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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20230023-GU

Petition for rate increase by Peoples
Gas Systems, Inc.

_____/

DOCKET NO. 20220219-GU

Petition for approval of 2022 depreciation
study by Peoples Gas Systems, Inc.

_____/

DOCKET NO. 20220212-GU

Petition for approval of depreciation rate
and subaccount for renewable natural gas
facilities leased to others by Peoples
Gas Systems, Inc.

_____/

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: COMMISSIONER GABRIELLA PASSIDOMO

DATE: Monday, August 21, 2023

TIME: Commenced: 1:00 p.m.
Concluded: 2:02 p.m.

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: DEBRA R. KRICK
Court Reporter

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

1 APPEARANCES:

2 J. JEFFREY WAHLEN, MALCOLM N. MEANS and
3 VIRGINIA PONDER, ESQUIRES, Ausley Law Firm, Post Office
4 Box 391, Tallahassee, Florida 32302; appearing on behalf
5 of Peoples Gas Systems, Inc. (PGS).

6 WALT TRIERWEILER, PUBLIC COUNSEL, CHARLES
7 REHWINKEL, DEPUTY PUBLIC COUNSEL, PATRICIA A.
8 CHRISTENSEN and MARY ALI WESSLING, ESQUIRES, OFFICE OF
9 PUBLIC COUNSEL, c/o The Florida Legislature, 111 West
10 Madison Street, Room 812, Tallahassee, Florida
11 32399-1400, appearing on behalf of the Citizens of the
12 State of Florida (OPC.).

13 RYAN SANDY and MAJOR THOMPSON, ESQUIRES, FPSC
14 General Counsel's Office, 2540 Shumard Oak Boulevard,
15 Tallahassee, Florida 32399-0850, appearing on behalf of
16 the Florida Public Service Commission (Staff).

17 KEITH HETRICK, GENERAL COUNSEL; MARY ANNE
18 HELTON, DEPUTY GENERAL COUNSEL, Florida Public Service
19 Commission, 2540 Shumard Oak Boulevard, Tallahassee,
20 Florida 32399-0850, Advisor to the Florida Public
21 Service Commission.

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

2 COMMISSIONER PASSIDOMO: All right. Are we
3 ready, everyone.

4 Okay. Good afternoon, everyone. Today is
5 August 21st, 2023. This prehearing is now called
6 to order.

7 Staff, can you please read the notice?

8 MR. SANDY: Pursuant to notice, this time and
9 place has been set for prehearing conference in
10 Docket Nos. 20320023, 20220019 and 20220212,
11 regarding petition for a rate increase by Peoples
12 Gas System, Inc. The purpose of the prehearing is
13 set out more fully in the notice.

14 COMMISSIONER PASSIDOMO: All right. Thank
15 you, Mr. Sandy.

16 Before we take appearances, I would like to
17 note for the record that FIPUG has been excused
18 from this prehearing. And with that, we will start
19 with Peoples.

20 MR. WAHLEN: Good afternoon, Commissioners. I
21 am Jeff Wahlen of the Ausley McMullen Law Firm,
22 P.O. Box 391, Tallahassee, Florida, 32301,
23 appearing on behalf of Peoples Gas System, Inc.
24 Also appearing with me are Malcolm Means and
25 Virginia Ponder of the same firm.

1 COMMISSIONER PASSIDOMO: OPC.

2 MS. WESSLING: Hi there. This is Ali Wessling
3 with the Office of Public Counsel, also on behalf
4 of Walt Trierweiler, Charles Rehwinkel and Patricia
5 Christensen.

6 MR. SANDY: And this is Ryan Sandy on behalf
7 of the Office of General Counsel for the Florida
8 Public Service Commission. With me is Major
9 Thompson, Esquire.

10 MS. HELTON: And Mary Anne Helton is here as
11 your Advisor, along with your General Counsel,
12 Keith Hetrick.

13 COMMISSIONER PASSIDOMO: Okay. Thank you.

14 And so now we are going to move into
15 preliminary matters.

16 Just as a preliminary matter on my own, I just
17 want to take an opportunity to say -- to thank both
18 the parties and staff for all their cooperation as
19 we transition to the Case Center system. We kind
20 of the guinea pig case for this system, but I think
21 in the end it's going to be -- add a lot more
22 efficiency, and hopefully you all really appreciate
23 not having to carry about a thousand binders with
24 you every single time. So I know it's been a lot
25 of work going through some of the mocks and working

1 through it, so I just appreciate all of your
2 efforts so that we can kind of move forward. This
3 has been a big endeavor for our General Counsel's
4 office, so I appreciate that.

5 So with that, staff, any other preliminary
6 matters we need to address before we go forth?

7 MR. THOMPSON: Thank you, Ms. Chair.

8 On August 14th, OPC filed a motion to provide
9 a time certain for OPC witness Garrett. Staff
10 recommends that this motion be taken up during
11 discussion Section VI of the prehearing order
12 regarding the order of witnesses.

13 Additionally, on August 18th, OPC filed a
14 motion and notice of intent to seek official
15 recognition. Staff recommends that this motion be
16 taken up in Section XI of the prehearing order
17 regarding pending motions.

18 COMMISSIONER PASSIDOMO: Okay. Thank you.

19 Do any of the parties have objections to
20 taking up OPC's witnesses at that time?

21 MR. WAHLEN: No objection.

22 MS. WESSLING: No objection.

23 COMMISSIONER PASSIDOMO: Okay. Any other
24 preliminary matters the parties wish to address?

25 MR. WAHLEN: I just wanted to note for the

1 record that this morning we emailed a document with
2 revised positions for Peoples Gas System to the
3 lawyers for the parties. We were busy over the
4 weekend seeing if we could work a few things out,
5 and I think we have. We will want to have those
6 reflected in the prehearing order before they come
7 out, but we can talk about that later.

8 We have copies of them over with the copy pile
9 if anybody wants one.

10 COMMISSIONER PASSIDOMO: Okay. Thank you, Mr.
11 Wahlen.

12 I think -- yeah, I appreciate you doing -- you
13 guys working through that, and I think we will get
14 to that when we go to the basic positions and we
15 will address all of that at that time. So, yeah,
16 that being said, let's start going through the
17 draft prehearing order now.

18 So I am going to identify the sections, and
19 then if the parties, please just speak up with any
20 corrections or changes that need to be made. And
21 if I go -- if I am moving quickly, just flag me
22 down and we will -- there is going to be some that
23 I think will lead to more discussion than others.

24 All right. Let's start Section I, Case
25 Background.

1 Section II, Conduct of Proceedings.

2 Section III, Jurisdiction.

3 Section IV, Procedure for Handling
4 Confidential Information.

5 So as I understand it, any of confidential --
6 because of, like I said, with the Case Center
7 system, any confidential cross-examination exhibits
8 will still be handled as we regularly do, and any
9 that a party wants to offer, it's going to be put
10 into paper copies and red folders throughout the
11 course of the hearing, that's correct, staff,
12 right?

13 So any other matters related to confidential
14 information from the parties?

15 MR. REHWINKEL: Yes, Commissioner. There are
16 two pieces, as I understand it, of confidential
17 testimony that have been prefiled, Mr. Kollen's and
18 I believe --

19 MS. WESSLING: Ms. Parsons.

20 MR. REHWINKEL: -- Ms. Parson's rebuttal. We
21 would ask, as has been done in the past -- I know
22 we are going to use Case Center and put the
23 testimony on the electronic viewing, but we would
24 ask that a complete integrated copy of confidential
25 testimony be with the Commissioners so that they

1 can see everything together.

2 It's cumbersome to have a redacted document
3 and then have sprinkled yellow pages and try to
4 read together. So traditionally, confidential
5 testimony has been each Commissioner has had a
6 complete set.

