

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20250035-GU

Petition for approval of 2025
depreciation study and for approval
to amortize reserve imbalance, by
Florida City Gas.

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: GABRIELLA PASSIDOMO SMITH

DATE: December 3, 2025

TIME: Commenced: ~~9:30 a.m.~~ 1:00 p.m. ^{At} 12/18/25

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 BETH KEATING, ESQUIRE, Gunster, Yoakley &
3 Stewart, P.A., 215 South Monroe Street, Suite 601,
4 Tallahassee, Florida 32301; appearing on behalf of
5 Florida City Gas (FCG).

6 WALT TRIERWEILER, PUBLIC COUNSEL; CHARLES
7 REHWINKEL, DEPUTY PUBLIC COUNSEL, OFFICE OF PUBLIC
8 COUNSEL, c/o The Florida Legislature, 111 West Madison
9 Street, Room 812, Tallahassee, FL 32399-1400, appearing
10 on behalf of the Citizens of the State of Florida (OPC).

11 TIMOTHY SPARKS, JACOB IMIG and SHAW STILLER,
12 ESQUIRES, FPSC General Counsel's Office, 2540 Shumard
13 Oak Boulevard, Tallahassee, Florida 32399-0850,
14 appearing on behalf of the Florida Public Service
15 Commission (Staff).

16 ADRIA E. HARPER, 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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1 P R O C E E D I N G S

2 COMMISSIONER PASSIDOMO SMITH: All right.

3 Good afternoon. Today is December 3rd, 2025. It
4 is 1:00 p.m., and I will now call this Prehearing
5 Conference to order.

6 Staff, will you please read the notice?

7 MR. IMIG: By notice published on November
8 21st, 2025, in time and place has been set for a
9 Prehearing Conference in Docket No. 20250035-GU.
10 The purpose of this Prehearing is set forth more
11 fully in the notice.

12 COMMISSIONER PASSIDOMO SMITH: Thank you, Mr.
13 Imig.

14 Let's move to appearances starting with FCG.

15 MS. KEATING: Good afternoon, Commissioner.
16 My name is Beth Keating. I am with Gunster Law
17 Firm, and I am here this afternoon on behalf of
18 Florida City Gas.

19 MR. REHWINKEL: I know better than that.

20 COMMISSIONER PASSIDOMO SMITH: I think it --

21 MR. REHWINKEL: Good afternoon, Commissioner.
22 Charles Rehwinkel with the Office of Public
23 Counsel, appearing on behalf of the customer of
24 Florida City Gas. I would also like to enter an
25 appearance for Walt Trierweiler, the Public

1 Counsel.

2 MR. IMIG: Jacob Imig on behalf of Commission
3 staff. I would also like to put in an appearance
4 for Timothy Sparks and Shaw Stiller.

5 MS. HELTON: And Mary Anne Helton is here as
6 your Advisor, along with your General Counsel,
7 Adria Harper.

8 COMMISSIONER PASSIDOMO SMITH: Thank you.
9 Staff, are there any preliminary matters we
10 need to address before we get to the draft
11 Prehearing Order.

12 MR. IMIG: Staff has one preliminary matter.
13 Staff's Prehearing Statement was filed with the
14 Clerk's Office and served on the parties at 5:25
15 p.m. on Tuesday, November 25th, 2025, the date on
16 which it was due. Because it was filed after 5:00
17 p.m. on the last day before the extended holiday
18 weekend, the statement was not docketed until
19 Monday, December 1st, 2025.

20 In this statement, staff took no positions o
21 the issues in this docket, and listed only the one
22 witness and five exhibits that have been prefiled
23 during this document. Staff requests that its
24 statement be accepted and that staff's no position
25 on the issues be included in the Prehearing Order.

1 COMMISSIONER PASSIDOMO SMITH: Any responses
2 from FCG or --

3 MS. KEATING: No objection.

4 COMMISSIONER PASSIDOMO SMITH: Okay. Then we
5 will go ahead and include that in the Prehearing
6 Order then.

7 Yes, Mr. Rehwinkel.

8 MR. REHWINKEL: I don't know if this is the
9 appropriate time. There was an order issued last
10 night on a motion to strike, and I don't know if
11 that's going to be addressed later. I just wanted
12 to make a statement for the record, and I have
13 already talked to counsel for FCG about it.

