

# I. Meeting Packet



**State of Florida**  
**Public Service Commission**  
**INTERNAL AFFAIRS AGENDA**

Tuesday – March 31, 2020  
Immediately Following Agenda Conference  
Room 148 – Betty Easley Conference Center

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

BB/aml

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

Note: The records reflect that there were no supplemental materials provided to the Commission during this Internal Affairs meeting.

# IV. Transcript

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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PROCEEDINGS: INTERNAL AFFAIRS

COMMISSIONERS  
PARTICIPATING: CHAIRMAN GARY F. CLARK  
COMMISSIONER ART GRAHAM  
COMMISSIONER JULIE I. BROWN  
COMMISSIONER DONALD J. POLMANN  
COMMISSIONER ANDREW GILES FAY

DATE: Tuesday, March 31, 2020

TIME: Commenced: 11:36 a.m.  
Concluded: 11:59 a.m.

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

REPORTED BY: DEBRA R. KRICK  
Court Reporter and  
Notary Public in and for  
the State of Florida at Large

PREMIER REPORTING  
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TALLAHASSEE, FLORIDA  
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## 1 P R O C E E D I N G S

2 COMMISSIONER GRAHAM: All right. We will go  
3 ahead and call the Internal Affairs meeting to  
4 order. We are going to begin with our legislative  
5 update. And, Mr. Baez, how are we handling that  
6 today?

7 MR. BAEZ: Thank you, Mr. Chairman and  
8 Commissioners.

9 You should have -- in lieu of a legislative  
10 report, because we have some attendance  
11 restrictions in place, you should have received in  
12 your in-boxes a summary of legislation that we were  
13 watching closely that impacts our operations and  
14 the authority of the Commission members. None --  
15 none of -- none of the bills have passed. I think  
16 there were three or four, you should have received  
17 it in an email to your offices.

18 Our legislative staff is available to discuss  
19 any questions you might have off-line. We were  
20 trying to keep this short in the interest -- in the  
21 interest of time. Mind you, none of these bills  
22 have been transmitted to the Governor, so they are  
23 not even on the clock yet. And we truly don't know  
24 until the end, after process, whether -- whether  
25 and what will wind up doing in relation to a

1           legislation that's passed.

2           So in lieu of the legislative report, I did  
3           want to -- this is a day of lasts apparently,  
4           because I also did want to take a moment to let you  
5           all know that this is Katherine Pennington's last  
6           Internal Affairs, and I wanted to call your  
7           attention to all of her service for the state.  
8           It's 34 years total, 10 with the Public Service  
9           Commission. And she has -- she has managed -- she  
10          has coordinated our legislative affairs efforts for  
11          all that time. The last three or four years  
12          working with -- with my offices directly.

13          And, Katherine, I know that all of you know  
14          her and have had a chance to interact with her, and  
15          I have always valued her candor and her experience  
16          in how she looks at things.

17          She's also been very good at coordinating our  
18          flow of product as part of the legislative process  
19          as well, obviously with the good expertise and  
20          support of many of our staff.

21          Katherine, I know that this is not the way --  
22          I think she's listening. I know that this is not  
23          the way you wanted to celebrate your last IA. But  
24          I want to tell you from my heart, and I know that I  
25          speak for many of us on the staff as well, we



1 really want to thank you for all of your efforts.  
2 You were always on task about things, and you  
3 certainly kept me in line probably more than you  
4 wanted. We are going to miss -- we are going to  
5 miss the conversations and the analysis. So thank  
6 you very much, so much for your service, and we  
7 hope that you won't be a stranger to the  
8 Commission.

9 Thank you, Mr. Chairman, for that opportunity.

10 CHAIRMAN CLARK: Thank you, Mr. Baez.

11 I also want to just echo the Director's  
12 comments. Katherine has been a -- has become a  
13 real friend and a mentor, and I really do want to  
14 thank you for your service. I certainly wish we  
15 could have you here with us today to truly show our  
16 appreciation, but I know I speak on behalf of all  
17 the commissioners, the contributions you have made  
18 to this commission are outstanding and will be  
19 remembered for a long, long time. And we wish you  
20 the very, very best in your retirement years.

