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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20240068-WU

Application for increase in water and
wastewater rates in Charlotte, Highlands,
Lake, Lee, Marion, Orange, Pasco, Pinellas,
Polk, and Seminole Counties, by Sunshine
Water Services Company.

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: COMMISSIONER ANDREW GILES FAY

DATE: Friday, January 24, 2025

TIME: Commenced: 11:00 a.m.
Concluded: 11:55 a.m.

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

REPORTED BY: DEBRA R. KRICK
Court Reporter

PREMIER REPORTING
TALLAHASSEE, FLORIDA
(850) 894-0828

1 APPEARANCES:

2 MARTIN S. FRIEDMAN and JOHN WHARTON, ESQUIRES,
3 Dean Law Firm, 420 S. Orange Avenue, Suite 700, Orlando,
4 Florida; appearing on behalf of Sunshine Water Services
5 (EU).

6 WALT TRIERWEILER, PUBLIC COUNSEL; CHARLES
7 REHWINKEL, DEPUTY PUBLIC COUNSEL; OCTAVIO PONCE and
8 AUSTIN WATROUS, ESQUIRES, OFFICE OF PUBLIC COUNSEL, c/o
9 The Florida Legislature, 111 West Madison Street, Room
10 812, Tallahassee, Florida 32399-1400, appearing on
11 behalf of the Citizens of the State of Florida.

12 RYAN SANDY and SAAD FAROOQI, ESQUIRES, FPSC
13 General Counsel's Office, 2540 Shumard Oak Boulevard,
14 Tallahassee, Florida 32399-0850, appearing on behalf of
15 the Florida Public Service Commission.

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

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P R O C E E D I N G S

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COMMISSIONER FAY: All right. I have 11 o'clock. We will call this hearing to order, Tuesday, January 23rd, 9:30.

Staff, please read the notice -- excuse me, 11:00.

MR. FAROOQI: Good morning, Commissioner Fay.

By notice issued on January 16th, 2025, this time and place has been set for a Prehearing Conference in Docket No. 20240068-WS. The purpose of the Prehearing is set out more fully in the notice.

COMMISSIONER FAY: Great. Thank you.

And just for the record, the 24th at 11:00 a.m.

All right. We will take appearances. Staff.

MR. FRIEDMAN: Martin Friedman and John Wharton on behalf of Sunshine Water Services Company.

COMMISSIONER FAY: Okay. OPC.

MR. PONCE: This is Octavio Ponce for OPC, along with Charles Rehwinkel, Austin Watrous and Public Counsel, Walt Trierweiler.

COMMISSIONER FAY: Great. Thank you.

Staff.

1 MR. FAROOQI: And we have Ryan Sandy, and
2 myself, Saad Farooqi, on behalf of staff.

3 MS. HELTON: And Mary Anne Helton is here as
4 your Advisor, along with your General Counsel,
5 Keith Hetrick.

6 COMMISSIONER FAY: Okay. Great. Thank you.

7 All right. We will move into preliminary
8 matters. Anything before we get going?

9 MR. FAROOQI: I believe there are none at this
10 time, although, OPC has raised several contested
11 issues which we will address later as we proceed
12 through the issues section of this hearing.

13 COMMISSIONER FAY: Okay. Great. Thank you.

14 And just from my perspective as a preliminary
15 matter, I just appreciate the flexibility with all
16 the parties and the weather, and everything that we
17 are dealing with, so we try to keep everybody on
18 track with the schedule and the hearing, but
19 obviously this required some adaptation from
20 everybody, so I appreciate that.

21 All right. With that, we will move into any
22 changes of the order of witnesses?

23 MR. FAROOQI: There are none at this time.

24 COMMISSIONER FAY: Okay.

25 MR. PONCE: Actually --

1 COMMISSIONER FAY: Yeah, go ahead, Mr. Ponce.

2 MR. PONCE: So on Tuesday, earlier this week,
3 we completed the deposition of Brian Gongre, one of
4 Sunshine's employees. We would like to ask that we
5 add him as a witness. We would like to subpoena
6 him to appear during the hearing.

7 COMMISSIONER FAY: Okay. Any objection?

8 MR. FRIEDMAN: Yeah. I think that that's
9 something that is too little too late. He didn't
10 talk about any issue that could not have been
11 raised by OPC in the beginning. There is no reason
12 for them to have waited until the last minute to
13 take his deposition.

14 COMMISSIONER FAY: Okay. Staff, any of
15 thoughts on this?

16 MS. HELTON: Well, first of all, I don't know
17 -- this is the first I have heard of this, Mr.
18 Chairman. This is a little bit irregular.

19 The Order Establishing Procedure requires that
20 parties identify their witnesses, I think it's in
21 their prehearing statements, and there is a date
22 for filing intervenor testimony.

23 I recognize that he would be an adverse
24 witness, and that perhaps getting prefiled
25 testimony from a utility person might be a little

1 bit difficult, but I am not sure I understand --
2 all we have heard is that they want to -- they have
3 taken his deposition, that they want to call him as
4 a witness. I am not clear why they want to do
5 that, why -- how they have shown good cause that
6 this is necessary at this point in time. I am not
7 sure that we have enough information for us to go
8 forward and allow this.

9 COMMISSIONER FAY: Yeah, Ms. Helton, as far as
10 the OEP, what does it state for a timeline? So we
11 even allow a party, I guess, in good faith some
12 exception to that, but to your point, we don't have
13 that presented yet.

14 MS. HELTON: Well, the Order Establishing
15 Procedure contemplates that -- sets out a date for
16 when testimony is due, and I think it requires that
17 witnesses be listed in the prehearing statement.
18 But by the time the prehearing statements have been
19 filed, usually all prefiled testimony has been
20 filed.

21 I mean, this seems to me kind of -- I
22 recognize that they just deposed him last week, but
23 this seems to me kind of late in the process to
24 want to call a witness to the stand, and OPC hasn't
25 given a reason why that's necessary other than they

1 want to do it.

2 COMMISSIONER FAY: Sure. Okay. Well, with
3 that, Mr. Ponce, I would like to hear from you, I
4 guess, specifically what you believe this testimony
5 would add to the case itself, and maybe an
6 explanation as to why we are outside the timeline
7 -- the usual timeline procedure.

8 MR. PONCE: So he when we had originally
9 deposed Mr. Twomey, who has filed direct testimony
10 in this matter, and for quite a few of our
11 questions, he was not aware of the answer because
12 he simply wasn't working for Sunshine at the time
13 these matters went down. This specifically
14 concerns the issues with DEP, specifically for
15 their Wekiva and their Mid-County systems that have
16 been ongoing, going back to at least 2018, 2017,
17 something like that.

