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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO.: UNDOCKETED

REPORTING AND EVALUATING FEECA
UTILITIES' DEMAND-SIDE
MANAGEMENT PROGRAM PERFORMANCE.

PROCEEDINGS: STAFF WORKSHOP
TAKEN AT THE
INSTANCE OF: The Staff of the Florida
Public Service Commission
DATE: Thursday, April 28, 2011
TIME: Commenced at 9:30 a.m.
Concluded at 11:09 a.m.
PLACE: Betty Easley Conference Center
Hearing Room 148
4075 Esplanade Way
Tallahassee, Florida
REPORTED BY: LINDA BOLES, RPR, CRR
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FLORIDA PUBLIC SERVICE COMMISSION

2

1 APPEARANCES:

2 TOM GROSS, OUC.
3 RICHARD VENTO, JEA.
4 JASON VAN HOFFMAN, Florida Public Utilities.
5 BRAD KUSHNER, Black & Veatch, Florida Public
6 Utilities.
7 LEE GUTHRIE, Progress Energy.
8 ARLENE TIBBETTS, Progress Energy.
9 TOM LARSON, Southern Alliance for Clean Energy.
10 STEVEN GRIFFIN, Gulf Power Company.
11 JENNIFER TODD, Gulf Power Company.
12 TOM KOCH, Florida Power & Light Company.
13 HOWARD BRYANT, Tampa Electric Company.
14 JIM BEASLEY, Tampa Electric Company.

15
16 FOR THE FPSC:

17 LARRY HARRIS, ESQUIRE, KATHY LEWIS, TOM
18 BALLINGER, BETH SALAK and BOB TRAPP, Commission Staff.

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FLORIDA PUBLIC SERVICE COMMISSION

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1 P R O C E E D I N G S
2 MS. LEWIS: I'm Kathy Lewis, Florida Public
3 Service Commission Staff, Division of Regulatory
4 Analysis. With me this morning is Larry Harris, Staff
Page 2

5 Counsel. Also Tom Ballinger will be joining us in a few
6 minutes.

7 Mr. Harris, would you please read the notice.

8 MR. HARRIS: Pursuant to notice published
9 April 8th, 2011, in the Florida Administrative Weekly,
10 this time and place has been set for an undocketed Staff
11 workshop regarding Reporting and evaluating Florida
12 Energy Efficiency and Conservation Act utilities'
13 demand-side management program performance.

14 MS. LEWIS: Thank you, Larry.

15 First of all, welcome everyone. And as usual,
16 we're going to start with a few housekeeping matters.

17 This workshop is being recorded. It's going to
18 be archived. I believe you'll be able to view it on the
19 Internet later, if you wish. It will also be
20 transcribed. We have a sign-in sheet over here to the
21 right. I think most of you have found that. Next to it
22 is the agenda with the same six questions that you were
23 all sent earlier.

24 Copies of this Agenda and the other documents
25 associated with this workshop are going to be on the web

FLORIDA PUBLIC SERVICE COMMISSION

4

1 page -- or they're already there under the conferences
2 and meeting agendas. Most of you know how to find that.

3 In a few minutes I'm going to give a short
4 presentation, then we're going to have discussion using
5 those same six questions from the agenda to guide us. We
6 will take up one question at a time and just, I plan to
7 just go down the line and hear from each of you on each

8 question. If you, so if you plan on speaking today, as
9 you already have, I see you've lined up here -- we
10 also -- you can sit over there where we also have
11 microphones, if you like.

12 Now once everybody is in place, I'd like to go
13 ahead right now and kind of go down the line. If you
14 would introduce yourself, who you represent for the court
15 reporter so she can go ahead and get started with that
16 because I don't know everyone here today. So go ahead.

17 MR. GROSS: I'm Tom Gross. I'm with Orlando
18 Utilities.

19 MS. LEWIS: Thank you.

20 MR. VENTO: Richard Vento, JEA.

21 MR. VAN HOFFMAN: Jason Van Hoffman, Florida
22 Public Utilities.

23 MR. KUSHNER: Brad Kushner, Black & Veatch, with
24 Florida Public Utilities.

25 MS. GUTHRIE: Lee Guthrie, Progress Energy.

FLORIDA PUBLIC SERVICE COMMISSION

5

1 MS. TIBBETTS: Arlene Tibbetts, Progress Energy.

2 MR. LARSON: Tom Larson, Southern Alliance for
3 Clean Energy.

4 MR. GRIFFIN: Steven Griffin on behalf of Gulf
5 Power Company.

6 MS. TODD: Jennifer Todd, Gulf Power Company.

7 MS. CANO: Jessica Cano, Florida Power & Light.

8 MR. KOCH: Tom Koch, Florida Power & Light.

9 MR. BRYANT: Howard Bryant, Tampa Electric.

10 MR. BEASLEY: Jim Beasley for Tampa Electric.
Page 4

11 MS. LEWIS: Thank you. All right. Just to
12 keep it interesting, I'm going to move over here to the
13 lecturn.

14 Okay. The purpose of the goals and the
15 programs is to economically defer power plant
16 construction; to conserve expensive resources; and
17 encourage development of demand-side management
18 renewables, including solar PV and solar thermal. It's
19 important that we keep the purpose of the goals and
20 programs in mind during the discussion today.

21 we should also keep in mind the consequences of
22 not accomplishing conservation goals. Some of those are
23 increased costs, including plant and fuel that are passed
24 on to ratepayers; increased environmental emissions; and
25 impacts to local economic development.

FLORIDA PUBLIC SERVICE COMMISSION

6

1 The way utilities report their data to the
2 Commission is based on the requirements of the FEECA
3 statutes and rules the Commission developed based on
4 those statutes. The statutes require the PSC to report
5 to the Legislature and the Governor annually on the goals
6 it has established and the program -- and the progress
7 being made towards meeting those goals.

8 Rules require that by March 1st of each year
9 data that the utility has collected on customer
10 participation, cost and benefits must be provided to the
11 PSC for the previous year.

12 Historically, the Commission has evaluated the
13 utility's cumulative performance against the existing PSC
Page 5

14 established cumulative goal for that year. The last
15 review covered 2004 through 2009. This process starts
16 over every five years as new goals are established, as
17 they were by Commission order in December of 2009.

18 This most recent order set separate annual
19 numeric goals for residential and commercial customers.
20 The order also required the establishment of solar pilot
21 programs to increase the number of demand-side renewable
22 energy systems.

23 Now moving on to the current situation, this is
24 a snapshot of how the achievements included in the DSM
25 reports filed by the utilities this year, March 1st,

FLORIDA PUBLIC SERVICE COMMISSION

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1 2010, compare to the annual residential goals the PSC
2 established for 2010. What it shows, Progress Energy
3 fails in all categories based on its residential
4 achievements. Gulf would fail in summer and annual
5 energy categories.

6 On the commercial side, FPL would fail based on
7 its summer demand and annual energy savings achievements.
8 FPUC would also fail based on summer demand and annual
9 energy savings achievements. Though not charted in these
10 slides, if we take each company's residential and
11 commercial/industrial savings and combine them and then
12 compare them against the combined goals in each category,
13 we would still have failures. Both Progress Energy and
14 FPUC would fail based on their summer demand and annual
15 energy reported achievements.

16 Now this chart illustrates where we are today
Page 6

17 with plans and programs. The Commission's order clearly
18 required FEECA utilities to submit a DSM plan to meet
19 annual goals; however, the plan submitted by the IOUs did
20 not meet the annual goals, resulting in the Commission
21 requiring compliance plans to be filed. As a result of
22 these compliance issues, only four utilities had their
23 DSM plans approved during 2010. Those were OUC, JEA,
24 FPUC and TECO.

25 The next step is getting program standards

FLORIDA PUBLIC SERVICE COMMISSION

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1 approved, and both FPUC and TECO had theirs
2 administratively approved in February of this year. As
3 municipal utilities, OUC and JEA are not required to file
4 program standards.

5 Gulf's DSM plan was approved in February of
6 this year. And as of today, Progress Energy and FPL's
7 plans have been filed, revised and refiled, but are still
8 pending approval, after which program standards must be
9 filed and approved and so on, making it likely that
10 2011 will be at least half over before the state's two
11 largest utilities have their actual programs up and
12 running.

13 Therefore, new programs and revisions to
14 existing programs that Progress and FPL have designed to
15 meet the new goals have not been in place during calendar
16 year 2010. Despite this lag, the Commission must still
17 evaluate FEECA utilities' achievements for the 2010
18 calendar year based upon their March 2011 filings. This
19 workshop is to discuss how that evaluation should proceed

20 or what our options are going forward.

21 In keeping with our existing Commission
22 procedures, Staff intends to take a draft of the FEECA
23 report to Internal Affairs in early 2012. As in the
24 past, this draft will include what you see here in the
25 first two bullets: Megawatt and megawatt hour savings

FLORIDA PUBLIC SERVICE COMMISSION

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1 data submitted in the utility records compared against
2 the goals, including residential and commercial/
3 industrial customer categories that reflect both annual
4 and cumulative achievements, as well as any justification
5 for variances that utilities have submitted.

6 Bullets 3 and 4 are new areas that we will be
7 emphasizing based on legislative revisions to the FEECA
8 statutes. These include data on solar pilot programs and
9 how the general body of ratepayers is affected by the
10 success or failure of conservation efforts.

11 Staff will also include recommendations in the
12 draft report that are based upon our review and analysis
13 of the data. These range from accepting filings and
14 justifications, no further action; program revisions or
15 additions, a docketed proceeding for the affected
16 utility; and potential rewards or penalties that would
17 also be a docketed proceeding for the affected utility.
18 And we are open to other suggestions.

19 So as I've said, Staff intends to take your
20 input today into consideration as we develop data
21 requests to ensure that we have the necessary information
22 to prepare the 2012 FEECA report. The questions you see

23 here are the same ones that we previously sent you on the
24 agenda. And as I've said, I plan to go through the
25 questions one by one, letting each person who wants to

FLORIDA PUBLIC SERVICE COMMISSION

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1 speak weigh in on one question at the time. If you don't
2 have specific comments on a question, that's fine. We
3 can just skip you and go to the next person.

