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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20210184-WS

Application for limited
proceeding in Highlands County
by HC Waterworks, Inc.

_____ /

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 4

COMMISSIONERS
PARTICIPATING: CHAIRMAN ANDREW GILES FAY
COMMISSIONER ART GRAHAM
COMMISSIONER GARY F. CLARK
COMMISSIONER MIKE LA ROSA
COMMISSIONER GABRIELLA PASSIDOMO

DATE: Thursday, September 8, 2022

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
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P R O C E E D I N G S

CHAIRMAN FAY: Next we will move to Item 4.

Mr. Sandy, you are recognized when you are ready.

MR. SANDY: Thank you, Mr. Chairman.

Good morning, Commissioners. This is Ryan Sandy on behalf of the Office of General Counsel.

As it currently stands, Item 4 addresses whether the Commission should deny the Office of Public Counsel's petition protesting the Commission's proposed agency action in this docket, in the joint stipulation and settlement agreement that was also filed in this docket on July 1st by OPC and the utility.

We recommend that you deny OPC's protest. I would note that if you approve staff's recommendation on Issue 1, Issue 2 becomes moot, and the proposed agency action order that is currently in place will be made final. If you approve the protest, we would recommend that you deny the joint stipulation and settlement agreement.

I would note that Mr. Rendell, on behalf of the utility, is here this morning to answer any questions. And Richard Gentry is here on behalf of

1 OPC, and would like to be heard on this matter.

2 As always, I and other members of the staff
3 are available to answer any questions you may have.

4 CHAIRMAN FAY: Great. Thank you, Mr. Sandy.

5 I will come you to first, Mr. Gentry. And
6 then, Mr. Rendell, if you have any comments and/or
7 if the body has any questions for you, we will
8 direct them.

9 MR. GENTRY: Thank you, Mr. Chairman.

10 I am here today to ask you Commissioners to
11 approve our proposed stipulation with the water
12 company or, in the alternative, to clarify your
13 previous order.

14 Now, my argument here is that prior to filing
15 this protest, we had sought to achieve
16 clarification of your previous order to wit we
17 wanted to the number of actual complaints filed
18 with this agency to be set forth in that order, and
19 in this case, it was 143 complaints that wound up
20 being filed with your office of CAO.

21 Now, the gravamen of the recommendation here
22 that this be denied is based on the fact that the
23 -- they were actually noticed in the order, and the
24 language was a group of customers filed a complaint
25 with customer assistance. The statement the group

1 of customers filed with the complaint is exactly
2 what we would like to be clarified.

3 The customers, in the words of 120.57 and is
4 cited in this recommendation, are not a material
5 fact that is significant or essential to this
6 issue, and we think that it's just the opposite;
7 because in 220 -- 2020 in your order establishing
8 rates for this very water company, you found that
9 HCW's overall quality of service was unsatisfactory
10 due to the volume of customer complaints, and then
11 you reduced their rate of return by 50 basis
12 points. So clearly, the volume of complaints is
13 important, if not critical.

14 Now, we want it to appear in your order the
15 number of these complaints so that the next time
16 there is an issue with the rates for this company,
17 and as Commissioner Graham pointed out, when you
18 look back at the file that you will see the true
19 number of complaints that have -- that were -- were
20 recorded in this issue and in this case.

21 I want to assure this commission, who I have
22 great respect for, that this is not an attempt on
23 the part of the OPC to nitpick this issue, and it's
24 certainly not an attempt to ask this commission to
25 cater to OPC's editorial preferences. We think

1 this has true merit, and I would ask you once
2 again, in closing, to simply approve the settlement
3 or, in the alternative, simply modify your order by
4 stating how many people filed complaints.

5 CHAIRMAN FAY: Great. Thank you, Mr. Gentry.
6 Mr. Rendell, you are recognized if you have
7 any comments.

8 MR. RENDELL: Commissioners, Troy Rendell on
9 behalf of HC Waterworks.

10 I am here to support staff's recommendation.
11 I believe it addresses all the concerns the utility
12 filed in response to OPC's petition. If it was --
13 if the petition was granted without the settlement,
14 the question is what are we actually going to
15 hearing on the number of complaints filed. If
16 that's a fact, this really should not be going to
17 hearing. But I am here to support staff's
18 recommendation as written.

19 CHAIRMAN FAY: Okay. Great.

20 And, Commissioners, I will come to you in a
21 second here.

22 I just want to confirm with staff that since
23 the recommendation does have the customer
24 complaints in there, I mean, would there be a
25 requirement that they be in the order? I mean, is

1 there a potential that would be in the order
2 anyway?

3 MR. SANDY: If I understand your Chair -- if I
4 understand your question, Mr. Chair, is it that if
5 mention is made in the proposed agency action order
6 already, then is clarification permitted in any
7 subsequent order? If I misunderstood, my
8 apologies.