18 So we decided, based on that, that we would
19 depose Mr. Gongre, who had been employed by
20 Sunshine during those times, to find those answers,
21 but we were only able to schedule that deposition
22 for Tuesday of this week.

23 We wish we could have brought this up earlier,
24 but we have been -- our offices have been closed
25 since that deposition went down, so that is where

1 we are at.

2 COMMISSIONER FAY: Okay. And is this
3 something that you discussed with the parties -- I
4 mean, I recognize you are saying you are bringing
5 it up here today in the Prehearing, but did they
6 have any prior notice that this is somebody, other
7 than the deposition?

8 MR. PONCE: No. To be clear, we did not
9 discuss this with Sunshine prior to today.

10 COMMISSIONER FAY: Okay. Great.

11 Mr. Friedman, I would like to respond.

12 MR. FRIEDMAN: All I would point out was that
13 Mr. Twomey was deposed in October -- October of
14 last year. Why didn't they -- if they had an
15 issue, they should have raised it long before, you
16 know, the 12th hour. Here we are at the Prehearing
17 Conference, they are raising an issue that there is
18 no -- they haven't stated why they didn't raise it
19 earlier.

20 COMMISSIONER FAY: Yeah.

21 MR. FRIEDMAN: If he is blaming it on Mr.
22 Twomey being -- having to punt, then that was three
23 months ago.

24 COMMISSIONER FAY: Yeah. Well, the
25 explanation that I understood, just for clarity, is

1 that he did not work for the utility at the time
2 that you took these depositions, is that --

3 MR. PONCE: No. He -- obviously, Mr. Twomey
4 was working for the utility at the time we took the
5 depositions, but he wasn't working there at the
6 time when the majority of -- majority of these DEP
7 orders, consent orders were signed, or these
8 warning letters were issued.

9 COMMISSIONER FAY: Okay. And when were they
10 issued?

11 MR. PONCE: I believe going back to -- this is
12 just off the top of my head -- 2019, 2018. Mr.
13 Twomey started working for Sunshine I believe in
14 December of 2013.

15 COMMISSIONER FAY: Okay.

16 MR. PONCE: 2023, excuse me. 2023.

17 COMMISSIONER FAY: Okay. Any further thoughts
18 from staff?

19 I mean, what I would like to do is take it
20 under advisement. I mean, I really want to make
21 sure that we are being thoughtful of this. I
22 understand that you are trying to present it and
23 bring it forward, but from a due process
24 perspective, it's a little unclear as to the
25 deviation of the timeline and why it's necessary

1 for the rate cases itself. But rate cases are
2 broad, and include a lot of different things, and
3 so I think, unlike other dockets that are more
4 narrowly structured, this might be something that
5 would be appropriate.

6 I will give you both an opportunity if there
7 is anything else you wanted to state before we move
8 on to the actual potential stipulated issues.

9 MR. PONCE: I just want to acknowledge that,
10 yes, we initially deposed Mr. Twomey in October,
11 but it also took us additional time to figure out
12 who we thought was going to be the best person to
13 ask these questions of.

14 COMMISSIONER FAY: Okay. Anything else, Mr.
15 Friedman, before we move on?

16 MR. FRIEDMAN: I just find it a little
17 perplexing that it takes three months to figure
18 that out, so -- I mean, I still think it's a
19 timeliness. I think that they popped it here at
20 the last minute. I think there is a due process
21 problem with bringing something up at the last
22 minute that we can't deal with, particularly when
23 there is no excuse for not having done it months
24 ago.

25 COMMISSIONER FAY: Yeah. And I want to look

1 at the timing part of it, because that does, I
2 think, complicate everything, depending on how
3 that's moved back.

4 So, Mr. Sandy, anything?

5 MR. SANDY: If I may, Mr. Commissioner. It's
6 my understanding that Mr. Gongre does not have
7 necessarily witness testimony in the record. I
8 just want to be clear from OPC if that's their
9 understanding as well.

10 MR. PONCE: As in did he file direct or
11 rebuttal testimony? No.

12 MR. SANDY: Okay.

13 COMMISSIONER FAY: All right. Anything else?

14 MR. SANDY: No, sir, not at this time.

15 COMMISSIONER FAY: Okay. Great.

16 We will move on to any witnesses that can be
17 stipulated?

18 MR. FAROOQI: Staff is not aware of any
19 stipulated witnesses at this time. However, if the
20 parties are willing to excuse any witnesses, staff
21 will confirm with each Commissioner that any
22 identified witness can be excused. If
23 Commissioners do not have any questions of these
24 witnesses, the witnesses may be excused from the
25 hearing and their testimony and exhibits entered

1 into the record at hearing as though read.

2 COMMISSIONER FAY: Okay. Any stipulations at
3 this time?

4 MR. FRIEDMAN: Yeah. Well, when we get to the
5 stipulated issues, I don't know if you want to deal
6 with it now or wait until we get to the stipulated
7 issues. It looks to me like all the used and
8 useful issues are stipulated, and if that's the
9 case, we have a witness, Frank Seidman, who only
10 deals with used and useful, and it seems like he
11 would be -- we wouldn't need to have him here, but
12 I don't know if we should wait until after we --

13 COMMISSIONER FAY: Yeah.

14 MR. FRIEDMAN: -- get to that point in the
15 issues so that they can -- so that OPC ask say,
16 yeah, we are okay with those, and then come back to
17 this maybe.

18 COMMISSIONER FAY: Yeah, I would agree. We
19 will come back, because to your point, at this
20 point, if they state that they are not -- that's
21 not a stipulation by their definition that maybe
22 the positions are aligned, but they are not taking
23 the position that they agree to stipulate, then
24 that's their prerogative to do so. So we will wait
25 until we get to those and see if it works out.

1 But of course, all the way up until the
2 hearing, if you are able to work together and
3 resolve, that then I am comfortable with that.
4 It's not something that needs to be done today. So
5 I appreciate the point.

6 All right.

7 MR. REHWINKEL: Commissioner Fay?

8 CHAIRMAN LA ROSA: Yes, Mr. Rehwinkel.

9 MR. REHWINKEL: Mr. Friedman has a fair point,
10 and we will, of course, work with them to identify
11 whether we have a stipulated situation where
12 witnesses can be excused. We will do that.

13 I had just a need for a quick clarification on
14 staff witness Mouring. On page 48 of the draft,
15 under the issues, it says that he addresses, I
16 guess, issues as needed. And I just would like
17 clarification that what this means is that where
18 his -- the audit he presents bears on an issue in
19 the case, he is subject to cross-examination. Is
20 that the understanding about the language that's
21 used here?