4 I'd also like to remind you that you can make
5 comments after the workshop. We'd like to get them
6 within a week. That will help us as we're preparing our
7 data request, which we expect to send out in a couple of
8 weeks. So with that, I'm going to move over here and we
9 can start with the first question.

10 MR. HARRIS: This is Larry Harris. One other
11 thing I think we do want to make clear is we don't
12 anticipate that this is just one way from us to you all.
13 You know, if there's things that Kathy has covered that
14 you all want to talk about, you're welcome to. We don't
15 have to stick to just these six questions. You know, if
16 you all have general comments or if there's something
17 else you'd like to talk about or have us talk about
18 that's not on this list, we certainly want to include
19 that. So I think we wanted to make clear that it's not
20 just these six questions, just conversation on that,
21 period. A dialogue -- we want to hear from you all,
22 answer questions you have for us. Isn't that right,
23 Kathy?

24 MS. LEWIS: That's right. We'll use the
25 questions as a guide. But just to kind of keep order

1 and keep things flowing, I thought we could just do it
2 one by one. So we can go ahead and start, if you'd like
3 to start over here. I believe it's Mr. Vento.

4 MR. VENTO: Yes. JEA on item, topic number
5 one number, we don't have a position because we're not
6 impacted.

7 MS. LEWIS: Thank you.

8 MR. GROSS: Same for OUC.

9 MR. KUSHNER: This is Brad Kushner, Black &
10 Veatch, on behalf of FPUC. For FPUC in particular we
11 believe it's more appropriate to measure the goals
12 against the goals established in 2004.

13 MS. LEWIS: Thank you.

14 MS. GUTHRIE: Progress, as you know, still has
15 its hearing pending, so it's difficult to take a
16 position when we have goals without the programs
17 necessary to achieve those accomplishments. So, you
18 know, in that manner we lean toward 2004 and again
19 depending on the outcome.

20 MS. LEWIS: Okay. Thank you.

21 MR. LARSON: Tom Larson, Southern Alliance for
22 Clean Energy. We would recommend the 2010 goals be the
23 basis for measurement. And we've established those
24 goals, there's been a lot of dialogue on that, it's
25 known information. And Florida really needs to be

1 obtaining these kinds of advances in energy efficiency,
2 and I think our measurement from here forward should be
3 on that basis.

4 MS. LEWIS: Thank you.

5 MS. TODD: Jennifer Todd, Gulf Power. We feel
6 it's appropriate, given that the goals were approved in
7 December of 2009, that 2010 be measured against those
8 goals. Having said that, as you've already
9 acknowledged, our DSM plan was not approved in 2010. So
10 as we go through this discussion, we'd like to emphasize
11 that we would like recognition of that in terms of our
12 ability to meet those goals without an approved plan.

13 MS. LEWIS: Acknowledgment of that. Uh-huh.
14 Thank you.

15 MR. KOCH: Tom Koch for FPL. We would echo
16 the same comments that our colleague at Gulf just made.
17 And just as a suggestion maybe for simplification
18 purposes in the responses from the IOUs, potentially we
19 would have Howard Bryant from TECO kind of throw out the
20 initial responses, and then we can chime in if there's
21 any clarifications or differences.

22 MS. LEWIS: Okay. You're saying TECO is going
23 to speak for the four IOUs in general.

24 MR. KOCH: Yes. Just for efficiency's,
25 efficiency's sake. Yes.

FLORIDA PUBLIC SERVICE COMMISSION

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1 MS. LEWIS: And then you can make
2 clarifications separately.

3 MR. BRYANT: In general it's, it's kind of the
4 same situation we had with the solar. Everybody stepped
5 back and I was still in front of the line. But at any
6 rate -- or maybe it's, it's the lack of hair and that
7 which is left is gray. I don't know, but it's --

8 MR. HARRIS: Howard, when are you going to
9 learn that when there's a line, start moving back quick,
10 man?

11 MR. BRYANT: I know. I'm not, I'm not doing a
12 good job of learning that. But nevertheless, you know,
13 generally in terms of the four investor-owned, Gulf,
14 Progress, Florida Power and Tampa Electric, I'd like the
15 opportunity to make some comments that I think are
16 generic to all of us or common to all of us, if you
17 will. But to the extent I'm not aware of a particular
18 response or the fact that I know a utility has a
19 slightly different approach, I'll know that or else
20 they'll certainly slap me and, and make their comments
21 as well. The idea is to perhaps just be a little bit
22 more efficient and kind of keep the thing moving.

23 MS. LEWIS: That's good. I'm not looking
24 forward to being here all day. Of course, I want to be
25 here as long as it takes to do a good job.

FLORIDA PUBLIC SERVICE COMMISSION

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1 MR. BRYANT: Yes. But, but as we've gone
2 through the first question here, and we've been doing it
3 on an individual basis thus far, from Tampa Electric's
4 perspective we're of the opinion that you would want to
5 select the 2009 goals and use those as a measure of

6 accountability. But then obviously you have to
7 recognize that for certain utilities, as your chart
8 previously indicated, some folks still don't have their
9 plans approved and so there has to be a grace period, if
10 you will, on certain years. And that's been consistent
11 with the past as well in terms of the plans that have
12 been approved.

13 There's, there's typically been a bit of a lag,
14 maybe not as bad as it is this time or as long as it is
15 this time, but there's been a bit of a lag and so there's
16 usually been grace that first year and then you move on
17 from there. So that would be our position.

18 MS. LEWIS: Thank you. Any comments, Tom?

19 MR. BALLINGER: Good morning, all. Sorry for
20 being late. I was involved in the "Take Your Kids to
21 work" event going on. I've got some kids that are going
22 to save some electricity, I think, so we're okay.

23 The first thing I heard though was disparity
24 here amongst the IOUs, is I thought I heard Progress
25 saying they would go back to the 2004 goals. Is that

FLORIDA PUBLIC SERVICE COMMISSION

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1 correct?

2 MS. GUTHRIE: I think -- let me just clarify
3 that. If, again, depending on the outcome -- as you
4 know, we're still pending.

5 MR. BALLINGER: Right.

6 MS. GUTHRIE: We don't really have a strong
7 preference if, as Jennifer said, we were given
8 acknowledgment that we didn't have programs in place for

9 2010 and at least part of '11. But, again, pending that
10 outcome of --

11 MR. BALLINGER: Well, okay. We'll, we'll get
12 there. I just -- we're just trying to recognize that.
13 That is the one fact we know is that there's been
14 several different schedules of approving of plans and
15 things of that nature, and that's what we're trying to
16 get here is -- but we do have goals that were
17 established for 2010 and I think we have to measure
18 those. And we're looking at do we measure additional
19 things as well and take that all into consideration?

20 So I guess as we move forward then are we going
21 to go through the individual parties until we get to the
22 IOUs and then we'll have Howard? Is that the format
23 we're going now?

24 MR. BRYANT: I think that'll work. And if --
25 again, I'll, I'll shut up at the appropriate time should

FLORIDA PUBLIC SERVICE COMMISSION

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1 I know another company has a different opinion.

2 MR. BALLINGER: All right. Thank you.

3 MS. LEWIS: Okay. Thanks, Tom.

4 We can go ahead and move on to question two.

5 MR. BALLINGER: Can I -- I'm sorry. I hate to
6 bug in here on question one.

7 MS. LEWIS: No. Go ahead.

8 MR. BALLINGER: And I believe FPUC also said
9 2004 goals; is that right, Brad?

10 MR. KUSHNER: Yes, Tom. That's correct.

11 MR. BALLINGER: Okay. I'd like to, I guess,

12 further that discussion. If we are going to look at
13 2004, why would that be an appropriate benchmark to
14 measure?

15 MR. KUSHNER: I think FPUC's position is
16 similar to what was expressed earlier as far as the
17 timing of when their plan was approved, recognizing what
18 you said earlier about the 2009 goals being in place.
19 We understand that. But the program is designed to
20 achieve those goals. We're not approved until, I
21 believe it was December of 2010.

22 So in this particular case for the 2010
23 conservation reports, we felt those goals should be
24 compared to the goals established in 2004.

25 MR. BALLINGER: Okay. So the reasoning is the

FLORIDA PUBLIC SERVICE COMMISSION

17

1 fact of just the delay in implementation to go ahead and
2 go back to the older goals?

3 MR. KUSHNER: Yes, sir. That's correct.

4 MR. BALLINGER: Okay.

5 MS. LEWIS: Okay. Let's move on to question
6 two.

7 MS. SALAK: May I ask a question?

8 MS. LEWIS: Yes.

9 MS. SALAK: Part of the delay was that the
10 original plans did not meet the Commission's order. So
11 I'm wondering how, how should we take that into
12 consideration in this process?

13 MR. BRYANT: I can, I can speak certainly
14 for Tampa Electric and perhaps for the other

15 investor-owned.

16 The original plans were filed in October -- or,
17 I'm sorry, the original agenda for the consideration of
18 the plans occurred in October of 2009, and at that
19 particular point in time the utilities in general were of
20 the impression that as long as the plans indicated on a
21 cumulative basis that they would meet the goals, the
22 assumption was that we would secure approval and be able
23 to start relatively early in 2010, and that's again
24 consistent with previous proceedings.

25 Now we recognized that the goals were set on an

FLORIDA PUBLIC SERVICE COMMISSION

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1 annual basis, we recognize decisions were made to have
2 those plans refiled, and it took an element of time to do
3 that. It's really -- I don't think you want to point
4 fingers at anyone at all, that's not the purpose. It's
5 just simply the, the process, the regulatory process
6 itself has dealt us the hand with which we play now. And
7 it's just a lag, if you will, in the process and we're
8 dealing with it as best we can. I'm not sure there's
9 anything else we could say about that.