7 COMMISSIONER PASSIDOMO: Right.

8 MR. REHWINKEL: We would just ask that that be
9 done as traditionally done.

10 COMMISSIONER PASSIDOMO: Staff, do you have
11 any comments on that?

12 MR. SANDY: That's the process that we had in
13 mind as well, and we have no objection to it.

14 COMMISSIONER PASSIDOMO: I appreciate that. I
15 think that sounds a lot easier for the
16 Commissioners, so I think that my four colleagues
17 will also appreciate that as well, so -- yeah, so
18 we will absolutely will continue that process that
19 we usually do.

20 Any other confidential information as we move
21 forward?

22 Okay. All right. So moving to Section IV,
23 Prefiled Testimony and Exhibits.

24 MR. THOMPSON: Staff suggests that the witness
25 summaries of their testimony be no longer than

1 three minutes.

2 COMMISSIONER PASSIDOMO: Okay. The parties
3 are in agreement with the three-minute summaries?

4 MS. WESSLING: Well -- and this is Ali
5 Wessling with OPC. We did have a request for Mr.
6 Garrett's testimony. Since he is both -- he is our
7 expert for both ROE and depreciation, and since the
8 company has separate witnesses for each of those
9 subjects, we were hoping to have just -- if the
10 number is three minutes, then we would ask to have
11 six minutes for Mr. Garrett, so that he could
12 properly address both issues.

13 COMMISSIONER PASSIDOMO: Yeah. Do the parties
14 have any objection to that? I mean, that --

15 MR. WAHLEN: Peoples doesn't object to that.

16 We are going to suggest that Peoples'
17 witnesses that have filed direct and rebuttal, take
18 those up together. If that's the case, we would
19 ask that a witness filing only one or the other of
20 direct or rebuttal get three minutes, but a witness
21 filing direct and rebuttal be given six.

22 COMMISSIONER PASSIDOMO: Okay. All right. I
23 mean, that sounds -- that's equivalent, right?

24 Yeah, that's fine with -- I mean, staff, do you
25 have any issues if we move forward with that?

1 MR. WAHLEN: And we don't object to Garrett
2 taking six minutes.

3 MR. SANDY: No, ma'am, we don't have any
4 issues with that.

5 COMMISSIONER PASSIDOMO: Okay.

6 MR. REHWINKEL: I know three minutes was
7 suggested. We would ask that Mr. Kollen be given
8 five minutes to summarize his testimony. And I
9 think five minutes is an option that witnesses
10 ought to have. We only have two witnesses in this
11 case, and we've spent a lot of time stipulating
12 such that I think we can take a bunch of witnesses
13 out of this four-day hearing and narrow the time.
14 So I don't think time is ultimately going to be an
15 issue.

16 We think it's important for the customers, the
17 public who pays for the witnesses that are -- the
18 Public Counsel puts on, that they have an adequate
19 amount of time to explain their testimony.

20 Traditionally, unfortunately, there is not a lot of
21 cross-examination of witnesses anymore like there
22 used to be in the olden days, which we don't have
23 to go back to, but I just think the public ought to
24 be able to see what they are paying for. And we
25 would just ask -- maybe the solution is to give

1 each side an option to have one witness that they
2 want to have extra time go to a minutes and
3 everyone else does three or six as it may be.

4 COMMISSIONER PASSIDOMO: I mean, I am more --
5 it sounds like it's going to be a little more
6 confusing. I am more inclined to just say, if we
7 can bump witness summary -- the witness summaries
8 to five minutes for all parties. I mean, that
9 seems -- that's reasonable, that's just an extra
10 two minutes.

11 MR. REHWINKEL: But I would want -- if they
12 are doing rebuttal and direct combined, they should
13 have extra time.

14 MR. WAHLEN: I think we if we have direct and
15 rebuttal together, our witnesses can do five
16 minutes total.

17 COMMISSIONER PASSIDOMO: Sure. Okay.

18 MR. WAHLEN: I think that will be fine.

19 COMMISSIONER PASSIDOMO: Okay. Very good.

20 All right. Well, then that's fine with me. I
21 don't have any objection to that either.

22 MR. REHWINKEL: So to simplify, if we just
23 give everybody five minutes.

24 COMMISSIONER PASSIDOMO: Yeah, I think that's
25 -- there we go.

1 MR. REHWINKEL: That's fine.

2 CHAIRMAN CLARK: I prefer that just to keep it
3 cleaner, so -- all right. Good, we are going to
4 change that to five minutes.

5 Okay. So next let's see, we are going to talk
6 about demonstrative exhibits. So pursuant to the
7 OEP, if a party wishes to use a demonstrative
8 exhibit, or demonstrative tools at the hearing,
9 such materials must be identified by the time of
10 the prehearing conference.

11 At this time, do any of the parties know if
12 they are going to be using any demonstrative tools?

13 MR. REHWINKEL: There is a little bit of a
14 glitch here related to Case Center.

15 COMMISSIONER PASSIDOMO: Okay.

16 MR. REHWINKEL: We have a exhibit that we are
17 going to use that's, size-wise, would be cumbersome
18 to cross. It's nonconfidential. We are going to
19 load it into the system, and it will be there if
20 somebody wants to try to scroll through it, but we
21 are going to have a paper copy because it will be
22 easier for the witness, the Commissioners, the
23 parties, to follow along in paper. So it is kind
24 of a demonstrative --

25 COMMISSIONER PASSIDOMO: Okay. So it's not

1 technically a demonstrative exhibit --

2 MR. REHWINKEL: Correct.

3 COMMISSIONER PASSIDOMO: -- you are just
4 giving a paper version of it?

5 MR. REHWINKEL: For convenience.

6 COMMISSIONER PASSIDOMO: Okay. I mean, I
7 don't -- that's -- legally that's not any
8 different -- okay. So I don't think that counts
9 as --

10 MS. HELTON: I think it will be fine. And Mr.
11 Rehwinkel had already mentioned that to us last
12 week when we met, so I think everybody is good with
13 that. And I don't know that you have to call it a
14 demonstrative exhibit, per se. It's really just
15 for ease of convenience.

16 MR. REHWINKEL: Correct. Yeah.

17 COMMISSIONER PASSIDOMO: Okay. All right.
18 Well, then -- yeah, if you are already -- the only
19 thing I was going to say was just coordinate with
20 staff and make sure that we are all -- we have
21 that --

22 MR. REHWINKEL: We had called it a
23 demonstrative last week, and I just didn't want it
24 to get caught up that I have to give --

25 COMMISSIONER PASSIDOMO: No. I appreciate the

1 clarification. It's better -- that's what this is
2 for. That's what we are doing here, so --

3 All right. So with that, any of the parties
4 any further issues regarding prefiled testimony or
5 exhibits before we move on?

6 All right. So we will move to Section VI
7 Order of Witnesses.

8 MR. THOMPSON: The draft prehearing order
9 reflects the proposed order of witnesses at the
10 hearing. This would be an appropriate time to
11 address OPC's motion to provide a time certain for
12 witness Garrett.

13 COMMISSIONER PASSIDOMO: Okay. So this is the
14 opportunity, OPC, if you would like to briefly
15 address the motion about your witness Garrett.

16 MS. WESSLING: Sure. So essentially, Mr.
17 Garrett, he is a witness in another matter in
18 another jurisdiction. And although, when they were
19 setting hearing dates and things in the other case,
20 they asked him to -- for any dates he was
21 unavailable, and he explicitly stated this period
22 of time, but unfortunately, they scheduled him to
23 testify on August 31st anyway. So we were just
24 hoping to be able to schedule a time for him to
25 testify during one of the other three days of the

1 hearing that would also allow him time to travel to
2 the other jurisdiction for the 31st.