22 MR. SANDY: The thought that we had in mind is
23 that obviously an audit within the context of a
24 rate case is somewhat wide-ranging insofar as it
25 hits on a lot of different issues, and so we would

1 think his cross-examination would simply focus on
2 the audit itself, and not necessarily go to the
3 issues in the rate case insofar as the issues are
4 unrelated to the audit. At the same time
5 recognizing that the audit may hit on more than one
6 issue. And not knowing, candidly, how OPC or the
7 utility want to investigate the audit, maybe you
8 see the audit applying to some issues and not
9 others.

10 So we wanted to constrain it for the sake of
11 the audit itself, at the same time acknowledging
12 that it may hit on more than one issue. If that
13 makes sense.

14 MR. REHWINKEL: Well, just, you know, like,
15 for example, quality of service, I don't think the
16 audit addresses that. But to the extent that the
17 audit has a finding where there is information
18 presented through the audit that bears on an issue,
19 we would expect we would have an opportunity to
20 cross-examine.

21 What we would not want to do would be to get
22 outside of the audit and question Mr. Mouring about
23 ratemaking issues, or issues that the audit has no
24 bearing on.

25 So I think we are in alignment. I just do not

1 want -- because normally all the -- all witnesses,
2 the issues are designated, and we understand that
3 there could be need to have less clarity here, but
4 just teeing this up and expect that we can address
5 it as we go forward. I don't think there is a
6 ruling to be made, and I think the clarification
7 will suffice at this time.

8 COMMISSIONER FAY: Yeah. I think -- I think
9 there is no attempt to foreclose any of that based
10 on what's stated, but I appreciate you raising it
11 because it is, I think, something that's somewhat
12 abnormal as far as what we see as the issues slated
13 for witnesses. So to your point, no conflict at
14 this time, but I think it's something to pay
15 attention to in the hearing.

16 Okay. Anything else on the stipulated
17 witnesses?

18 All right. Let's see, do we have any
19 recommendations on the witness testimony summaries?

20 MR. FAROOQI: Staff recommends that witness
21 summaries be allowed and limited to three minutes.

22 COMMISSIONER FAY: Okay. Any objections?
23 Yes.

24 MR. PONCE: I believe we have got three days
25 for this hearing. OPC only has the one witness. I

1 think it would be appropriate if we could get more
2 than three minutes. Maybe I am pushing it, 10
3 minutes? Shoot for the moon, that's what I say.

4 COMMISSIONER FAY: Yeah. Mr. Friedman?

5 MR. FRIEDMAN: The reason we do prefiled
6 testimony is to shorten the hearing. Everybody
7 knows what the witnesses are going to testify to.
8 Once you get past three minutes -- just read the
9 testimony. I mean, three minutes is plenty of time
10 to hit the high points in somebody's testimony, and
11 I think going 10 minutes is just unheard of.

12 COMMISSIONER FAY: Okay.

13 MR. FRIEDMAN: So I can't imagine anybody
14 can't summarize their key points in three minutes.
15 Well, maybe give them four minutes.

16 COMMISSIONER FAY: Yeah. That's very generous
17 of you, Mr. Friedman.

18 I mean, yeah, I always find it interesting
19 when, you know, lawyers that are on billable hours
20 argue for less time for a hearing, so that's
21 probably an authentic position that you are taking
22 for all purposes.

23 Yeah, I don't have an issue to the point that
24 OPC has one witness and that's the amount of time
25 that that witness wants to present, I don't think

1 we run into a conflict there. And I recognize that
2 maybe that's, by definition, unprecedented. But I
3 think my goal would be to make the Commission has
4 the information in every format that they could to
5 make the best decision that we can.

6 So maybe there is some reasonableness, I think
7 seven minutes would probably cover what you need,
8 and also wouldn't set some sort of unprecedented
9 variation. I just think with one witness, and the
10 structure that we have for the days that we have,
11 that that sounds pretty reasonable. Is that valid?

12 MR. PONCE: I think that's fair enough.

13 COMMISSIONER FAY: Okay. All right.

14 MR. FRIEDMAN: Well --

15 COMMISSIONER FAY: Mr. Friedman?

16 MR. FRIEDMAN: I assumed that when you say
17 that, you also mean that our witnesses get an equal
18 amount of time --

19 COMMISSIONER FAY: Yeah.

20 MR. FRIEDMAN: -- to summarize their
21 testimony?

22 COMMISSIONER FAY: No issue with that.

23 MR. FRIEDMAN: Okay.

24 COMMISSIONER FAY: If that's something that
25 you need.

1 MR. PONCE: Of course. Yes.

2 COMMISSIONER FAY: Yeah. Although, I think
3 you just said that there is no reason that any
4 witness should be able to present longer than three
5 minutes, but I will be happy to --

6 MR. FRIEDMAN: I agree --

7 COMMISSIONER FAY: -- recognize that.

8 MR. FRIEDMAN: -- if we got seven minutes, I
9 am sure these guys will talk for seven minutes, the
10 witness.

11 COMMISSIONER FAY: No problem. We will
12 recognize it for the witnesses will be seven
13 minutes. I think that's all agreed upon. Staff,
14 good? All right.

15 All right. Next we will move to -- let's see
16 here, basic positions. So do any of the parties
17 have any changes to their basic positions?

18 MR. PONCE: No.

19 COMMISSIONER FAY: No.

20 Mr. Friedman?

21 MR. FRIEDMAN: No.

22 COMMISSIONER FAY: Okay. All right. Next we
23 will move into the issues and positions. So we
24 will -- you have the draft Prehearing Order. We
25 will go through the various blocks. And as I read

1 those out, if there is something specifically in
2 those issues that you want to address, just speak
3 up at that time, and we will go to that in the
4 draft Prehearing Order, and we can discuss what
5 potentially would need to be changed, if anything.

6 So I will start with Quality of
7 Service/Infrastructure and Operating Conditions,
8 which would be Issues 1 and 2.

9 MR. FRIEDMAN: I have a comment, or maybe
10 clarification.

11 COMMISSIONER FAY: Okay.

12 MR. FRIEDMAN: It looks like that for the
13 issue of quality of service, number one, and
14 infrastructure conditions, number two, that Public
15 Counsel's position basically is relying upon the
16 Wekiva and Mid-County consent orders as the basis
17 for their opinion in both of those, and it seems
18 that -- it seems like it should be in one or the
19 other.

20 And number Issue 2 really says are they in
21 compliance, meaning current compliance. And I
22 don't think there is any testimony they aren't
23 currently in compliance. If Public Counsel is
24 taking the position they may be in compliance today
25 but they had problems in the past such that we

1 think there should be a reduction in ROE, then it
2 should be addressed in one or the other of those
3 issues and not both.