10 MR. KOCH: Tom Koch from FPL. I would like to
11 add one thing. I think in FPL's case, and probably I
12 speak for the rest of us, but obviously people will
13 correct if I'm wrong here. I think all the plans were
14 filed in good faith, assuming that the goals had been
15 set cumulatively, and it wasn't really the understanding
16 of at least FPL and I think others that there had been a
17 change in the process of the ways the goals were

18 established since they'd always been cumulative
19 historically. So, you know, that's why you saw plans
20 that basically met the cumulative goals but they did not
21 meet the annual incremental goals because it wasn't
22 clear that there had been a, had been a difference in
23 the, in the way the goals were set. And of course in
24 FPL's case there were some other extenuating
25 circumstances which were unrelated to this specific

FLORIDA PUBLIC SERVICE COMMISSION

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1 docket that also, also engendered the delay.

2 MS. LEWIS: I understand what you're saying.
3 But I think the, it was clear in the order that there
4 were annual numeric goals and that was what -- the order
5 setting the goals came out before the plans were filed,
6 so.

7 MR. KOCH: I would say in our case that we did
8 not recognize that in fact it had been changed. And I,
9 you know, in retrospect you go back and read, you can
10 see. But it really was not -- it was kind of something
11 that everybody just assumed that it was set as they had
12 been set and did not notice.

13 MR. BALLINGER: Well, I would take a little
14 exception with that. I think in the past the Commission
15 has set annual goals in prior proceedings. If you look
16 back at orders, you'll see individual numbers for ten
17 years cumulative.

18 Yes, our FEECA reporting has been on a
19 cumulative basis in a window, but I also believe in past
20 goal proceedings that when the filings came in, they met

21 not only the annual but the cumulative goals as well. I
22 may be wrong on that, but that, I'm going from memory on
23 that.

24 So I don't know that there's been a, a severe
25 change in the way the goals have been set. If someone

FLORIDA PUBLIC SERVICE COMMISSION

20

1 can, can prove me wrong on that, I'd be okay with that.

2 MR. KOCH: I would -- yes. I would agree that
3 you had both annual incremental and cumulative, but the
4 goals that were actually measured against and compared
5 for purposes of compliance were always cumulative in the
6 past. Both, both pieces of information were provided.
7 You're correct.

8 MR. BALLINGER: And I tend to agree that past
9 FEECA reports focused on the cumulative achievements and
10 all that. If you all realize, last year we started
11 doing an annual and cumulative to try to, to get this.
12 And, quite frankly, it's mainly because of the change in
13 the statute of rewards and penalties now. So we've got
14 to try to shore up what are we measuring and what's
15 appropriate before we start a reward penalty -- a reward
16 proceeding or a penalty proceeding.

17 I mean, I myself want to be certain of we've
18 got the right picture before we take formal actions.

19 MS. LEWIS: Thanks. Let's move on. Question
20 two is related to what we're already talking about, what
21 is the appropriate date range to use for judging utility
22 performance: Annual, or should we consider using a band
23 of three to six years?

24 MS. TODD: Ms. Lewis, before we move on, could
25 I add one thing?

FLORIDA PUBLIC SERVICE COMMISSION

21

1 MS. LEWIS: Uh-huh.

2 MS. TODD: I just wanted to say in response to
3 the question about the plans not being in compliance and
4 how does that contribute to the discussion, for Gulf our
5 plan submitted in March was not originally on an agenda
6 until August of 2010 and then delayed until September.
7 So even had the plan been approved in September, by the
8 time the protest period expired and program standards
9 were filed, the majority of 2010, if not all of it,
10 would have been over anyway.

11 MS. LEWIS: Right. I understand that.
12 Anything else on, on the question, first question?

13 MS. GUTHRIE: I feel like we should weigh in
14 as well. And going to Tom's point, in hindsight maybe
15 we could have read it a little bit more clearly. But in
16 Progress's case, the magnitude of our last approved
17 plan, we went from approximately 200 gigawatt hours to
18 32 -- well, originally it was 3,488 over a ten-year
19 period. So in good faith we developed a plan that would
20 recognize those obstacles in building the infrastructure
21 and time to get there, recognizing that it, it was a
22 very aggressive goal, and in best faith try to develop a
23 plan that would take us there.

24 MS. LEWIS: Yes, sir.

25 MR. LARSON: I'd like to suggest that we're

1 talking about measurement and evaluation. And it may be
2 that in some cases there's goals that are missed and
3 good reasons why that happened, and that could be
4 reflected in the evaluation.

5 MR. BALLINGER: And I think Kathy addressed
6 that in her presentation, that the report is going to
7 contain the results, utility justifications for missing
8 the goals, whatever we measure it on, and then our
9 recommendations. So that's what we're trying to get at
10 is what are other possible justifications out there?
11 Are we catching the right thing? We've had a, we've had
12 a change in the world with the new legislation, the way
13 things are going, so we're not doing things the same old
14 way as before. And this is really the first year that
15 we've got the new goals in place under the new regime,
16 the new statutes, and we're trying to get a handle on
17 how we need to proceed to make sure we have fair and
18 accurate evaluations, and will it lead us to more formal
19 proceedings as contemplated under the statutes? That's
20 the purpose.

21 I agree with you, this is about reporting
22 evaluations. It's not, you know, who was wrong, who was
23 right, whatever. We are where we are and we need to
24 figure out, okay, how do we tell the right story? What
25 are we doing for conservation in the State of Florida?

FLORIDA PUBLIC SERVICE COMMISSION

1 And that's, that's really what I'm trying to focus on.

2 I've got to produce a report next year to tell
3 the Commissioners and tell the Legislature and the
4 Governor what's going on with conservation, and I want to
5 make sure I tell an accurate story, a fair story. And if
6 we need to take actions, we do. And that's, that's what
7 we're here for.

8 MS. LEWIS: Okay. I'm not rushing. If we
9 could go to question two now, all right? Okay.

10 MR. BALLINGER: You're trying to get there,
11 aren't you?

12 MS. LEWIS: Yeah, I am. Okay. Down here?

13 MR. VENTO: Richard Vento, JEA.

14 On question number two, you know, it says in
15 the question, it's annual or a band of three to
16 six years. And our position is that maybe it's some
17 combination thereof where you're evaluating -- obviously
18 you put a plan together for an annual basis ultimately
19 culminating in five years of cumulative savings. But the
20 reality is, is the marketplace changes on an annual or
21 maybe even less. And so consideration for obviously
22 where you are on your annual basis, consideration for
23 where you are in your cumulative basis, justifications
24 and plans, and the period of time at which we, you give
25 us, our position would be three years would be

FLORIDA PUBLIC SERVICE COMMISSION

24

1 reasonable, or three to five years for the whole goal
2 setting period would be the, the range where you have to
3 ultimately meet your goals and that your, your, your
4 achievements are considered over that time frame both

5 annually and as you're progressing towards your
6 cumulative.

7 MS. LEWIS: Thank you.

8 MR. GROSS: Tom Gross with OUC. We basically
9 don't really have a position. Whatever directive you
10 choose to provide us guidance on, we will do our best to
11 comply.

12 MR. KUSHNER: FPUC agrees with the comments of
13 Mr. Vento.

14 MS. LEWIS: Go ahead, Mr. Larson.

15 MR. LARSON: I think JEA has laid it out
16 pretty clearly that, you know, we need to be flexible,
17 we need to look at the different features that bear on
18 our attainment, our obstacles and our opportunities and
19 whether they're annual or three years alone or a range
20 of time. I think that the shorter range is better than
21 the longer range.

22 MS. LEWIS: Thank you.

23 MR. BRYANT: I think it's my turn. For the
24 four of us that I spoke of earlier, we believe that
25 there is a relationship actually between the second

FLORIDA PUBLIC SERVICE COMMISSION

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25

1 question and the third question. And I'm not trying to
2 jump to the third question, but just briefly I'll share
3 on the third question, and that will lead into I think
4 what our response will be on the second one here.

5 On the third question, we're of the opinion
6 that annual is the appropriate way to go. As much as
7 that is different than what I argued back on

8 December 30th of 2009, I've, I've come to the light now.
9 I believe annual is correct, and let me frame it in this,
10 in this particular manner.

11 We recognize that we didn't read clearly and we
12 made assumptions as a group of utilities that we were of
13 the assumption that cumulative would be the way that
14 plans would be evaluated and performance would be
15 evaluated, but we, but we now recognize it's annual. We
16 believe that as goals are set at each goal setting
17 process every five years, if we can clearly during those
18 proceedings indicate the fact that these will be
19 specifically annual goals or cumulative, if that happens
20 to be the case, then that's the way our performance
21 should be measured on a going-forward basis. And so
22 having said that, the goals were set annually for the
23 period that we're in right now and we believe our
24 measurements should then be done on an annual basis.

25 As far as our performance is concerned, more

FLORIDA PUBLIC SERVICE COMMISSION

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26

1 specific to question number two, given the fact that
2 we're accountable and we're recognizing we're accountable
3 on an annual basis, and that's given the fact there's
4 grace associated with the year 2010 and, frankly, the
5 year 2011, we think on an annual basis from 2012 forward
6 is appropriate, and we would suggest that our performance
7 be measured as such.

8 Now if you, if you decide on, on a band, we
9 would think that the band ought to be the five-year
10 period and not some component shorter than that. We set

11 goals on a five-year basis. If we have a regulatory
12 process that allows us to have the plans approved in a
13 timely manner and we can get started, then, then we think
14 the evaluation period really ought to be from a
15 performance perspective over that five-year period. But
16 we do recognize there's accountability on an annual basis
17 having that been set for us previously, and asking that
18 that be very clear as we set goals on a going-forward
19 basis.

20 MR. BALLINGER: I'm confused, Howard. All
21 right. Earlier you said that, and, and talked before
22 the Commission at agenda, it was the IOU's presentation
23 that the performance should be cumulative. And there
24 was -- I remember discussions at agenda about it doesn't
25 make sense to look at an annual basis because what if

FLORIDA PUBLIC SERVICE COMMISSION

27

1 you exceeded your goal one year and fell short the next
2 year, you shouldn't be penalized because on a cumulative
3 basis you met it over the two years, let's say, or
4 three-year window. And that, that has some rationale to
5 it, I mean, quite frankly.