3 COMMISSIONER PASSIDOMO: Peoples, do you have
4 any objection to -- or anything to speak on this
5 matter?

6 MR. WAHLEN: Whatever we can work out is fine.

7 COMMISSIONER PASSIDOMO: Okay. That -- I
8 mean, that's kind of what I was thinking. I think
9 we are just going to accommodate the witness as
10 best as we can, you know, and take up -- you know,
11 a lot of times, things move more fluidly. I think
12 that we are just going to go -- for lack of a
13 better way, we are going to with the flow with this
14 and I think we will be able to accommodate him
15 specially, because it sounds like there is some
16 stipulations of witnesses and things, and so we can
17 move on as we go through and it shouldn't being an
18 issue.

19 So with that, so other than that, other than
20 OPC's request, I think -- do parties have any other
21 issues regarding order of witnesses as set forth in
22 the draft prehearing order or can we move on?

23 MS. WESSLING: I just want to make sure I am
24 clear.

25 COMMISSIONER PASSIDOMO: Yes.

1 MS. WESSLING: So if we let him know, Mr.
2 Garrett know that he can schedule to be in
3 Tallahassee in a time that works for him to still
4 be able to --

5 COMMISSIONER PASSIDOMO: Right. Yeah. Well,
6 we -- the Commission will do everything to
7 accommodate him. It doesn't seem like it's going
8 to be an issue.

9 MS. WESSLING: Okay. Great.

10 COMMISSIONER PASSIDOMO: Yeah. Absolutely.

11 MS. HELTON: Madam Chairman, I just want to
12 make sure we are working from the same page, and I
13 am sorry, I missed part of that conversation, but
14 we are -- if we are finished with the hearing and
15 he is still not here, I mean, is it that an issue
16 or not?

17 MR. WAHLEN: It's not an issue for us.

18 COMMISSIONER PASSIDOMO: Well, I mean, I just
19 -- I guess I didn't again even anticipate that that
20 would be an issue. I mean, I don't -- I don't
21 think that --

22 MR. REHWINKEL: I think the only issue is, is
23 it -- and I think that the parties -- that the
24 company is in agreement that they will work this
25 out with us. He just needs to make sure he

1 testifies on the first or second day --

2 COMMISSIONER PASSIDOMO: That's kind of what
3 I --

4 MR. REHWINKEL: -- early enough where he can
5 get --

6 COMMISSIONER PASSIDOMO: Yeah, we will get --
7 we will make sure to get him, you know, bumped up.

8 MR. REHWINKEL: Yeah.

9 MR. WAHLEN: We are fine with that.

10 COMMISSIONER PASSIDOMO: Is that okay? Yeah.

11 MS. HELTON: Okay. Sorry for the
12 interruption. I just wanted to make sure.

13 COMMISSIONER PASSIDOMO: Yeah, absolutely.

14 All right. So are we -- are we with Section
15 VI, we can move on?

16 MR. REHWINKEL: Was this the place where we
17 want to talk about witnesses that might be excused?

18 MR. WAHLEN: Yeah. First, I would like to
19 formally propose that Peoples be allowed to present
20 its direct and rebuttal testimony together so that
21 its witnesses only take the stand once.

22 COMMISSIONER PASSIDOMO: Okay. OPC, do you
23 have a comment object that?

24 MR. REHWINKEL: We don't. I want to suggest
25 something unusual. I don't know if Mr. Wahlen

1 wants our witness to be the very last witness, or
2 would he want Mr. Kollen and Mr. Garrett, if he
3 ultimately testifies --

4 MR. WAHLEN: I think we would like Parsons to
5 be the last last witness.

6 MR. REHWINKEL: Okay. That's what I wanted to
7 understand, is they would do direct and rebuttal,
8 but Parsons --

9 MR. WAHLEN: Would be last.

10 MR. REHWINKEL: -- would be last.

11 COMMISSIONER PASSIDOMO: Okay. I mean, I
12 think if the parties are in agreement with that,
13 then I have no issues about coordinating that way.

14 MR. REHWINKEL: Okay.

15 COMMISSIONER PASSIDOMO: Staff, do you have
16 any comments.

17 MR. THOMPSON: No objection from staff.

18 MR. WAHLEN: We have had some conversations
19 with the Office of Public Counsel, and based on the
20 positions that we have been working on, and in
21 particular our revisions, I think we have some
22 suggestions.

23 First of all, Peoples would be fine having all
24 of the staff witnesses' testimony put into the
25 record without cross-examination. We are fine with

1 that. And I suspect Public Counsel is too, but I
2 don't want to speak for them.

3 We have identified five witnesses that we
4 would propose to be -- have their testimony put
5 into the record without cross-examination, and a
6 potential two more. But the five are Karen
7 Sparkman, Dr. Harper, Gregg Therrien, Karen Bramley
8 and Mr. Fox. Based on the issues and the way
9 things are resolving, we think those are five
10 witnesses that likely could be stipulated into the
11 record without cross-examination.

12 We also think that Mr. Buzard and Mr. Rutkin
13 could be handled the same way, inserted into the
14 record without cross-examination, subject to
15 getting the fine-tuning done on the RNG issues over
16 the next couple of days, but those would be our
17 proposals for people to think about.

18 Now, we understand that maybe decisions can't
19 be made on those today, but after people check the
20 things they need to check, it would, I think,
21 shorten the hearing considerably if those seven
22 witnesses could be put into the record without
23 cross-examination.

24 COMMISSIONER PASSIDOMO: Yeah. Absolutely.
25 Well, I appreciate the work that all the parties

1 did to work through this, and so absolutely.

2 I think, I mean, staff, do you have comments
3 on that before -- is that something we are going
4 to, when we take that up about stipulating those
5 witnesses now, or is that something I need to rule
6 on later?

7 MR. SANDY: If I may, Ms. Chair, we will be
8 consulting with the Commissioners and their staff,
9 and also our staff, to see if they have any
10 cross-examination of those witnesses. If there is
11 no cross-examination, I see no reason why those
12 witnesses can't be excused and their testimony
13 entered into the record.

14 COMMISSIONER PASSIDOMO: Would that be prior
15 to the hearing date?

16 MR. SANDY: Yes, ma'am.

17 COMMISSIONER PASSIDOMO: Okay.

18 MR. SANDY: And I would also request that the
19 Commission witnesses, as Mr. Wahlen set forth, that
20 if the parties are able to, if they are willing to
21 stipulate to those witnesses and their exhibits
22 without cross-examination, that would certainly be
23 something we would entertain as well.

24 COMMISSIONER PASSIDOMO: Is that the staff
25 witnesses Calhoun and Brown?

1 MR. SANDY: Yes, ma'am.

2 COMMISSIONER PASSIDOMO: Okay.

3 MS. WESSLING: As far as OPC is concerned
4 regarding staff's witnesses, our only potential
5 objection would be if -- depending on the ruling on
6 the motion for official recognition. So I don't
7 know know if you want to handle that now so we can
8 address this, or if you want to wait and come back
9 to --

10 COMMISSIONER PASSIDOMO: I think we are going
11 to do that in a little bit, if that's okay, just so
12 we can keep things a little bit more organized --

13 MS. WESSLING: Okay.

14 COMMISSIONER PASSIDOMO: -- but --

15 MS. WESSLING: And for what it's worth, and if
16 -- I don't know if this is a reason to do it now,
17 but I don't believe there is any objection from any
18 of the parties to the official recognition.

19 MR. WAHLEN: We have no objection.

20 COMMISSIONER PASSIDOMO: I guess we -- okay,
21 if we -- if that's -- I mean, if that's going to
22 make -- I can take that -- we have that set for
23 Section XI, but I can -- I can handle that now if
24 you would prefer, so that's -- I just want to -- I
25 want staff, can you just tee that up so I can move

1 on to the ruling on that?

2 MR. THOMPSON: Certainly.

3 On Friday, August 18th, OPC filed a motion and
4 notice of intent to seek official recognition.
5 Neither the utility nor FIPUG have objected to that
6 motion. While the parties do not object to the
7 motion, as a matter of practice, the Commission
8 always takes notice of its own orders.