21 All right. Anything else, Mr. Baez?

22 MR. BAEZ: I am sorry, Mr. Chairman, I  
23 don't -- on the agenda, I know that we have a  
24 General Counsel's report, but if what you are  
25 telling is we are going to skip down to my spot --

1           CHAIRMAN CLARK: Well, since you had the  
2 floor, we were going to let you keep rolling.

3           MR. BAEZ: Well, thank you for the floor, and  
4 always give me enough rope.

5           Mr. Chairman, first of all, I wanted to -- I  
6 wanted to thank you for your kind words earlier  
7 this morning at the start of Agenda. And along --  
8 and in that spirit of acknowledging and thanking  
9 for support, I have got a long list of people,  
10 hopefully not too long. I will try and keep it  
11 short. As you know I am not accustomed to  
12 controlling the microphone in any case, but I  
13 wanted to continue and try and highlight some of  
14 the things as well that we've all been up to.

15           I wanted to start by thanking the  
16 administrative staff of the Commission. They are,  
17 in essence, and I know that I am understating it,  
18 but they are the traffic cops here, and they  
19 have -- they have lived up to that moniker no  
20 better than under -- than for these last two or  
21 three weeks as the agency has been ramping up to  
22 make a drastic change in the way that we operate,  
23 albeit for the moment, and they have taken on their  
24 role in an even more meaningful way.

25           All or most of our work goes through them, and

1 I want to reach out and thank them, those that are  
2 listening, reach out and thank them for all of  
3 their efforts. We really cannot do it without  
4 them, and -- and I -- and that's an understatement.

5 I also want to thank -- I also want to thank  
6 the analysts, all right. The analysts are our  
7 professional foundation to the staff. And again,  
8 they -- I want to thank all of them specifically  
9 because they have taken to heart this new situation  
10 that we find ourselves in, and they have lived up  
11 to their accountabilities, and I can't be prouder  
12 of the effort that they are giving. And I know  
13 that -- and I say this in anticipation of continued  
14 challenges for the foreseeable future in a very  
15 fluid situation. So I want to thank them out loud.

16 The supervisors and the managers, obviously, I  
17 would like to thank them as well. They -- they  
18 have stayed engaged, and they have kept our process  
19 moving smoothly, and I know that they are going to  
20 equip themselves quite well again in the future due  
21 to this fluid situation.

22 The directors, many -- many of whom are in  
23 this room, many of whom are not, I want to thank  
24 them for digesting and adopting the mission and the  
25 message that we are having to -- that we are having

1 to create. Again, they are certainly your first  
2 point of contact on the work of the Commission, and  
3 I think that they've done wonderfully as well.

4 On a personal note, I want to thank the  
5 General Counsel's Office, Mary Anne Helton and  
6 Keith Hetrick specifically. Although, they do not  
7 do it alone either. There is a lot of folks that  
8 are listening in as well. I won't get into the  
9 list because I know I am going to miss -- I know I  
10 am going to miss most of them knowing myself, but  
11 they had formed part of, you know, they -- and I  
12 use the term facetiously and loosely, but in all  
13 good heart, a brain trust of people along with  
14 April Lynn and Mark Futrell that have actually had  
15 the greatest hands in pulling all of these things  
16 together. And I couldn't be sitting here wasting  
17 your time without them.

18 So thank you all. You are in the room, I  
19 wanted to thank you personally and out loud. This  
20 doesn't happen without you all really putting in  
21 much more of your time than usual, and that's  
22 usually a lot. And really thinking on things, the  
23 legal staff and the General Counsel's Office,  
24 giving you, Commissioners, all the comfort that you  
25 need to actually be here today in the manner in

1           which you are.

2                       We seem to forget that as much as we want to  
3           react to conditions on the ground, and we all have  
4           families, and we all have our own personal  
5           challenges with the -- with the -- with the, you  
6           know, the situation, again, the circumstances as  
7           they are, we forget that we are an agency and we  
8           still have to operate within the law and operate  
9           within the rules, and those are -- they are not  
10          just a few. I know that you know that, so these  
11          folks are mostly to thank among us.