14 COMMISSIONER PASSIDOMO SMITH: Okay. We can
15 go ahead and do that now.

16 MR. REHWINKEL: Okay. All I wanted to say
17 that is the Public Counsel reserves the right under
18 appropriate circumstances to utilize the entire
19 document in cross-examination or impeachment if
20 it's appropriate. I don't have plans to do that,
21 but we are just reserving our right to do that if
22 the circumstances in the record at that time
23 present themselves.

24 COMMISSIONER PASSIDOMO SMITH: Okay. So noted
25 any response, Ms. Keating?

1 MS. KEATING: No, we just obviously reserve
2 our right to object as appropriate.

3 MR. REHWINKEL: Yeah.

4 COMMISSIONER PASSIDOMO SMITH: Okay.

5 MR. REHWINKEL: And the only reason I am doing
6 that is I did not know if in lieu of -- in the
7 light of the order, if what went into Case Center,
8 Case Lines would be in any way redacted, and so I
9 would -- if there is a chance of that, I would put
10 my own version of it in so that it was there in
11 case it was needed. And I just wanted to put
12 everybody on notice, not flaunting your order or
13 anything like that.

14 COMMISSIONER PASSIDOMO SMITH: Okay. Yeah,
15 staff, you can correct me but, I believe you are
16 able to do that if --

17 MS. HELTON: I think that sounds like an
18 acceptable way to go forward if Mr. Rehwinkel makes
19 it as an exhibit on his list that's provided to the
20 RSLAs to include in Case Center, and then I am
21 assuming that our version will have just the pages
22 that you specifically mentioned in your order.

23 COMMISSIONER PASSIDOMO SMITH: Okay. Thank
24 you.

25 MR. REHWINKEL: Case Center just kind of

1 forces you to think way ahead, and that's all --

2 COMMISSIONER PASSIDOMO SMITH: Right. Yeah.

3 It has -- it's a lot of benefits, but sometimes

4 there is a few things that are --

5 MR. REHWINKEL: Thank you.

6 COMMISSIONER PASSIDOMO SMITH: -- that cause

7 some trouble. Thank you.

8 Any other preliminary matters, staff?

9 MR. IMIG: No.

10 COMMISSIONER PASSIDOMO SMITH: Okay. Then

11 let's go through the draft Prehearing Order. I

12 will start quickly, and then just feel free to

13 waive me down if we need to slow down and catch

14 anything.

15 So we will go through Section I is the Case

16 Background.

17 Section II, Conduct of Proceedings.

18 Section III, Jurisdiction.

19 Section IV, Procedure for Handling

20 Confidential Information.

21 MR. IMIG: When confidential information is

22 used in the hearing, parties must have copies for

23 the Commissioners, necessary staff and the court

24 reporter in red envelopes clearly marked with the

25 nature of the contents.

1 Any party wishing to examine the confidential
2 material that is not subject to an order granting
3 confidentiality shall be provided a copy in the
4 same fashion as provided to the Commissioners,
5 subject to execution of any appropriate protective
6 agreement with the owner of the material.

7 COMMISSIONER PASSIDOMO SMITH: Yes, Mr.
8 Rehwinkel.

9 MR. REHWINKEL: The -- we have identified two
10 small confidential exhibits that we might use, and
11 I just have been asked back at the office how many
12 copies do we need to bring for the hearing this
13 size?

14 COMMISSIONER PASSIDOMO SMITH: I will ask
15 staff.

16 MS. HELTON: Can we let the parties know
17 after-the-fact --

18 MR. REHWINKEL: Yeah.

19 MS. HELTON: -- because I'm not sure that we
20 have made that calculation. So this is a panel,
21 and so we only have two parties. So if you could
22 let us figure that out and we will let y'all
23 know --

24 MR. REHWINKEL: Thank you.

25 MS. HELTON: -- before the hearing -- in time

1 before the hearing.

2 MR. REHWINKEL: Okay. And -- well, I mean, we
3 have to make our -- yeah, yeah. Thank you. And we
4 I think we are still in a mode of Case Center not
5 accepting confidential documents, right?