9 And furthermore, while if the parties may not
10 object to the recognition of the written customer
11 comments in this docket, staff notes that material
12 of this type is not traditionally appropriate for
13 official recognition. Staff has no objection to
14 these comments being officially recognized in this
15 instance. However, doing so should not, and will
16 not, constitute any precedent in future dockets.

17 COMMISSIONER PASSIDOMO: Okay. Thank you,
18 staff.

19 So, yeah, I agree -- Ms. Wessling, I agree
20 with staff here, and so I am going to grant OPC's
21 witness for official recognition since, you know,
22 none of the parties object.

23 So with that, we can move back into the
24 witness stipulations and --

25 MS. WESSLING: And --

1 COMMISSIONER PASSIDOMO: Yeah, go --

2 MS. WESSLING: -- this is helpful, if this --
3 with that understanding on the ruling, then OPC has
4 no objection to excusing witness Brown and witness
5 Calhoun.

6 COMMISSIONER PASSIDOMO: Okay. I agree.

7 Thank you.

8 Okay. Staff, any other issues?

9 MR. THOMPSON: No, ma'am.

10 COMMISSIONER PASSIDOMO: Peoples, are we okay
11 to move -- I am sorry, that kind of got jumped
12 around a lot, but I am hoping that we all are on
13 the same page here. We are? Okay. Okay. Good.

14 Okay. So let's move on now to basic
15 positions. And so I understand, as Mr. Wahlen kind
16 of alluded to, there were some changes, revised
17 positions that were filed this morning. So I kind
18 of want staff to tee that up right now, if that's
19 okay.

20 MR. THOMPSON: Okay. If there are any changes
21 to the parties' announced basic positions on
22 issues, we recommend that the changes be submitted
23 in writing no later than close of business on
24 Wednesday, August 23rd.

25 MR. WAHLEN: I think that will be fine. We

1 are doing some fine-tuning in discussions with the
2 parties, and I believe it will also allow us to
3 shorten our basic position, so thank you.

4 COMMISSIONER PASSIDOMO: Okay.

5 MS. WESSLING: That's great with OPC too.

6 COMMISSIONER PASSIDOMO: Okay. Sounds good.

7 All right. So Section VIII, Issues and
8 Positions.

9 So I am going to go through these issues by
10 section. If any party has a change to any of their
11 positions, you can speak at the appropriate time.
12 And as I mentioned, the utility provided revised
13 issue positions, so we can -- just having -- if you
14 guys don't mind, just noting them, we can go a
15 little further into the final prehearing order
16 later, but I would ask as well coordinate, as I
17 think you are already doing, but coordinate with
18 staff to ensure that updated positions are
19 incorporated in the final prehearing order, and
20 that the same as the proposed stipulations, that we
21 coordinate with staff to ensure that these go into
22 the final prehearing. I just want to make sure
23 that it encompasses all the evolving changes that
24 are going on.

25 MR. WAHLEN: Right.

1 COMMISSIONER PASSIDOMO: All right. So Issues
2 1 through 3, test period and forecasting.

3 MS. WESSLING: OPC would be willing to
4 facilitate a Type 2 Stipulation on Issues 2 and 3.

5 COMMISSIONER PASSIDOMO: Parties, any -- are
6 we okay with --

7 MR. WAHLEN: We like that.

8 COMMISSIONER PASSIDOMO: Yeah, okay. I
9 figured so. Good deal.

10 All right, so Issue 4.

11 MR. REHWINKEL: Madam Chair.

12 COMMISSIONER PASSIDOMO: Yes.

13 MR. REHWINKEL: We are going to give you --
14 Ms. Wessling is going to give you the similar kind
15 of responses to various issues as we go forward.

16 A Type 2 facilitation, it goes with the
17 standard footnote and explanation that we have been
18 including in orders saying exactly what that is,
19 which I think is a refinement that's been an
20 improvement so people are on notice what that
21 means.

22 COMMISSIONER PASSIDOMO: Right.

23 MR. REHWINKEL: So when we say that, that will
24 go with the standard footnote and explanation.

25 COMMISSIONER PASSIDOMO: I am assuming, yeah,

1 we -- Peoples understands that as well, correct?
2 Okay.

3 All right. So where were we? Depreciation
4 studies covers Issues 5 through 11.

5 MR. WAHLEN: Commissioner, Peoples has a typo
6 to correct on Issue 5. We have submitted revised
7 positions on Issues 6, 8, and 11, and 10. We may
8 tweak our position on Issue 8, and would have our
9 final positions on all of those issues in by close
10 of business Wednesday.

11 COMMISSIONER PASSIDOMO: That's great.

12 MS. WESSLING: And we would just note that
13 with regard to Issue 8, as a result of the
14 discovery and conversations that have taken place
15 in this case, that we are in agreement with the
16 revised position that was put forth by Peoples
17 earlier this morning.

18 COMMISSIONER PASSIDOMO: Oh, good. All right.
19 Well, it sounds like you will have less work -- you
20 did a lot of the work up front, so less work to do
21 in the next day and a half, so I appreciate that.

22 Okay, so --

23 MR. THOMPSON: Madam Commissioner --

24 COMMISSIONER PASSIDOMO: Yeah.

25 MR. THOMPSON: -- if I may. Sorry. I believe

1 Issue 4 was brought up but then never addressed by
2 the parties. If we could, just on the record.

3 COMMISSIONER PASSIDOMO: Oh, absolutely.

4 Yeah, I am sorry. I just want to make sure Issue
5 4 --

6 MS. WESSLING: We maintain our position on
7 Issue 4.

8 MR. WAHLEN: We don't have any challenges on
9 Issue 4.

10 COMMISSIONER PASSIDOMO: Okay. Staff, same?

11 MR. THOMPSON: Same.

12 COMMISSIONER PASSIDOMO: Okay. Issues 12
13 through 27.

14 MR. WAHLEN: Commissioner, Peoples has
15 submitted this morning revised positions on Issues
16 13, 16, 17, 18, 19, 20 and 25. We are working with
17 the Office of Public Counsel and FIPUG to make sure
18 that the way we have worded our positions on Issues
19 16, 17 and 18 will allow them to agree with those
20 positions and have a Type 1 Stipulation, and we
21 will endeavor to get that done by close of business
22 Wednesday.

23 COMMISSIONER PASSIDOMO: Okay. Again, I guess
24 I will just keep reiterating, saying I appreciate
25 you just working with the parties, and as long as

1 we have everything in by that deadline, that's --
2 our staff would appreciate it, yeah.

3 MS. WESSLING: I didn't mean to interrupt you.

4 COMMISSIONER PASSIDOMO: No. Go ahead.

5 MS. WESSLING: For Issues 12 and 14, OPC is
6 able to facilitate Type 2 Stipulations, again, with
7 the footnote on both of those issues as well.

8 COMMISSIONER PASSIDOMO: Okay.

9 MS. WESSLING: And we, is 18 up for discussion
10 as well here? Is that in this section?

11 COMMISSIONER PASSIDOMO: Yeah.

12 MS. WESSLING: I think we would be able to
13 facilitate a Type 1 Stipulation on Issue 18.

14 MS. CRAWFORD: Can -- I'm sorry to interrupt.
15 May I ask for clarification. I have heard Type 1
16 used, that's where OPC is in agreement with the
17 utility, is that correct?

