

I. Meeting Packet



State of Florida
Public Service Commission
INTERNAL AFFAIRS AGENDA
Thursday, January 5, 2017
Following Commission Agenda
Room 105 - Gerald L. Gunter Building

1. Legislative Update
2. General Counsel's Report
3. Executive Director's Report
4. Other Matters

BB/ks

OUTSIDE PERSONS WISHING TO ADDRESS THE COMMISSION ON
ANY OF THE AGENDAED ITEMS SHOULD CONTACT THE
OFFICE OF THE EXECUTIVE DIRECTOR AT (850) 413-6463.

II. Outside Persons Who Wish to Address the Commission at Internal Affairs

Note: The records reflect that no outside persons addressed the Commission at this Internal Affairs meeting.

III. Supplemental Materials for Internal Affairs

A: Material pertaining to Item 1 of this agenda.





B: Material pertaining to Item 2 of this agenda.

**A: The following material pertains to
Item 1 of this agenda.**

**The Florida House of Representatives
Energy and Utilities Subcommittee 2016 – 2018**

House	Counties	Photo	Name	Committee Assignments
69	Part of Pinellas		<p align="center">Chair</p> <p>Rep Kathleen Peters Republican St. Petersburg</p>	<p>Government Operations & Technology Appropriations Committee Commerce Committee Chair, Energy & Utilities Subcommittee Ways & Means Committee</p>
44	Part of Orange		<p align="center">Vice-Chair</p> <p>Rep Eric Eisnaugle Republican Orlando</p>	<p>Vice-Chair, Justice Appropriations Subcommittee Oversight, Transparency, & Administration Subcommittee Commerce Committee Vice-Chair, Energy & Utilities Subcommittee</p>
90	Part of Palm Beach		<p align="center">Dem Ranking Member</p> <p>Rep Lori Berman Democrat Boynton Beach</p>	<p>Health & Human Services Committee Commerce Committee Energy & Utilities Subcommittee (Dem. Ranking Member) Appropriations Committee Rules & Policy Committee (<i>Dem. Ranking Member</i>)</p>




Parties/Staff Handout
Internal Affairs/Agenda
on 01/05/17
Item No. 1

House	Counties	Photo	Name	Committee Assignments
111	Part of Miami-Dade		Rep Bryan Avila Republican Hialeah	Government Operations & Technology Appropriations Subcommittee PreK – 12 Quality Subcommittee Post-Secondary Education Subcommittee Vice-Chair , Commerce Committee Energy & Utilities Subcommittee Alternating Chair , Joint Committee on Public Counsel Oversight
14	Part of Duval		Rep Kimberly Daniels Democrat Jacksonville	Energy & Utilities Subcommittee Transportation & Infrastructure Subcommittee Justice Appropriations Subcommittee Oversight, Transparency, & Administrations Subcommittee Public Integrity & Ethics Committee
94	Part of Broward		Rep Bobby DuBose Democrat Ft. Lauderdale	Minority Leader Pro Tempore Energy & Utilities Committee Insurance & Banking Subcommittee Health & Human Services Committee (<i>Dem. Ranking Member</i>) Appropriations Committee Government Operations & Technology Appropriations Subcommittee
112	Part of Miami-Dade		Rep Nicholas Duran Democrat Miami	Health Care Appropriations Subcommittee Health Innovation Subcommittee Commerce Committee Energy & Utilities Subcommittee Joint Committee on Public Counsel Oversight

House	Counties	Photo	Name	Committee Assignments
16	Part of Duval		Rep Jason Fischer Republican Jacksonville	Energy & Utilities Subcommittee PreK – 12 Innovation Subcommittee Natural Resources & Public Lands Subcommittee PreK – 12 Appropriations Subcommittee Public Integrity & Ethics Committee Joint Administrative Procedures Committee
54	Indian River and part of St. Lucie		Rep Erin Grall Republican Vero Beach	Energy & Utilities Subcommittee Health Care Appropriations Subcommittee PreK – 12 Quality Subcommittee Judiciary Committee Civil Justice & Claims Subcommittee Joint Committee on Public Counsel Oversight
73	Parts of Manatee and Sarasota		Rep Joe Gruters Republican Sarasota	Justice Appropriations Subcommittee Commerce Committee Careers & Competition Subcommittee Energy & Utilities Subcommittee Tourism & Gaming Control Subcommittee Joint Legislative Auditing Committee
23	Part of Marion		Rep Stan McClain Republican Ocala	Energy & Utilities Subcommittee Agriculture & Property Rights Subcommittee Natural Resources & Public Lands Subcommittee PreK – 12 Appropriations Subcommittee Ways & Means Committee Joint Committee on Public Counsel Oversight


House	Counties	Photo	Name	Committee Assignments
19	Bradford, Putnam, Union, and part of Clay		Rep Bobby Payne Republican Palatka	Transportation & Infrastructure Subcommittee PreK – 12 Quality Subcommittee Oversight, Transparency, & Administration Subcommittee Commerce Committee Energy & Utilities Subcommittee
61	Part of Hillsborough		Rep Sean Shaw Democrat Tampa	Government Operations & Technology Appropriations Subcommittee Civil Justice & Claims Subcommittee Commerce Committee Energy & Utilities Subcommittee Insurance & Banking Subcommittee
60	Part of Hillsborough		Rep Jackie Toledo Republican Tampa	Transportation & Infrastructure Subcommittee Health Innovation Subcommittee Civil Justice & Claims Subcommittee Commerce Committee Energy & Utilities Subcommittee
2	Parts of Escambia & Santa Rosa		Rep Frank White Republican Pensacola	Energy & Utilities Subcommittee Health Care Appropriations Subcommittee Civil Justice & Claims Subcommittee Health & Human Services Committee Health Innovation Subcommittee Select Committee on Triumph Gulf Coast

The Florida Senate
Communications, Energy, and Public Utilities Committee 2016 – 2018

Senate	Counties	Photo	Name	Committee Assignments
40	Part of Miami-Dade		<p style="text-align: center;">Chair</p> Senator Frank Artiles Republican Miami	Chair, Communications, Energy and Public Utilities Vice-Chair, Governmental Oversight and Accountability Appropriations Subcommittee on Health and Human Services Appropriations Subcommittee on Transportation, Tourism, and Economic Development Children, Families, and Elder Affairs Joint Administrative Procedures Committee
3	Calhoun, Gulf, Liberty, Franklin, Gadsden, Leon, Wakulla, Jefferson, Madison, Taylor, & Hamilton		<p style="text-align: center;">Vice-Chair</p> Senator Bill Montford Democrat Tallahassee	Chair, Commerce and Tourism Vice-Chair, Communications, Energy, and Public Utilities Appropriations Appropriations Subcommittee on Pre-K – Education Health Policy Rules
1	Escambia, Santa Rosa, & part of Okaloosa		Senator Doug Broxson Republican Pensacola	Vice-Chair, Military and Veterans Affairs, Space and Domestic Security Appropriations Subcommittee on General Government Appropriations Subcommittee on Pre-K – 12 Education Children, Families, and Elder Affairs Communications, Energy, and Public Utilities Alternating Chair, Joint Committee on Public Counsel Oversight

Parties/Staff Handout
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Senate	Counties	Photo	Name	Committee Assignments
38	Part of Miami-Dade		Senator Daphne Campbell Democrat Miami	Appropriations Subcommittee on Finance and Tax Appropriations Subcommittee on General Government Children, Families, and Elder Affairs Communications, Energy, and Public Utilities Community Affairs Joint Administrative Procedures Committee
31	Part of Palm Beach		Senator Jeff Clemens Democrat Lake Worth	Vice-Chair, Community Affairs Appropriations Subcommittee on Criminal and Civil Justice Appropriations Subcommittee on Higher Education Communications, Energy, and Public Utilities Criminal Justice Joint Committee on Public Counsel Oversight
8	Alachua, Putnam, and part of Marion		Senator Keith Perry Republican Gainesville	Chair, Agriculture Appropriations Subcommittee on Criminal and Civil Justice Communications, Energy, and Public Utilities Community Affairs Regulated Industries Joint Administrative Procedures Committee
22	Parts of Lake & Polk		Senator Kelli Stargel Republican Lakeland	Chair, Appropriations Subcommittee on Finance and Tax Vice-Chair, Appropriations Subcommittee on Health and Human Services Appropriations Children, Families, and Elder Affairs Communications, Energy and Public Utilities Military and Veterans Affairs, Space, and Domestic Security

Senate	Counties	Photo	Name	Committee Assignments
18	Part of Hillsborough		Senator Dana Young Republican Tampa	Chair, Health Policy Vice-Chair, Appropriations Subcommittee on Pre-K – 12 Education Commerce and Tourism Communications, Energy, and Public Utilities Regulated Industries Joint Committee on Public Counsel Oversight

**B: The following material pertains to
Item 2 of this agenda.**

Standards of Conduct, Ex Parte Communications, Public Records Law, And Government in the Sunshine

Below is a brief primer of the ethics, standards of conduct, public records, and sunshine law issues you should be familiar with during your term as a Commissioner. The Office of General Counsel is available to provide training and to assist with specific inquiries.

Standards of Conduct (Section 350.041, F.S.)

Section 350.041 contains a stringent set of standards of conduct for Commissioners. This section was amended in 2005 to clarify certain provisions and to include additional restrictions.

- A Commissioner may not accept anything from any business entity which, either directly or indirectly, owns or controls any public utility regulated by the Commission, from any public utility regulated by the Commission, or from any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the Commission.

Note: Some utilities regulated by the Commission have complex corporate structures that include parent companies and affiliates. For example, Gulf Power Company has a parent company, Southern Company, and has affiliates including Alabama Power Company and Southern Company Services. Additionally, Duke Energy Corporation (Duke Energy) operates primarily through its direct and indirect wholly owned subsidiaries, Duke Energy Florida, Duke Energy Carolinas, LLC (Duke Energy Carolinas), Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc. (Progress Energy Carolinas), Florida Power Corporation d/b/a Progress Energy Florida, Inc. (Progress Energy Florida), Duke Energy Ohio, Inc. (Duke Energy Ohio), Duke Energy Indiana, Inc. (Duke Energy Indiana), U.S. Franchised Electric and Gas (USFE&G), Commercial Power and International Energy, and Clean Power Finance, Inc. The statute covers all of these entities.

- A Commissioner may attend a conference and associated meals and events that are generally available to all conference participants without payment of any fees in addition to the conference fee, even if a particular meal or event is sponsored by a utility.
- A Commissioner attending a conference may pay a reduced conference fee available to Commissioners, even if utility personnel must pay a higher registration fee.
- A Commissioner may not attend Commissioner-only, speaker-only, or committee member-only events at a conference if the event is sponsored in whole or in part by a utility representative unless the Commissioner pays the actual cost of the event.