12                     And lastly to you all, Commissioners. And I  
13          am not kidding, you guys -- y'all have been -- I  
14          want to thank you for all being so adaptable again  
15          to the situations, for exercising great judgment in  
16          your own decisions, and for always giving us the  
17          support and the understanding that certainly I have  
18          always felt, and I know I can speak for everyone  
19          else, in terms of how we come up with our  
20          collective plans to try and move the work of the  
21          Commission forward. So I thank you all for that,  
22          and I look forward to having more of that kind of  
23          work.

24                     One last note. To the regulatory community at  
25          large, that goes for our regulated utilities, to

1 the Office of Public Counsel, to all the other  
2 stakeholders that are part of the day-to-day  
3 process around here whom, at the risk of -- at the  
4 risk of being misinterpreted, they are, in large  
5 part, a constituency that we serve on many levels,  
6 along with the ratepayers of Florida.

7 I want to thank that community as well,  
8 because they, too, have shown a lot of  
9 adaptability. They, too, have shown a lot of  
10 diligence. They, too, have had to -- are dealing  
11 with some monumental issues organization-wise and  
12 everything else, and yet they have still been, not  
13 just diligent in advance, but also willing to work  
14 and understand the strictures that we are trying to  
15 harmonize in this situation. So thanks to them.  
16 Many of them are on the phone now, and that's a  
17 kudos to them as well.

18 As far as the agency is concerned, I will  
19 briefly give you a rundown. I have been trying --  
20 we've been trying to stay in touch with things for  
21 the most part, but as you know, we went to a  
22 telecommuter, a work-from-home platform on,  
23 officially on March 23rd. So we are completing --  
24 we are just entering our second -- our second week  
25 of activity.

1           And I will pause for a moment and say that  
2           this -- this meeting, the way -- the fact that we  
3           have been able to pull it off, this was our first  
4           big test, our first big milestone. I am almost  
5           lament to say this may not be our greatest  
6           milestone, but that's to be determined.

7           As I said, we went to work-from-home on the  
8           23rd. I think almost immediately, Commissioners,  
9           the staff, or the agency as a whole, was well above  
10          90 percent and continues to be so. By that, I  
11          mean, we have well over 90 percent on a daily basis  
12          of our employees, staff and others included,  
13          working -- working remotely.

14          I think that's -- that is in so many ways a  
15          tribute to our -- the collective staff's  
16          responsiveness. Certainly I failed to mention  
17          April folks in administration, Bobby Maddox and Lee  
18          Kissell and Dave Marston, who is here, and Chris  
19          Church as well, your IT folks who have had a great,  
20          great hand in pulling this together from a  
21          technical standpoint, but also being the folks that  
22          were primarily in charge of getting our folks out  
23          the door and safe. So a thank you to them as well.

24          The message here for those that are listening  
25          is that the Commission is business as usual. We

1 are -- we are working every day, some of us  
2 tirelessly, I am sure, to make sure that we can  
3 recreate the business of the Commission as  
4 accurately and as perfectly to the reac-- to the  
5 usual as possible. So the Commission is open for  
6 business.

7 Our clerk -- our Clerk's Office has  
8 established some hours and have worked out a way to  
9 accept filings. Again, those filings that have to  
10 be done manually, so there are telephone numbers  
11 and there is outreach going on there.

12 We are making use of teleconferencing  
13 opportunities, as we are right now, all the  
14 divisions, all the offices and all the divisions  
15 have access to that type of teleconferencing, and  
16 it's been a great use for our managers and our  
17 general staff as well.

18 We have -- we maintain regular contact. I  
19 mentioned it earlier. We are maintaining regular  
20 contact on matters with the utilities. Again, they  
21 have been very good about chiming in and trying to  
22 help us work through some of our processes.

23 And, Mr. Chairman, you also mentioned earlier  
24 as part of the Agenda Conference some of the  
25 efforts that specifically our IOUs and our larger



1 water utilities have engaged in voluntarily in  
2 order to get the ratepayers some relief in light of  
3 the circumstances.