18 MR. REHWINKEL: We will affirmatively agree
19 with language. It may be that we sit down with the
20 company between now and Wednesday and fine-tune the
21 language they have, but we are -- have an agreement
22 in principle with them anywhere we say Type 1, is
23 that --

24 MS. CRAWFORD: Excellent. Thank you for the
25 clarification.

1 MR. REHWINKEL: -- meet with your --

2 MS. CRAWFORD: Yeah. That's what I need.

3 Thank you.

4 MR. REHWINKEL: We'll have a few of those in
5 here.

6 MS. WESSLING: Which brings me to Issue 20 --

7 COMMISSIONER PASSIDOMO: Okay.

8 MS. WESSLING: -- which is one where -- I know
9 there was some discussion about this one during
10 previous meetings in this case, but we are able to
11 do a Type 1 here as well. And I am losing track of
12 which section, where the section --

13 COMMISSIONER PASSIDOMO: We are still under
14 rate base --

15 MS. WESSLING: Okay.

16 COMMISSIONER PASSIDOMO: -- so anything 12
17 through 27.

18 MS. WESSLING: Okay. So -- yes, on Issue 23,
19 this is one where we anticipate providing an
20 updated position by close of business on Wednesday.

21 And for Issue 24, we would facilitate a Type 2
22 Stipulation.

23 For 25 we would facilitate the Type 1
24 Stipulation.

25 And Issue 26 would be facilitating a Type 2

1 Stipulation.

2 And I believe that's it for that section.

3 MR. WAHLEN: Commissioner, before we leave the
4 rate base section, I have a little issue to talk
5 about.

6 COMMISSIONER PASSIDOMO: Yeah, please.

7 MR. WAHLEN: Okay. Issues 16 and 17, the
8 position change that Peoples has made is that the
9 two tariffed projects would go into rate base and
10 be considered above-the-line under the existing
11 tariff, and we would close that tariff for new
12 business. So there would be no more new projects
13 under that tariff.

14 We would also like to get the Commission to
15 approve a renewable natural gas interconnection
16 service tariff that would just allow Peoples to
17 connect RNG projects, whoever does them, to the
18 system. We've worked with Public Counsel on tariff
19 language and would like to get that approved as
20 part of this.

21 Duration our discussion this is morning,
22 Public Counsel raised the question whether it would
23 be sufficient to have that approval take place as
24 part of Issue 16 or 17, or should we identify a
25 separate issue in the rate design and cost of

1 service area that specifically calls out getting
2 that approved, and we are hoping that staff can
3 give us a little bit of advice on that. We are
4 okay with either one, but if the Commission would
5 prefer, for transparency, to have a specific issue
6 identified --

7 COMMISSIONER PASSIDOMO: Okay.

8 MR. WAHLEN: -- in that tariff and having it
9 approved --

10 COMMISSIONER PASSIDOMO: I am going to have
11 staff speak on that --

12 MR. WAHLEN: -- we are amenable to that.

13 COMMISSIONER PASSIDOMO: -- and see how --
14 what they --

15 MS. CRAWFORD: If there is not already an
16 issue that goes to that subject matter, we could
17 identify the issue, but I think you could also
18 offer it as a stipulation, to the extent that the
19 parties are willing to agree. I think that would
20 give sufficient transparency and clarity, but I
21 would appreciate any thoughts that the parties have
22 on that.

23 MR. WAHLEN: I think we are going to end up
24 stipulating it, but --

25 MR. REHWINKEL: Yeah. It's -- there is a lot

1 -- the company has made a few revisions to 16 and
2 17, and there is a -- there is an expense issue.
3 But this is a significant, because it would take
4 care of three big issues in the case, but the
5 tariff, revised tariff, is important.

6 And what we wouldn't want do is if there is a
7 stipulation that a tariff filed under that
8 stipulation would be subject to subsequent file and
9 suspend activities. It would need to be resolved
10 as part of this case. So whatever gets that done
11 the most secure way, that would give both of us
12 comfort that we put the issue to bed and we can
13 excuse witnesses and we can stop preparing
14 cross-examination for witnesses and all.

15 So it's important that we get this right, but
16 we just brought it to your attention, so we are not
17 expecting --

18 COMMISSIONER PASSIDOMO: Right. I agree. I
19 mean, do you feel more inclined -- staff, do you --
20 sorry. Go ahead.

21 MS. CRAWFORD: Probably the best thing that
22 could happen is as soon as possible we get the
23 written language so we can see exactly what we are
24 you talking about. Right now it's a little
25 amorphous. And then we can have some further

1 dialogue with the parties, if that suits the
2 General Counsel, to see whether we think that needs
3 to be teed up in a separate way, or whether that
4 will serve as a stipulation.

5 COMMISSIONER PASSIDOMO: Yeah. If you have
6 that language available, I think the sooner you can
7 get it to staff. I really don't want to change
8 that Wednesday close of business, so if we can get
9 -- if you can get that to staff, you know, by, you
10 know, when we conclude this prehearing, and work
11 with them and then be able to kind of spin off of
12 that, I would appreciate that, unless you have --
13 do you want to do that now? I don't know.

14 MR. WAHLEN: Well, we are -- it is in the
15 polishing stage right now.

16 COMMISSIONER PASSIDOMO: Okay. All right.
17 So --

18 MR. WAHLEN: I think we can get it to staff
19 tomorrow.

20 COMMISSIONER PASSIDOMO: Okay. Okay. So if
21 you can get it -- is that okay with you, with
22 staff?

23 MS. CRAWFORD: Yes, of course. And the
24 unusual disclaimer applies that even if staff
25 doesn't have an objection to the stipulated

1 language, it still would need to be approved, of
2 course, by the Commissioners. Until they approve
3 it --

4 COMMISSIONER PASSIDOMO: Yeah. Absolutely. I
5 think I am more just thinking how we lay this out
6 in the final prehearing order. So I just want, if
7 we are going to put this into a new -- a new issue
8 or not, but it's, you know, it doesn't seem like
9 it's a problem for the parties, so I just want to
10 make sure. Again, I agree with Mr. Rehwinkel, it
11 just needs to be as cleanly put out as possible.

12 So that's something, I guess, at this point I
13 am just going to kind of defer out and we will work
14 through as we see, as appropriate with staff, if
15 that's okay with the parties.

16 Okay. So with that, we are going to move, I
17 think -- have we moved through Issues 12 through
18 27?

19 MR. WAHLEN: Yes, ma'am.

20 COMMISSIONER PASSIDOMO: Okay. Okay. So Cost
21 of Capital, Issues 28 through 36.

22 MR. WAHLEN: Commissioner, Peoples has
23 submitted revised issue -- or position on Issue 30.
24 I think that's all we are going to have, but we
25 will double check.

1 COMMISSIONER PASSIDOMO: Okay. OPC?

2 MS. WESSLING: Yes. In light of the revision
3 by Peoples Gas on Issue 30, we are able to enter a
4 Type 1 Stipulation on Issue 30.

5 The only other issue in this section that I
6 would comment on is for Issue 33, OPC anticipates
7 updating that position by that Wednesday deadline.

8 MR. REHWINKEL: And we think this issue is
9 related to the stipulation that we just talked
10 about. It's a comprehensive stipulation, and I
11 think it does hit this Issue 33.

12 COMMISSIONER PASSIDOMO: Okay. Okay.

13 MR. REHWINKEL: It's one of the things we just
14 need to make sure we touch.

15 COMMISSIONER PASSIDOMO: Sure. Yeah. That's
16 -- again, yeah, just if you can coordinate -- all
17 the parties coordinate with staff and we can make
18 sure that it's laid out in a way that's concise and
19 cleanly so that we all know what we are looking at
20 here.

21 Okay. Before I -- so cost -- are we -- did we
22 cover all issues of cost of capital?

23 MR. WAHLEN: Yes.

24 COMMISSIONER PASSIDOMO: Okay. Net operating
25 income Issues 37 through 55.

1 MR. WAHLEN: Commissioner, Peoples has
2 submitted revised positions on a number of the
3 issues in this section. We've also suggested a
4 wording change to the way the Issue 42 is worded.
5 And if I could, I would like to explain our
6 proposed change and the basis for it.