- A Commissioner may not accept any form of employment with or engage in any business activity with any business entity which, either directly or indirectly, owns or controls any public utility regulated by the Commission, any public utility regulated by the Commission, or any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the Commission.
- A Commissioner may not have any financial interest, other than shares in a mutual fund, in any public utility regulated by the Commission, in any business entity which, either directly or indirectly, owns or controls any public utility regulated by the Commission, or in any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the Commission. If a Commissioner acquires any financial interest prohibited by this section during his or her term of office as a result of events or actions beyond the Commissioner's control, he or she shall immediately sell such financial interest or place such financial interest in a blind trust at a financial institution. A Commissioner may not attempt to influence, or exercise any control over, decisions regarding the blind trust.
- A Commissioner may not accept anything from a party in a proceeding currently pending before the Commission.
- A Commissioner may not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.

Note: This restriction would preclude a Commissioner from hosting a fundraiser for any candidate.

- A Commissioner, during his or her term of office, may not make any public comment regarding the merits of any proceeding under Sections 120.569 and 120.57 (i.e. proceedings to determine a person's substantial interests) currently pending before the Commission.

Note: This restriction prohibits public comment even in the context of a conference or other educational event.

- A Commissioner may not conduct himself or herself in an unprofessional manner at any time during the performance of his or her official duties.

- A Commissioner must avoid impropriety in all of his or her activities and must act at all times in a manner that promotes public confidence in the integrity and impartiality of the Commission.

Note: This provision was added to the statute in 2005 and has never been interpreted. The Office of General Counsel is available to consult with Commissioners who have questions regarding the potential application of this section to specific situations.

- A commissioner may not directly or indirectly, through staff or other means, solicit anything of value from any public utility regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

Ex Parte Communications (Section 350.042, F.S.)

Section 350.042, F.S., prohibits most ex parte communications with Commissioners regarding the merits of cases pending before the Commission. The statute does not define ex parte. In general, an oral communication with anyone other than Commission staff or an individual residential ratepayer would be an ex parte communication unless it occurs at a noticed hearing or prehearing conference. Similarly, a written communication that has not been filed in the docket and provided to all parties would also be an ex parte communication.

Section 350.042, F.S., provides:

- A Commissioner should accord to every person who is legally interested in a proceeding, or the person's lawyer, full right to be heard according to law, and, except as authorized by law, shall neither initiate nor consider ex parte communications concerning the merits, threat, or offer of reward in any proceeding other than a proceeding under Section 120.54 [rulemaking] or Section 120.565 [declaratory statement proceedings], workshops, or internal affairs meetings. No individual shall discuss ex parte with a Commissioner the merits of any issue that he or she knows will be filed with the Commission within 90 days. The provisions of this subsection shall not apply to Commission staff.

Note: The Commission has adopted a rule that prohibits a staff member from serving as a conduit to a Commissioner for what would otherwise be a prohibited ex parte communication.

Note: A Commissioner can ordinarily talk with staff members about any pending docket. Two exceptions based on case law or Commission rules are as follows:

- When a staff member testifies in a case, a Commissioner may not talk with that staff member about the case.
- After a hearing in a license revocation proceeding, a Commissioner may not talk with the staff that prosecuted the case.

- The provisions of this section shall not prohibit an individual residential ratepayer from communicating with a Commissioner, provided that the ratepayer is representing only himself or herself, without compensation.
- If a Commissioner knowingly receives an ex parte communication relative to a proceeding other than as set forth in subsection (1), to which he or she is assigned, he or she must place on the record of the proceeding copies of all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received and all oral responses made, and shall give written notice to all parties to the communication that such matters have been placed on the record. Any party who desires to respond to an ex parte communication may do so. The response must be received by the Commission within 10 days after receiving notice that the ex parte communication has been placed on the record. The Commissioner may, if he or she deems it necessary to eliminate the effect of an ex parte communication received by him or her, withdraw from the proceeding, in which case the chair shall substitute another Commissioner for the proceeding.

Note: A Commissioner's Assistant and Chief Advisor may be helpful in screening written communications to avoid an ex parte violation. The Florida Ethics Commission has ruled that a communication that is intercepted by a Commissioner's staff and not seen by the Commissioner is not a prohibited ex parte communication.

- Any individual who makes an ex parte communication shall submit to the Commission a written statement describing the nature of such communication, the name of the person making the communication, the name of the Commissioner or Commissioners receiving the communication, copies of all written communications made, all written responses to such communications, and a memorandum stating the substance of all oral communications received and all oral responses made. The Commission shall place on the record of a proceeding all such communications.
- Any Commissioner who knowingly fails to place on the record any such communications, in violation of the section, within 15 days of the date of such communication is subject to removal and may be assessed a civil penalty not to exceed \$5,000.
- It shall be the duty of the Commission on Ethics to receive and investigate sworn complaints of violations of this section pursuant to the procedures contained in Section 112.322-112.3241. The investigation may include both the Commissioner and the person who allegedly participated in the ex parte communication.
- If the Commission on Ethics finds that there has been a violation of this section by a Public Service Commissioner, it shall provide the Governor and the Florida

Public Service Commission Nominating Council with a report of its findings and recommendations. The Governor is authorized to enforce the findings and recommendations of the Commission on Ethics.

- If the Commission on Ethics determines that a person other than the Commissioner participated in the ex parte communication, that person is barred from appearing before the Commission for a period of two years.

Commission staff members are not subject to the same ex parte restrictions as Commissioners. However, staff communications with parties in some docketed matters are subject to Rule 25-22.033, F.A.C., which requires that notice be given to all parties to a docket of scheduled meetings and conference calls related to the merits of the proceeding.

Reasonable Care for Participation (Section 350.042, F.S.)

Section 350.042(3), F.S., sets forth requirements for Commissioners when attending any conference, forum, or event.

- Section 350.042(3)(c)2., F.S., requires a Commissioner to use reasonable care to ensure that the content of the educational session or other session in which the Commissioner participates is not designed to address or create a forum to influence the Commissioner on any proceeding under Section 120.569 or Section 120.57, F.S., which is currently pending before the Commission or that he or she reasonably expects will be filed with the Commission within 180 days after the date of the meeting.
- Section 350.042(3)(c)1., F.S., requires that when attending or participating in a meeting or educational session, a Commissioner must refrain from commenting on or discussing any proceeding under Section 120.569 or Section 120.57, F.S., which is currently pending before the Commission or that he or she reasonably expects will be filed with the Commission within 180 days after the date of the meeting.

Standards of Conduct (Chapter 112)

Chapter 112 contains ethics provisions that apply to all public officers and state employees in Florida, including Commissioners. Section 350.041 contains additional standards of conduct that apply only to Commissioners. In the event of a conflict between Chapter 112 and Section 350.041, Commissioners are bound by the more restrictive provision. The Florida Commission on Ethics receives and resolves complaints regarding alleged violations of any of these provisions.

Chapter 112 contains a wide range of standards of conduct and an extensive set of definitions. The statute is supplemented by even more detailed rules and advisory opinions issued by the Florida Commission on Ethics. In broad terms, Chapter 112:

- Prohibits a public officer from soliciting or accepting anything of value based on an understanding that it would influence the officer's vote or official action.
- Establishes restrictions on a public officer doing business with his or her own agency.
- Prohibits a public officer (including a spouse or minor child) from accepting anything of value that the officer knows, or should know, was intended to influence a vote or other official action.
- Prohibits a public officer from using his or her official position to secure a special benefit.
- Establishes restrictions on a public officer having outside employment or contractual relationships that conflict with his or her public duties.
- Prohibits a public officer from disclosing or using non-public information for personal benefit.
- Establishes post-employment restrictions that preclude a public officer from representing any party before his or her agency for compensation for a period of two years after leaving office. As discussed in the next section, Chapter 350 places additional post-employment restrictions on Commissioners.
- Establishes restrictions on the employment of relatives in the same agency.
- A Commissioner may not vote or participate on any matter that the Commissioner knows would inure to his or her special private gain or loss. The Commissioner must meet the disclosure requirements in Section 112.3143, F.S., when abstaining from voting.
- Prohibits the solicitation, and places restrictions on the acceptance, of gifts from lobbyists. Chapter 350 is more stringent and prohibits the acceptance by Commissioners of some gifts that would be permitted by Chapter 112.
- Prohibits a public officer from soliciting an honorarium from anyone and from accepting an honorarium from a lobbyist or a political committee.
- Requires a public officer to file quarterly reports for gifts of over \$100 from persons who are not lobbyists and not relatives.
- Requires a public officer to file a quarterly report for receipt of honorarium-related expenses from lobbyists. As discussed in the next section, Chapter 350 is more stringent and prohibits the acceptance of some honorarium-related expenses that would be permitted by Chapter 112.

Public Records Law (Chapter 119, F.S.)

Florida has a very broad public records law. Except for personal notes, almost every document created or received by a Commissioner in connection with his or her duties (including e-mails and electronic documents) is a public record and is subject to public inspection. In general, it does not matter whether a written document is in final form for it to be considered a public record.

The following are examples of documents that are public records:

- Correspondence
- Calendars
- Outlook contact lists
- Landline and cell phone call records
- Travel and expense records
- Building sign-in sheets
- E-mails
- Texts
- Pins

Note: Public records are subject to disclosure regardless if maintained on a personal device. In evaluating whether a record is made or received in connection with the official business of an agency, "the determining factor is the nature of the record, not its physical location." State v. City of Clearwater, 863 So. 2d, 149, 154 (Fla. 2003).

Commissioners frequently receive or maintain convenience copies of public records that are officially maintained elsewhere in the Commission. These convenience copies can be disposed of when they are no longer needed by the Commissioner. These include:

- Copies of formal filings in docketed matters. The Commission Clerk maintains the record copy of these documents.
- Copies of consumer complaints received by a Commissioner that have been forwarded to staff for action. If the Commissioner forwards the complaint for handling by the Division of Service, Safety and Consumer Assistance, that division maintains the record copy of the complaint.

Commissioners are responsible for keeping copies of public records (including e-mails) that they create or originate. They are also responsible for keeping copies of public record correspondence and e-mails that they receive from persons outside the Commission.

The period of time that a public record must be kept depends on the nature of the document. "Transitory" documents (that are short-term and administrative in nature, such as e-mails that address scheduling appointments, meeting reminders, and telephone messages) can be disposed of when they are "obsolete, superseded, or administrative value is lost." Other common retention times are:

- Correspondence: Three years, after which a records disposition form must be completed before the documents can be disposed.
- Calendars: One year, after which a records disposition form must be completed before the documents can be disposed.

Separate training is available on Commission policies and procedures for preserving public record e-mails for the applicable retention period.

Government in the Sunshine (Chapter 286, F.S.)

Florida has a broad Sunshine Law. The law applies to any gathering of two or more members of the Commission to discuss some matter which will foreseeably come before the Commission for action.

The three basic requirements of the Sunshine Law are:

- Commission meetings must be open to the public.
- Reasonable notice of such meetings must be given. This typically requires advance publication in the Florida Administrative Register.
- Meeting minutes must be taken, promptly recorded, and open to public inspection.