4 We are -- we are continuing. Again, this  
5 is -- I think the chairman said it earlier. This  
6 is a learning opportunity. This is short of a  
7 shakedown run for us, so we will continue to learn  
8 about how we can best streamline our process and  
9 continue the work of the State as best as we  
10 company.

11 That's all the update I have, Commissioners.  
12 I will be glad to answer any questions.

13 CHAIRMAN CLARK: Let me start over. Thank you  
14 very much.

15 Any Commissioners have any questions of Mr.  
16 Baez?

17 Commissioner Brown.

18 COMMISSIONER BROWN: Mr. Chairman, thank you.  
19 I just wanted to say something about Katherine  
20 Pennington while Mr. Baez has the floor.

21 I have come to rely on her so much over the  
22 years, starting with my very first year, but she  
23 helped form and -- not form, but helped organize  
24 the Water Study Committee back in 2012, and assists  
25 in so many functions that that committee led and

1           then ultimately laws were developed as a result of  
2           the work that we did.  She's -- she's just been  
3           such a tremendous worker for our agency, and other  
4           state agencies as well.  She's an expert in so many  
5           arenas, and she's also a friend.

6           So with Rick and Katherine leaving today, it  
7           is a sad day for us, but I hope that we can stay in  
8           touch with them.

9           CHAIRMAN GRAHAM:  Thank you, Commissioner  
10          Brown.  You disappeared on me.

11          COMMISSIONER BROWN:  We all did.

12          CHAIRMAN GRAHAM:  There you are.  You are  
13          back.  Great.

14          Any other comments?

15          COMMISSIONER BROWN:  I want to know, where is  
16          that hat that was on Commissioner Polmann?

17          CHAIRMAN CLARK:  I thought it had started  
18          raining down there maybe.  Looking great.

19          All right.  Any other questions for Mr. Baez?

20          All right.  We will move to our General  
21          Counsel report, Mr. Hetrick -- I am sorry,  
22          Commissioner Polmann, yes, sir.

23          COMMISSIONER POLMANN:  I also wanted to echo  
24          my appreciation for Katherine.  She's been very,  
25          very helpful in my years.  Very informative on

1           what's going on with the Legislature, and provide a  
2           great guidance as I was seeking out communications  
3           with individual legislators, and always -- always  
4           good to talk to, very insightful and we will miss  
5           her greatly.

6           CHAIRMAN CLARK: Thank you.

7           COMMISSIONER POLMANN: Thank you very, very  
8           much.

9           CHAIRMAN CLARK: Thank you.

10          All right. I am sorry, Mr. Hetrick, you are  
11          on.

12          MR. HETRICK: Thank you, Mr. Chair.

13          I would just like to echo everything Braulio  
14          has said really. It's been a remarkably smooth  
15          transition. I know my conference calls have  
16          doubled since this started, as have my emails.  
17          Everything seems to be transitioning well. Braulio  
18          and I are in constant communication, as you know,  
19          with you and Forrest daily. Really, the IT staff,  
20          the administrative staff, Forrest, Mary Anne, all  
21          of my supervisors, I mean, they have been great in  
22          making this transition.

23          I would certainly be remiss and really like to  
24          thank my attorneys for their aggressive efforts at  
25          being adaptable and communicating with each other,

1 as well as their optimism and energetic work ethic.

2 I think that goes for all of our staff,  
3 because one of the things I know Braulio and I have  
4 tried to stress is that the biggest thing we can do  
5 in this, and what we do have is meet well. We  
6 always meet well and we discuss things, and we need  
7 to keep that up.

8 And I think -- I have been surprised at the  
9 seamless transition in terms of the efforts that  
10 all of our staff have made to communicate with each  
11 other. We are not afraid to air issues over the  
12 phone or any place else, and the transition has  
13 really been remarkably smooth for this agency. I  
14 thank Braulio, and for Braulio's leadership, not to  
15 go unchecked here.

16 I remember on March 19th or 20th, Thursday or  
17 Friday, Braulio came in and said, you know, we need  
18 to get these people home, and we need to make that  
19 decision. The Governor has given us the discretion  
20 and flexibility to do that. And, you know, by  
21 Monday it was happening. So Braulio deserves a lot  
22 of credit for taking the bull by the horns and  
23 showing the leadership.