7 The way the issue is drafted right now, it
8 says: What number of projected test year employees
9 should be approved? And we are suggesting adding
10 the term "for ratemaking purposes" at the end of
11 that.

12 I don't think the Commission has typically
13 approved adding employees into in the sense that
14 you have to have Commission approval before you
15 hire someone. It's always been what are you
16 approving for ratemaking purposes. We think this
17 language would clarify that and eliminate any
18 confusion that may arise without the clarification.

19 COMMISSIONER PASSIDOMO: Staff?

20 MR. THOMPSON: Staff has no objections.

21 COMMISSIONER PASSIDOMO: No?

22 MS. WESSLING: And OPC has no objection to the
23 ruling -- or to the wording of that issue.

24 And I would just also note that with the
25 revision, OPC is in agreement with the last

1 sentence, the amended -- the sentence that was
2 added by Peoples Gas in their position.

3 COMMISSIONER PASSIDOMO: I am sorry, for which
4 issue?

5 MS. WESSLING: On Issue 42, the same issue.

6 COMMISSIONER PASSIDOMO: On Issue 42, okay.

7 Okay.

8 MS. WESSLING: And then we also have -- unless
9 PGS has any other comments on this section, we have
10 some issues positions to update, starting at Issue
11 37, we would facilitate a Type 2 Stipulation.

12 Issue 38, we just wanted to notify everyone
13 that we will be updating our position on that one
14 by the Wednesday deadline.

15 On Issue 39, we would be willing to enter into
16 a Type 1 Stipulation.

17 For Issue 40, we would be willing to
18 facilitate a Type 2 Stipulation.

19 And on Issue 44, again, as noted in PGS's
20 position, in light of the, again, discovery and
21 conversations that have taken place, we are able to
22 enter into a Type 1 Stipulation.

23 On Issue 45, we would be able to facilitate a
24 Type 2 Stipulation.

25 On Issue 46, again, based off of all the work

1 we've done together, we would be able to enter into
2 a Type 1 Stipulation.

3 And on Issue 48, OPC would facilitate a Type 2
4 Stipulation.

5 On 52, we will be revising that position.

6 And I believe that's all the modifications for
7 that section.

8 MR. REHWINKEL: Can I also add? What Ms.
9 Wessling went through, these are all reflective of,
10 with the Type 1 Stipulations, are all reflective of
11 what we described as an agreement in principle.
12 Between now and Wednesday, we will have refinement
13 language conversations with the company and with
14 FIPUG under the circumstances. So that's one of
15 the reasons why we asked for the end of the day.

16 COMMISSIONER PASSIDOMO: Okay.

17 MR. REHWINKEL: But we will be working to
18 refine these. You might see some slight wording
19 changes --

20 COMMISSIONER PASSIDOMO: Okay.

21 MR. REHWINKEL: -- and clarifications, but we
22 are in agreement on these. Thank you.

23 MS. CRAWFORD: Mr. Rehwinkel has, I think,
24 properly indicated, in order to be Type 1, FIPUG
25 would need to also endorse the stipulation, but it

1 sounds like he is well aware of that and will be
2 working on getting that discussion taken care of.

3 COMMISSIONER PASSIDOMO: Thank you. That's
4 all I would say, yeah, as long as all of the
5 parties are -- you are working with all the parties
6 to ensure that new language.

7 MR. REHWINKEL: We have, all weekend long,
8 between the company, OPC and FIPUG, we were
9 constantly talking, so these --

10 COMMISSIONER PASSIDOMO: I appreciate that. I
11 think everyone does, so, yes.

12 Okay. Well, if we've covered -- we covered
13 that silks. We are going to move to Revenue
14 Requirements, Issues 56 and 57.

15 MR. WAHLEN: I don't believe Peoples has
16 changes to those issues.

17 MS. WESSLING: And OPC would enter into a Type
18 1 Stipulation on Issue 56.

19 COMMISSIONER PASSIDOMO: All right. Cost of
20 Service and Rate Design, Issues 58 through 70.

21 MR. WAHLEN: We -- Peoples doesn't anticipate
22 changing any of its positions on these, but we
23 haven't had time to talk to Public Counsel and
24 FIPUG on all of them. So if we can have until the
25 end of the day Wednesday, we think, if there are

1 any changes, they will be very minor.

2 COMMISSIONER PASSIDOMO: Okay.

3 MS. WESSLING: At this time, we don't
4 anticipate any changes, but we just want that same
5 caveat.

6 COMMISSIONER PASSIDOMO: Same?

7 MS. WESSLING: Yep.

8 COMMISSIONER PASSIDOMO: All right. I am
9 going to next -- so Other Issues, Issues 71 through
10 75. This is where we are going to take up OPC's
11 position on Issue 73, which, you know, I believe is
12 that it should be stricken the case based on
13 commission precedent.

14 Staff, do you have anything to add on that?

15 MR. REHWINKEL: I think it's maybe mooted.

16 COMMISSIONER PASSIDOMO: Is that -- yeah.

17 MR. WAHLEN: We've changed our petition to
18 withdraw our proposal for a tax change mechanism.

19 COMMISSIONER PASSIDOMO: Okay.

20 MR. WAHLEN: So I do think it's moot. It's a
21 question of --

22 COMMISSIONER PASSIDOMO: I think that's what
23 our staff was probably going to just say, so I
24 appreciate you guys just --

25 MR. THOMPSON: Thanks, Jeff.

1 MR. WAHLEN: We were preparing when we walked
2 in the room for that, yeah. But whether you want
3 to indicate that it's moot or, in the order, simply
4 say we have withdrawn it, whatever, we are not
5 pursuing that in this case.

6 COMMISSIONER PASSIDOMO: Yeah. I think we are
7 just going to -- we are just going to reflect it --
8 I mean, staff, you can speak to this, but I think
9 we will probably just reflect in the order as
10 dropped, and that was something we just anticipated
11 if there is questions. We are not going to
12 renumber the issues or anything like that, we are
13 just going to reflect it as dropped --

14 MR. WAHLEN: Perfect.

15 COMMISSIONER PASSIDOMO: -- and, you know,
16 it's easier that way than changing everything
17 around. Good? Okay.

18 MR. THOMPSON: Perfect. Thank you.

19 COMMISSIONER PASSIDOMO: Sure.

20 Okay. Well, then good deal. So we can move
21 to Section IX, Exhibit List.

22 MR. THOMPSON: Staff has prepared and
23 circulated to the parties a comprehensive exhibit
24 list which includes all prefiled exhibits and also
25 includes those exhibits staff wishes to include in

1 the record.

2 Staff has requested that the parties advise
3 whether there are any objections to the
4 comprehensive exhibit list or any of staff's
5 exhibits being entered into the record.

6 COMMISSIONER PASSIDOMO: Are the parties
7 willing to stipulate to staff exhibits?

8 MS. WESSLING: Could I just have one moment?

9 COMMISSIONER PASSIDOMO: Sure.

10 MS. WESSLING: I would just ask a question.
11 The version of the CEL that I saw that was sent out
12 last week, I don't believe, and correct me if I am
13 wrong, did not include the deposition transcripts
14 of, well, as far as OPC is concerned, witness
15 Garrett. I just want to make sure that that's the
16 same -- that's where we are now, that that's the
17 current state of the CEL.

18 MR. SANDY: So I can confirm that we've made a
19 handful of edits on the CEL. However, there have
20 been no additions of deposition testimony of Mr.
21 Garrett on the CEL.

22 MS. WESSLING: And there are no deposition
23 transcripts?

24 MR. SANDY: There are not.

25 MS. WESSLING: Okay. So with that

1 understanding, OPC has no issues with the -- with
2 the CEL as we understand it to be right now.

