

I. Meeting Packet



State of Florida
Public Service Commission
INTERNAL AFFAIRS AGENDA
Tuesday, April 5, 2016
Following Commission Agenda
Room 105 - Gerald L. Gunter Building

1. AT&T Low-Cost Internet Program
Elise Banister, Vice President – Regulatory and Public Policy
AT&T Florida, Puerto Rico and U.S. Virgin Island
MaryRose Sirianni, External Affairs Manager
(Attachment 1)
2. Legislative Update
3. Clean Power Plan Update
4. General Counsel's Report
5. Executive Director's Report
6. 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.



access
from AT&T



Technology has the ability to revolutionize education and empower lives, but only for those who can connect to it.

Access to the Internet brings with it a chance to apply for jobs online, connect with family and friends, access virtual library shelves, research health questions, complete an online education ...and a whole lot more.



Program Overview

New Low-Cost Offer

Beginning in April 2016, AT&T will offer wireline Internet access service at a new low price to households **participating** in the SNAP program.

Location

The offer will be available in the 21 states in which AT&T provides wireline Internet access where it is technically available.

Price & Speeds

AT&T will offer the following speed tiers/prices:

- 10 Mbps download speeds, where technically available, for \$10 per month;
- If 10Mbps is not available, then 5Mbps download speeds for \$10 per month;
- If 5Mbps is not available, then 3Mbps download speeds (where technically available) for \$5 per month

Qualifying households will not be required to pay installation or modem charges/fees to participate in the low-cost services program.



Program Overview

Qualifying Households

Households where at least one individual **participates** in the U.S. Supplemental Nutrition Assistance Program (SNAP) qualify for this program.

- Whether a participating household qualifies for the offer may be reviewed on a yearly basis.
- Unpaid debt to AT&T for certain Internet access services may affect eligibility.

Duration

This is a 4-year program beginning in April 2016.

Those who sign-up for service in year 4 are eligible to receive discounted rates for 12 months.



You Can Help!

- Outreach to SNAP-participating individuals and families through **third party and community-based organizations** is vital.
- Coordinating with these organizations will help **get information about the program to the consumers** who will benefit from it.
- AT&T will make **electronic and print materials** available for you to share, including a consumer-facing online portal with a selection of resources, organized by audience.

**We look forward to working with you to bring internet access to more people!
Please share your outreach activities and experience with AT&T.**



Delivering this program is a condition of AT&T's purchase of DIRECTV, and **we welcome the opportunity to bring Internet access to more people!**

We will leverage multiple communications channels to reach SNAP participating households.

Direct Outreach

- E-mail constituents about offer
- Mail information to constituents
- Include information in newsletter
- Write op-ed/newspaper article

Indirect Outreach

- Place collateral in program offices
- Post on bulletin board
- Provide information on organization website
- Post to social media

Organization-Led Outreach

- Host webinar
- Host Access from AT&T digital literacy training event with AT&T
- AT&T speaker at organization events
- Distribute flyers at organization's event



Connected Nation

- Connected Nation is a partner of the **Access from AT&T** program.
- Nonprofit Connected Nation has been working with and communities across the country **to close the divide** for more than 13 years.
- Connected Nation will be coordinating with our partner organizations to **provide collateral** and **collect feedback** on offer promotional activity.



Our work with Connected Nation is all part of our effort to learn **how we can be more effective in spreading the word** about AT&T's offer to SNAP participants.



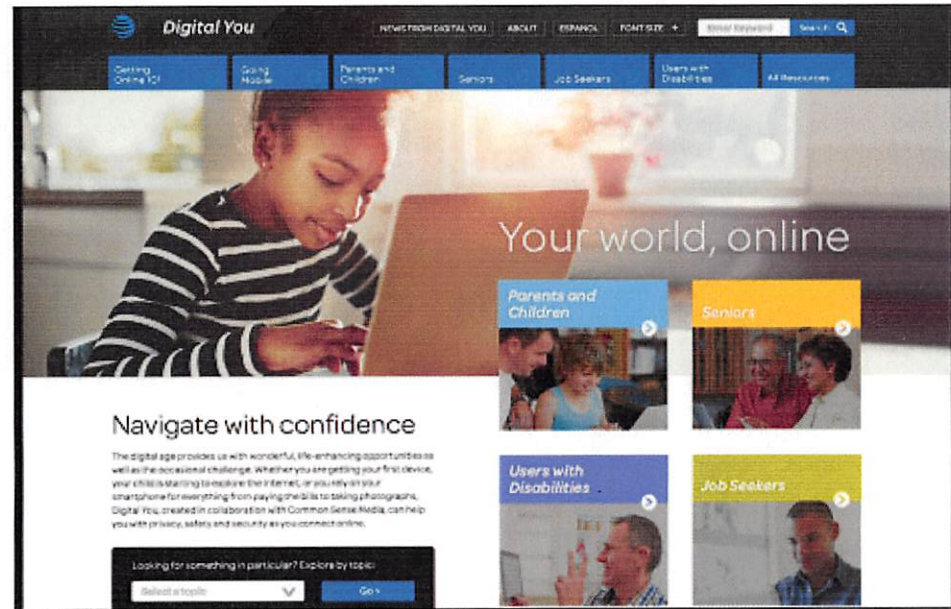
Digital Literacy

Digital You, created in collaboration with Common Sense Media, educates people on **best practices for using technology** so all can safely and confidently access the world at their fingertips.