6 MS. HELTON: That's correct.

7 MR. REHWINKEL: Okay. Thank you.

8 COMMISSIONER PASSIDOMO SMITH: Anything else,
9 staff? Okay.

10 Section V, Prefiled Testimony and Exhibits,
11 staff.

12 MR. IMIG: Staff suggests that the witness
13 summary testimony be limited to three minutes. If
14 a witness has filed both direct and rebuttal
15 testimonies, staff recommends that they receive
16 three minutes for direct and three minutes for
17 rebuttal. If both direct and rebuttal testimonies
18 are taken together, staff recommends that the
19 witnesses be given six minutes total.

20 COMMISSIONER PASSIDOMO SMITH: Objections?
21 Yeah.

22 MR. REHWINKEL: I apologize. I would ask that
23 we get five. This is -- the issues that our
24 witness addresses and at least one of the company's
25 address, and the staff, is technical, and is -- our

1 witness's testimony is fairly lengthy. Five would
2 just -- you know, we are going to have a day
3 hearing and we would ask that we be allowed to have
4 five minutes.

5 COMMISSIONER PASSIDOMO SMITH: Yeah. Seems
6 reasonable. Is five acceptable for yours, Ms.
7 Keating?

8 MS. KEATING: We are fine with three, but we
9 are also fine with five.

10 COMMISSIONER PASSIDOMO SMITH: Okay. And then
11 I am assuming -- I mean, if we are -- any of the
12 witnesses do direct and rebuttal together, that
13 would mean they would have 10 minutes total,
14 presumably? If that happens. I don't know if
15 that's going to happen anyway.

16 MR. REHWINKEL: We have had some discussions,
17 and we will continue to have them, and we will
18 notify the Commission based on what comes out of
19 that.

20 COMMISSIONER PASSIDOMO SMITH: Okay. All
21 right. Well, then, witness will have up to five
22 minutes each then.

23 MR. REHWINKEL: Thank you.

24 COMMISSIONER PASSIDOMO SMITH: Okay. Order of
25 witnesses. Are there any witnesses that need to be

1 stipulated?

2 MR. IMIG: Stipulated witnesses may be
3 suggested by the parties at this time. If there
4 are stipulated witnesses the parties would like to
5 suggest, staff will confirm with each Commissioner
6 that the witness can be excused. If the
7 Commissioners do not have questions of these
8 witnesses, the witnesses may be excused from the
9 hearing, and their testimony and exhibits entered
10 into the record at the hearing as though read.

11 MR. REHWINKEL: I don't see staff's witness.
12 Am I missing --

13 MR. IMIG: Charles, the reason why is we
14 addressed that in the preliminary matter, because
15 the staff's Prehearing Statement was filed late --

16 MR. REHWINKEL: Okay.

17 MR. IMIG: -- we didn't include it. So it
18 will be updated after this, and we will send it
19 back out to all with the corrected --

20 MR. REHWINKEL: Okay.

21 MR. IMIG: -- order.

22 MR. REHWINKEL: From the Public Counsel's
23 standpoint, the staff's witness is the only one
24 that I think is possible to stipulate, and we will
25 have to have some internal conversations about

1 that. We do have some cross, but I am willing to
2 have conversations with staff and the company about
3 that, but right now, we would expect them to show
4 up.

5 COMMISSIONER PASSIDOMO SMITH: Okay. Ms.
6 Keating?

7 MS. KEATING: I think the company is open to
8 discussion about staff's witness being stipulated,
9 but we are still in conversation --

10 COMMISSIONER PASSIDOMO SMITH: That's okay.

11 MS. KEATING: -- about that as well.

12 COMMISSIONER PASSIDOMO SMITH: Yeah. I
13 encourage you to keep talking, but I appreciate you
14 doing that, but, yeah, nothing needs to be decided
15 right now on that front.

16 We will move on to basic positions. Do either
17 of you have -- or any of the parties have changes
18 to their basic positions?

19 MR. REHWINKEL: I don't have changes to for
20 the rest of the --

21 COMMISSIONER PASSIDOMO SMITH: No. Okay.
22 Seeing, all right, none, okay.

23 Then Issues and Positions, staff.

24 MR. IMIG: Issues and positions are included
25 in the draft Prehearing Order.

1 Staff notes that for issues in which a party
2 has taken no position at this time, if a party does
3 not take a position on these issues per the OEP,
4 their position will be changed to no position in
5 the Prehearing Order.