6 But did I hear you say now that basically
7 beginning in 2012 that we should look at an annual basis
8 and hold everybody accountable each and every year based
9 on the goals or is --

10 MR. BRYANT: I, I'm, I'm not trying to confuse
11 you, nor am I trying to fall away from a previous
12 assumption, and that was the fact that should, should
13 the plans have been approved in a manner that would

14 allow us to start 2010 with the new plan, attacking the
15 new goals, then we would suggest that perhaps cumulative
16 is the better way of doing that. But, nevertheless,
17 that didn't happen, plus given the fact that goals were
18 set on an annual basis. And we acknowledge that it was
19 done and we just simply didn't read it clearly.

20 But going forward, having goals set on an
21 annual basis, we think that's the appropriate measurement
22 to hold us to if we can have grace applied to 2010 and
23 2011. If we move toward a cumulative situation, then the
24 question becomes when do you start the cumulative number,
25 and do you start it in 2010 or do you start it in halfway

FLORIDA PUBLIC SERVICE COMMISSION

28

1 through 11 or some combination or do you start it in '12?
2 And so we have to make the annual amount. And so to the
3 extent that we're accountable for that annual amount and
4 if you make it, that's good, if you don't make it, you
5 have opportunities to explain why. But if you are behind
6 and that, and that lag of accomplishment toward the goal
7 then follows into the next year, then you're starting out
8 certainly behind with even a higher number in that given
9 year to accomplish on an annual basis.

10 And so we're simply saying, I believe, that if,
11 if we're held accountable for -- if we're given annual
12 goals, then let us be held accountable on an annual basis
13 for those goals and measure our performance as such. And
14 that way the previous year becomes the previous year and
15 then you move forward on an annual basis.

16 MR. BALLINGER: Well, and I think we were
Page 25

17 pretty clear that the order did say annual goals and the
18 initial filings did not meet the annual goals.

19 MR. BRYANT: Right.

20 MR. BALLINGER: And so it's, it's do we hold
21 you accountable for 2010? I mean, that's, that's the
22 issue we're faced with.

23 MR. BRYANT: Well, I think that issue is a
24 valid one. But to the extent the utilities had no plans
25 approved for 2010, I don't see how you can hold the

FLORIDA PUBLIC SERVICE COMMISSION

29

1 utility accountable, each one of them accountable for
2 2010 when they had no plan approved specific to meet
3 that particular goal.

4 MR. TRAPP: Tom, this is Bob over here. Now
5 Howard has confused me and I just need to ask a
6 clarifying question.

7 Howard, are you talking about meeting annual
8 increment or annual absolute? I think I'm hearing you
9 say because of this forgiveness factor that you're
10 proposing to meet the increment for the year.

11 MR. BRYANT: Hypothetically if the goal was
12 ten for a given year, then we would be held accountable
13 for ten for that year. If we made it, that is good. If
14 we didn't make it, we have opportunities to explain why
15 we didn't make it, and then we can be evaluated
16 according to what we explain.

17 For the next year, if the goal was ten, then we
18 would be held accountable for ten in that particular
19 year. So that's accountability on an annual basis, and

20 then you move forward from there.

21 MR. TRAPP: I thought some of the goals had
22 buildup in them. Am I wrong, Tom? In other words, it
23 wasn't just 10, 10, 10, it was like 10, 11, 12, we're
24 getting to 13.

25 MR. BRYANT: Correct. Correct. And I'm not

FLORIDA PUBLIC SERVICE COMMISSION

30

1 suggesting that there's no buildup. Again, it's just
2 hypothetical. If the goal was ten, then we would be
3 held accountable for ten. In the following year if the
4 goal was 12, then we'd be held accountable for 12 in
5 that given year.

6 MR. BALLINGER: And I think Bob's point is
7 with the ramp-up of specific goals, that envisioned the
8 program starting in 2010 and marketing picking up and
9 then it taking off. So we've had this grace period for
10 two years, the program is not going. Do we need to
11 reset the goals to take out of that ramp-up, or do we
12 still hold you to that ramp-up given the fact that you
13 haven't started programs? Do you see the dilemma I'm
14 facing now?

15 MR. BRYANT: I do, and I'm not convinced that
16 we all want to get back into another proceeding. But to
17 the extent you've just offered the opportunity to reset
18 goals, I'm not sure we would fall away from --

19 MR. BALLINGER: No. No. No. That wasn't an
20 offer. That was not an offer. Let me be clear on that.
21 I'm just trying to understand what I hold you
22 accountable to.

23 MR. BRYANT: Right.

24 MR. BALLINGER: Is it that one, that increment
25 that has grown now for three years that you expected the

FLORIDA PUBLIC SERVICE COMMISSION

31

1 program to be matured and really start picking up, or is
2 part of the grace give me, you know, ratchet that down a
3 bit, realizing it's only my first year of the program?
4 And so I don't know which to do.

5 MR. BRYANT: And I'm not convinced that at
6 this point in time I can speak for all the utilities on
7 that. I can only start thinking for Tampa Electric in
8 terms of our perspective. And I'm not -- I've not
9 thought about it in terms of how you've just couched it
10 in terms of taking that increment away; in other words,
11 ratcheting down to a different baseline, if you will, to
12 start from. I need to think through that a little bit.

13 MR. BALLINGER: Okay.

14 MS. LEWIS: Yes, Mr. Larson.

15 MR. LARSON: I'd like to suggest that as we
16 deal with this ramp-up, you know, it's, it's known that
17 the goal in the future year is higher than it may be in
18 the first year or second year. And if per chance
19 there's a miss in the first year or a known reason why
20 that's missed, we still know that there's a lot of
21 opportunity to develop the annual delivery of savings.
22 And I would suggest that the goals stand as they are.
23 And if you've got to get cranking and ramp up faster to
24 reach the 2012 goal that is possibly ramped up, that
25 that should be what is in the sites.

1 MR. BALLINGER: Unfortunately some of that is
2 not within the utility's control. It's -- you know,
3 this is a voluntary program from customers to get them
4 out there. So it's -- I'm a little sensitive to that,
5 that it, you know, we can't just flip a switch and it's
6 offered out there. So we've got to, we've got to
7 consider that. Again, my goal is to represent a fair
8 representation of what the conservation efforts are in
9 Florida. And we are in a transition. We're in a --

10 MR. LARSON: But to the extent that there are
11 known opportunities for greater penetration, better,
12 more efficient development of different programs or
13 measures that a utility could undertake, I would suggest
14 that we shouldn't be too quick to assume that a future
15 higher goal is not easily attainable.

16 MR. BALLINGER: Absolutely. And, for example,
17 if, let's say, a utility chose not to offer the maximum
18 incentive for a program and participation was a little
19 short and that was the reason for not meeting the goal,
20 quite frankly that wouldn't justify me. I think you'd
21 need to be showing that you're doing all you can in the
22 marketing effort and the, and the incentive levels,
23 things of that nature. So there's, there's, yes,
24 there's going to be a lot of dialogue as we go through.
25 We're just trying to get a, a first feedback from people

1 out there of is there anything else we should be looking
2 at or you want us to look at and --

3 MS. LEWIS: And that's where written comments
4 will be helpful, too, as you, as we go through this
5 today. And you do have a little bit more time to think
6 about it in light of comments being made today, you can
7 address those in written comments to us.

8 MS. TODD: Jennifer Todd with Gulf Power.

9 we agree with the comments of Mr. Bryant.
10 To your point, Mr. Ballinger, about the, the goals
11 for 2012, we did, given the magnitude increase in
12 our goals and the number of new programs that we're
13 going to be offering, we did include a ramp-up in
14 the early years to try to reach that penetration in
15 the marketing and so forth. So applying our 2010
16 goals to 2012 basically pushed those out. If
17 there's an opportunity to do that, that would be
18 ideal, we feel like, from our perspective.

19 MR. BALLINGER: You're free to ask for it.

20 MS. TODD: I'm asking.

21 MR. BALLINGER: Well, I say you're free in the
22 justification as to why if you fall short of the goal is
23 what it is, and we'll take it from there. But I'm just
24 pointing out a, it may have sounded like a good way to
25 do it, but there's, there's something down the road that

FLORIDA PUBLIC SERVICE COMMISSION

□

34

1 we have to think about.

2 MS. LEWIS: Mr. Trapp.

3 MR. TRAPP: Hi, this is Bob Trapp again.

4 I feel like I need to interject myself and just
5 observe that if you're only hearing and taking away one
6 thing from this workshop, I think Staff is trying to make
7 it abundantly clear right up-front that, that the key
8 message is justification, justification, justification.
9 Please don't assume anymore. If you're going to assume,
10 assume tough love. Come in here with good justifications
11 and that'll assist Staff greatly in our evaluation
12 process. Thanks.

13 MS. LEWIS: Thank you. Anything else on
14 question two?

15 Let me get to -- if not, we'll go on to
16 question three, which is sort of what we've already been
17 talking about as well. But if anybody has a specific
18 comment they want to make on three.

19 MR. VENTO: Richard Vento, JEA. No changes in
20 my comments.

21 MS. LEWIS: Okay.

22 MR. GROSS: Tom Gross, OUC. No, no change.

23 MS. LEWIS: Thank you.

24 MR. KUSHNER: FPUC has no additional comments.

25 MS. LEWIS: Mr. Larson? Oh, I didn't mean to

1 skip Progress.

2 MR. LARSON: well, the question is a pretty
3 general question, how should they be measured? And, you
4 know, I do think we should measure both annual goals and
5 the cumulative goals. You know, how we evaluate the

6 conclusion about performance, especially considering the
7 incentive opportunity, maybe we do need to be clear
8 about, you know, how it plays out in the end of the
9 analysis. But, you know, I do think that we should be
10 tracking and measuring and considering both annual and
11 cumulative results as we go along. Maybe the Commission
12 and staff could give us guidance so that it's clear,
13 abundantly clear that, you know, with respect to
14 especially the financial incentive component there, you
15 know, here's the basis on which it will be measured.