The Sunshine Law has been construed broadly by the courts to ensure that the goal of full visibility into actions of government is met. For example:

- Two or more Commissioners cannot meet privately to discuss a matter that may come before them for decision.
- A Commissioner cannot poll his or her colleagues by e-mail to find out where they stand on a particular matter.
- A Commissioner should not write a memo or e-mail to a colleague to express a view on a matter that might come before the Commission for action.

Note: Such a memo or e-mail may not itself be a Sunshine Law violation, but if the communication triggers a response, then a court would likely hold there has been the equivalent of a "meeting" outside of the sunshine.

- Two Commissioners should not sit on the same panel at an educational conference if panel members are expected to participate in give-and-take discussion of a matter that may come before the Commission.

- There is no exemption from Sunshine Law for Commissioners to discuss procedural aspects regarding a matter that will foreseeably come before the Commission for action.

The ex parte law applies to contacts between Commissioners and parties. The Sunshine law applies to communications between two or more Commissioners. So long as staff is not used as a conduit for an otherwise improper communication, neither the ex parte law nor the Sunshine law applies to communications between a Commissioner and staff.

IV. Transcript

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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PROCEEDINGS: INTERNAL AFFAIRS

COMMISSIONERS PARTICIPATING: CHAIRMAN JULIE I. BROWN
COMMISSIONER ART GRAHAM
COMMISSIONER RONALD A. BRISÉ
COMMISSIONER JIMMY PATRONIS
COMMISSIONER DONALD POLMANN

DATE: Thursday, January 5, 2017

TIME: Commenced: 10:07 a.m.
Concluded: 11:09 a.m.

PLACE: Gerald L. Gunter Building
Room 105
2540 Shumard Oak Boulevard
Tallahassee, Florida

REPORTED BY: Andrea Komaridis
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
114 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
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1 P R O C E E D I N G S

2 CHAIRMAN BROWN: Good morning. We are still
3 in the morning. We have a somewhat light internal
4 affairs, but there are some substantive items. And
5 notably, the first one that we're going to start
6 off with is the legislative update.

7 Again, you all were introduced to Adam Potts.
8 I know some of you know him from your time in the
9 Legislature, but -- welcome. Some of you -- I
10 don't know if -- I don't know if Commissioner
11 Polmann has had an opportunity to meet with you and
12 Katherine Pennington, and Cayce. Very invaluable
13 folks here for our legislative team.

14 So, with that, I'd like to have you guys give
15 us an update at this Internal Affairs meeting.

16 MR. HINTON: I'll beeing teeing it off this
17 morning.

18 CHAIRMAN BROWN: Thank you, Cayce.

19 MR. HINTON: Commissioners, the 2017
20 legislative session is fast-approaching. Session
21 will begin on March 7th and run through March 5th.

22 MS. PENNINGTON: May 5th.

23 MR. HINTON: I'm sorry. May 5th.

24 That's why I have her sitting here.

25 (Laughter.)

1 Next week, January 9th through the 12th, is
2 the first full week of interim committee meetings
3 in both the House and the Senate. We've
4 distributed lists of the members for our
5 substantive committees, for your information.

6 The Senate Communications Energy and Public
7 Utilities Committee will not be meeting next week;
8 however, the House Energy and Utilities
9 Subcommittee is scheduled to meet on Wednesday the
10 11th from 9:00 a.m. to 11:00 a.m.

11 I'll be giving a presentation at that meeting,
12 providing an overview of the PSC and the ratemaking
13 process. No other PSC-specific issues have been
14 identified in any committee meetings thus far.

15 Approximately 200 bills have been filed to
16 date; none that would direct -- have a direct
17 impact on the PSC's jurisdiction or the utilities
18 we regulate. We have identified, however, several
19 bills for monitoring, particularly, primarily
20 because of the subject matter involved.

21 For example, there's a few bills that would
22 effectively prohibit -- prohibit hydraul- --
23 hydraulic fracturing in Florida. House Bill 35 by
24 Representative Jenne prohibits well-stimulation
25 treatments for the exploration and production of

1 oil or natural gas.

2 Senate Bill 98 by Senator Farmer, to be called
3 the Stop Fracking Act, would prohibit extreme well
4 stimulation and stop the DEP from issuing permits
5 for that activity.

6 He is also -- Senator Farmer has also issued
7 or filed the Joint Resolution 108, which would seek
8 a constitutional amendment to prohibit well
9 stimulation in Florida.

10 There is also another bill we're monitoring
11 that relates to renewable-energy devices, Senate
12 Bill 90 by Bran- -- Senator Brandes. And this bill
13 seeks to implement the constitutional amendment
14 from August of 2016, as you're aware, that just --
15 states that the value of renewable-energy devices
16 on -- on people's property cannot be assessed for
17 property-tax purposes.

18 But we will continue to monitor activity down
19 at the Capitol and keep you informed of bills of
20 interest that come up.

21 CHAIRMAN BROWN: Commissioners, any questions?

22 I assume you all are having the usual tracking
23 for the A, B, and C --

24 MR. HINTON: Yes, ma'am.

25 CHAIRMAN BROWN: -- and will keep

1 Commissioners informed every week on different
2 bills that are being filed and the status of them,
3 too.

4 MR. HINTON: We will do our best to keep you
5 fully up to speed.

6 CHAIRMAN BROWN: Excellent. What -- what are
7 you going to talk about next week?

8 MR. HINTON: I have no idea. No, just --

9 CHAIRMAN BROWN: We have service hearings.
10 So, unfortunately, we can't be there.

11 MR. HINTON: I'm going to --

12 MS. PENNINGTON: The agenda said you were
13 going to be talking about the ratemaking.

14 MR. HINTON: Yeah, I'm going to. I was
15 kidding.

16 We're going to be -- I'm going to lay out
17 some -- an overview of our jurisdiction, some
18 regulatory principles, like the regulatory compact,
19 the public interest, and then get into the rate-
20 case process, revenue requirement, all that good
21 stuff.

22 CHAIRMAN BROWN: Good luck with that.

23 MR. HINTON: Thank you.

24 CHAIRMAN BROWN: And let us know if you have
25 any questions or need any additional help.

1 MR. HINTON: Will do.

2 CHAIRMAN BROWN: Commissioners, any questions?

3 COMMISSIONER GRAHAM: What day is that going
4 to be?

5 MR. HINTON: Wednesday the 11th, nine to
6 eleven.

7 CHAIRMAN BROWN: Thanks, again.

8 MR. HINTON: Thank you.

9 CHAIRMAN BROWN: Thank you.

10 All right. Moving on to our general counsel's
11 report, Keith.

12 MR. HETRICK: Thank you, Madam Chair. I've
13 got about 10, 15 minutes, a couple of items to go
14 over. I'll try to be as quick as I can.

15 CHAIRMAN BROWN: Take your time, Keith. We
16 have plenty of time.

17 MR. HETRICK: Okay. First, I would like to
18 welcome you, Commissioner Polmann, to your first
19 Internal Affairs Committee meeting here at the
20 Commission. I was very honored two days ago that
21 you had asked me to perform your swearing-in
22 ceremony.

23 I'm not trying to steal anyone's thunder, but
24 I know that all of us, all of us are very excited
25 to have you on board and part of our team. I,

1 along with my staff, look forward to getting to
2 know you and serving and working with you.

3 COMMISSIONER POLMANN: Thank you.

4 MR. HETRICK: One thing you'll find out
5 quickly here at the Commission is how professional,
6 experienced, knowledgable, and genuinely helpful
7 all of the Commissioners and all of our staff are.
8 Truly, it's a team effort. And we will always
9 strive to have your back and make sure that you are
10 objectively well-informed.

11 Chair, I know -- I'm not going to -- I know we
12 have the announcement with Carolyn coming up, but
13 she is on my staff. And I couldn't be more proud
14 of her, when you -- when you bring her up. And
15 she's certainly -- not a more-deserving person than
16 her.

17 When you look at value and indispensability,
18 you have to look at the individual. And you have
19 to look at their entire portfolio. And she is
20 simply the consummate professional and absolutely
21 essential to GCL, and rises to the highest level in
22 terms of her contributions, which are enormous.

23 So, I'm so proud of Carolyn Craig. She is
24 outstanding. I am lucky to have her because,
25 without her, we'd be administratively in a

1 nightmare.

2 CHAIRMAN BROWN: For those of you paying
3 attention and wondering, what, what, what is he
4 talking about -- Carolyn is the employee of the
5 month for January so --

6 MR. HETRICK: Yes.

7 CHAIRMAN BROWN: Thank you.

8 MR. HETRICK: Thank you very much.

9 (Inaudible speakers.)

10 MR. HETRICK: Sorry. I did steal your thunder
11 there.

12 (Laughter.)

13 Well, today, I would like to do three things
14 briefly. And I would like to hand out copies --
15 and I won't spend time on this, but just so you
16 have them. I briefed Commissioner Polmann
17 yesterday that this is our newly-revised ethics --
18 updated version for 2017 -- ethics manual.

19 CHAIRMAN BROWN: Thank you.

20 MR. HETRICK: Here's another copy for you,
21 Commissioner.

22 COMMISSIONER POLMANN: Thanks.

23 MR. HETRICK: One thing I would say about
24 this -- the only thing I would say, we worked hard
25 to try to present this information in a way that's

1 easy to understand in bullet-point format and
2 without unnecessary statutory verbiage or a great
3 deal of confusion or discussion about case law.

4 We've also included practice pointers in
5 italics, notes on certain things that may help you
6 think about how -- how these requirements apply in
7 the real world. So, hopefully that will be
8 helpful.

9 Secondly, with the Chair's permission, as we
10 move into 2017, I would like to give you all a
11 brief perception of my first year as the general
12 counsel.

13 And thirdly, we would like to briefly discuss
14 and get your collective approval to file an amicus
15 brief in an FPL case, which is currently pending
16 before the Supreme Court that came to our attention
17 in early December.

18 We've kind of discussed that with you already,
19 but as -- some things have changed slightly. We
20 had a delay that the Court allowed -- gave us --
21 gave not us, but some of the parties more -- an
22 extension of time to file, which allowed us to
23 fully bring this back to you and --

24 CHAIRMAN BROWN: So, we'll get into that. Can
25 you go over the updates first, please?

1 MR. HETRICK: Yes.

2 Perception of my first ten months. I can sum
3 it up by saying this is the best and most enjoyable
4 job I've ever had. I enjoy being deeply involved
5 in the issues, learning some of the seemingly-
6 arcane procedures that still confound me sometimes,
7 listening and, hopefully, contributing.

8 But I especially want to thank each of you,
9 Commissioners, and the Chair, and my wonderful
10 attorneys for making me feel so welcome and part of
11 the team here, and having my back for the past ten
12 months.

13 The day I was appointed, I think I told this
14 Commission -- I remember it pretty clearly -- how
15 grateful, honored, and humbled that I was to be
16 appointed by all of you as your general counsel.
17 And I still feel that way today. And I really
18 can't express how thrilled that I am every day to
19 come into the office. I can tell -- and it's my
20 attorneys that -- that add value to that.