9 CHAIRMAN FAY: Yeah, just specifically to
10 the -- this language. I mean, to your point, if
11 it's done originally and it would carry over, I
12 think that's fine. That makes sense. But I just
13 -- listening to Mr. Gentry's point, like, I didn't
14 see any issue with it actually being in the order
15 itself, which it sounds like is what he is
16 requesting. If I have that correct -- yeah. I
17 just wanted to see if that would naturally occur
18 anyway because of it previously being in.

19 Ms. Crawford, you are recognized.

20 MS. CRAWFORD: If -- let me rephrase it
21 slightly. I am not sure if this is quite what you
22 are asking.

23 If your statement is: If you move staff, we
24 are going to have an order out there reflecting
25 that there is 143 customers, yes, that is

1 absolutely correct.

2 If the question is: Can we modify the PAA as
3 requested by Mr. Gentry, I think you also have that
4 discretion. Obviously, we still support the staff
5 rec. We think that would be the appropriate
6 outcome in this matter.

7 CHAIRMAN FAY: Okay. That answers my
8 question.

9 Commissioners? Commissioner Clark, you are
10 recognized.

11 COMMISSIONER CLARK: When the lawyers start
12 asking these questions, I get confused. I'm going
13 to simplify this.

14 The 143 customers, are those customers in the
15 record? Are they in the docket -- in the record?
16 Their complaint, is it in the record?

17 MS. CRAWFORD: Yes, those complaints were
18 placed in the record by OPC in the docket file.

19 COMMISSIONER CLARK: It is part of the docket
20 file. It is in the record.

21 MS. CRAWFORD: Yes.

22 COMMISSIONER CLARK: The only thing is we did
23 not mention the 143 complaints in the PAA, in the
24 final order?

25 MS. CRAWFORD: That's correct. It was

1 characterized as a group of customers as Mr.
2 Gentry --

3 COMMISSIONER CLARK: Mr. Gentry's request that
4 we modify the PAA to say specifically 143 customers
5 is not a big issue in terms of we -- we have the
6 authority to modify the PAA when we approve it,
7 right?

8 MS. CRAWFORD: Would you restate that for me?
9 I want to make sure I'm getting --

10 COMMISSIONER CLARK: I am going to get a
11 lawyer answer. I can see it am could go.

12 Can we modify the PAA right now to amend it to
13 include the 143 customers? It seems like a
14 logical, reasonable request to me.

15 MS. CRAWFORD: Yes, you can certainly do that.

16 COMMISSIONER CLARK: Okay. Thank you.

17 CHAIRMAN FAY: Commissioners, any other
18 comments?

19 All right. With that, Commissioners, I would
20 entertain a motion on this item, Item No. 4.

21 COMMISSIONER CLARK: I'm prepared, Mr.
22 Chairman, to make that motion.

23 I move to approve the order with the proposed
24 modification of adding the specific number of
25 customers.

1 CHAIRMAN FAY: Okay. With that, we have a
2 motion for staff's recommendation with clarity that
3 the complaints would be included in that order.

4 Do we have a second?

5 MR. HETRICK: Yeah, Mr. Chairman.

6 CHAIRMAN FAY: Oh, sure. General Counsel, go
7 ahead.

8 MR. HETRICK: Just for clarification. Mr.
9 Gentry framed this in terms of in the alternative,
10 which I think is where you were heading, but I want
11 that clarification for the record. When we modify
12 the order, by inserting that number in there, a
13 group of 143 customers, does that mean that he is
14 withdrawing his petition? That's what I understood
15 this to mean.

16 CHAIRMAN FAY: Agreed. So just on Issue 2, if
17 that's --

18 MR. GENTRY: That's correct. That is correct.

19 CHAIRMAN FAY: Okay. Great. Does that
20 clarify it, Mr. Hetrick?

21 MR. HETRICK: Yes. And, Mary Anne, did you
22 have any other clarification to that?

23 MS. HELTON: Basically I just want to make
24 sure we are -- so we are -- he is withdrawing the
25 petition for hearing as well as the request for the

1 settlement as an alternative -- in the alternative
2 is that we are going to modify the PAA order to
3 reflect 143 customers?

4 MR. GENTRY: Again, that's correct.

5 CHAIRMAN FAY: Okay. Great. And I may sound
6 like Commissioner Clark here, I do think we are
7 making it more complicated than --

8 COMMISSIONER CLARK: Thank you.

9 CHAIRMAN FAY: -- than it has to be. But to
10 your point, I think that addresses those issues
11 with that recommendation.

12 So with that, do we have a second?

13 COMMISSIONER GRAHAM: Second.

14 CHAIRMAN FAY: Okay. All that support say
15 aye.

16 (Chorus of ayes.)

17 CHAIRMAN FAY: Any opposed?

18 (No response.)

19 CHAIRMAN FAY: Okay. With that, Item No. 4
20 passes.

21 Thank you.

22 MR. GENTRY: Thank you.

23 CHAIRMAN FAY: Thank you, Mr. Gentry.

24 I'm only going to say that once, ever. Yeah.

25 I know. It's a weird day.

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(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 19th day of September, 2022.



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