16 MS. LEWIS: Thank you.
17 Howard?

18 MR. BRYANT: I think, yes, I think from the,
19 from the investor-owned, our position, as I stated
20 earlier, would be we now have annual goals, we recognize
21 that. And we would suggest that we be measured as such
22 on an annual basis, but with the one caveat being when
23 we're not paying attention at the end of a proceeding
24 and goals are set on an annual basis, tell us one more
25 time they're set on an annual basis and then we'll be

FLORIDA PUBLIC SERVICE COMMISSION

□

36

1 great, or on a cumulative basis, if that happens to be
2 the decision at that particular point in time.

3 MS. LEWIS: Anything?

4 MR. BALLINGER: I'd like -- just a question.
5 which is more appropriate to really measure what's going
6 on in Florida, annual or cumulative? I mean, what's --
7 and I'd just kind of pose that to everybody. what do
8 you think is more, more telling of, of where we're

9 going, recognizing the dynamics that go on in
10 conservation?

11 MS. LEWIS: It's not a trick question.

12 MR. BALLINGER: No. I'm not -- I just, I just
13 want your opinion. What do you think is the, is the
14 more, you know, useful information to put out there?

15 MS. GUTHRIE: Lee Guthrie for Progress Energy.
16 And I'd like to just say we, we very much appreciate the
17 opportunity to be here today and have the dialogue with
18 you because, as Tom said, it's a different time and
19 place. Where do we go from here?

20 So that being said, we've gone back and forth
21 with this annual and cumulative, and, you know, good
22 reasons for both. Annual, as you say, you can see right
23 away what's happening. You know, our cost recovery
24 reflects that, what happened in that particular year.
25 You know, what are the influences such as the stimulus

FLORIDA PUBLIC SERVICE COMMISSION

□

37

1 that we saw in the last couple of years? Coming up
2 what's going to be the impact of building codes? You
3 know, what's going to happen in economics? What are our
4 customers going to do? How are they going to react to
5 those changes? Are they going to be able to participate?
6 So that's for annual.

7 Cumulative though gives us that ability to say,
8 well, maybe there is an off year for whatever reason,
9 economic or new construction starts are down, and it
10 gives us a little bit of an opportunity to kind of ride
11 through that and then still be successful. Because I

12 think at the end of the day -- I know when Kathy did her
13 presentation, you know, to see that Progress was not
14 successful is, is difficult because I think we have
15 strived very hard over the years to be successful, and I
16 think at the end of the day we all want it. So, again,
17 we appreciate your guidance and the opportunity to talk
18 about how, how we can be successful. So thank you.

19 MR. KOCH: Tom Koch from FPL. I think the,
20 one of the things that is important here is clarity.
21 And I think if we have -- you know, there's already a
22 set of goals that were set on an annual incremental
23 basis, and I hope I'm not confusing with that
24 nomenclature. But, but to also be tracking against a
25 set of cumulative goals simultaneously, in other words,

FLORIDA PUBLIC SERVICE COMMISSION

38

1 the kind of both option you have up there, I think makes
2 it very difficult to figure out what exactly are you
3 trying to hit.

4 And in the particular case, just the
5 circumstances of this five-year period where we do have
6 rather substantial delays in kind of getting to launch
7 for a number of companies, it really begs the question, I
8 think Howard already mentioned it, how do you start the
9 cumulative number? So the explanations could become long
10 and rambling and confusing, and I don't think that really
11 provides clarity to, you know, for you or for the
12 Legislature or anyone else as to what is really being
13 achieved. And so I think it's kind of -- this is a
14 question that's most readily addressed during the goals

15 proceeding. And when you set the goals and the basis
16 upon which the goals are set should therefore be the
17 basis upon which the performance of the companies is
18 measured, and that keeps it kind of clean and simple.

19 MR. BALLINGER: Okay. I'm going to try to
20 clarify that. Assume for the instant that we set the
21 annual goals in December, and January 1 of 2010 we
22 approved your plans. Everybody got that assumption?
23 And now we're in 2011 and a few utilities missed an
24 annual goal. Do I start a proceeding to penalize them?
25 Or if they exceeded their goal, do I start a proceeding

FLORIDA PUBLIC SERVICE COMMISSION

39

1 to reward them? That's what I'm really focusing on.
2 Forget all this other stuff. I'm trying to get back, if
3 we had utopia, that things went along according to plan,
4 is measuring performance strictly on an annual basis the
5 right thing to do? That's, that's my question. That's
6 what I'm, I'm struggling with. Does that help or change
7 anybody's answer?

8 MR. BRYANT: Tom, I would -- this is Howard
9 with Tampa Electric. I would suggest one other
10 assumption be a part of utopia, and that's the fact that
11 you would know that the goals were either established on
12 an annual or a cumulative basis. Now if they're
13 established on a cumulative basis, as we have sort of
14 assumed in the past, then we would probably suggest we
15 ought to be measured on a cumulative basis. It gives a
16 better indication. And, therefore, if for market
17 conditions, if for building code reasons, if for

18 stimulus dollars, whatever, you happen to have a banner
19 year but in that following year you didn't make the
20 increment for that year, yet on a cumulative basis you
21 did achieve your goals, then I think the utility would
22 suggest that we have, we've, we've met our requirement.

23 And, you know, again, I'm not harkening to
24 history and I recognize it's been water under the bridge,
25 but I think there's merit in measuring us in that

FLORIDA PUBLIC SERVICE COMMISSION

40

1 particular endeavor. which goes back to an element of
2 what Tom is saying in terms of clarity, not only in terms
3 of how to present the accomplishments but clarity in
4 terms of on the front end when we get established as to
5 what are the goals, are they annual, are they cumulative,
6 how are we going to get started, and then you couple that
7 with the ability to get started as quickly as possible
8 subsequent to the goal setting, then I think we've got
9 the clarity that we need.

10 MR. BALLINGER: I don't know if I should ask
11 this next question, but I will. Do you -- does it make
12 sense setting annual goals only from a -- and I'm being
13 all honest. I'm trying to understand this from a -- my
14 own personal view is, is I like to look at both. I
15 think there's, there's volatility in the DSM market, you
16 have customer participation and there's a lot of moving
17 parts to get there. I think it's very difficult to set
18 an annual number and hit it precisely. There's a -- a
19 lot of it is customer acceptance that we can't control,
20 a lot of other factors. And that's what I'm struggling

21 with is does it make sense to, to do that? That's,
22 that's what we're here for is to get this dialogue.

23 MR. BRYANT: Let me respond to that, if I
24 could, and this is just Tampa Electric talking.

25 One of the, one of the things that could happen

FLORIDA PUBLIC SERVICE COMMISSION

41

1 if goals were set on an annual basis and accountability
2 was held on an annual basis and we're in the perfect
3 world, if a utility knows that it's going to be held
4 accountable on an annual basis and it happens to be
5 having a banner year and it reaches August or September
6 and it has met all of its annual goals, the temptation to
7 find a way to go on cruise control for the balance of
8 that year, knowing that next year we're going to be held
9 accountable on an annual basis again, is there.

10 Now I say the temptation. I'm not so sure that
11 you can find ways to sort of accelerate or decelerate
12 these programs because, as you said earlier, it does
13 depend on customer acceptance, and we tend to be reactive
14 to customers' requirements or asking for various, they're
15 asking for various rebates. But that opportunity is
16 there because you want to hit your goals, you want to
17 accomplish what you're being held accountable for.

18 And if you can, if you can see that there's
19 going to be difficulty in the following year, it does
20 open the door, I think, to a certain extent to allow the
21 utility to sort of throttle back, if possible, so that
22 you can better your opportunity of meeting next year's
23 goal, when in fact you know next year could be a

24 challenge for you.

25 MS. TODD: I think there -- this is Jennifer

FLORIDA PUBLIC SERVICE COMMISSION

42

1 Todd with Gulf Power. I think there's benefit in
2 looking at both annual and cumulative numbers for the, a
3 lot of the reasons that have been discussed today: You
4 know, to look on an annual basis how your program is
5 doing, evaluate their performance and look at how things
6 look in any given year, and then cumulative for a lot of
7 the reasons that have been discussed as well.

8 But for, for assessing performance against the
9 goals, I think we need to pick one or the other so that
10 it's not confusing, it's very clear. And in your utopia,
11 I think a cumulative approach we feel is a better
12 approach long-term; however, given the current situation
13 that we're in, which is not utopia, given the fact that
14 we've lost or didn't have our DSM plans approved in 2010
15 and most of 2011 and that the goals were set on an annual
16 basis, that's the reason for our, our opinion that for
17 the balance of this goal setting proceeding they should
18 be measured on an annual basis.

19 But given the utopia situation in the next goal
20 setting process, I think a cumulative approach is a, is a
21 better approach for a lot of the reasons we talked about
22 in terms of the programs and customer participation and
23 ramping up and those kinds of things.

24 MS. LEWIS: Mr. Trapp, did you want to say
25 something?

1 MR. TRAPP: Yeah, I think I do.

2 MS. LEWIS: I thought so too.

3 MR. TRAPP: I haven't quite composed it yet in
4 my brain, but I think it's a very interesting discussion
5 and useful, but I am plagued with, okay, let's assume
6 we're going to look at it annually or cumulative or
7 both. Once you've got the megawatt and megawatt hour
8 performance, what do you do with it? And that brings me
9 to your, one of the slides you opened up with was what
10 are the effects of not meeting the goals or exceeding
11 the goals? So I'm, I'm thinking, and I'm not sure it's
12 on the agenda, so I want to throw it out there, can we
13 talk about gathering information? We need to gather
14 information on what are the consequences of not meeting
15 an annual goal or not meeting a cumulative goal? What
16 are the consequences of exceeding a goal? And I wonder
17 if there are any thoughts out there about how we gather
18 that information.

19 MS. LEWIS: And to reiterate, if you're
20 talking about this slide here, the increased cost
21 related to plant and fuel, environmental emissions and
22 local economic impacts that might occur.