21 I can tell you the time has flown by. And
22 it's hard to believe it's been ten months, to me.
23 And we've been through a couple of hearings and an
24 FPL rate case already.

25 Back last January, February, when I was first

1 being interviewed by each of you individually, I
2 discussed how I perceived this job in terms of my
3 two main goals and my roles; one was being -- and
4 in no particular order, both equally important --
5 being -- one was being constantly attentive to,
6 listening, and addressing the needs of the
7 Commission individually and collectively.

8 The other was being a strong, supportive
9 leader for my staff and group of attorneys and
10 cultivating a culture of teamwork and comradery,
11 including building a supportive work and mentoring
12 environment.

13 As I look back -- I'm not going to grade
14 myself on how well I've performed -- I've performed
15 in that role because I leave that to you and my
16 staff. But in my first role, with respect to you
17 all, I think I've gotten to know you all better
18 individually. I've been determined to listen and
19 be responsive to you in ways that address your
20 concerns and help each of you make your decisions,
21 your own decisions, on how you conduct your
22 business as Commissioners.

23 I'm very conscious of your valuable time,
24 which is why I don't call you all the time. But I
25 think in 2017 I can do a better job of being even

1 more communicative in different ways with each of
2 you in the way that you want me to. And I've
3 started to get a better feel for that.

4 One of my priorities this year -- and we've
5 started to do this already -- is look back at the
6 FPL rate case and discuss how we can make the
7 hearing process more efficient. We've already
8 modified our OEPs -- and Commissioner Polmann, I
9 don't like acronyms either. That's our -- our --

10 MS. HELTON: Order of --

11 MR. HETRICK: -- order -- see, I can't even
12 remember.

13 CHAIRMAN BROWN: Order establishing procedure.

14 MR. HETRICK: Order establishing procedures --
15 slightly to address some new reoccurring issues
16 that we've uncovered. But the goal is to deal with
17 some of these issues on the front end with the
18 pre-hearing officer in order to expedite the
19 hearing process.

20 But there is much more work to be done in
21 terms of how we actually conduct the hearing and
22 handling exhibits. And we want it to be as
23 efficient as possible. And so, we were going to
24 seek your guidance and input as we develop
25 suggestions over the next six months. We hope to

1 implement some of those in the Gulf rate case
2 coming up.

3 In addition, though, there has not been much
4 rule-making in 2016. We're not afraid to open up
5 and look at our own rules and revise rules as
6 necessary and as issues arise.

7 For example, as a result of one recent case,
8 we promised Commissioner Brisé and all the
9 Commissioners that we would be evaluating and,
10 likely, recommending some changes regarding how
11 utilities, particularly water and sewer utilities,
12 are required to keep a record of complaints of
13 customers so that customers' complaints can easily
14 be recorded and followed up on by water utilities
15 and for us to receive information in order to
16 better evaluate quality of service. That's in
17 motion now. We've gotten deeply -- we've got a
18 proposal on the table. And soon we'll be bringing
19 a recommendation to you.

20 The last time those series of rules were
21 looked at, I think, was 1985. So, you know, we --
22 we're -- we're doing what we can to address what we
23 think are very important issues. And there is
24 nothing more -- I think as Commissioner Polmann
25 meant -- meant that the -- important than -- that

1 customers are treated fairly.

2 Finally, each of you sometime -- and each of
3 you, and sometimes all of you collectively, have
4 presented interesting real-world ethical questions
5 to me throughout this past year. Sometimes they
6 fall in a gray area and are challenging to answer.

7 First, I want to thank you all for asking the
8 questions because -- because that helps us to help
9 you. And secondly, I hope that we've been able to
10 present information to you in a clear and concise
11 fashion that helps you make well-informed and good
12 choices.

13 Shifting to my role with my attorneys and
14 staff, I have to say that I absolutely could not do
15 my job without them. They have my back. And I
16 hope that they are starting to see some evidence
17 that I have their back.

18 Simply put, I'm so proud of my staff and each
19 attorney. I could go down the list of how each of
20 the younger ones is rising to the occasion now and
21 starting to blossom. I can think of them, but I
22 don't want to -- we -- we have so many exciting
23 attorneys.

24 I can think how the more-experienced are
25 mentoring and willing to do whatever it takes. The

1 empathy, patience, directness, and outside-the-box
2 thinking that I stress with our attorneys
3 constantly is starting to take. Without question,
4 I would brag on each of them.

5 And simply put, I have the best general
6 counsel's office in all of state government because
7 we want to be responsive, communicative with all of
8 the parties and outside interests. And it's easy
9 to fall into a routine. But every conversation,
10 every phone call, we -- we treat with respect. And
11 I get feedback on that. So, I know.

12 I remember Commissioner Brisé asking me how I
13 would be able to motivate and support staff without
14 routine or reasonable percentage pay increases. I
15 remember my response, too. And in fact, I know
16 that money is important. And unlike other
17 agencies, we do have some luxury and ability to
18 target pay raises each year.

19 And in fact, we've done a wonderful job, I
20 think, of spreading resources around to maintain
21 and support our folks, but there are some other
22 ways to motivate and support our staff, which I
23 think we -- we've worked hard to do.

24 And I apologize. I didn't mean to put you on
25 the spot. I think that's a question I got from all

1 of the Commissioners because that's an important
2 function and -- of what the general counsel is to
3 do. And it always has been my perception. I give
4 you credit because I really think that you have the
5 empathy and understand the value in that. And I --
6 all of the Commissioners do.

7 This past year we had some changes, No. 1. We
8 had one vacancy, and lost two other attorneys, both
9 experienced, but we were able to bring Walt
10 Trierweiler, an experienced attorney, on board. We
11 were able to compete in the marketplace for Walt.
12 And my goal with Walt was to add an experienced and
13 proven mentor to our younger attorneys and have
14 someone who could jump in relatively quickly and
15 handle cases. Walt had not -- has not
16 disappointed; excelled in that role.

17 And we also had an exhaustive interview
18 process, lengthy interview process. We had 90
19 applications for our two new positions. We wound
20 up hiring Wesley Taylor and Stephanie Cuello, who
21 you've met. And they've been in our employee
22 newsletter. But these are stars in the making and
23 we are lucky to have them. They fit well within
24 our other rising stars.

25 My point is we took a lot of time. We took an

1 enormous amount of time to get the two right
2 people. And it's important that the people we hire
3 fit with our culture of service. And these --
4 these two do. And not only are they the best and
5 brightest as all of our -- but they fit well. And
6 that's what makes our team function well.

7 Education: A priority of mine and continues
8 to be. First up, in June, the Florida Public
9 Service Commission hold-ed NARUC's -- hosted
10 NARUC's national conference of regulatory attorneys
11 in Tampa.

12 CHAIRMAN BROWN: Lee Eng.

13 MR. HETRICK: It was a week-long conference,
14 which was attended by regulatory attorneys and
15 Commissioners from all over the country. Hats off
16 to Lee Eng Tan, who is not here today. She's
17 recovering from some back issues. But she set a
18 new high bar for the overall conference quality.
19 And we had a great time that week and all learned a
20 lot.

21 But as always, before that happened, their
22 question to me was one of budget and who -- who
23 could we send. I was determined to open this
24 conference up to all of our attorneys who would
25 benefit and certainly all of our younger and

1 intermediate ones and, to the extent we could,
2 experienced ones who would also benefit.

3 And we were able to have most of our
4 attorneys -- most all of our attorneys and staff
5 attend. I think that was a huge value. And they
6 all appreciated that. That was quite a conference
7 to attend and experience. And they all got great
8 value out of that. We're actually thrilled to be
9 able to go to that because we don't get to go to
10 many of those.

11 Secondly, we were able to send one lawyer to
12 rate school in October. My goal is to increase
13 that one or two. That's a week-long intensive,
14 in-depth training on just the rate structure. And
15 so, it's -- it's extremely important that we offer
16 that specifically to an attorney who has some
17 experience, but also interest. So, we -- we have
18 to be selective, but we want to open that up yearly
19 to all of our attorneys and phase that in.

20 Thirdly, I tried to schedule relevant
21 deposition training for several younger attorneys,
22 but we were stymied by both hurricanes. We'll make
23 that happen this year, for sure.

24 Fourth, we sent a handful of attorneys to a
25 day-long APA conference in Tallahassee and also a

1 relevant day-long solar-energy conference in
2 Jacksonville. And we try to pick these out in a
3 way that's budget-efficient for us.

4 We've also been able to -- a fifth -- who have
5 launched -- instituted a lunch-and-learn for our
6 attorneys where, once every three months, we get
7 together over a lunch and have a presentation
8 developed by our own staff on particular skills
9 training. We've been able to attain CLE credit for
10 that.

11 Sixth, thanks to Lee Eng, we've put together
12 an annual ten-week course on utility-law practice
13 and theory to be taught by regulatory attorney
14 legend Scott Hempling, I guess, and offered to two
15 of our attorneys each year at no cost to us from
16 Scott Hempling. Other attorneys from around the
17 nation and country and from other PSCs will be
18 participating. It's going to be an online course.

19 CHAIRMAN BROWN: Keith, these are great
20 updates. I think these are all wonderful --

21 MR. HETRICK: Yeah. So, we've done a lot.
22 And all of these have been done with a conscious
23 targeted eye on budget.

24 Finally, I think my focus -- I've had a focus
25 on cross-training. And I've met with each and

1 every attorney when I first got here over the
2 course of the three-month period. A lot of them
3 wanted to practice and get more hearing experience.

4 So, we've been able to look at all of our
5 sections, including our appellate sections, and see
6 what attorneys wanted to be involved in the rate
7 case or a hearing process to give that -- them that
8 experience.

9 What that does is give them value and
10 appreciation and pride in their work. And what
11 that does for me is build team depth. And you
12 notice in the FPL rate case, we had Adria doing
13 some depositions and participating. And in this
14 upcoming Gulf rate case, we've got Lee Eng and
15 Keino's shop and some of the other attorneys, and
16 Kelley involved in that.

17 So, I think everyone is pleased to be getting
18 this cross-training. That's a way to motivate
19 people, I think. So, one of my goals for 2017, I
20 think, is to get my staff together once every six
21 to eight weeks so all of our sections have better
22 communication within each other. And I believe all
23 those actions are important to instilling pride and
24 value in our attorneys.

25 So, anyway, my -- my renewed goal for 2017 is

1 to continue to find new ways to provide a
2 supportive environment for all our attorneys. And
3 I want all of them to be able to advance their
4 chosen profession and achieve pride in their work.

5 I know that when they experience the thrill of
6 working with others -- but knowing they have a very
7 important role in bringing a facilitating office,
8 often-complicated matters to resolution, it's a
9 huge value to them and -- of service to you all.

10 2017 is already off and running now. We have
11 the UIF rate case on the horizon as well as the
12 Gulf rate case and the Legislature on the horizon.

13 I'm going to be deeply involved in all facets
14 of that. One thing I've learned over this past
15 year is that there is no standard case. I was told
16 there were highs and lows and peaks and valleys,
17 but I've only seen peaks.