4 COMMISSIONER FAY: Okay. So just so I
5 understand your objection, Mr. Friedman, you are
6 saying essentially you would view these as being
7 aggregated or that you --

8 MR. FRIEDMAN: Well, I am not really
9 objecting. I am really trying to figure out Public
10 Counsel's position, whether -- where their
11 25-percent basis point reduction belongs. Because
12 if it's in 1, it wouldn't necessarily be in three,
13 because 3 is a very simple question. It's a one --
14 it's a yes or no answer.

15 COMMISSIONER FAY: Okay.

16 MR. FRIEDMAN: I am just trying to figure out
17 where they think it really belongs so that we can
18 address it in which issue that it really belongs
19 in.

20 COMMISSIONER FAY: Yeah. And I don't think
21 there would be any prohibition from them bringing
22 it up in either of these, but your issue is that
23 would be some repetition?

24 MR. FRIEDMAN: Yeah, it's the same -- they
25 raise the same argument in both of those.

1 COMMISSIONER FAY: Okay.

2 MR. FRIEDMAN: Both those issues have -- their
3 same argument is Wekiva, Wekiva, Wekiva. That
4 seems to be what they are hitting at in both of
5 these things. And, you know, take one -- take your
6 pick. Which one you do you want it in?

7 Frankly, I think that once you deal with the
8 Wekiva issue, then I don't think there is really
9 any quality of service issues in the case. I think
10 that quality of service is satisfactory, and I
11 didn't see anything to the contrary to here except
12 as it relates to Wekiva.

13 COMMISSIONER FAY: Okay. Mr. Ponce.

14 MR. PONCE: Just for -- sorry, it's not just
15 Wekiva. It's Mid-County as well. But we think our
16 position speaks for itself, and we stand by it.

17 COMMISSIONER FAY: Yeah, and I don't think --
18 I mean, I think we are getting a little bit into
19 the positions themselves here in the prehearing
20 process, but I don't see anything precluding both
21 of these being presented in here.

22 And to your point, the Commission can choose
23 to give it the weight that it believes is
24 appropriate, but I -- yeah, I don't see any problem
25 with both these being presented. I think, to your

1 point, Mr. Friedman, you just would like some
2 clarity as to what their position is. I mean, I
3 don't think we are going to get that further
4 clarity today. I think that will be presented in
5 the hearing.

6 MR. FRIEDMAN: All right.

7 COMMISSIONER FAY: Okay. Anything else on 1
8 and 2?

9 All right. With that, we will move to rate
10 base, Issues 3 through 17.

11 Okay, Mr. Ponce.

12 MR. PONCE: We have edits to Issue 4. We can
13 read those out now or we can submit it after the
14 hearing, whichever you think is more appropriate.

15 COMMISSIONER FAY: Do you have actual draft,
16 like, draft language that you would like to
17 present?

18 MR. PONCE: We can read it, yes.

19 COMMISSIONER FAY: Okay.

20 MR. PONCE: Yes, for the reasons stated in OPC
21 Witness Smith's testimony, the Commission should
22 reject the utility's proposed AMI meter
23 installation project, any related operating
24 expenses should not be included. In addition, OPC
25 objects to the approval of the Orangewood PFAS

1 project absent certain conditions. All of the
2 proforma plant additions should be subject to
3 statutory criteria of being completed within 24
4 months of the historical test year. OPC's position
5 on all other issues is subject to pending discovery
6 responses as in the deposition transcripts we don't
7 have yet.

8 COMMISSIONER FAY: Okay. And do you have any
9 other similar changes on issues in this block that
10 include that language?

11 MR. PONCE: Not that I am aware of.

12 COMMISSIONER FAY: Okay. What I will have you
13 do, then, is submit that language for the final
14 Prehearing Order. And just -- yeah, go ahead, Mr.
15 Rehwinkel.

16 MR. PONCE: When I said all other issues, I
17 meant all of the proforma plant additions. And,
18 yes, we can submit that.

19 COMMISSIONER FAY: Okay. And it sounds like
20 you have that drafted now, so you would be able to
21 submit that by the end of today?

22 MR. PONCE: Yes, sir.

23 COMMISSIONER FAY: Okay. Staff, would that be
24 appropriate? So if we have that by the end of
25 today, we can still stay on our timeline?

1 MR. FAROOQI: Yeah, that's fine.

2 COMMISSIONER FAY: Okay. Mr. Ponce, did you
3 have any other ones from 3 to 17?

4 Yeah, Mr. Friedman?

5 MR. FRIEDMAN: I was going to say, these are
6 the issues starting at 6 are the used and useful
7 issues. And it appears by looking at the two
8 issues, the two positions of the parties, at least
9 OPC and Sunshine, that they are essentially 12 that
10 look to me like they are stipulated.

11 COMMISSIONER FAY: I gotcha. Okay. Noted.

12 Maybe the parties could hang out after this
13 prehearing and --

14 MR. FRIEDMAN: Well, these are really simple.
15 You look at our position and theirs and they are
16 saying exactly the same thing.

17 COMMISSIONER FAY: Yeah, I know, Mr. Friedman,
18 you love to get them, in these prehearings, to
19 concede, but they are not there yet, and so once
20 they --

21 MR. FRIEDMAN: Well, they are.

22 COMMISSIONER FAY: -- officially stipulated,
23 then we --

24 MR. PONCE: I just want to be fair, there are
25 that we can right now, during this meeting, agree

1 to stipulate -- have a stipulation on.

2 COMMISSIONER FAY: 6 through 12, is that?

3 MR. PONCE: I believe, if we can go through
4 them, yes.

5 COMMISSIONER FAY: Okay. Let's do that, then.
6 We will walk through them just to make sure you are
7 comfortable with. And if there is something you
8 are not comfortable with, we can always -- you can
9 always do it after this prehearing, but I have no
10 problem with going ahead and marking these as
11 stipulated. Sure, I think -- go ahead.

12 MR. PONCE: For 6, the only reason why we
13 would, even though we otherwise match is because
14 there are adjustments to chemical purchased power
15 and other -- and/or purchased water accounts that
16 may be necessary, so because of that, we don't
17 think at this time we are able to reach a
18 stipulation.

19 COMMISSIONER FAY: Okay. So that's what I was
20 asking. So if you are not comfortable with those
21 yet to go ahead and stipulate, we will go ahead and
22 move on from those. And then if you have something
23 where the parties get together and they are able to
24 stipulate, you don't need to explain for purposes
25 of the --

1 MR. PONCE: Okay.

2 COMMISSIONER FAY: -- prehearing why you don't
3 feel you want to stipulate that issue. That's
4 fine.

5 MR. PONCE: Thank you for clarifying.

6 COMMISSIONER FAY: Okay. All right. Next we
7 will move -- unless you had anything, Mr. Friedman
8 from, 3 to 17. I didn't want to --

9 MR. FRIEDMAN: No, as I understand it, they
10 just are questioning whether the correct
11 adjustments were made to chemical purchased power
12 and or purchased water, is that correct?

