
23 move that back to ensure some time for staff
24 exhibits to be also taken into account, we will do
25 that.

1 MS. HELTON: Mr. Chairman, could I make a
2 comment about parties' positions with respect to
3 issues? When I first -- when I first started --

4 COMMISSIONER FAY: Yes. Go ahead -- go ahead,
5 Mary Anne.

6 MS. HELTON: When I first started practicing
7 with the Commission, the expectation was the
8 parties would put their positions in for each issue
9 in their prehearing statement, and then on rare
10 occasion, parties would sometimes change those
11 positions during the course of the prehearing.

12 Somehow we have evolved into giving staggered
13 amount of time. Some Commissioners, prehearing
14 officers, do it a little bit differently with
15 respect to your positions, but I think the
16 requirement of the Order Establishing Procedure is
17 the parties are expected to put their positions to
18 the issues in their prehearing statement.

19 COMMISSIONER FAY: Great. Thank you.

20 And I do recognize that from a prehearing
21 officer perspective, there are five of us -- or I
22 should say four of us that have these prehearings,
23 and there might be some deviation in that.

24 I do agree, Ms. Helton, the OEP typically sets
25 out how that process will be, and if that position

1 is taken at that point. I understand Type 2
2 stipulations might be a variation on that, but for
3 the most part, we want a position taken at that
4 time, and if not, it's waived. So I think that
5 provides clarity to that process.

6 Staff, did you have anything on proposed
7 stipulations that you wanted to raise?

8 MR. STILLER: Staff has no proposed
9 stipulations. I don't know if the parties at this
10 time are prepared to announce any.

11 COMMISSIONER FAY: That's fine. We are in the
12 prehearing process. If you have them to bring
13 forward, that's great. If the not, we know you
14 will keep working on them.

15 MR. WRIGHT: Commissioner Fay, Chris Wright
16 for Florida Power & Light, and Ms. Eaton can
17 confirm, but Florida Power & Light and Walmart have
18 agreed to stipulate to the admission of their
19 respective witnesses' testimonies and exhibits and
20 to waive cross.

21 COMMISSIONER FAY: Okay. And that will be for
22 all the witness testimony, the direct witness
23 testimony provided for your witnesses?

24 MR. WRIGHT: For both FPL and Walmart.

25 CHAIRMAN CLARK: Okay.

1 MS. EATON: And that's correct. There is a
2 similar agreement that Walmart has with Tampa
3 Electric, where the parties are stipulating the
4 witness testimony, and have agreed not to
5 cross-examine each other's witnesses.

6 COMMISSIONER FAY: Okay. All right. Any
7 other parties?

8 MR. MOYLE: FIPUG does -- does not want to
9 join in that stipulation. You know, two parties
10 stipulated, but we don't -- we don't have any
11 objection to it.

12 COMMISSIONER FAY: Okay. Great. Thank you.
13 Anything else?

14 We will move on to pending motions.

15 MR. STILLER: Staff is aware of no pending
16 motions at this time, Commissioner.

17 I would point out, though, one change to the
18 prehearing order. The draft prehearing order on
19 pages 23 and 24, there were references to Duke
20 Exhibits CAM-1 and CAM-2.

21 The descriptions in the draft prehearing order
22 were descriptions of the witness testimony of that
23 exhibit. Staff has circulated a proposed change to
24 the draft order to have CAM-1 noted as schedules
25 supporting Duke's 2021 amount, and CAM-2, scheduled

1 supporting Duke's 2022 amount. And the parties
2 have no objection to that amendment to the
3 prehearing order.

4 COMMISSIONER FAY: Okay. That's -- that's a
5 good change, just to keep the language consistent.
6 Any objections to that? Great.

7 Mr. Stiller, anything else?

8 MR. STILLER: No, Commissioner.

9 COMMISSIONER FAY: Great. Thank you.

10 Next we will move on to Section XII, Pending
11 Confidentiality Matters.

12 MR. STILLER: There are no pending
13 confidentiality matters at this time.

14 COMMISSIONER FAY: Okay. Great.

15 Section XIII, Post-Hearing Procedures. Mr.
16 Stiller.

17 MR. STILLER: Yes, Commissioner.

18 Staff recommends that post-hearing briefs be
19 limited to 40 pages should briefs be necessary.

20 Staff recommends that a summary of each
21 position of no more than 50 words, set off with
22 asterisks, should be included in each post-hearing
23 statement.

24 If a bench decision is not made, post-hearing
25 briefs will be due on September 2nd, 2021.

1 COMMISSIONER FAY: Great.

2 All parties in agreement with that?

3 All right. Section XIV, Rulings.

4 MR. STILLER: Staff recommends that the
5 prehearing officer make a ruling that all parties
6 shall be provided three minutes for opening
7 statements. And it's my understanding that the
8 prehearing officer is going to take the ruling on
9 confidential and nonconfidential exhibits filing
10 under advisement.