23 MR. KOCH: Sorry. I pressed the button the
24 wrong way.

25 The -- I think from, and I'll speak for FPL

FLORIDA PUBLIC SERVICE COMMISSION

1 here, I think that the question that you've posed is
Page 39

2 highly complicated. And, you know, at least from our
3 standpoint we're definitely not prepared to address that,
4 address that today because, you know, you see the couple
5 of items that are up here. There's a whole slew of
6 things that would have to be evaluated to kind of
7 properly set, you know, reasonably set kind of how that
8 process would work, be worked through. And at least from
9 FPL's standpoint we're really not, you know, prepared to
10 kind of go down, and I think you wouldn't want to get
11 kind of partway down the discussion and kind of get
12 stuck, but anyway.

13 MR. TRAPP: Well, I think at minimum you can
14 anticipate these questions in the form of data requests
15 as we go through this process.

16 MR. KOCH: Well, I mean, I would say that we
17 certainly, based upon the, the, you know, presentation,
18 anticipated there was going to be another, another set
19 of discussions along these lines.

20 MS. LEWIS: Yes. We're just wanting to raise
21 this now so you're aware that it's coming. It's
22 definitely going to be part of the FEECA report.

23 MR. BALLINGER: And, again, it's because of
24 the change in the, in the landscape now. We have to
25 look at rewards and penalties, so we have to quantify in

1 dollars the impact of exceeding the goals or not meeting
2 the goals before we recommend some further action. So
3 we're trying to gather some additional data to do our
4 reporting and this is the first year we're doing it.

5 That's the purpose of this workshop. We've got
6 additional charges now we've got to look at basically,
7 so we're trying to quantify -- we think to summarize
8 what we see as the impacts to ratepayers of either
9 exceeding the goals or not meeting the goals and that'll
10 help us quantify where we go from there. So be thinking
11 of it. You know, the data requests will be coming to
12 try to quantify these things.

13 MR. BRYANT: Tom, if I could -- I'm sorry.
14 Howard with Tampa Electric.

15 If I could respond with a thought to what Bob
16 is asking. And the slide says potential consequences of
17 not meeting the goals. There's a part of me that wants
18 to suggest there is a consequence for attempting to meet
19 the goals and even for meeting the goals based on the
20 cost-effectiveness tool that has now been used to
21 establish the goals, and I'm going to talk about the TRC
22 test. There is built into that test a subsidizing
23 element of the ones who get to participate being granted
24 monies from those who cannot participate, and I don't
25 need to go into the detail. I -- probably you folks are

FLORIDA PUBLIC SERVICE COMMISSION

46

1 familiar with what I'm suggesting there.

2 But I would suggest, depending on the type of
3 cost-effectiveness tool that you use, there is a cost to
4 all ratepayers which is more so than the missed
5 opportunity of the plant and fuel that you would save
6 under the RIM test. Now that's a whole other discussion.
7 I'm just thinking out loud on that particular issue.

8 MR. BALLINGER: That's at the next proceeding.
9 At the next goals proceeding again I'm sure we'll hear
10 it.

11 MR. BRYANT: Right.

12 MR. BALLINGER: But I think we've got to
13 measure it -- what I'm hearing is we're looking at
14 annual goals and people are saying hold us to the annual
15 goals, granted you want some grace period, whatever, but
16 I've got to try to quantify the impact of either
17 exceeding that annual goal or not meeting it. And we
18 think we've captured the few things here that, that
19 impact ratepayers of not doing it.

20 The programs are cost-effective under the
21 E-TRC, that was approved, that program, so that, that
22 train has left the station.

23 MR. BRYANT: Right. It is where we are and I
24 recognize that.

25 MR. BALLINGER: Right. So we're just trying

FLORIDA PUBLIC SERVICE COMMISSION

47

1 to figure out the magnitude.

2 MR. BRYANT: Right.

3 MS. LEWIS: I know Mr. Larson wants to speak
4 to this one as well, so go right ahead.

5 MR. LARSON: We're talking about a subject
6 that maybe we don't use this term for in Florida very
7 much, but we're talking about integrated resource
8 planning. This is part of the larger discussion of how
9 do we deliver the best range of the package of services
10 here that constitute the, you know, the electric program

11 and whether it's new plants or changing emissions or
12 dealing with jobs or dealing with savings in energy
13 efficiency or, or demand response. You know, they're
14 really all part of a larger integrated question and it
15 is very complex. And it may be that trying to do these
16 in separate proceedings is part of our complexity in
17 Florida that we don't bring this together, and, and
18 maybe we should be entering together into a larger
19 discussion of maybe more integrated resource planning
20 should be undertaken as a whole.

21 MR. BALLINGER: I've only got a few more years
22 'til 30 years. I don't know if I'm going to get there.

23 Again, I'm, I'm faced with the new legislation,
24 we've got annual goals, I've got some direction in the
25 statutes about how rewards and penalties can be done, and

FLORIDA PUBLIC SERVICE COMMISSION

48

1 part of it is sharing of generation, transmission,
2 distribution, savings, things of that nature. I've got
3 an ROE adjustment I can play with. I'm trying to get my
4 hands around this thing and figure out what the magnitude
5 is of not meeting these goals and we have to think about
6 that.

7 And your response is if, if you think annual is
8 the right way to do it, okay, how do I quantify that
9 annual? And some of these may take, in order to quantify
10 it, you have to look at a longer term impact on fuel
11 savings and emissions and things of that nature. It may
12 not be appropriate for you. I don't know the answer and
13 that's what we're, we're struggling with. And I'm

14 looking for you all to, to think about that, that we've
15 got this next step now that we've got to try to start at
16 least collecting data on before we take some actions.

17 MS. LEWIS: Yes.

18 MR. LARSON: I think also that introduction of
19 the concern about TRC and subsidization just points to
20 the, to the issue that, that we've got to broaden the
21 analysis. It's not just the savings alone. It's got
22 the costs, it's got the elements. And, you know, the
23 Southern Alliance for Clean Energy would really like us
24 to be exploring maybe in some of the established forms
25 of response for support of Mr. Ballinger's analysis each

FLORIDA PUBLIC SERVICE COMMISSION

49

1 year so that consistently across all the utilities those
2 that are responsible for, or have the opportunity for
3 the financial incentives, that they provide the cost
4 information, the benefits, the net benefits data that
5 helps evaluate whether we realize the TRC goals that we
6 anticipated in the proceedings that led to the goals,
7 that we, that we really understand the utility cost test
8 implications and the participant cost test. And maybe
9 the data formed, the responses the utilities need to
10 make annually in March needs to be expanded.

11 MS. LEWIS: That's exactly what we're here for
12 is to think about those questions now, and as we form
13 the data request, to get all the factual information
14 that we can. And not to say that we're going to have a
15 reward or penalty proceeding, but if we do, we have a
16 start on that as well. That would be a separate

17 proceeding, of course.

18 MR. BALLINGER: If I could, Kathy, go back to
19 your slide that shows the residential situation.

20 MS. LEWIS: Okay. Sure. Oh, that goes to
21 achievements?

22 MR. BALLINGER: Yeah. Okay. Yeah, that one
23 would work.

24 Here's what we're faced with. I've got an
25 annual goal, I've got Progress didn't meet the winter,

FLORIDA PUBLIC SERVICE COMMISSION

50

1 summer energy, I've got Gulf didn't meet the summer
2 energy. Okay? I need to know is that difference for
3 Progress of a little over 200 gigawatt hours in one year,
4 what's the magnitude of that impact? Is it \$100 or \$10
5 million in both fuel and environmental? What's the
6 environmental? How many more tons of SO2 were emitted,
7 things of that nature. That's what I've got to try to
8 quantify to be able to say, yes, start a penalty
9 proceeding or no.

10 I mean, if the impact is minimal, it may be --
11 it comes into play. I've got to get a magnitude of what
12 the violation is, if you will, and that's what we're
13 struggling with.

14 For the demand component, you know, one year
15 missing, that, that doesn't make -- it may not make sense
16 from a system-wide standpoint but maybe a value of
17 deferral for having extra capacity. Maybe they were fine
18 with capacity and it didn't make a bit of difference. I
19 don't know. But that's the kind of thing I've got to try

20 to quantify for each utility. So be, be thinking that in
21 terms of what's the harm or the benefit of missing or
22 exceeding the goals from these categories? Because
23 that's what I've got to explain and try to quantify as
24 part of the overall analysis. We're going to attempt to
25 send, you know, data requests to get to that, but be

FLORIDA PUBLIC SERVICE COMMISSION

51

1 thinking of it, of your responses of what's an
2 appropriate way to, to measure that magnitude. Thank
3 you.

4 MS. LEWIS: All right. Let's get back on the
5 questions, now. Are we ready to go to four? How should
6 savings for residential and commercial/industrial
7 customer classes be evaluated separately, combined or
8 both.

9 MR. VENTO: JEA. Recognizing both the science
10 and the arts in setting goals, we would endorse a
11 combined. And the reason is because, yes, we do go
12 through the science of establishing those goals on a per
13 sector basis, commercial/industrial versus residential,
14 but ultimately the market, the economy, and all those
15 other things that were spoken of today all have
16 influences. So, you know, ultimately the end in mind is
17 to meet the overall goals for the time period, whether
18 annual or whatever is decided, or cumulative, but
19 ultimately the flexibility of having that cumulative
20 goal as the end objective is desirable to allow some
21 flexibility on the utility side to, if a particular
22 sector is not responding, for them to go ahead and to

23 maybe stimulate further a different sector. So combined
24 is where we would like.

25 MS. LEWIS: Thank you.

FLORIDA PUBLIC SERVICE COMMISSION

52

1 MR. GROSS: OUC sees the benefit and
2 flexibility of having the combined savings of both
3 residential and commercial.

4 MS. LEWIS: Thank you.

5 MR. KUSHENER: FPUC believes they should be
6 looked at separately by customer class. There's
7 programs developed for each customer class that have
8 their own respective achievements. And if you are
9 exceeding in one area, and you theoretically happen to
10 not be exceeding in another such that it brings down
11 your total, I don't think you should be penalized on a
12 total basis, if you are making achievements on one side
13 or another. That being said, comparison on an
14 individual basis does allow the flexibility to address
15 some of the programs that are being offered by the
16 utility to improve performance in the future.