3 COMMISSIONER PASSIDOMO: Okay.

4 MR. WAHLEN: Commissioner, we, Friday, Sunday,
5 sometime, submitted some changes to the CEL. They
6 fall in two categories. One is a suggestion that
7 we add the MFRs as exhibits. I think that is maybe
8 something that has already been updated. I am not
9 sure. The other one is --

10 COMMISSIONER PASSIDOMO: I think it has. They
11 already -- I am sorry to interrupt you. I think it
12 has, right, Mr. Sandy?

13 MR. SANDY: Yes, Madam Chair, it has been.
14 That was one of the edits we made. We have added
15 the MFRs. I am aware of a noticing issue as well,
16 I believe from the utility.

17 MR. WAHLEN: Yeah. We also suggested that the
18 composite notice exhibit that we have prepared and
19 filed with the Commission earlier in the summer be
20 included as an issue. I understand from Mr. Sandy
21 that there is some hesitation to put that on the
22 list unless it's stipulated. We have talked to
23 Public Counsel about adding it. I don't think they
24 object to the notice exhibit being included in the
25 exhibit -- comprehensive exhibit list, and we would

1 suggest that it be included without objection of
2 the parties.

3 MS. WESSLING: That's correct. OPC has no
4 objection to that.

5 COMMISSIONER PASSIDOMO: No objection, okay.

6 MR. SANDY: In light of the fact that the
7 parties stipulate, Madam Chair, we have no
8 objection. And I would add that, in light of that,
9 we will send out to the parties a final as amended
10 CEL that will include everything we've discussed
11 here so that they can review it, with the
12 understanding it will have everything we've
13 discussed, and consequently, I will assume the
14 parties will stipulate to it.

15 MR. REHWINKEL: The only fly in that ointment,
16 of course, is Mr. Moyle's availability. And we
17 will work with Peoples, staff, every -- to try to
18 inform him of what's going on and --

19 COMMISSIONER PASSIDOMO: Yeah, I appreciate
20 that.

21 MR. REHWINKEL: -- and get his agreement.

22 I would just say that if, for whatever reason,
23 we get to late on Wednesday and we have not had
24 that opportunity, we will reach out to staff and
25 make sure that just that deadline doesn't mess up

1 ability to streamline things like we appear to be
2 on the way.

3 COMMISSIONER PASSIDOMO: Okay.

4 MR. REHWINKEL: So we would just ask a little
5 bit of understanding that there may be a
6 difficulty --

7 COMMISSIONER PASSIDOMO: No. I understand. I
8 just -- as long as you are able to, yeah, just keep
9 staff advised of whatever, you know, any updates
10 that are made, and as long as convers-- yeah, you
11 continue to update --

12 MR. REHWINKEL: Okay.

13 COMMISSIONER PASSIDOMO: -- that's -- yeah, I
14 understand the extenuating circumstance.

15 MR. SANDY: If I may, we are aware of what's
16 going on, and the parties will always have our
17 understanding.

18 MR. REHWINKEL: Okay. Thank you.

19 COMMISSIONER PASSIDOMO: Yeah. Great.

20 Okay. So good, so we can -- we've gone
21 through the other, so are there any additional
22 stipulations that have not been discussed yet? It
23 sounds like -- I mean, it's a work in progress, so
24 I appreciate your work over the weekend, and your
25 ongoing work here.

1 MR. REHWINKEL: When are the, I guess, other
2 matters, if we are kind of at that point.

3 COMMISSIONER PASSIDOMO: Yeah, I mean --

4 MR. REHWINKEL: But if we are not, I can wait.
5 I just want to talk about Case Center when it's the
6 right time.

7 COMMISSIONER PASSIDOMO: No time like the
8 present.

9 MR. REHWINKEL: Okay.

10 COMMISSIONER PASSIDOMO: Let's do it now.

11 MR. REHWINKEL: So when we met, we had a very
12 thorough meeting Thursday or Friday, whatever,
13 Thursday with staff, and one of the questions we
14 asked is were there going to be any refinements to
15 the OEP or to the prehearing order reflecting any
16 issues that had arisen in our mock presentation and
17 our subsequent meetings, and I just wanted to
18 understand, are there any surprises coming? That's
19 the only question I have.

20 COMMISSIONER PASSIDOMO: Ms. Helton.

21 MS. HELTON: We have been working on revisions
22 to the OEP and the prehearing order, and we realize
23 that -- I think we need to go through this process
24 once before we kind of fine-tune anything. So if
25 everyone is willing, you know, and, Madam Chairman,

1 if you are willing, I don't propose making any
2 changes to the prehearing order at this time, with
3 the understanding that we are all being fluid, we
4 are all learning, and we are all in agreement that
5 we are going to use Case Center for this
6 proceeding, and then from that proceeding, then we
7 can decide how to go forward.

8 MR. REHWINKEL: That's wonderful to hear. I
9 just want to say, we are excited about Case Center.
10 We've had a very robust, fruitful conversation with
11 staff, with the technicians with Thomson Reuters,
12 with the other parties. We are excited about using
13 it. We are going to make it work for you. In
14 other words, we are going to be trying to help it
15 forward. We are not looking for problems. I just
16 wanted to know if there were going to be any
17 surprises.

18 COMMISSIONER PASSIDOMO: Yeah. No, that's not
19 how we -- we are not going to have any surprises.

20 MS. HELTON: No. We don't like surprises.

21 COMMISSIONER PASSIDOMO: The two rep --
22 representatives that were there, they were going --
23 they are going to be there at least for the first
24 day of the hearing to help with any -- if we have
25 any other glitches and questions.

1 MS. HELTON: Right. They will be there for
2 actually the first two days.

3 COMMISSIONER PASSIDOMO: The first two, okay.

4 MS. HELTON: And the sheet we handed out on
5 Thursday, Nancy has made some further refinements
6 to that. And I am not sure if that's -- it's
7 ready, so we will send that out this afternoon.
8 But it's only based on conversations that we had at
9 the meeting, so --

10 MS. WESSLING: I had a question, I don't know
11 if this is the right time, or if we need to get
12 through some more of these sections, but just with
13 regard to closing argument, is that coming up or
14 did we sort of skip that?

15 COMMISSIONER PASSIDOMO: Yeah. I mean, yeah,
16 we can do -- I had -- we can take that up now.
17 That's fine.

18 MS. WESSLING: We would just ask that the
19 possibility -- I know we don't normally do closing
20 arguments. They are normally waived by most of the
21 parties. But we just want to keep the possibility
22 open for closing arguments. We just don't want to
23 stipulate to not doing it.

24 COMMISSIONER PASSIDOMO: To not doing it.
25 Do the people have any objection to that?

1 MR. WAHLEN: No. No objection.

2 COMMISSIONER PASSIDOMO: Okay. I mean, I
3 don't have any issue with just not, you know, like,
4 to leaving that option open and hoping that doesn't
5 -- that's not necessary, but we will keep it open.

6 Staff, do you have an issue?

7 MR. SANDY: No, ma'am.

8 COMMISSIONER PASSIDOMO: Okay. So I just am
9 going to reiterate for pending motions, we've
10 already taken up -- we talked about witness
11 Garrett. I think we are -- I think all the parties
12 are willing to accommodate that, and the
13 Commission, I know, is willing to accommodate that.

14 And we've also already taken up the -- OPC's
15 motion and notice of intent to seek official
16 recognition. That's been granted.

17 So any pending confidentiality matters?

18 MR. THOMPSON: There are a handful of recently
19 filed confidentiality requests that are pending,
20 and staff is working diligently to get those
21 addressed.

22 COMMISSIONER PASSIDOMO: Okay.

23 MR. WAHLEN: I think that they should say they
24 are working heroically on confidentiality --

25 COMMISSIONER PASSIDOMO: I agree.

1 MR. WAHLEN: -- because there have been a lot
2 of them.

3 COMMISSIONER PASSIDOMO: Thank you.

4 All right. So Section XIII is Post-Hearing
5 Procedures.

6 MR. THOMPSON: Staff recommends that
7 post-hearing briefs be no longer than 50 pages,
8 that -- we recommend that the post-hearing position
9 summaries be limited to 75 words, and that briefs
10 are due on October 5th.