13 MR. PONCE: Yes.

14 MR. SANDY: Which issue?

15 MR. FRIEDMAN: We are still on 6.

16 MR. SANDY: Okay.

17 COMMISSIONER FAY: And you can respond, Mr.
18 Ponce.

19 MR. PONCE: So for the first part where we
20 list the percentages, we are on the same page.
21 It's just the second part where whatever
22 adjustments that may be necessary that, at this
23 time, we are not ready go to that far.

24 MR. SANDY: If I may, Mr. Chair?

25 COMMISSIONER FAY: Sure.

1 MR. SANDY: I have had off-line conversations
2 with the parties. I anticipate those conversations
3 will continue regarding issue stipulations, and we
4 will be working with them for hammering out what
5 the specifics of those are. And certainly, once we
6 have those in place, we can likely have those all
7 written out as an exhibit, which then may be
8 addressed at the hearing. And so I would
9 encourage, for the sake of efficiency, that's how
10 we handle any issue stipulations moving forward.
11 And certainly, we can have them all wrapped up very
12 quickly, and maybe save some time for this
13 prehearing.

14 COMMISSIONER FAY: Yeah. I mean, I am having
15 fun, but if we could save some time for sure. I
16 think, to that point, at least make sure you get
17 the language right on those stipulations for what
18 you want, and so I think of it's probably better to
19 do it in that formats and off-line. And then if
20 you can bring those forward, great, work with our
21 staff and get them done. And if you can't, then
22 that's -- you are entitled to keep your position.

23 So with that, I will move on from 3 to 17 into
24 cost of capital, which would be Issues 18 through
25 23.

1 MR. FRIEDMAN: Let me go back.

2 COMMISSIONER FAY: Your mic, Mr. Friedman. We
3 are not stipulating this, correct?

4 MR. FRIEDMAN: Any of the used and useful.

5 COMMISSIONER FAY: Correct. Correct. Yeah.
6 At least for the purposes of this prehearing.

7 18 through 23, anything, Mr. Friedman?

8 MR. FRIEDMAN: On Issue 18, Public Counsel
9 just kind of throws out a generic, here's the rule,
10 it ought to be applied, but they don't really say
11 what their position is on what the outcome ought to
12 be. I don't --

13 COMMISSIONER FAY: Yeah, Mr. Friedman, if you
14 are taking issue with what their positions are,
15 that's obviously appropriate for the hearing.

16 MR. FRIEDMAN: I want them to identify what
17 the position is. This just generically says we
18 don't like it because it's not in compliance with
19 the rule. Identify what you don't like.

20 I mean, that's like saying on the revenue
21 requirement, the revenue requirement ought to be
22 just reasonable rates, you know, and not
23 discriminatory rates --

24 COMMISSIONER FAY: Right.

25 MR. FRIEDMAN: -- pursuant to Section 367.081.

1 That doesn't tell you -- that's not a position.

2 COMMISSIONER FAY: Yeah. I mean, I think you
3 are obviously enti -- I mean, as the utility
4 holding the burden, you are entitled to state why
5 their position doesn't persuade the Commission as
6 to that issue. I mean, I --

7 MR. FRIEDMAN: I just want to know what their
8 position is, other than apply the statute -- apply
9 the rule. I don't get it. Apply the rule how?

10 I just don't think that gives me any idea of
11 what they are going to argue, and what I need to be
12 prepared to argue in opposition to because it
13 doesn't say anything.

14 COMMISSIONER FAY: Yeah, Mr. Ponce, if you
15 want to respond, go ahead.

16 MR. PONCE: Again, I think it stands for
17 itself, but I will state with regards to how the
18 rule is being violated, we do discuss that the
19 company's filing makes no adjustments to
20 accumulated deferred taxes in order to reflect only
21 used and useful deferred taxes, et cetera. So I
22 think that makes it pretty clear where our
23 disagreement is.

24 MR. FRIEDMAN: If that's your position, then
25 thank you.

1 COMMISSIONER FAY: Yep.

2 Okay. Anything else, Mr. Friedman, Mr. Ponce,
3 on 18 through 23, Cost of Capital?

4 MR. FRIEDMAN: Well, again, I mean, it seems
5 to me, by looking at their position and our
6 position, it seems like to me that 19, 20, 21, 22
7 and 20 -- and 22 say the same thing. We will agree
8 on 22. We have -- we are at 10.36. We are at
9 10.35, and we would change our position to 10.35.
10 And that makes that -- to me, that means Issues 19
11 through 22 should be stipulated. And I think 19 --
12 I think Issue 23 is a fallout anyway.

13 COMMISSIONER FAY: Yeah, I mean -- Mr.
14 Friedman, I appreciate -- you are still trying to
15 get us to those stipulations here in this
16 prehearing, so --

17 MR. FRIEDMAN: I thought that was part of the
18 reason for prehearing, was to --

19 COMMISSIONER FAY: I appreciate the effort.
20 Yeah, I mean, I think the Prehearing Officer
21 typically decides the reason for the Prehearing,
22 and so if you want to negotiate with the parties
23 here right now, you are welcome to do so. I would
24 encourage you. You had plenty of time before this
25 hearing, you have plenty of time after this hearing

1 to find those stipulations, if you are able to do
2 so. That's great. If you are not, then parties
3 are entitled not to agree to those stipulations,
4 Mr. Friedman.

5 All right. Mr. Ponce, anything?

6 MR. PONCE: I just want to say that we agree
7 to how staff proposed that we would approach this.

8 COMMISSIONER FAY: Okay. On Issue 22, or on
9 all of them?

10 MR. PONCE: All of them.

11 COMMISSIONER FAY: Okay. Gotcha.

12 All right. Next we will move to Net Operating
13 Income, Issues 24 through 32.

14 Mr. Ponce, anything?

15 MR. PONCE: No.

16 COMMISSIONER FAY: Come on, Mr. Friedman, you
17 are on a hot streak, no?

18 MR. FRIEDMAN: If all we are talking about is
19 changing our positions, then we don't have any
20 changes other than that 10.36 to --

21 COMMISSIONER FAY: To 35.

22 MR. FRIEDMAN: -- to 10.35. We don't have any
23 other changes on any positions on any of the
24 issues.

25 COMMISSIONER FAY: Okay. Great.

1 And then that -- for purposes of the change
2 for staff for that 3 -- .36 to 35, do we need Mr.
3 Friedman to submit something for the final
4 prehearing order, or is that sufficient for you to
5 go ahead and -- okay. Perfect.

6 All right. Then we will move to Revenue
7 Requirement, Issue 33. That would be, Mr. Ponce,
8 Mr. Friedman doesn't -- he stated he doesn't have
9 any other changes to his positions on the issues
10 for the rest of these. So Issue 33, do you have
11 anything?