17 MS. LEWIS: So you're saying that customer
18 class is important because you're designing the program
19 specifically for that, yet you would like the
20 flexibility of being able to add them together so you
21 wouldn't be penalized if there was a failure based in
22 one customer class area.

23 MR. KUSHENER: That's correct. And I think
24 the other element of what you just said is that the DSM
25 plan does have individual programs by customer class

1 that have been approved.

2 MS. LEWIS: Thank you.

3 All right. Howard.

4 MR. BRYANT: I was expecting Tom to say
5 something, I'm sorry. Our perspective from the
6 investor-owns is the fact that they should be done on
7 a cumulative basis. The system that you are avoiding or
8 deferring is indifferent to whether it's coming from the
9 commercial group or the residential group, and the
10 flexibility that is needed as goals become more
11 aggressive, I believe, lends itself -- we all believe
12 lends itself to the fact that it should be done on a
13 combined basis.

14 MS. LEWIS: Mr. Larson.

15 MR. LARSON: I wouldn't want to disappoint
16 you, Mr. Bryant. I feel that we, again, have the
17 opportunity to evaluate both classes, but in the final
18 analysis I do agree that the cumulative result, the
19 combined result is really our goal. We're trying to
20 reduce the need for additional supply; we're trying to
21 understand how we get there, so I do think that we
22 should be tracking very closely what we do by class.
23 But at the same time, you know, our ultimate result is
24 the combined outcome.

25 MS. LEWIS: Thank you.

1 MR. BALLINGER: Before we move on to the
2 solar, if I could go back a question, if you can recall.
3 Those of you that think we should look at a cumulative
4 basis, that was the purpose of the first question.
5 Basically it's because we started in 2010 and we got new
6 goals, so cumulative and annual are the same numbers in
7 my mind. So if I'm doing cumulative, do I need to take
8 in another account, given that we have had a change,
9 also, in the landscape. And that's really the question
10 I'm struggling with.

11 I understand once we get to '11 and '12, I can
12 do cumulative for 2010, 2011, and '12, because we do it
13 in five-year blocks. But since we're not only at a
14 change in landscape, but also a change in the goals
15 sequence, I'm struggling with do I need to look at
16 another range in here to capture this transition, or is
17 it appropriate, and that's really a question I have in my
18 mind. You can put this in your written comments if you
19 want to. You don't have to respond today.

20 Howard looks like he's --

21 MR. BRYANT: I'm not sure I understand the
22 question yet. I'm trying hard, though. I'm trying.

23 MR. BALLINGER: Well, as Kathy said in the
24 beginning, the sequence we do is every five years. We
25 kind of start over again. We have a new baseline, if

1 you will, to report the cumulative is what we have done
2 in the past. And I think we're going to still report

3 that in some form or fashion. 2010 is both the same
4 annual and same cumulative. And now that we've also had
5 a change in the landscape, does it make sense to go
6 behind. That was why the first question, should I go
7 back to 2004 and look at what the cumulative amount
8 should have been maybe for that, is that another way to
9 look at things to account for this transition we're
10 faced with.

11 Does it make sense, or does it not make sense?
12 If it doesn't make sense, tell me. That's fine.

13 MR. BRYANT: No, I think all of us grappled
14 with what to do on the first question in terms of making
15 a meaningful suggestion from our perspective. You could
16 look at the '04 goals which were set, in essence, really
17 for a ten-year period starting in '05 through '14. And
18 you could say, well, we have not -- we didn't have plans
19 approved for all the utilities, so perhaps what we
20 should do for 2010 is go back into that plan and look at
21 -- or, I'm sorry, those set of goals, and let's look at
22 what the number ought to be for 2010 based on the old
23 set, and, in fact, what should be for 2011. And then
24 say, well, we'll report and measure them against those
25 particular numbers.

FLORIDA PUBLIC SERVICE COMMISSION

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1 It would seem like, though, that that starts to
2 add confusion in terms of how do you narrate the
3 explanation of what you're doing, given the fact that we
4 had this transition, we had some delays, regulatory
5 delays, and so now do we simply -- do we do that and,

6 perhaps, add confusion, and then determine at some point
7 in time when do you interject the new goals. Do you do
8 it in 2012? And if you do it in 2012, do you start with
9 the increment for '12 and add it to the cumulative that
10 you have been tracking along, and out of the old set it
11 becomes confusing.

12 And so I think that's where we came to the
13 conclusion that generally if you will start with the
14 goals set in '09, which would be for '10 through '19, and
15 as we've alluded to several times, narrate the grace
16 situation for the two years, and then start holding us
17 accountable on an annual basis from there because goals
18 were set in that manner, I think that is kind of where
19 our thinking continues to be. It would not -- to me, it
20 would be the least confusing. And the only issue would
21 seem to be the fact that we have a plausible way of
22 explaining why the delay, if you will, occurred before
23 all the plans were approved for all the utilities.

24 MS. LEWIS: Thank you.

25 Mr. Larson, go ahead.

FLORIDA PUBLIC SERVICE COMMISSION

□

57

1 MR. LARSON: If I may follow with another
2 matter before we go into solar. It relates to this
3 analysis that Mr. Ballinger is thinking about, and I
4 think part of our interest is cost-effectiveness. And
5 it's not just the savings, but also doing it
6 cost-effectively and efficiently for the citizens. And
7 I think we need to be considering whether performance
8 savings are being attained cost-effectively. Are there

9 program adjustments that should be considered in future
10 years?

11 I'm not saying let's go and remeasure all of
12 our programs right away, because we're still getting
13 settled in on getting started, if you will. But one of
14 our opportunities is midcourse correction. You know,
15 remember the FEECA statute says look at the goals at
16 least every five years, and it could be sooner. Now, it
17 hasn't been the practice to do it sooner, but there could
18 be opportunity to either attain greater goals in 2013 or
19 '14, if we see that performance is being very cost
20 effectively attained by certain kinds of programs or
21 measures.

22 We ought to take advantage of those
23 opportunities to enjoy the benefits, the consequences,
24 the positive-side consequences, or avoid negative
25 downside consequences. And so I would encourage us to

FLORIDA PUBLIC SERVICE COMMISSION

□

58

1 look for ways to not just meet the number, but also to
2 beat the number. To do it in ways that make sense for
3 all of us.

4 MS. LEWIS: Thank you. All right.

5 I'm going on to Number 5. Last chance.

6 All right. Question 5, what type of
7 information should be provided for solar pilot projects.
8 And we have here such as number of installations, savings
9 per installation, amount of expenditures, problems
10 encountered, and lessons learned are some of the things
11 we have talked about. This would not apply to the

12 municipals. Thank you.

13 MR. BRYANT: Well, let me talk. We think all
14 of those items are the right things to be measuring,
15 those that are listed parenthetically there. But I
16 think we would also want to add the fact that there's a
17 customer cost, and we need to be determining the
18 customer cost. That is crucial to every bit of the
19 evaluation we do at the end of the pilot period, because
20 the cost of the equipment, that which the customer is
21 going to pay, is going to determine whether or not this
22 will become cost-effective at the end of this
23 experiment. And unless the cost of this equipment is
24 decreased, it will not be cost-effective, whether it is
25 measured under the RIM test or whether it is measured

FLORIDA PUBLIC SERVICE COMMISSION

59

1 under the TRC test, either one. So cost of equipment is
2 the linchpin.

3 And the dialogue that occurred at the time of
4 the goal being set for the expenditure to occur was based
5 on the assumption that if we were to infuse the market
6 with dollars, then it would advance the technology. And
7 that is true, and I'll talk about that in just a second.
8 But the second thing is it would bring the cost down.
9 And that has to happen, or we're not going to get any
10 further than where we are right now.

11 Now, let me take about infusing the market with
12 dollars and how that has worked thus far. Two utilities
13 have had the opportunity to launch their solar
14 activities. Or we've all had the opportunity, but two of

15 us have sort of gotten there first, you might say. One
16 being Progress. And when they offered their money for
17 solar rebates, their dollars for the PV component of that
18 offering, those dollars were exhausted in one day.

19 Tampa Electric offered its money on April the
20 18th, I believe, and our monies were exhausted for the PV
21 component in three days. And so it is true that if you
22 offer the money, it will definitely incent the market and
23 there will be activity. The question becomes, though,
24 what happens to the cost of the equipment because we have
25 done that. And that is what we are going to measure, and

FLORIDA PUBLIC SERVICE COMMISSION

60

1 that is what we are going to report, because that's the
2 linchpin for longevity of this technology.

3 MR. BALLINGER: Howard, this is Tom. Are you
4 also collecting data on are the customers getting any
5 other tax rebates or anything like that to impact their
6 net costs? I mean, I'd like to see the gross cost of
7 the equipment, less any rebates and money you got.

8 MR. BRYANT: Right.

9 MR. BALLINGER: And also the vendor ID. You
10 know, is it a wide range of vendors, is it two or three
11 vendors providing -- do you have that kind of detail?

12 MR. BRYANT: We will know that, because we are
13 tracking all of those items.

14 MR. BALLINGER: Is that something that will be
15 available in time for this report? I mean, I know you
16 have exhausted your money, but is the equipment being
17 installed now, is it taking six months to get installed,

18 I don't know the --

19 MR. BRYANT: Right. And I'll speak for Tampa
20 Electric. Our solar initiatives have a prescribed time
21 period for the installation to occur. If it does not,
22 then the money goes back into the pot, if you will, for
23 people on a, quote, interested list or waiting list. So
24 we will be learning about the punctuality of customers
25 installing relative to their request for the rebate. We

FLORIDA PUBLIC SERVICE COMMISSION

61

1 will know who are the vendors that are doing it. We
2 will know -- we're going to know that kind of activity.
3 We have in place the opportunity of collecting that type
4 of information. So those are all components of what we
5 would anticipate being made available at the end of the
6 year.