24 Mark has been outstanding to work with. Mark  
25 Futrell. And I know I am leaving people out too,

1 but it just can't be said enough.

2 As to Katherine Pennington, I have known  
3 Katherine for years, and I am really going to miss  
4 Katherine. She knows where many of the bones are  
5 buried. And because she and I worked in that arena  
6 for decades, we interchange many stories.

7 My one regret -- actually it's not a regret,  
8 but we were planning a big party for her, and if  
9 she is still listening, that's still going to occur  
10 when this is all said and done.

11 CHAIRMAN CLARK: That's right.

12 MR. HETRICK: So congratulations, Katherine,  
13 on your retirement.

14 Rick Moses, another one I have gotten to know  
15 since I have been here, but pretty much a no  
16 nonsense guy. And I always appreciated his hard  
17 advice when I had to be here a year ago a weekend  
18 dealing with a utility issue, Rick was a  
19 communicating issue during a storm event, Rick was  
20 always right on the spot, came up to my office,  
21 gave some no nonsense practical advice and, boy,  
22 what a loss that is for this agency. But his  
23 legacy will be felt for years to come, and I know  
24 that he will be around for years to come as well.

25 So anyway, thank you. I think the transition

1 has been good for GCL and for the entire agency.  
2 And we are going to continue to work to produce a  
3 my quality product, and work kinks out, and provide  
4 the Commission the high quality service that it  
5 always deserves.

6 So thank you very much for the opportunity to,  
7 you know, again work for you, and all of us to work  
8 for you.

9 CHAIRMAN CLARK: Great. Thank you, Mr.  
10 Hetrick.

11 All right. I am going to go around and give  
12 each of the commissioners an opportunity. If there  
13 is any other matters that need to be brought up or  
14 discussed, this is your opportunity to do so, start  
15 with Commissioner Graham, he is good.

16 Commissioner Brown, anything for IA?  
17 Commissioner Brown is all good.

18 Commissioner Polmann?

19 COMMISSIONER POLMANN: Well, again, as has  
20 already been reflected, I just want to really  
21 support and thank the staff for the outstanding  
22 work, and your office as well, Mr. Chairman. I  
23 know you folks have been doing a great deal of  
24 work, and you have already done so, but thank you  
25 particular to your folks that work in your office.

1 I know they have been on extra duty, so thank you.

2 CHAIRMAN CLARK: Thank you.

3 Commissioner Fay.

4 COMMISSIONER FAY: Thank you, Mr. Chairman.

5 Just also want to thank the staff. Appreciate  
6 all the work that's gone into it. And on a very  
7 serious note, I will miss Katherine Pennington, who  
8 is down the hall from me, and may be the only  
9 person in the building that has a messier office  
10 than I do, so I will have to wander the halls and  
11 see if I can find someone to pass that role on to.  
12 We will miss everybody. Thanks so much.

13 CHAIRMAN CLARK: Great. Thank you,  
14 Commissioner Fay.

15 I know that we have spent a lot of time today  
16 saying thank you, and I don't want that to get  
17 belittled in this process, because it's sincere.  
18 There are a number of, so many stakeholders that  
19 are involved in this process that Braulio mentioned  
20 a couple of minutes ago. I don't want to leave  
21 anyone out. I don't want anyone to feel like the  
22 efforts that they have put forward during this time  
23 have gone unnoticed.

24 So at the fear of sounding redundant, I want  
25 to say thank you, genuinely thank you to everyone

1           who contributed to this process and who have made  
2           this today a such a success. I think regarding a  
3           few minor audio issues that we had, other than  
4           that, it has been a pretty successful day, and I  
5           thank you for all of your support.

6                     With that said, if there is no other business  
7           to come before us, we will stand adjourned.

8                     Thank you.

9                     (Proceedings concluded at 11:59 a.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA )  
COUNTY OF LEON )

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

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

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

DATED this 9th day of April, 2020.



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DEBRA R. KRICK  
NOTARY PUBLIC  
COMMISSION #GG015952  
EXPIRES JULY 27, 2020