18 Every case I've seen so far has presented new
19 and unique challenges. But I think our job is to
20 make your job easier. And our intent is to roll
21 with the punches and approach these issues with
22 enthusiasm and creative thinking where necessary.

23 So, I'm really proud of the year we've had in
24 2016. I really appreciate the opportunity you've
25 given me to be your general counsel. And I know

1 each of you won't hesitate ever to let me know of
2 issues or concerns you have. And I look forward to
3 the challenges ahead and -- and am really excited
4 about working with each of you in 2017.

5 So, thank you.

6 CHAIRMAN BROWN: Keith, that was just great.
7 I feel like we should clap. That was so --

8 MR. HETRICK: No. No. No.

9 CHAIRMAN BROWN: That was incredible.

10 MR. HETRICK: No clapping. No clapping.

11 CHAIRMAN BROWN: What a great update. It was
12 so refreshing, really, to have this discussion in
13 the public forum and to know -- and I'm aware
14 personally, because you keep me informed, and I
15 know you keep the other Commissioners, but to let
16 the public and other staffers know all of the work
17 and -- and innovations you've been doing at the
18 legal -- in the legal department.

19 I've seen them personally. I've witnessed
20 them. You have such great attorneys. Adria Harper
21 is just like a -- you know, a God-send. We're very
22 lucky to have her at the Commission as our ethics
23 adviser and keeping us all on the straight and
24 narrow.

25 But you've been a great sounding board. Like

1 I say, you're a refreshing attorney. You're
2 someone who always thinks outside the box. And
3 it's a pleasure to work with you.

4 MR. HETRICK: Thank you, Commissioner.

5 COMMISSIONER PATRONIS: (Inaudible.)

6 CHAIRMAN BROWN: What?

7 COMMISSIONER PATRONIS: Seminole.

8 CHAIRMAN BROWN: And you're a Seminole. Yes.
9 Yeah. Yeah. Yeah.

10 MR. HETRICK: Sorry, Commissioner.

11 (Laughter.)

12 CHAIRMAN BROWN: I know you've had a personal
13 loss over the past few weeks. And we are deeply
14 sorry. And I know you -- but you've managed to
15 continue to work and stay on top of literally
16 everything through that. And it just goes -- it's
17 a testament to your character. You're a tremendous
18 person. I love working with you.

19 MR. HETRICK: Thank you, Commissioner.

20 CHAIRMAN BROWN: So, we're lucky to have you.

21 MR. HETRICK: Thank you.

22 CHAIRMAN BROWN: Please continue.

23 MR. HETRICK: My last thing -- and this will
24 last only three minutes. Let me shift gears to the
25 amicus brief. Samantha Cibula, our lead appellate

1 lawyer, is going to give you a brief overview of
2 the current case and why we recommend that the
3 PIC -- PSC participates as amicus in this case.
4 Able to answer questions after that and, hopefully,
5 tee it up for a vote.

6 CHAIRMAN BROWN: Good morning.

7 MS. CIBULA: Good morning. Samantha Cibula of
8 Commission legal staff.

9 FP&L and the siting board have asked the
10 Florida Supreme Court to review a Third District
11 Court of Appeal decision --

12 MR. HETRICK: Hey, Samantha, can you -- is
13 your mic --

14 MS. CIBULA: (Indicating.)

15 MR. HETRICK: There you go.

16 MS. CIBULA: -- pertaining to the siting of
17 FP&L's Turkey Point Units 6 and 7. Staff believes
18 this case is of interest to the Commission because
19 the Third DCA has held that the siting board has
20 the authority to condition the certification of
21 Turkey Point Unit 6 and 7 on FP&L installing the
22 power lines underground at FP&L's expense and that
23 the siting board's power does not conflict with the
24 PSC's ratemaking authority.

25 The part of the decision that is of concern to

1 the staff is where the Third DCA held that the
2 under-grounding could be at FP&L's expense. There
3 is a Florida Supreme Court case from 1991, Florida
4 Power vs. Seminole County, where the Florida
5 Supreme Court held that the Commission's
6 jurisdiction to regulate the rates and service of
7 public utilities, such as FP&L, preempts the
8 authority of cities and counties to require
9 utilities to place power lines underground.

10 The basis for the Court's holding in the
11 Seminole County case was that utilities may need to
12 expend large sums of money to under-ground power
13 lines, and that these utilities' expenditures will,
14 then, reflect in the rates of customers.

15 The cities and counties in the matter before
16 the Third DCA argue that the transmission lines
17 should be underground to address esthetic concerns,
18 and that the local ordinances required that the
19 transmission lines should be underground.

20 However, FP&L and the siting board took the
21 position consistent with the Seminole County case:
22 That the Florida Public Service Commission, not the
23 siting board, has the exclusive jurisdiction
24 requiring the under-grounding of transmission lines
25 at the utility's expense because such a

1 determination would affect the utilities' rates and
2 service.

3 In their petition to the Florida Supreme
4 Court, FP&L and the siting board argue that the
5 Third DCA's decision directly conflicts with the
6 Florida Supreme Court's decision in Seminole County
7 and asked that the Florida Supreme Court review the
8 Third DCA's decision to resolve the conflict in
9 these two cases.

10 Staff is concerned that the Third DCA's
11 decision may take away some of the Commission's
12 ability to determine whether a utility's decision
13 to under-ground power lines was a prudent utility
14 expense.

15 Staff believes that participating as an amicus
16 in the Florida Supreme Court case in support of
17 FP&L is important because it would give the
18 Commission the opportunity to provide the Court
19 with its opinion on its jurisdiction and the
20 potential ramifications of the Third DCA's
21 decision.

22 The purpose of participating as an amicus in a
23 court proceeding is to aid the Court in determining
24 difficult issues and to help ensure all arguments
25 are presented to the Court before the Court makes a

1 decision. Staff believes that the Commission's
2 participation as an amicus would further this
3 purpose. Our office will take all the steps
4 necessary to seek leave from the Court to
5 participate as an amicus in this case, if you
6 choose to do so.

7 And it's totally up to the Florida Supreme
8 Court whether it will accept jurisdiction to hear
9 the case. And it's also within the Court's
10 jurisdiction -- ability to determine whether or not
11 we should participate as an amicus.

12 And Keith and I are available to address any
13 questions that you might have.

14 CHAIRMAN BROWN: Thank you, Samantha, for that
15 overview.

16 Commissioners, questions? Comments?

17 Commissioner Polmann.

18 COMMISSIONER POLMANN: Thank you.

19 As an amicus, do we participate at the same
20 level or -- or what is our ability to participate
21 in the case? Are -- are we participating in like-
22 kind with the other participants?

23 MS. CIBULA: No. Amicus is like a -- a friend
24 of the Court.

25 COMMISSIONER POLMANN: Yes.

1 MS. CIBULA: We are not -- would not be a
2 party to the proceeding. We would be filing in
3 support of another party, which would be FP&L in
4 this instance. So, we can't raise any additional
5 issues, but we can argue -- raise some arguments
6 that are of the issues that are already presented.

7 COMMISSIONER POLMANN: So, in effect, we're
8 taking a side, similar to an intervenor?

9 MS. CIBULA: In this case, yes, we're
10 recommending that we do take a side. We would be
11 supporting FP&L to further explain our jurisdiction
12 over under-grounding and how that would affect
13 ratemaking.

14 COMMISSIONER POLMANN: Okay. Thank you.

15 May I --

16 CHAIRMAN BROWN: Yeah.

17 COMMISSIONER POLMANN: -- ask an additional
18 question?

19 CHAIRMAN BROWN: Sure.

20 COMMISSIONER POLMANN: Do we understand -- or
21 do we have a belief that this is -- or in fact, is
22 it only esthetics on which the local governments
23 are claiming control?

24 MS. CIBULA: In the proceeding below, that's
25 the argument that they made. And that's the -- the

1 portion that we're concerned about where it said
2 the siting board could condition the under-
3 grounding of the lines at FP&L's expense. And
4 that's the portion that concerns us. And -- and
5 the issue below was that it was for esthetic
6 purposes.

7 We do not have an issue if it was for, like,
8 safety purposes or some other issue like that, but
9 that's the portion that -- that was the issue in
10 the proceeding below.

11 COMMISSIONER POLMANN: Okay. Is it -- is it
12 general counsel's position that they have any other
13 basis for jurisdiction or control, the local
14 governments, other than esthetics?

15 MS. CIBULA: There -- there could be -- like I
16 said, maybe if there was a safety issue -- and I --
17 I don't think that was -- that wasn't an issue
18 below --

19 COMMISSIONER POLMANN: I understand the below,
20 but in the current case, do we anticipate that they
21 will bring forth other bases?

22 MS. CIBULA: No, they can't bring forth other
23 bases. It's got to be subject to the record below.
24 So, they can't make --

25 COMMISSIONER POLMANN: Okay.

1 MS. CIBULA: -- new arguments in the Supreme
2 Court proceeding.

3 COMMISSIONER POLMANN: Do they acknowledge the
4 cost factor? Or do we know?

5 MS. CIBULA: There was discussion of cost in
6 proceeding below.

7 COMMISSIONER POLMANN: And our position is
8 that we are the -- the agency that deals with the
9 analysis of cost.

10 MS. CIBULA: Yes, our -- our position is that
11 because it could result in cost, based on the
12 Seminole County case, that it's within the PSC's
13 jurisdiction to determine whether or not
14 transmission lines should be underground because it
15 could result in higher cost to customers.

16 And if the siting board made the determination
17 that, yes, these lines should be underground, and
18 at FP&L's cost, then, you know, at that point, the
19 PSC would probably not have a lot of discretion
20 left to review the prudence of under-grounding
21 those lines because we'll have a government
22 authority had said that they should under-ground
23 lines.

24 COMMISSIONER POLMANN: And --

25 CHAIRMAN BROWN: Any further questions?

1 COMMISSIONER POLMANN: I'm sorry. That's
2 fine. Thank you.

3 CHAIRMAN BROWN: Commissioner Graham.

4 COMMISSIONER GRAHAM: Actually, I think she
5 kind of stepped right into the question I was going
6 to ask. If this ruling were to stand, then we have
7 no -- we have no authority to question prudence
8 because it's basically -- it's basically jammed
9 down our throat.

10 MS. CIBULA: Potentially. We don't -- until
11 we actually see the case, I can't give you that
12 answer, but that's the concern that we have at how
13 this could play out; that that could be the
14 situation.

15 COMMISSIONER GRAHAM: And then this could just
16 open up a whole can of worms for future things
17 coming up if the local government says that,
18 because of esthetics, and it has to be underground,
19 and it could -- regardless of the cost sort of
20 thing.

21 MS. CIBULA: Yeah, that's the concern we have
22 is that, not only in this case, but in other cases,
23 when the siting board makes this determination,
24 that it could result in that and that we might not
25 have any discretion left when it came to the

1 Commission.

2 COMMISSIONER GRAHAM: And I think that's
3 probably what a lot of people are missing here;
4 that, you know, you can force these guys to put the
5 stuff underground, but the local people are still
6 the ones paying for it.