12 MR. PONCE: We also have no other changes for
13 the rest of these.

14 COMMISSIONER FAY: Okay. So also, for rate
15 structure, 34 through 37, and then the other
16 Issues, which is 38 through 45?

17 MR. PONCE: Yes, sir.

18 COMMISSIONER FAY: Okay. All right. Now we
19 will move into contested issues, Issues A through
20 C. So we will take these up one at a time. What I
21 will probably do is just have Sunshine present, and
22 then, if -- OPC, you present your position. And if
23 staff wants to weigh into this, you are welcome to
24 do so. And we will just do them one by one
25 starting with Issue A. Mr. Friedman, does that

1 work for you?

2 MR. FRIEDMAN: Well, it's OPC's issues, so
3 they should argue why they think it's a legitimate
4 issue.

5 COMMISSIONER FAY: Okay. And then we will
6 also have staff weigh in at this time. Okay.

7 All right, Mr. Ponce, are you ready?

8 MR. PONCE: Okay. So for Issue A, we believe
9 that this is a legitimate issue because, unlike in
10 the electric statute, where the Commission is only
11 authorized to consider value. In the water and
12 wastewater statute, the Commission is mandated. It
13 says shall consider value.

14 We believe that the Legislature intended this
15 distinction on purpose based on the way they
16 drafted this statute, that this isn't an issue
17 that's optional or discretionary, but by the plain
18 words of the statute, value must be considered in
19 water and wastewater proceedings.

20 COMMISSIONER FAY: Okay. Mr. Friedman?

21 MR. FRIEDMAN: Value -- two issues. First of
22 all, value is an economic concept. And I think the
23 witness, Mr. Smith, OPC's witness, admitted as much
24 during his deposition. It's the value, and you
25 look at the rest of that sentence and it talks

1 about the specific elements of value.

2 It's not a separate concept of I am customer
3 A, and do I find value in getting water service? I
4 don't think it's like that. It's a general
5 economic concept that's part of the economic
6 evaluation that y'all do, and have been doing for
7 the last 43 years I have been doing this.

8 This has never -- nobody has ever tried to
9 throw this issue out as a separate issue in the 43
10 years I have been practicing here, and for good
11 reason. It's not a value -- the word value is not
12 separate and apart from the rest of that criteria.
13 It's not a subjective. It's got to be an objective
14 value. And the objective value is the rest of
15 those financial considerations, and it's not a
16 separate -- value is not separate and apart from
17 the revenue requirement analysis.

18 COMMISSIONER FAY: Okay. Staff?

19 MR. SANDY: Mr. Commissioner, after hearing
20 the arguments of parties, we don't have anything
21 that we would add.

22 COMMISSIONER FAY: Okay. And what I am going
23 to do is I'm going to take this under advisement.
24 I give some pretty significant weight to Mr.
25 Friedman's point, that I don't think we have seen

1 this in this format before, at least since I have
2 been a commissioner, and there is some subjectivity
3 that goes into that, and that makes it difficult.
4 I am not sure as applied how it potentially could
5 impact the final rate. But I do want to give it
6 full consideration, because I think it's a very
7 important decision. I mean, we look at the three
8 that are here, and the first two I think have some
9 significant impact as to how we would view these
10 types of issues in rate cases.

11 So with that, then, Mr. Ponce, we will move on
12 to Issue B.

13 MR. PONCE: For Issue B, affordability, we
14 understood this was recently taken up in the TECO
15 case. However, that final order still, to my
16 knowledge, hasn't been issued yet. So with that
17 being said, we do believe that affordability is
18 something that can be considered within the water
19 and wastewater rate standard, which is just,
20 reasonable, compensator and not unfairly
21 discriminatory.

22 I just simply don't see how this as a
23 hypothetical rate that nobody could afford could
24 possibly be just or reasonable, and could also have
25 unfair discriminatory impact as well. So that is

1 why we believe that affordability is something this
2 commission certainly can consider within its
3 traditional framework.

4 COMMISSIONER FAY: Okay. Mr. Friedman?

5 MR. FRIEDMAN: I don't know -- remember which
6 case, but y'all dealt with -- the Commission dealt
7 with affordability in a water and sewer rate case
8 order in 2009-0385-FOF-WS, and it was addressed in
9 the context of consolidating rates. Not separate.
10 It was addressed in consolidating rates. And if
11 you look at that case, there was a lot of analysis
12 about, I mean, about charges and what other
13 utilities charge, and a whole -- a giant analysis
14 that there is nothing of in this case.

15 And so first of all, affordability is
16 different for everybody. As the Commission said in
17 that order: We believe affordability is subjective
18 in nature. What constitutes affordability to one
19 person may represent unaffordability to another
20 person.

21 And that's obviously true of a system that has
22 34,000 water customers and 30,000 wastewater
23 customers. What may be affordable to one person
24 may not be affordable to somebody else. And how --
25 what standard are they going to use, or what

1 standard do they think there is in the law that is
2 going to say affordability is an issue?

3 And again, 43 years of doing this stuff, I
4 have never seen the issue of affordability ever
5 tried to be asserted, because it is subjective
6 person to person. There is no affordability
7 standard that would be applicable to everybody,
8 because you are going to be paying these rates. It
9 just -- I don't see it.

10 And then the second part of my argument is
11 there is nothing that -- I mean, they are just
12 going to have to make an arbitrary argument that a
13 20-percent rate increase is not affordable. I
14 mean, y'all have granted 20-percent rate cases all
15 the time.

16 So I don't -- there is no criteria to base a
17 determination of affordability on. And as he
18 pointed out, it's subjective. You just can't
19 subjectively decide something is affordable or not.
20 We have got to have objective standards so the
21 utility ask deal with it and address it, and base
22 arguments in opposition to it.

23 Thank you.

24 COMMISSIONER FAY: Staff?

25 MR. SANDY: Once again, Mr. Commissioner, in

1 light of the arguments made from the parties, we
2 don't have anything that we would add at this time.

3 COMMISSIONER FAY: Okay. Just real quick,
4 Mr. Ponce, just as a follow-up. Is there anything
5 that -- you mentioned the TECO case, but, I mean,
6 is there anything that changed in the statutes, or
7 something that changed that would argue that this
8 affordability argument would be appropriate now
9 here in the water and wastewater?

10 MR. PONCE: In the water and wastewater world,
11 not that I am aware of, in terms of changes to
12 statute.

13 COMMISSIONER FAY: Okay. All right. I will
14 take that one under advisement also.

15 MR. FRIEDMAN: Can I make --

16 COMMISSIONER FAY: With that --

17 MR. FRIEDMAN: -- just point one other
18 statement that was made in that same case I was
19 talking about? It said: Implicit in rates
20 approved by this commission in all cases is the
21 determination that the resulting bills are
22 affordable.