11 COMMISSIONER PASSIDOMO: Comments from the
12 parties?

13 MR. REHWINKEL: I did not discuss this with
14 co-counsel or with the company. There are a couple
15 of issues in this case that we think might merit a
16 little bit longer than 75 words, and we would ask
17 if the parties could be given -- I think this has
18 happened in prior matters, prior cases -- if we
19 could have we could be stuck with 75 for all but
20 two, and then go 150 at our discretion for two if
21 we needed.

22 COMMISSIONER PASSIDOMO: For post-hearing
23 summary positions?

24 MR. REHWINKEL: Yes.

25 MR. WAHLEN: We don't object to that.

1 COMMISSIONER PASSIDOMO: Staff, do you have
2 any?

3 MR. THOMPSON: No objection.

4 COMMISSIONER PASSIDOMO: Okay. All right. So
5 we are going to change -- I -- this is another one
6 I am just going to change to 150 words across the
7 board and I appreciate, yeah, less sometimes is
8 more, so -- but when you need it, you need it, but
9 not if not, you don't need it for all of them.

10 Okay. So I think now I am kind of ready to --
11 for rulings if we are -- if we've gotten to that
12 point, parties? Okay.

13 The first thing, opening statements --
14 actually, staff, I guess -- we haven't even
15 addressed that yet. Did you say what opening
16 statements, what's your recommendation?

17 MR. THOMPSON: We recommend opening statements
18 be limited to five minutes per party.

19 MR. WAHLEN: No objection.

20 MS. WESSLING: OPC would request 10 minutes,
21 just because there -- although a number of things
22 have been stipulated, there are a number of things
23 that are going to be heavily litigated, and we
24 would just request the ability to have up to 10
25 minutes for opening statements.

1 COMMISSIONER PASSIDOMO: I am amenable to
2 that. Just don't tell my colleagues I said it was
3 okay. So, yes, okay, so there we go.

4 So we are going to -- opening statements will
5 be limited to 10 minutes per party. So as we've
6 discussed, briefs limited to 50 pages. Parties'
7 post-hearing position summaries limited to 150
8 words, and briefs are going to be due October 5th,
9 2023.

10 As we discussed, the Commission will
11 accommodate witness Garrett during the course of
12 the hearing. And again, reiterating no objection
13 to granting OPC's request for official recognition
14 is hereby granted.

15 Any other matters?

16 MR. THOMPSON: Staff has just a few items to
17 address.

18 As we previously discussed with parties, prior
19 to the hearing, all nonconfidential prefiled
20 exhibits and testimony will be uploaded onto Case
21 Center. At the hearing, the parties, Commissioners
22 and staff will then have access to those items on
23 Case Center.

24 Staff will also have, in folders, paper copies
25 of all confidential prefiled testimony and

1 confidential prefiled exhibits. Parties do not
2 have to bring copies of these items.

3 Additionally, parties will need to upload
4 nonconfidential cross-examination exhibits in Case
5 Center prior to the hearing. We have discussed
6 that process, and with the parties. However, all
7 confidential cross-examination exhibits or
8 depositions that parties wish to use at the hearing
9 must be provided in the following manner:

10 For each exhibit you intend to sponsor, you
11 must bring 20 paper copies. If the exhibit is
12 confidential, each copy will need to be in a red
13 folder. Those exhibits will need a cover sheet
14 that staff will provide to you. You will need to
15 fill out everything on the cover sheet except the
16 exhibit number. That will be provided at the time
17 the exhibit is identified at the hearing. Please
18 be sure that each exhibit has a brief title
19 describing what the exhibit is.

20 COMMISSIONER PASSIDOMO: Thank you.

21 MR. THOMPSON: Nothing further from staff.

22 COMMISSIONER PASSIDOMO: Parties, do you have
23 any other matters you would like to discuss?

24 MR. REHWINKEL: Could I just ask a couple of
25 things about what Mr. Thompson just read?

1 It is our understanding that the uploading of
2 exhibits to Case Center, the nonconfidential ones,
3 needs to be done prior to the time that the witness
4 would take the stand. So let's just say we know
5 somebody is going to be on the second day, we don't
6 have to put our exhibits up until before that, not
7 prior to the hearing. I know you read it that way,
8 but I don't think that was the intent.

9 MR. THOMPSON: I am sorry. Would you repeated
10 that? I am not sure.

11 MR. REHWINKEL: What you read was that
12 nonconfidential exhibits had to be uploaded prior
13 to hearing and there 0I mean, we have the ability
14 to add, subtract exhibits all the way up to the
15 time when the witness takes the stand, right?

16 MR. THOMPSON: Right.

17 MR. REHWINKEL: Okay. So I just wanted to
18 make -- there is no requirement that we load
19 everything that's going to be crossed prior to the
20 start of the hearing?

21 MR. THOMPSON: Correct.

22 MR. REHWINKEL: Okay. And then --

23 MS. HELTON: Although, that may be the best
24 practice to -- if we are going to have issues with
25 uploading to know it before the hearing versus

1 during the course of the hearing.

2 MR. REHWINKEL: Yeah. I am not going to have
3 any 880-page camera manuals to load. I think our
4 biggest exhibit may be 20 to 30 pages, so I don't
5 think we are going to have an issue with that.

6 And then there was a point on confidential
7 that -- would it -- Madam Chairman, could I ask him
8 to review the confidential --

9 COMMISSIONER PASSIDOMO: Sure. Mr. Thompson,
10 would you like to --

11 MR. REHWINKEL: -- comments again?

12 COMMISSIONER PASSIDOMO: Yeah. Could you go
13 through that one more time, please?

14 MR. THOMPSON: Certainly.

15 All confidential cross-examination exhibits or
16 depositions that parties wish to use at the hearing
17 must be provided in the following manner:

18 For each exhibit you intend to sponsor, you
19 must bring 20 paper copies. If the exhibit is
20 confidential, each copy will need to be in a red
21 folder. Those exhibits will need a cover sheet
22 that staff will provide to you. You will need to
23 fill out everything on the cover sheet except the
24 exhibit number. That will be provided at the time
25 the exhibit is identified in the hearing.

1 MR. REHWINKEL: I think what threw me was the
2 phrase "if the exhibit is confidential". There
3 is -- we don't have to bring 20 copies of
4 nonconfidential -- okay. Thank you.

5 MR. HETRICK: No.

6 MR. REHWINKEL: Okay. Thank you.

7 COMMISSIONER PASSIDOMO: Thank you for the
8 clarification. I think in the future we will
9 fine-tune this a little bit.

10 MS. WESSLING: Could I just have one moment to
11 ask a question of co-counsel?

12 COMMISSIONER PASSIDOMO: Sure.

13 MS. WESSLING: All right. Never mind. I am
14 good. Thank you.

15 COMMISSIONER PASSIDOMO: Okay. So any other
16 matters by the parties before we adjourn?

17 Staff, any other matters?

18 MR. THOMPSON: Nothing else from staff.

19 COMMISSIONER PASSIDOMO: Okay. All right.
20 Well, this concludes the prehearing conference. We
21 are adjourned.

22 Thank you very much.

23 MR. WAHLEN: Thank you.

24 (Proceedings concluded.)

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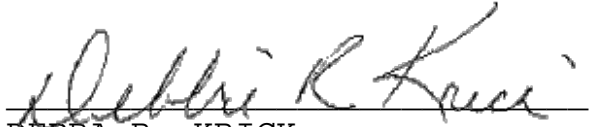
STATE OF FLORIDA)
COUNTY OF LEON)

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
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attorney or counsel connected with the action, nor am I
financially interested in the action.

DATED this 6th day of September, 2021.


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