7 MS. CIBULA: And I guess what -- I guess
8 that's the concern that we have with this holding
9 is that it says FP&L -- it's at FP&L's expense
10 instead of the -- and when it's come before the
11 Commission, it's always been -- we've looked to see
12 whether or not there's a need to under-ground.

13 If there is not a need, then it would
14 always -- we would kind of look to whether it
15 should be the cost-causers, the ones that want the
16 lines underground to under-ground and pay for that
17 cost.

18 COMMISSIONER GRAHAM: But once again, it pulls
19 that whole prudence-seeking --

20 MS. CIBULA: Yes.

21 COMMISSIONER GRAHAM: -- question out of it.

22 MS. CIBULA: Potentially.

23 COMMISSIONER GRAHAM: Okay.

24 MS. CIBULA: We don't know for sure how it
25 could play out, but I think it's important that we

1 let the Court know what we think our jurisdiction
2 is in regards to it so they can make an informed
3 decision.

4 COMMISSIONER GRAHAM: Well, then if the
5 question is if we should be amicus to this, I -- I
6 think there is no doubt we should be, but --

7 CHAIRMAN BROWN: Thank you, Commissioner
8 Graham. Completely agree with you.

9 Commissioner Brisé.

10 COMMISSIONER BRISÉ: Thank you.

11 So -- so, that brings -- I guess I'm going to
12 get a little further into the substance part of it
13 because part of the issue that is later on down the
14 line, which -- we're talking about transmission
15 lines.

16 And the way the statutes are right now, if I'm
17 a particular city or a county and I'm asking for
18 something to be underground, then I have to pay
19 that cost as a city. But if these are transmission
20 lines that, then, benefit the whole system, then
21 why shouldn't the whole system pay for them. And
22 so, that's further down the line as part of that
23 discussion.

24 And so, I'm -- and I understand our -- our
25 desire to protect our jurisdiction on this. So,

1 I'm -- I'm sort of weary of the position that we
2 might take by being a friend of the Court in this,
3 considering the full context of where this whole
4 thing has stemmed from.

5 There's a -- there's a whole set of cases that
6 are associated with -- with this particular issue
7 that arose to some other dockets that we have that
8 are open. And they came about because of those
9 things.

10 So, I'm -- I'm a little bit weary about us
11 taking a position, like Commissioner Polmann --
12 taking a side on a position on things that may
13 still come before us in the future.

14 CHAIRMAN BROWN: Samantha, would you like to
15 respond to that and kind of maybe clarify the role
16 of filing an amicus?

17 MS. CIBULA: Well, I think our -- the role is
18 to give information to the Court, to make sure the
19 Court has the best decision. And the issue is
20 before the Court. We're mentioned in it. So, I
21 think it's important that, as the Public Service
22 Commission -- that, you know, we give our opinion
23 of what we think our jurisdiction is. And this is
24 the vehicle --

25 CHAIRMAN BROWN: And to waive that right --

1 MS. CIBULA: To waive that right would mean
2 that the -- like I said, the issue is already in
3 front of the Court. So, the other parties will
4 make those arguments. And they -- the Court won't
5 have the benefit of what we think our jurisdiction
6 is.

7 And so, we have a little bit more control in
8 that regard to tell them what we think our
9 jurisdiction is and I -- I don't -- and to, I
10 guess, lay out what we think the ramifications are
11 of that decision. So, I think that's why it's
12 beneficial to participate as an amicus in this
13 proceeding.

14 CHAIRMAN BROWN: And Samantha, I value your
15 legal opinion. I agree with you. I'm happy that
16 you got to explain it from a legal perspective
17 to -- I'm the only lawyer now on the Commission.

18 COMMISSIONER PATRONIS: Oh.

19 CHAIRMAN BROWN: Oh.

20 COMMISSIONER POLMANN: I would be happy to
21 help you.

22 CHAIRMAN BROWN: This is going to be fun.
23 This is going to be fun.

24 (Laughter.)

25 This is great. I think that this is a very

1 important case. And I do think that you laid out
2 clear reasons why we should do it.

3 Can we talk about the timing, though?

4 MS. CIBULA: The timing is what we have to do
5 first. It's -- there's -- this is kind of a
6 different case. It's not a direct appeal. We're
7 used to direct appeals to the court.

8 In this instance, the Third DCA has already
9 made a decision. So, the appeal that FP&L and the
10 siting board have made to the Supreme Court is
11 discretionary. So, the Supreme Court doesn't have
12 to take up the case.

13 So, that's -- so, they could file their --
14 their petition. They're arguing right now why the
15 Supreme Court has jurisdiction. But the Supreme
16 Court could decide we -- they don't want to hear
17 the case.

18 And at this point, there is an avenue for
19 people who want to participate as an amicus to file
20 a notice --

21 CHAIRMAN BROWN: By --

22 MS. CIBULA: -- by -- within -- there is no
23 particular date, but they say as soon as possible
24 is -- once the notice has been -- the notice
25 invoking jurisdiction has been filed, to file your

1 notice saying, we intend to be an amicus in the
2 case, if the Court decides to take up the case
3 on -- on the merits.

4 So, there's no timing. There's no deadline,
5 but we're supposed to do it as quick as possible.

6 CHAIRMAN BROWN: Then the Supreme Court will
7 make a decision by --

8 MS. CIBULA: They don't -- there's no time
9 frame in that either.

10 MR. HETRICK: They'll -- they'll make a
11 decision -- they'll make a decision first whether
12 or not to take up the case.

13 MS. CIBULA: Yeah.

14 MR. HETRICK: That could be weeks. It could
15 be months. When they make that decision, if they
16 decide to take it up, they'll set oral argument.
17 Briefs be will be filed. Amicus briefs will come
18 in within so many days, 15 days of the filing of
19 the parties' briefs.

20 And then the Court will -- may or may not set
21 it for oral argument or may or may not render a
22 decision by the end of this year or --

23 CHAIRMAN BROWN: So, if oral argument is
24 granted, as an amicus party, would we --

25 MR. HETRICK: No, we would not participate --

1 CHAIRMAN BROWN: No. Right.

2 MR. HETRICK: -- in oral argument.

3 CHAIRMAN BROWN: Okay. Commissioner Brisé has
4 a question.

5 COMMISSIONER BRISÉ: Yeah. So, it sounds to
6 me that we're not only talking about the amicus,
7 but we're also talking a little bit about the
8 rationale and maybe some strategy as to whether we
9 should actually do it or not.

10 Don't we have a provision that allows us to
11 have a conversation about those types of things in
12 a more --

13 CHAIRMAN BROWN: Shade --

14 COMMISSIONER BRISÉ: -- executive session that
15 allows us to do that so that we can --

16 CHAIRMAN BROWN: Commissioner Brisé, I
17 completely agree. I actually brought this up to
18 our general counsel yesterday because, when I was
19 in local government, we had what was called a shade
20 meeting. And they do that when -- pending
21 litigation. And they are exempt from the
22 Sunshine -- or not -- public -- public because of
23 talking about pending litigation and strategy.

24 I think the Florida Statutes has one as it
25 relates to the Commission, but I could be wrong.

1 And our --

2 MR. BAEZ: I'm just not sure if this
3 qualifies.

4 MR. HETRICK: Can you give us a -- a minute or
5 two?

6 CHAIRMAN BROWN: Yeah. Yeah.

7 COMMISSIONER GRAHAM: I think it all has to be
8 recorded, but it just doesn't come out.

9 CHAIRMAN BROWN: Come out in the, yeah --

10 MS. CIBULA: I think at the --

11 CHAIRMAN BROWN: Until after --

12 (Simultaneous speakers.)

13 MS. CIBULA: At the end of --

14 CHAIRMAN BROWN: It eventually comes out.

15 COMMISSIONER BRISÉ: -- record the decision.

16 Yeah.

17 MR. HETRICK: Is there a particular provision
18 that can apply just to the PSC --

19 COMMISSIONER BRISÉ: Right.

20 CHAIRMAN BROWN: Because otherwise, you're
21 giving your entire case --

22 COMMISSIONER PATRONIS: Yeah, your argument.

23 CHAIRMAN BROWN: -- you know, to the party.

24 MS. HELTON: It's in the Sunshine Law.

25 MR. HETRICK: Go ahead. You can --

1 MS. HELTON: (Examining document.)

2 CHAIRMAN BROWN: Why don't -- why don't you
3 guys do this. We need -- I think the -- the goal
4 right now is to get permission from the Commission
5 to file an -- as amicus. Why don't you all
6 investigate that and get back with us on -- on
7 whether further discussions are in that, unless you
8 can locate it right now.

9 MS. HELTON: Well, there -- there is a
10 provision in the Sunshine Law in Chapter 286 with
11 respect to the type of meeting that you're talking
12 about. I have not studied it closely enough to
13 know whether this -- in this particular instance,
14 it would apply.

15 CHAIRMAN BROWN: So -- so, why don't you get
16 back with the Commission, the Commissioners, on
17 that issue. But I think, let's focus on whether
18 this Commission wants to go ahead and file an
19 amicus. I think that's what you're looking for,
20 right, for guidance.

21 MS. CIBULA: I just want to say, that's why
22 we're also saying in support of FPL. They're
23 the -- they're -- I guess, they've set forth what
24 the issue is. And ours would be consistent with
25 their position.

1 CHAIRMAN BROWN: Thank you.

2 Commissioner Polmann has a question.

3 COMMISSIONER POLMANN: As a -- as a point
4 of -- of clarification in this setting and in
5 the -- putting it on the record, for the benefit
6 of -- of the public, I asked the question of -- in
7 the context of taking a side. And we've talked
8 about it in the -- in the sense that FPL intends --
9 and I'm looking at our notes here that were
10 provided to the Commission.

11 FPL plans to file and, as you've discussed --
12 if I understand it -- that they're -- they're
13 planning to file to the Supreme Court asking that
14 this be heard; that a decision will be made by the
15 Court whether or not to accept this and -- as we've
16 heard in the past few minutes.

17 So, nothing is in process yet.

18 MS. CIBULA: No, that's -- needs to be
19 updated. They did file.

20 COMMISSIONER POLMANN: They did file.

21 MS. CIBULA: And they've actually filed their
22 jurisdictional briefs as well.

23 COMMISSIONER POLMANN: Okay.

24 MS. CIBULA: They did that.

25 COMMISSIONER POLMANN: So, the FPL is the

1 petitioner, if that's the correct word.

2 MS. CIBULA: Yes.

3 COMMISSIONER POLMANN: And when we say we're
4 taking a side with FPL, we're not really siding
5 with FPL, per se, as an entity; we're just taking a
6 side in the case --

7 MS. CIBULA: Exactly.

8 COMMISSIONER POLMANN: -- because it's
9 required.

10 MS. CIBULA: Exactly. Yes.

11 MR. HETRICK: I think a better term -- the
12 better way to frame it -- I've been involved in
13 many amicus-es -- is that our interest happens to
14 be aligned --

15 COMMISSIONER POLMANN: Right.

16 MR. HETRICK: -- with FPL in this case. That
17 doesn't mean that we're making the same arguments
18 or focusing on the same issue. We provide
19 information in a different way and form and format
20 than FPL does.