23 COMMISSIONER FAY: Okay. All right. With
24 that, we will move on to Issue C. Mr. Ponce?

25 MR. PONCE: The AMI project is by far the

1 largest proforma plant addition that is being
2 proposed by the company. We think it's so large
3 that it's practically -- that it should be taken up
4 on its own as an issue by itself.

5 We also think that this is a project that
6 doesn't have anything to do with providing safe and
7 reliable service to customers. Respectfully, due
8 to its giant impact in these issues, we think it
9 should be considered by itself.

10 COMMISSIONER FAY: Okay. Mr. Friedman?

11 MR. FRIEDMAN: All I would say is that as he
12 pointed out when we were talking about the quality
13 of service back in issue -- way back in Issue 1 --
14 no, not quality of service. What issue? The one
15 about the proforma adjustments, proforma plant.

16 He mentioned AMIs being something they don't
17 agree with in the proforma plant. And so if they
18 are disagreeing with the AMI and the proforma --
19 you know, again, they want to pull it out. And I
20 thought originally that they were okay with all of
21 the other proforma projects, and we would be
22 satisfied with those, and it made sense to pull it
23 out as a separate issue. But if they are going to
24 deal with AMI, and PFAS, and whatever else he
25 mentioned in issue -- in that issue on proforma

1 plant, why are we pulling AMI out separately?

2 I don't have heartburn about it as a separate
3 issue, if we want to deal with it as a separate
4 issue. I just don't see any need to do it as a
5 separate issue if it's already included in the
6 issue that's there, and we are not going to be able
7 to stipulate on that issue otherwise. If we
8 otherwise could agree on that issue on the proforma
9 plant but for the AMI, then I would say it makes
10 sense to pull AMI out. It doesn't make sense to
11 pull AMI -- it's a proforma project. Argue it with
12 the proforma project argument. I just don't see
13 it.

14 COMMISSIONER FAY: Yeah. Mr. Ponce, you
15 thought it would preclude you from being able to
16 argue it with the other proforma projects? Or your
17 argument, just for clarify for me, is just the
18 significance of it? How large it is? Is that --

19 MR. PONCE: The significance of it and its
20 lack of relation to providing safe and reliable
21 water and wastewater services.

22 COMMISSIONER FAY: Okay. Where is that
23 position, to your point, is not go something you
24 take issue with on the other proforma projects?

25 MR. PONCE: Correct.

1 COMMISSIONER FAY: Okay. All right. Staff,
2 anything?

3 MR. SANDY: No, sir.

4 COMMISSIONER FAY: Okay. So with that issue,
5 I am going to allow that issue. I think Mr.
6 Friedman made some valid points about the realities
7 of if other proforma projects were stipulated to,
8 then there would be a, you know, potential
9 necessity for this one to pull out. I think just
10 the significance of it makes it valid. Either way,
11 the due process is appropriate to argue it on both
12 sides, so we will include that.

13 MR. FRIEDMAN: Are we going to move it to
14 Issue 5, and then move everything else down? Is
15 that --

16 COMMISSIONER FAY: I will take advisement from
17 staff. I don't have any problem with doing it that
18 way, and then move the rest of them down?

19 MR. FRIEDMAN: Because then it would be right
20 after the proforma issue, and then after that will
21 be AMI issue, and then we just push all of it --

22 COMMISSIONER FAY: Yeah. Just make sure that
23 -- if OPC is okay with that.

24 MR. REHWINKEL: You could make it 4A and don't
25 have to renumber everything else. I don't think

1 that would --

2 MR. FRIEDMAN: All right. All right.

3 Charles, you win.

4 COMMISSIONER FAY: Yeah, you argued
5 efficiencies earlier, now you are getting that
6 billable back up, Mr. Friedman. Yeah, I don't have
7 any problem putting it 4A, and then you don't have
8 to renumber everything. All right. With that, we
9 will show, then, as 4A.

10 All right. That takes care of our contested
11 issues unless there is anything else we missed.

12 All right. We will move to exhibit list.

13 MR. FAROOQI: So staff prepared a
14 Comprehensive Exhibit List, which lists all
15 prefiled exhibits and those exhibits staff wished
16 to include in the record. The draft list was sent
17 to the parties to see if there were any changes or
18 objections to the CEL, or to the introduction of
19 any of staff's exhibits being entered into the
20 record. And we are continuing to work with the
21 parties on this matter, and we are expecting an
22 agreement hopefully sometime next week, if that's
23 okay.

24 COMMISSIONER FAY: Okay. I am fine with that.

25 Let's see, any changes from the parties'

1 prefiled exhibits?

2 MR. PONCE: I am not sure if this is the best
3 time to raise this. I just have a question about
4 -- on page eight of the Order Establishing
5 Procedure, it says that no later than seven days
6 should the parties provide exhibits to each other.
7 But then I think the date that's listed in the OEP
8 is six days, I believe, instead of seven days. Am
9 I misinterpreting something here?

10 COMMISSIONER FAY: Let staff check that date.
11 I mean --

12 MR. SANDY: We can certainly look into that,
13 and we can work with the parties on that matter.
14 We have a little bit of wiggle room on that
15 deadline one way or the other, unless there is
16 something else that OPC is concerned about.

17 MR. REHWINKEL: The only --

18 COMMISSIONER FAY: Go ahead, Mr. Rehwinkel.

19 MR. REHWINKEL: Commissioner, the only issue
20 we had was it says seven days, and then there is a
21 number, which we think would be the 4th, and then
22 it says the 3rd is when they have to be
23 disseminated, which means uploaded. We just --

24 COMMISSIONER FAY: I gotcha.

25 MR. REHWINKEL: -- think it just needs to be

1 clarified. That's all.

2 COMMISSIONER FAY: So we wouldn't have a
3 problem with -- I don't have any issues with it
4 being clarified to the 4th unless there is any
5 conflict with staff with the date. I don't have a
6 calendar in front of me.

7 MR. FRIEDMAN: I am lost. I apologize.

8 COMMISSIONER FAY: Yeah --

9 MR. FRIEDMAN: We are talking about what --
10 which section of the Prehearing Order -- I mean,
11 the or OEP?

12 COMMISSIONER FAY: The exhibits, page eight of
13 the OEP.

14 MR. SANDY: What we are referencing is, my
15 understanding, the change of exhibits ahead of the
16 hearing.

17 COMMISSIONER FAY: So --

18 MR. FRIEDMAN: Oh, that's provision -- these
19 are for cross-examination exhibits.

20 COMMISSIONER FAY: Correct. And so they are
21 basically just saying, Mr. Friedman, that it says
22 seven days, but the calendar essentially lands on
23 six, the date that's presented.