11 COMMISSIONER FAY: Correct.

12 Anything else, Mr. Stiller? Any other
13 matters?

14 MR. STILLER: Staff is not aware of any other
15 matters at this time.

16 COMMISSIONER FAY: Okay. Great.

17 Any matters from the parties?

18 MR. REHWINKEL: Yes, Commissioner.

19 COMMISSIONER FAY: Yes, Mr. Rehwinkel. Go
20 ahead.

21 MR. REHWINKEL: I raised this at a prior
22 prehearing conference, and I brought my computer to
23 test the internet here.

24 COMMISSIONER FAY: Did we let you in?

25 MR. REHWINKEL: Well, you did initially, but

1 it's intermittent, and my concern, apropos to the
2 concerns that were raised by counsel for FIPUG and
3 PCS is, if we are going to use that, everybody is
4 going to have to use the electronic access to the
5 documents, and the internet is not -- not robust
6 enough for a full hearing, is that viable?

7 COMMISSIONER FAY: Sure.

8 MR. REHWINKEL: And I -- and I don't know if
9 it's a real problem. It -- it may force people to
10 make sure they download all the documents before
11 they get here, but we would -- we would hope that
12 if we are going to go electronic for any length of
13 time, that it be dependable and -- and parties not
14 be put in a position of not being able to litigate,
15 or having to stop and start while they go find ways
16 to get documents.

17 COMMISSIONER FAY: Yeah, I appreciate you
18 raising the points. It's better to get it resolved
19 now before the actual hearing process, when we are
20 trying to sign on. And I know our -- our IT and
21 staff have just done an amazing job here when we
22 switched to virtual, and there has -- there has
23 been a lot of challenges to that. But of course,
24 the transition back, the feedback that we hear from
25 the parties is critical to making sure we make that

1 transition appropriately, so I appreciate you
2 mentioning it.

3 MR. REHWINKEL: Everything that was done for
4 virtual hearings has been fine. But now, if we are
5 going to have dozens of people in here all
6 accessing the internet, is it going to allow us to
7 access documents in realtime to litigate with
8 electronic access? That's the -- that's the point
9 that hasn't really been tested yet. The system
10 hasn't been put under stress.

11 COMMISSIONER FAY: Sure. We will -- we will
12 make sure of that. And not to allow our staff to
13 get pounded or anything, but David Marston is
14 sitting here, and he -- he works through our IT
15 folks, and so we will make sure that we get those
16 questions answered for you, and then procedurally
17 we are set up to handle the bandwidth, but thank
18 you for bringing it up.

19 Anything else? Is that all you have, okay.
20 Great.

21 Any other parties?

22 Great. With -- with that, seeing no other
23 matters, this prehearing conference is adjourned.

24 Thank you. Ms. -- hold on one second. Mr.
25 Brew, late -- late arm there. Go ahead.

1 MR. BREW: Just thought of it at the last
2 second.

3 We had talked about whether we were going to
4 go physical or virtual on the exhibits, but the due
5 date right now is post them by tomorrow. I don't
6 know when the prehearing order was going to come
7 out, but it could very well come out after that due
8 date. I am not sure how we plan --

9 COMMISSIONER FAY: You are basically saying,
10 so for the 27th, if you have anything that you want
11 extended beyond that to submit. So the -- once
12 that material is received by is that deadline, the
13 prehearing would go out. If there are any issues
14 with the exhibits at that point in time, I will
15 address them in the order. But I do think we need
16 to -- I want to take a look at our transition
17 process for this, because, once again, we are in
18 the middle of coming back from a pandemic
19 procedurally, and so I think some of those
20 questions will need to be answered from what our
21 commission can handle.

22 MR. BREW: My only request is that, to the
23 extent that we still go virtual, that some time be
24 allowed from when we see the prehearing order.

25 COMMISSIONER FAY: Sure. Understood. Great.

1 I think --

2 MR. BREW: How do we --

3 MS. HELTON: Maybe -- can I make a suggestion?
4 That the deadline, if we decide to go -- if you
5 decide to go forward with electronic exhibits, the
6 due -- the due date for doing so be extended to
7 this Thursday, so we will have time to flesh that
8 out. And if the prehearing order does not get
9 issued by then, we could let the parties know
10 before then whether they will be required to
11 file --

12 COMMISSIONER FAY: Yeah, assuming the parties
13 are okay with extending that -- that deadline to
14 put the prehearing order out. I know it's a bit
15 unusual, but I think it's probably worth doing at
16 this point to give you a comfort level. Does
17 that -- does that address it?

18 MR. BREW: Ms. Helton's suggestion is a good
19 one.

20 COMMISSIONER FAY: Is that good? Okay.
21 Great.

22 MR. MOYLE: And I just want to be clear, the
23 issues until close of business tomorrow if you have
24 a change in position, is that right?

25 COMMISSIONER FAY: Correct.

1 MR. MOYLE: Okay.

2 COMMISSIONER FAY: Great. Thank you.

3 Anything else?

4 Thank you all for being here. This prehearing
5 is adjourned.

6 (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 5th day of August, 2021.



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