6 If a party fails to take a position on an
7 issue by the Prehearing Conference, the party
8 waives its opportunity to conduct cross-examination
9 on the issue, as well as file a post-hearing brief
10 on that issue.

11 COMMISSIONER PASSIDOMO SMITH: Are there any
12 other related matters that need to be discussed in
13 this section?

14 All right. Seeing none, we will move to the
15 exhibit list.

16 MR. IMIG: Staff has prepared a Comprehensive
17 Exhibit List which includes all prefiled exhibits,
18 and also includes those exhibits staff wishes to
19 include in the record. Staff will recirculate the
20 draft list and check with the parties prior to the
21 hearing to determine if there are any objections to
22 the Comprehensive Exhibit List or any of staff's
23 exhibits being entered into the record.

24 COMMISSIONER PASSIDOMO SMITH: Proposed
25 Stipulations?

1 MR. IMIG: There are no proposed stipulations
2 at this time.

3 MR. REHWINKEL: Madam Chairman --
4 Commissioner -- I guess I have to wait a few --

5 COMMISSIONER PASSIDOMO SMITH: That's okay.
6 Give me a promotion a month early, I will take it.

7 MR. REHWINKEL: With respect to the CEL, if I
8 could ask, is it staff's intent to put the -- all
9 of what's listed here on Case Lines for access and
10 use during cross-examination? If I know that, it
11 will vastly cut down on what we would have to also
12 add. And I know the Commission has tried to get,
13 over time, to have no duplication in there, and it
14 would help us if we knew that.

15 COMMISSIONER PASSIDOMO SMITH: Right. I am
16 going to defer to staff to answer that question
17 about Case Center.

18 MR. IMIG: I think we will be doing that,
19 yeah, for --

20 COMMISSIONER PASSIDOMO SMITH: Yes, Ms.
21 Keating.

22 MS. KEATING: To is that same point, I think
23 at least on our initial look-through, there were a
24 few that identified attachments would be included,
25 and then others that we believe had attachments

1 that didn't say the attachments were included, so I
2 think we were trying to figure out if that was
3 intentional or --

4 MS. HELTON: I think that was intentional. If
5 it says attachments will be included, we will
6 include the attachments. If it does not, we do not
7 plan to include the attachments.

8 MS. KEATING: Okay.

9 MR. REHWINKEL: So in that regard, I think the
10 OPC's first POD is identified 1 through 5, and
11 there was a confidential response. Is that not
12 included? There was some budget variance
13 documents, was that in the first? I may have lost
14 track.

15 MS. KEATING: Of whether it was on the CEL?

16 MR. REHWINKEL: Well, yeah, I just wanted to
17 make sure. I mean, we -- I just wanted to
18 understand if that's a POD that wouldn't be on the
19 staff's list.

20 MS. HELTON: Maybe if we don't know that off
21 the top of our heads, that's a conversation we can
22 have afterwards and we can confirm for you one way
23 or the other.

24 MR. REHWINKEL: Okay. All right. We will
25 keep talking about that. I mean, we are generally

1 going to be supportive of the CEL that the staff
2 wants. All we need to know is if there is not --
3 if there is something that's not going to be on
4 there, then we would have to decide whether we want
5 to do it on our own.

6 COMMISSIONER PASSIDOMO SMITH: Okay. It
7 sounds like staff will get with you and make sure
8 that --

9 MR. REHWINKEL: Thank you.

10 COMMISSIONER PASSIDOMO SMITH: -- you know
11 what's included and what's not.

12 Ms. Keating -- okay.

13 Where was I? So are there any pending
14 motions?

15 MR. IMIG: There are none at this time.

16 COMMISSIONER PASSIDOMO SMITH: Are there any
17 pending confidentiality motions?

18 MR. IMIG: There is a confidentiality request
19 pending, but FCG is looking to see if it can be
20 withdrawn.

21 COMMISSIONER PASSIDOMO SMITH: Is that
22 correct, Ms. Keating?

23 MS. KEATING: That is correct, but I just
24 received notification that it does need to remain
25 confidential.

1 COMMISSIONER PASSIDOMO SMITH: So then, yes,
2 we will have one.

3 MS. KEATING: It is pending.

4 COMMISSIONER PASSIDOMO SMITH: That's okay.
5 Thank you very much.

6 MR. IMIG: We will work on that --

7 COMMISSIONER PASSIDOMO SMITH: Right, yeah, we
8 can --

9 MR. IMIG: -- and get it sorted before the
10 hearing.

11 COMMISSIONER PASSIDOMO SMITH: Okay.
12 Post-Hearing Procedures.

13 MR. IMIG: If there are any issues to be
14 briefed, staff recommends post-hearing briefs be no
15 longer than 40 pages.