24 MR. FRIEDMAN: I don't care.

25 COMMISSIONER FAY: Okay. And is the 7th day a

1 weekend or anything? Otherwise, we will just
2 clarify that now, and then we will make sure that
3 date reflects the seven days.

4 MR. SANDY: No, it does not look like it would
5 be a weekend or anything. So it should be fine.

6 COMMISSIONER FAY: That works. We will just
7 clarify it as seven days then. Okay. Yep. We
8 want that -- we want the order to be consistent. I
9 appreciate you raising it.

10 All right. Anything else on that? All right.
11 Then we will -- we discussed any proposed
12 stipulations.

13 MR. SANDY: We will be working with the
14 parties on those stipulations.

15 COMMISSIONER FAY: Perfect. Okay.

16 MR. SANDY: I am sure those will be
17 forthcoming.

18 COMMISSIONER FAY: Okay. We will move into
19 pending motions. I think we got one, staff?

20 MR. FAROOQI: There is a pending motion to
21 amend's staff's testimony regarding Angie Calhoun.

22 COMMISSIONER FAY: Okay. Any of objections to
23 that?

24 MR. PONCE: No.

25 MR. FRIEDMAN: We do not object.

1 COMMISSIONER FAY: Okay. All right. Let's
2 move on to confidentiality matters.

3 MR. FAROOQI: There are several outstanding
4 requests for confidentiality from Sunshine which
5 will be addressed before the hearing. I believe
6 those have been sent to you as well.

7 COMMISSIONER FAY: Okay. Great. And those
8 are reviewed, they will be fine. We will get those
9 out in time.

10 Post-Hearing Procedures. Staff, any
11 post-hearing procedures that we need to address?

12 MR. FAROOQI: Yes. Staff recommends that
13 post-hearing briefs be limited to 40 pages unless
14 briefs are waived. Staff recommends a summary of
15 each position should be included in each
16 post-hearing statement, and each position summary
17 be limited to 75 words.

18 COMMISSIONER FAY: Okay. Any objections?

19 MR. PONCE: No.

20 COMMISSIONER FAY: Okay. And that might be
21 the first time we haven't had an objection on the
22 length here.

23 All right. Let's go into rulings. Staff, any
24 rulings to address?

25 MR. FAROOQI: Yes. Staff recommends that

1 opening statements be limited to three minutes per
2 party.

3 COMMISSIONER FAY: Okay. Objections?

4 MR. PONCE: Maybe I won't request 10 again,
5 but I would like more than three minutes. Would
6 five minutes do?

7 COMMISSIONER FAY: Okay. I don't have any
8 issues with five minutes. Mr. Friedman?

9 MR. FRIEDMAN: I will try to talk for five
10 minutes. It will be tough, but I will try.

11 COMMISSIONER FAY: You will have everything
12 stipulated by then, Mr. Friedman. It won't be
13 much.

14 MR. FRIEDMAN: We can only hope.

15 COMMISSIONER FAY: All right. Staff, anything
16 else under our rulings?

17 MR. FAROOQI: Staff will make sure the
18 prehearing order reflects the Prehearing Officer's
19 rulings regarding the contested issues discussed
20 during this hearing. Additionally, the prehearing
21 order will reflect the post-hearing briefs will be
22 limited to 40 pages, and each position shall be
23 including in each post-hearing statement, and that
24 each position summary limited to 75 words.

25 COMMISSIONER FAY: Okay. Great. Seeing no

1 objections.

2 All right. And then the other matters, if you
3 have anything, staff, we will take it up. I just
4 want to make sure we have clarity since our dates
5 got moved a little bit.

6 Anything that you would like as far as
7 presenting it in writing for the final prehearing
8 order would be provided by the end of -- the close
9 of business today to make sure that we have
10 everything in a timely matter. So just -- we
11 usually go over to the next day end of business
12 day. Obviously, with what we have now will be by
13 the end of the day, so any issues with that?

14 MR. PONCE: No, sir.

15 COMMISSIONER FAY: Okay. Mr. Friedman?

16 MR. FRIEDMAN: I have nothing further.

17 COMMISSIONER FAY: Okay. All right. Staff,
18 any other matters?

19 MR. SANDY: Mr. Chair, I believe there were
20 several matters taken under advisement, if I am
21 correct on that. Would the Chair like to make a
22 ruling this -- I guess this afternoon at this
23 point, or would you like to hold off on those
24 rulings?

25 COMMISSIONER FAY: So my hope would be,

1 depending on the timing of what we get from the
2 parties in writing, if you are able -- well, let me
3 ask you this: Are you able to provide what you
4 mentioned in writing for today's purposes following
5 this meeting?

6 MR. PONCE: Yes.

7 COMMISSIONER FAY: Do you need some time to
8 make sure that language of what you are
9 presenting --

10 MR. REHWINKEL: I feel confident we can just
11 send that to you no later than one o'clock.

12 COMMISSIONER FAY: Okay. Mr. Friedman,
13 anything -- I don't think you had changes, but just
14 making --

15 MR. FRIEDMAN: We don't have any changes.

16 COMMISSIONER FAY: Okay.

17 MR. FRIEDMAN: Thank you.

18 COMMISSIONER FAY: Okay. Yeah, so with that
19 -- I mean, my plan would be, if we have that
20 information by one o'clock, to get an order out by
21 the end of today.

22 So I do have a kid home from daycare today,
23 not just because of the snow, because he has a
24 fever, so I will be navigating that this afternoon,
25 but my hope would be to get that out.

1 Staff, does that work for you?

2 MR. SANDY: Yes, sir, it does.

3 COMMISSIONER FAY: Yeah. I like how I didn't
4 ask you, you are the ones that have to work on it,
5 so hopefully you are able to get it out this
6 afternoon too.

7 MR. SANDY: We can. We can work diligently,
8 Mr. Chair.

9 COMMISSIONER FAY: Okay. Great. Thank you.
10 All right. Anything else the parties want to
11 address before we adjourn?

12 All right, with that. I appreciate all the
13 flexibility on the timing and the issues, and we
14 will have an order for you this afternoon.

15 Thank you.

16 MR. PONCE: Thank you.

17 COMMISSIONER FAY: Yep.

18 (Proceedings concluded.)

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CERTIFICATE OF REPORTER

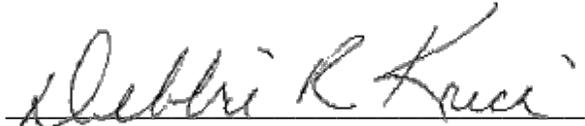
STATE OF FLORIDA)
COUNTY OF LEON)

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 4th day of February, 2025.


DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #HH575054
EXPIRES AUGUST 13, 2028