7 well, let me rephrase that. There's a couple
8 of opportunities each utility has to report its program
9 activity. One is the true-up, and then the other is
10 during the projection filing. And so those occur
11 approximately every six months, and so at that particular
12 point in time, just like with the other programs, you are
13 able to identify what has been your activity and what are
14 the elements that are associated with that activity, be
15 it the cost, or issues, or whatever the case might be.
16 Number of participants, things like that. So that's when
17 we anticipate offering that type of information up in
18 some form or fashion as part of those types of filings.

19 MS. TODD: Can I just add for Gulf? We will
20 have the information that you have described in terms of

21 what we tracking with the exception of other incentives
22 that the customers may be getting from other sources.
23 To my knowledge, we're not planning to track that
24 information at this time.

25 MR. BALLINGER: But don't you think that would

FLORIDA PUBLIC SERVICE COMMISSION

62

1 be useful to try to get an idea of what the net cost is
2 to the customer? I mean, I tend to agree with Howard.
3 what we are trying to see is what is it taking customers
4 to make this move. Or even, at least, if they got one.
5 we may not know the amount, but did they get an
6 additional tax break, just an addition like that. And
7 if you don't have it, that's fine. But that's the kind
8 of stuff we are trying to gather and be thinking about.

9 MS. LEWIS: Ms. Kaufman, did you want to
10 speak?

11 MS. KAUFMAN: I did. Thank you. I was just
12 thinking it is so odd to be sitting over here. I don't
13 think I have sat at this position before.

14 MR. BALLINGER: It's a nice place to sit.

15 MS. KAUFMAN: Yes. I'm Vicki Kaufman; I'm
16 here on behalf of the Florida Industrial Powers Users
17 Group.

18 And on Question Number 5, you know, we want to
19 applaud you for collecting information about the solar
20 projects, and we'd like to suggest that the more detailed
21 information you can collect, the better it would be. And
22 one thing we would be interested in seeing would be, say,
23 the cost per megawatt or kilowatt hour of what has been

24 saved by these programs on a yearly basis, so that we can
25 have an idea, you know, what the actual cost is of the

FLORIDA PUBLIC SERVICE COMMISSION

63

1 megawatts or kilowatts, as the case may be, that are
2 being saved by the infusion of money and all of that into
3 the marketplace. Give us a better sense of, you know, to
4 use a cliché, bang for our buck, rather than just -- you
5 know, I know these questions are not fleshed out. You
6 might already have it in mind, but savings per
7 installation. And I don't know if you mean over the
8 whole life of the installation or a yearly basis, so we'd
9 like to see some pretty discreet detailed information on
10 that.

11 MS. LEWIS: Thank you.

12 Any other comments on this question?

13 All right. The final one, as you can see, is
14 kind of a catch-all, and we have already discussed it a
15 little bit, but that is just -- and keeping in mind the
16 data requests that we are going to be developing.

17 MR. BALLINGER: Can I suggest about a five or
18 ten-minute break to give us a chance to talk amongst
19 ourselves a bit? I want to check with Bob and Beth and
20 make sure we have covered everything. When we get back,
21 we can address Question Number 6. Is that okay?

22 MS. LEWIS: All right. We'll take five
23 minutes. Thank you.

24 (Recess.)

25 MR. BALLINGER: Go back on again. I guess all

1 I would want to wrap up in saying is, you know, you see
2 staff's dilemma, the problem we have to do. We're
3 trying to get this. We are looking to you to get any
4 input you can. Again, it goes back to we are really
5 trying to get a handle on the quantification of the
6 goals, achievements, failures, successes, things of that
7 nature, to start reporting that. So be thinking of ways
8 of how to demonstrate the magnitude of these numbers.
9 And we will jumble around with the different opinions we
10 have heard today, and try to put together our report.

11 As Kathy said, I think that goes back to the
12 Commission for Internal Affairs early in 2012. That's
13 where we are at. And you can be expecting some data
14 requests in the next few weeks, probably along these
15 lines, and maybe some others. That's about all I have.
16 I think we have covered everything here.

17 Is there anything else anyone else would like
18 to add that we should look into, or do you see a problem
19 in the direction we are going? Tell us now.

20 MS. LEWIS: Or tell us in your written
21 comments, which I wanted to bring that up. I believe
22 Larry had mentioned transcripts could be ready a week
23 from Tuesday, or Tuesday. So we were thinking of making
24 our written comments instead of just due in one week
25 until the week after the Tuesday, so the following

FLORIDA PUBLIC SERVICE COMMISSION

1 Monday.

2 MR. BALLINGER: And I believe that's May 7th?
3 No, 9th. Thank you.

4 MS. LEWIS: May 9th, okay. Thanks, Larry.
5 So if you can have your comments to us by
6 May 9th, that would be good. We are working on the data
7 requests that will be going out. We obviously want to
8 see your comments while we are doing that.

9 MR. BALLINGER: And if the investor-owned
10 utilities want to submit joint comments, that's fine, or
11 individuals, we are fine with that, too. Either way is
12 okay.

13 MS. LEWIS: Larry had something to add, too,
14 about --

15 MR. HARRIS: You all heard me say this before.
16 I'm the Howard of the contact here at the Commission,
17 meaning I didn't step back quickly enough. We have a
18 website, and it has a section for these staff workshops.
19 And most of you all were here when I was talking about
20 it for the solar workshop. But if you're not, I will
21 run over it again. If you go to our home page, there is
22 a tab called -- I think it is agendas and meetings, and
23 you click that, and you scroll down. There's another
24 little tab at the bottom that says, I think, staff
25 workshops, or notices of staff workshops. If you click

FLORIDA PUBLIC SERVICE COMMISSION

66

1 that, what we have is the ability to sort of create
2 little groupings of all of these workshops and things
3 like that.

4 And since this is not that a docketed matter,
Page 59

5 there is no docket file to put stuff in. So what we had
6 done for the solar workshop, and it seemed to work well,
7 is sort of made me the contact person. And then I go
8 ahead and get stuff put on that website so everybody can
9 see everything. And right now I believe we have the FAW
10 notice, the agency notice, and the agenda.

11 My belief will be once the transcript is done,
12 we will get it posted on to that section, that tab. When
13 your comments come in, I would suggest, unless Kathy or
14 Tom feel differently, that you all get them to me.
15 E-mail them or file them to my attention, or whatever. I
16 will go ahead and get those put onto the website, so it
17 will all be grouped together under that one tab. It's an
18 easy way for people to look.

19 This has been recorded today. We have a new
20 audiovisual system, and I believe that it will be
21 probably available either this afternoon or tomorrow, the
22 audio. And on the homepage, again, there is a section
23 for sort of schedules of meetings. And it has literally
24 everything that the Commission does almost now is being
25 audio/video and you can go and click there, and there is

FLORIDA PUBLIC SERVICE COMMISSION

67

1 usually an audio and/or video thing and you can listen to
2 it. And that will be fairly quickly.

3 That will probably not be linked into this tab
4 on the website, because they are sort of separate
5 systems. But I just wanted to point out that on the
6 website there will be all of this stuff hopefully
7 gathered into one place. And as I said with the solar,

8 if you all e-mail your comments, your post-workshop
9 comments, it's nice if you can copy other people you know
10 who are here today and are interested. And as I have
11 done in the past, I'll try to send those out to other
12 people who I know are interested, as they come in, and
13 then there will be one central place on-line where all
14 the comments will be.

15 Of course, my name is Larry Harris. I have a
16 line here at the Commission, (850)413-6856 is my office
17 number, and LHarris@psc.state.fl.us is my e-mail address.
18 If you all have any questions or need anymore
19 information, I'm probably the best person to contact.
20 And if I don't know the answer, I can get with Tom or
21 Kathy and get one back to you quickly.

22 And I see there's a question from the back.

23 MS. BROWNLESS: Larry, could you just scan in
24 the attendance sheet and put that up on the website as
25 well, so we'll have the names of people that came and

FLORIDA PUBLIC SERVICE COMMISSION

68

1 their information, so that when we get our comments we
2 can e-mail them.

3 MR. HARRIS: The question was would it be
4 possible to scan in the attendance sheets so that all of
5 you all could look under that tab and see who was here
6 and what their e-mail addresses and things. And the
7 answer is I don't know, but I don't why we wouldn't be
8 able to. But I would have to check because that is not
9 within my particular skill set. I would think that is
10 the type of thing we could do, but I often think of

11 things that we can do, and we can't. So, yes, that is
12 something I will look at, Suzanne. Thank you.

13 MS. LEWIS: Anything else? Go ahead.

14 MS. TIBBITS: Could the PowerPoint
15 presentation also be put on there?

16 MS. LEWIS: It's on there now.

17 MS. TIBBITS: Thanks.

18 MR. HARRIS: It is?

19 MS. LEWIS: Uh-huh.

20 MR. HARRIS: On our website?

21 MS. LEWIS: Yes.

22 MR. HARRIS: Perfect. See, I often don't know
23 the things that we can do, so there it is. The question
24 I think is, yes, it is on there, and if it is not, it
25 will be.

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1 MS. LEWIS: All right. Thank you, everyone,
2 for your attendance. And we'll be adjourned.

3 (The workshop concluded at 11:09 a.m.)
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STATE OF FLORIDA)
 :
COUNTY OF LEON) CERTIFICATE OF REPORTERS

WE, JANE FAUROT, RPR, and LINDA BOLES, RPR, CRR, Official Commission Reporters, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that we stenographically reported the said proceedings; that the same has been transcribed under our direct supervision; and that this transcript constitutes a true transcription of our notes of said proceedings.

WE FURTHER CERTIFY that we are not a relative, employee, attorney or counsel of any of the parties, nor are we a relative or employee of any of the parties' attorneys or counsel connected with the action, nor are we financially interested in the action.

DATED THIS 3rd DAY OF MAY, 2011.

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JANE FAUROT, RPR
Commission Reporter
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LINDA BOLES, RPR, CRR
Commission Reporter
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FLORIDA PUBLIC SERVICE COMMISSION

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