16 COMMISSIONER PASSIDOMO SMITH: Any objections
17 to 40 pages?

18 MR. REHWINKEL: You know, at this time, I
19 don't, but oftentimes, at the conclusion of the
20 hearing, based on what has transpired at the
21 hearing, we may revisit that. And if we would --
22 could reserve our ability to do that, I think 40 is
23 a good suggestion. I mean, seven-issue
24 depreciation one-day case should be able to be
25 briefed in less than 40 pages, but just in an

1 abundance of caution.

2 COMMISSIONER PASSIDOMO SMITH: Right. Yeah.
3 We can -- are you in agreement, Ms. Keating? We
4 can delay that for Chair La Rosa to --

5 MR. REHWINKEL: Okay.

6 COMMISSIONER PASSIDOMO SMITH: -- make the
7 final call. Sometimes it's nice to be able to
8 defer some stuff to him -- back to him. I won't be
9 able to do that soon.

10 And then -- I am sorry, I guess I am going to
11 steal your line here, that they are due January 7,
12 2026. Is that acceptable as the due date?

13 MR. REHWINKEL: Yes.

14 COMMISSIONER PASSIDOMO SMITH: Okay. All
15 right.

16 Rulings, staff.

17 MR. IMIG: Staff recommends that the
18 Prehearing Officer make a ruling that opening
19 statements, if any, should not exceed five minutes
20 per party unless any party chooses to waive its
21 opening statement.

22 MR. REHWINKEL: Five is good for me.

23 MS. KEATING: For similar reasons that Mr.
24 Rehwinkel raised with regard to the witnesses'
25 summaries, FCG would ask that perhaps we be given a

1 little bit longer in terms of opening statements,
2 say eight to 10 minutes, eight, you know, would
3 work.

4 COMMISSIONER PASSIDOMO SMITH: Eight minutes,
5 so eight minutes for both of you -- yeah.

6 MR. REHWINKEL: I'm happy with her having
7 more, you know, in our posture, five is sufficient
8 for me.

9 COMMISSIONER PASSIDOMO SMITH: Okay. Well, we
10 will say eight.

11 MR. REHWINKEL: Okay.

12 COMMISSIONER PASSIDOMO SMITH: You can use up
13 to eight, but if you want to keep it at five, you
14 are more than welcome to do that, but we will --
15 opening statements shall be limited to eight
16 minutes per party.

17 MS. KEATING: Thank you.

18 COMMISSIONER PASSIDOMO SMITH: Any other
19 matters that we need to address in this prehearing
20 conference?

21 MR. IMIG: Staff is not aware of any other
22 matters at this time.

23 COMMISSIONER PASSIDOMO SMITH: From the
24 parties?

25 All right. Seeing none, this concludes this

1 prehearing conference. Thank you very much.

2 (Proceedings concluded.)

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1 CERTIFICATE OF REPORTER


2 STATE OF FLORIDA)
3 COUNTY OF LEON)
4

5 I, DEBRA KRICK, Court Reporter, do hereby
6 certify that the foregoing proceeding was heard at the
7 time and place herein stated.

8 IT IS FURTHER CERTIFIED that I
9 stenographically reported the said proceedings; that the
10 same has been transcribed under my direct supervision;
11 and that this transcript constitutes a true
12 transcription of my notes of said proceedings.

13 I FURTHER CERTIFY that I am not a relative,
14 employee, attorney or counsel of any of the parties, nor
15 am I a relative or employee of any of the parties'
16 attorney or counsel connected with the action, nor am I
17 financially interested in the action.

18 DATED this 15th day of December, 2025.
19
20
21

22 
23 DEBRA R. KRICK
24 NOTARY PUBLIC
25 COMMISSION #HH575054
EXPIRES AUGUST 13, 2028