21 COMMISSIONER POLMANN: It --

22 MR. HETRICK: And ours --

23 COMMISSIONER POLMANN: Thank you, sir. And my
24 interest is to clarify that there is a case. We
25 have interests in the case; is that correct?

1 MR. HETRICK: Yes.

2 COMMISSIONER POLMANN: For our own purposes.

3 MR. HETRICK: Yes.

4 COMMISSIONER GRAHAM: We're just appealing the
5 decision.

6 COMMISSIONER POLMANN: And we're looking to
7 the Court as a venue in which we're trying to get
8 our information as a Commission before the Court.

9 MR. HETRICK: So they have that information.

10 COMMISSIONER POLMANN: So the Court has
11 information with which to -- upon which to -- to
12 assist in making their decision; is that correct?

13 MR. HETRICK: Yes, sir.

14 MS. CIBULA: Yes. And FPL has made the
15 argument that the PSC has jurisdiction over the
16 under-grounding of electric utilities.

17 COMMISSIONER POLMANN: So, as we understand
18 it, the issues that the PSC normally deals with are
19 being discussed and brought into the case. And we
20 would like to have the opportunity to speak to
21 that.

22 MR. HETRICK: Yes.

23 MS. CIBULA: Yes.

24 COMMISSIONER POLMANN: So, now I understand
25 better. And I appreciate the opportunity to speak.

1 Thank you.

2 CHAIRMAN BROWN: And thank you. We welcome
3 questions. Absolutely.

4 Braulio, anything?

5 MR. BAEZ: Madam Chair, I think --

6 CHAIRMAN BROWN: We're clear.

7 MR. BAEZ: We're clear.

8 CHAIRMAN BROWN: Okay. So, let's get to what
9 the staff is asking us to do right now, which is
10 whether this Commission would like to file as an
11 amicus -- and I've heard some discussion here. It
12 sounds like --

13 MR. HETRICK: Chair --

14 CHAIRMAN BROWN: There is some support.

15 MR. HETRICK: -- I --

16 CHAIRMAN BROWN: Hold on, Keith, please.

17 MR. HETRICK: Yeah.

18 CHAIRMAN BROWN: It sounds like there is some
19 support. And I think at this time, it would be
20 ripe for a motion.

21 COMMISSIONER GRAHAM: (Indicating.)

22 CHAIRMAN BROWN: Thank you, Commissioner
23 Graham.

24 COMMISSIONER GRAHAM: I move that we support
25 the staff and move forward as an amicus in this

1 case, supporting the appeal to the DCA decision.

2 COMMISSIONER PETRONIS: Second.

3 CHAIRMAN BROWN: Thank you.

4 Any further discussion?

5 Keith, you --

6 MR. HETRICK: I was going to say, we've also
7 vetted this with our technical staff -- this isn't
8 purely legal -- to make sure we're --

9 CHAIRMAN BROWN: Okay.

10 MR. HETRICK: -- on the right track.

11 CHAIRMAN BROWN: So, we have a motion and a
12 second. If there is no further discussion --

13 COMMISSIONER BRISÉ: I have discussion.

14 CHAIRMAN BROWN: Okay. Commissioner Brisé.

15 COMMISSIONER BRISÉ: So, I'm going to support
16 this today because it -- it protects our
17 jurisdiction, but I think in the future, when we
18 have these types of things, I would really like for
19 us to do the research in terms of us having the
20 ability to have a conversation about strategy and
21 longer-term impact on the Commission with respect
22 to the decision that we're actually taking.

23 CHAIRMAN BROWN: I completely understand. I
24 respect that and agree.

25 COMMISSIONER PATRONIS: Yeah.

1 CHAIRMAN BROWN: Commissioner Polmann, further
2 discussion?

3 All those in favor, say aye.

4 (Chorus of ayes.)

5 The vote passes.

6 Thank you for your work. I know you --

7 MR. HETRICK: Thank you.

8 CHAIRMAN BROWN: You are in for a -- for a
9 ride. So, we look forward to hearing back from you
10 on those --

11 MR. HETRICK: Yes.

12 CHAIRMAN BROWN: On that research.

13 All right. Moving to the executive director's
14 report. Mr. Baez.

15 MR. BAEZ: Thank you, Madam Chair,
16 Commissioners.

17 Commissioner Polmann, welcome. On behalf of
18 the entire staff of the Commission, we look forward
19 to working with you. I've had a -- fortunately,
20 have had a chance to meet with you personally and
21 am looking forward to doing it more often as well.
22 So, if there is ever anything that you need, we are
23 at your service.

24 We are a building full -- I know I've told
25 you -- a building full of professionals that are

1 itching to get in and -- and do some work with you.
2 So, welcome, again.

3 COMMISSIONER POLMANN: Thank you. It's a
4 pleasure to be here.

5 MR. BAEZ: Commissioners, I don't know how
6 you -- I don't know how you follow general
7 counsel's report. So, I'm not even going to try.

8 (Laughter.)

9 And -- and so, what I thought -- what I
10 thought I would do is throw some numbers at you as
11 a -- as a year-in-review and -- to kind of remind
12 you of the things that you all have done and -- and
13 by way of doing that, remind -- remind the staff
14 and the Commission as a whole of the things that
15 we've done.

16 And I'll start -- it's in three groups. And
17 the first group -- I'll start with one number. And
18 that's 22. 22 is the number of customer meetings
19 and hearings that -- that you, as a Commission,
20 held outside of this building. That's a
21 significant number over the course of a year.

22 And the reason it's significant, not because
23 of the number, itself, but because that's where the
24 rubber meets the road, as they say. That's you all
25 getting out there and meeting with the customers,

1 hearing from the customers, which is at its most --
2 your obligations at their most basic. That's
3 public service. So, 22. A lot of those were part
4 of the FPL rate case, as -- as I'm sure you
5 remember.

6 I -- I would -- I would name names, but there
7 are too many to mention, so forgive me for not
8 doing that, but certainly you know who they are.
9 We lost one of them. I will name one name, Dick
10 Durbin, who ran -- helped run those meetings. I
11 know you remember him well. But the Consumer
12 Affairs Office helps you do that.

13 Another number, 36. 36 is the number of
14 individual consumer-outreach events that, again,
15 the Office of Consumer Affairs or the Division of
16 Consumer Affairs carried out on behalf of the
17 Commission, on behalf of this Agency, disseminating
18 information generally about the services, not just
19 that we provide, but where they can get services,
20 utility services, communication services, et
21 cetera, generally concerning Lifeline and things of
22 that nature for the -- for the needy. That again,
23 is the Commission's most basic work, outreach to
24 the customer.

25 Madam Chair, I know that you've made it a

1 point, you know, in -- in your newsletters, which
2 you can see on our website every month -- about
3 reaching out to the -- to the consumer, to the
4 ratepayers. And that -- that is our action at its
5 most basic, as I said.

6 I will add to that all of your efforts, all of
7 our efforts to expand the reach of the website
8 itself. But 22 and 36 -- keep those numbers in
9 mind. That's how much personal -- personal
10 contact -- activities of personal contact.

11 The next -- the next group of numbers,
12 \$684 million. \$684 million is the amount of
13 savings that was calculated to -- to the ratepayers
14 of Duke Energy by virtue of the securitization that
15 took place last summer. It was a \$1.2 million
16 securitization for the retirement of the Crystal
17 River III nuclear plant.

18 It was the single largest securitization that
19 Florida has ever held. You all had a great part in
20 that. It closed the book, at long last, on a very
21 contentious case that I'm sure we're all very happy
22 to have past us.

23 It was the culmination of legislation that we
24 helped our Legislature push through. And -- and I
25 think it's a significant number, obviously, because

1 it put money -- or it -- it stands as very
2 substantial savings that you all were able to flow
3 back to the customer over the course of the years.

4 Three million. Three million is the number of
5 the single largest enforcement action that this
6 Commission has ever carried out. It was a
7 settlement with Peoples Gas for violations.

8 Special mention to the engineering section and
9 to general counsel as well for -- for putting that
10 effort together, our gas inspectors -- Rick Moses,
11 in particular.

12 But this is -- these are the actions that the
13 Commission takes. These are the actions that you,
14 as a Commission, were able to flow back to the
15 customers.

16 Another group of numbers -- and this is just a
17 snapshot and -- and you can find it on our annual
18 report. And these numbers may be a little stale
19 because they are a snapshot -- is 63 percent. And
20 these are looking -- these are numbers looking
21 forward. 63 percent represents the -- it's a fuel-
22 diversity number.

23 That is how much natural gas is used to fuel
24 our generation today -- or at the end of this year,
25 as a -- as a mix. That number is projected to get

1 a lot higher, as you well know, because our
2 utilities keep -- are adding more and more natural
3 gas generation.

4 Now, that's going to get mitigated a little
5 bit as they have -- have been integrating more and
6 more plans to -- to build renewables. We'll see
7 how that happens over the next few years.

8 Speaking of renewables, our snapshot told us
9 that there was about 1860 reported megawatts
10 installed. And that's spread over firm and
11 non-firm capacity. 108 of that -- 108 of those
12 megawatts were privately owned by consumers.

13 Now, smaller nuts-and-bolts numbers. Over the
14 course of the last year, the Commission opened 252
15 dockets, and we closed 278 dockets.

16 The Clerk's office received and processed
17 9,618 numbered documents.

18 The Office of Consumer Affairs received 8,506
19 complaints and closed 8,545 complaints.

20 CHAIRMAN BROWN: Wait. Say that again?

21 MR. BAEZ: 8,545 complaints. Those two
22 numbers I would put in the first group because that
23 is where our -- our outward-facing service to the
24 community, contact with the customers.

25 COMMISSIONER PATRONIS: How many did you say

1 were opened?

2 MR. BAEZ: 8506.

3 CHAIRMAN BROWN: They closed more than they
4 opened.

5 MR. BAEZ: There --

6 CHAIRMAN BROWN: Previous years.

7 MR. BAEZ: There is some carryover from
8 previous years. And those are just the nature of
9 the beast, right?

10 Now, these are -- these are more-curious
11 numbers, which I'll close with. And this is more
12 personal to the Agency. In the last year, we had
13 14 of your employees or your staffers retire.
14 Those 14 staffers combined for 330 years of
15 experience in institutional memory that walked out
16 of these doors. Now, you've heard me say that
17 before, but I -- I just thought I would mention
18 that again.

19 The average employee -- just a little quiz --
20 and take a shot. How much -- the average
21 employee -- how much experience, do you think?
22 Anybody?

23 CHAIRMAN BROWN: Three years.

24 COMMISSIONER POLMANN: 19.

25 MR. BAEZ: 19. Three, somebody said.

1 COMMISSIONER GRAHAM: 21.

2 MR. BAEZ: 21?

3 COMMISSIONER PATRONIS: 15.

4 CHAIRMAN BROWN: What do we win?

5 (Laughter.)

6 MR. BAEZ: 15?

7 The number is 12. So, 15, there you go. I
8 had no idea, but there -- there it is. The average
9 employee has 12 years of experience at the PSC.
10 Interesting number. And our turnover ratio was
11 12 percent, if anybody can make sense of that. We
12 had 33 separations, 32 hires.

13 Those are the snapshots and highlights of your
14 year. I think we've done really well in the -- in
15 the basics of contact with -- with our consumers,
16 contact with our customers, if you will. I think
17 we've done really well.

18 And I've said this, again, as well. Our
19 customers are also our utilities, the utilities
20 that we regulate. And our outward-facing
21 divisions -- the Clerk's office, in particular, on
22 how we interact with the utilities and their
23 filings -- you've heard me gush so often, probably
24 to a point of annoyance, on how we're turning over
25 the Clerk's office and becoming more electronic so

1 that the filings -- we had our first electronic
2 filing. I know you heard me say that before.

3 So -- so, our outward-facing divisions,
4 Consumer Affairs, our public hearings, and -- and
5 the Clerk's office -- all of those, outward-facing,
6 is how we're -- how I'm trying to measure, you
7 know, how our services are being delivered. And
8 that's something that we're focusing on.

9 The work of the professional divisions -- I
10 think you judge for yourselves. We get constant
11 feedback. And for that, we're very grateful and
12 we're always trying to -- to, you know, improve our
13 work -- our work in progress. With your help and
14 your input, that's always a -- like I said, a work
15 in progress.

16 And I -- and I -- I'll take from Keith
17 something that he said -- and he told me this
18 morning, and we both had a good laugh -- there is
19 no standard, repetitive case here, certainly not
20 one that you see. And that -- and that, we take to
21 heart. Everything is up for grabs when something
22 comes through the door.

23 So -- and one last word about -- about the
24 staff -- and I won't -- again, I can't name names.
25 There's too many of them, but if -- if there's any

1 example, the FPL rate case was something that was
2 all hands on deck. So, if I were to point
3 anybody's work out, I would be here all day. I
4 hope that the staff knows how I feel about them.

5 I -- I know I've said this to you all time and
6 time again. I'm the luckiest person I know. And I
7 really mean that because I get to work with a bunch
8 of great professionals that I've known for over 20
9 years that taught me everything that I know --
10 certainly not everything that they know, by a long
11 shot. And -- and not to be overly obsequious, but
12 I get to work with some of the finest Commissioners
13 I've ever had the pleasure of working with.

14 CHAIRMAN BROWN: Oh, yeah.

15 (Laughter.)

16 MR. BAEZ: So many -- so many out there
17 that -- that I love and respect as well. But
18 thanks for the privilege.

19 And here's to a better 2017. There's a lot of
20 work already piling up on that yellow sheet. I'm
21 sure you've looked at it. So, good luck to us all
22 and thanks.

23 CHAIRMAN BROWN: Braulio, that's great.

24 Again, I feel like we should clap. I mean, these
25 are --

1 MR. BAEZ: No, please don't.

2 CHAIRMAN BROWN: These are clear -- they're --
3 these are great achievements that -- and I'm -- I
4 appreciate it. This was very helpful. This is
5 exactly what I like to hear. These numbers are
6 excellent.

7 And I can't say enough about our consumer
8 education, our PIO office. They come up with the
9 most creative ideas to connect with the customer.
10 They're --

11 MR. BAEZ: They do work hard.

12 CHAIRMAN BROWN: They are amazing. And they
13 are an invaluable department here. And really, it
14 is our connection with the customers and the
15 public.

16 MR. BAEZ: Now, they are not the only hard-
17 working division --

18 CHAIRMAN BROWN: They're not.

19 MR. BAEZ: -- by a long shot, but yes, I know
20 they do have the most to do -- the most contact
21 with you all in your -- in your outward -- I did
22 want to make one more update that didn't get picked
23 up in the legislative -- on January 11th, there is
24 also gov. ops., our appropriations subcommittee is
25 also meeting. It's a general committee meeting, no

1 presentations to be held. They are mostly talking
2 to us. They are going over the general budget
3 frameworks.

4 CHAIRMAN BROWN: Is it a staff -- staff --

5 MR. BAEZ: We'll be attending. Our budget
6 staff is attending. It's real low-level,
7 nothing -- nothing -- it's just -- hi, hi, you
8 know, hello, how-do-you-do meeting.

9 CHAIRMAN BROWN: Commissioners, do you have
10 any questions for Mr. Baez?

11 Those were some great figures.

12 Yes, Commissioner Graham.

13 COMMISSIONER GRAHAM: I'll -- I'll wait for
14 others.

15 CHAIRMAN BROWN: None. You're ready.

16 COMMISSIONER GRAHAM: Okay.

17 I guess the only -- the one request that I
18 would have is when we have staff members that are
19 going to be speaking before either the House or the
20 Senate, is that something we can make sure that's
21 on our calendar?

22 MR. BAEZ: Will do.

23 COMMISSIONER GRAHAM: Just in case it's one of
24 those times we happen to be in town and can sit in
25 on that meeting?

1 MR. BAEZ: Absolutely.

2 CHAIRMAN BROWN: That's a great request.

3 COMMISSIONER PATRONIS: Absolutely.

4 CHAIRMAN BROWN: That's one thing that I -- I
5 asked of Katherine Pennington and Adam Potts, is to
6 have weekly updates with our Commission staff, our
7 advisors on the ongoing -- since we meet at
8 internal affairs once a month, we may not -- and
9 session is very active. And I imagine it's going
10 to be an active session for the Commission. So, I
11 would encourage them -- you do a great job, but
12 keep -- keep us as informed -- even reach out to us
13 as much as you can.

14 MR. BAEZ: We're going to look into seeing if
15 what you're asking can get picked up into the --
16 into the weekly update, like the e-mails. If there
17 is a committee meeting that has a presentation,
18 that could probably get picked up --

19 CHAIRMAN BROWN: Is that okay?

20 COMMISSIONER GRAHAM: Yeah, that's perfect.

21 MR. BAEZ: -- if -- if that's enough.

22 Mark --

23 CHAIRMAN BROWN: Mark.

24 MR. FUTRELL: And then also, Commissioners, if
25 I may, we can work with you on this -- in the

1 Outlook calendar, there is a legislative-calendar
2 tab that's accessible and that Cayce and Katherine
3 and Adam will populate. And that will also include
4 information about present -- staff presentations.

5 COMMISSIONER GRAHAM: I like e-mail.

6 MR. FUTRELL: We'll make sure that's
7 another -- that's another --

8 MR. BAEZ: You like the e-mail?

9 CHAIRMAN BROWN: We love the e-mail. It
10 stands out.

11 MR. FUTRELL: We've got your covered.

12 (Simultaneous speakers.)

13 MR. BAEZ: We'll bombard you with a -- you can
14 have access to the legislative calendar as well.

15 CHAIRMAN BROWN: Thank you.

16 Any other questions of Mr. Baez?

17 And I do want to say, Mark Futrell has been
18 deputy director for -- how many months now, Mark?
19 Six? Eight?

20 MR. FUTRELL: About eight.

21 CHAIRMAN BROWN: And just been completely
22 impressed with the work you do. And you've really
23 made it such a seamless transition from Lisa. And
24 I've really enjoyed working with you. You're doing
25 a great job.

1 MR. BAEZ: I -- I've got to say, right and
2 left brain here (indicating). I'm serious.

3 CHAIRMAN BROWN: Absolutely. Absolutely.

4 MR. BAEZ: Not to leave anybody out.

5 CHAIRMAN BROWN: Okay. Thank you.
6 Anything else?

7 MR. BAEZ: Thank you, Commissioners.

8 CHAIRMAN BROWN: Okay. We're going to go on
9 to other matters now. I do want to highlight
10 that -- and I know that some of you saw -- saw it
11 maybe on our website, but Commissioner Brisé -- he
12 is our national, just, telecom guru. And he was
13 reappointed to the FCC's IAC Board committee. And
14 he just serves us in such a great way. And we're
15 so very lucky to have you and serve in that
16 capacity.

17 So, congratulations, Commissioner Brise.

18 (Applause.)

19 Two -- just two other matters, before I open
20 it up here. We, of course, have to highlight our
21 incredible employees of the month. We didn't have
22 an IA in December because of the holiday party and
23 all of those -- those things.

24 So, I wanted to highlight Amber Norris, who I
25 personally am just crazy about. I love reading

1 about Amber in the newsletter with her three
2 children. She's an active mother, full-time
3 employee, used to be an economics professor, and
4 has been so invaluable to, not just the Division of
5 Accounting and Finance, but really to the whole
6 Commission.

7 It's so exciting to see you be employee of the
8 month in December. And I was grateful for that and
9 have really enjoyed working with you. And I hope
10 you enjoyed --

11 MS. NORRIS: I appreciate the recognition. I
12 love working here. I love the people I work with.
13 And it's even better to have -- to be recognized.
14 But I certainly love what I do here and who I work
15 with.

16 CHAIRMAN BROWN: Thank you. Well, you're very
17 loved here, so --

18 MS. NORRIS: Yes, it allows me to be a full-
19 time mother as well. I came from this position as
20 a stay-at-home mom, and Bart took a chance to me.
21 And I appreciate it. And I love it, so...

22 CHAIRMAN BROWN: Bart picks some really good
23 people. He does. So, congratulations.

24 The other employee of the month for this
25 month -- and Keith kind of stole my thunder --

1 was -- and I don't have your star yet, but please
2 feel free to use the parking spot immediately --
3 but Carolyn Craig.

4 (Appause.)

5 So, when I asked about Carolyn and her
6 background, one of the -- one of your fellow
7 members said, well, she's really -- she's been
8 there the longest. She knows everything. She
9 knows where the buries are -- the bodies are buried
10 and all that.

11 But really, what I've learned about Carolyn is
12 that she's been with the Commission when they used
13 to have typewriters. And there was no copy-and-
14 pasting and --

15 COMMISSIONER PATRONIS: What's a typewriter?

16 (Laughter.)

17 CHAIRMAN BROWN: Typewriters? You remember?
18 Not even Brothers, you know, the little word
19 processor. So, she served -- she's worked with
20 over 12 general counsels and really could probably
21 tell us some history behind that. She probably has
22 some very colorful stories to share with us.

23 But you're obviously a very invaluable asset
24 to the whole agency. We're --

25 MS. CRAIG: I love what I do, also. And I

1 have great leaders, Keith and Mary Anne. It's --
2 it's been great. That's why I've stayed here so
3 long.

4 CHAIRMAN BROWN: That's wonderful. And we're
5 so lucky to have you here. And congratulations.
6 I'm happy for you.

7 (Applause.)

8 Commissioners, are there any other matters?

9 All right. If not, this internal affairs
10 meeting is adjourned.

11 (Whereupon, the Internal Affairs meeting was
12 concluded at 11:09 a.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

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