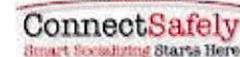
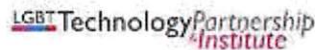
We're designing a **refreshed website** with resources focused on:

- Getting online and basic computer skills
- How to maintain privacy, safety and security
- Managing your online presence

The website will also include information on the **Access from AT&T** program.



Expert support for Digital You includes:



**Access to the Internet can change lives.
Thank you for your help with our outreach efforts!**

Connected Nation will contact you
to begin collaborating on the outreach process.



APPENDIX



Eligibility Verification Process Overview

Customer learns about the offer via outreach efforts.

Customer visits website to check service availability at their address and complete the application (online or paper).

If customer calls the service center, they will be directed to the website or mailed an application.

Customer submits the application and proof of SNAP application (online, fax, email or mail).

Customer is provided an update on status via mail—will provide soft approval or soft denial if information is missing.

If application is approved, customer calls dedicated phone number.

Customer and service representative complete the order process and identify service activation date.

Customer receives self-install kit and completes installation on or after service activation date.



Collateral We Will Make Available

- Flyers
- Template email verbiage
- Customer checklist for completing application
- Posters
- Social media messaging
- Frequently asked questions



EveryoneOn

- EveryoneOn is a partner of the **Access from AT&T** program and will assist with outreach to school districts.
- The goal of this outreach is to educate **school professionals about the Access from AT&T program**, in order to reach those who are most likely to work closely with students and families.
- They will also hold **community events** to promote the offer in collaboration with community-based organizations.
- The organization is a national nonprofit working to **eliminate the digital divide** by making high-speed, low-cost internet service and computers, and free digital literacy courses **accessible to all unconnected Americans**.



To learn more about EveryoneOn, visit www.EveryoneOn.org.



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

**OUTSIDE PERSONS WHO WISH
TO ADDRESS THE COMMISSION AT**

**INTERNAL AFFAIRS
April 5, 2016**

<u>Speaker</u>	<u>Representing</u>	<u>Item #</u>
Elise Banister	AT&T	1
MaryRose Sirianni	AT&T	1

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

1 BEFORE THE
2 FLORIDA PUBLIC SERVICE COMMISSION

3
4
5 PROCEEDINGS: INTERNAL AFFAIRS

6 COMMISSIONERS
7 PARTICIPATING: CHAIRMAN JULIE I. BROWN
8 COMMISSIONER LISA POLAK EDGAR
9 COMMISSIONER ART GRAHAM
 COMMISSIONER RONALD A. BRISÉ
 COMMISSIONER JIMMY PATRONIS

10 DATE: Tuesday, April 5, 2016

11 TIME: Commenced at 10:00 a.m.
 Concluded at 10:37 a.m.

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

14 REPORTED BY: LINDA BOLES, CRR, RPR
15 Official FPSC Reporter
16 (850) 413-6734

P R O C E E D I N G S

1
2 **CHAIRMAN BROWN:** Good morning, everyone.

3 **COMMISSIONER PATRONIS:** Good morning.

4 **CHAIRMAN BROWN:** Thank you. It's 10:00 on
5 April 5th. This is the Internal Affairs meeting.
6 And we have with us today folks from AT&T: Elise
7 Banister, who is Vice President of Regulatory and
8 Public Policy; and then we also have MaryRose --

9 **MS. SIRIANNI:** Sirianni.

10 **CHAIRMAN BROWN:** -- Sirianni. Thank you.
11 Thank you. And she's the External Affairs Manager.
12 And they have graciously offered to provide us some
13 information on their low-cost internet program
14 that's being deployed in April of this year. So
15 it's very timely and relevant, and I think it's --
16 we're thrilled to have you here today.

17 **MS. SIRIANNI:** Thank you.

18 **CHAIRMAN BROWN:** So welcome. And this is
19 kind of an informal meeting, so please feel free to
20 stop if Commissioners have questions. Just kind of
21 an easygoing meeting, so we welcome you here.

22 **MS. BANISTER:** Thank you, Chair Brown.
23 And good morning, everybody.

24 **COMMISSIONER PATRONIS:** Good morning.

25 **MS. BANISTER:** We are happy to be here

1 this morning with some good news about a program
2 that we are rolling out. April 22nd is the official
3 date of when the low-price internet offer will be
4 available to customers in 21 states that AT&T has
5 wireline internet access service. So we're here
6 with good news.

7 And I was thinking about the basketball
8 game last night --

9 **CHAIRMAN BROWN:** Oh, yeah.

10 **MS. BANISTER:** -- that some of us may have
11 watched, and it really is all about access to the
12 net. And --

13 (Crowd response.)

14 **CHAIRMAN BROWN:** Oh, there you go.

15 (Laughter.)

16 **MS. BANISTER:** I'm here all week. I'm
17 here all week.

18 So -- but, you know, that is a game. And
19 we can all laugh about it and it is entertainment,
20 but it's also very serious having internet access for
21 customers, particularly with -- we all watch our
22 budgets, but there are some folks that it does drain
23 resources but it is a need that they have.

24 And we're here to tell you that we're
25 committed to rolling out -- Access from AT&T is the

1 name of the program, but, more importantly, it's
2 about connections. It's about connecting people to
3 what they need when they need it and at a price that
4 they can afford.

5 So basically the Access from AT&T program
6 is a commitment that we made with our acquisition of
7 DirecTV, as you may have heard. But I did want to
8 tell you that we're going above and beyond and taking
9 this very seriously -- not just in Florida but
10 throughout our company.

11 And MaryRose is going to talk a little bit
12 about the program itself and some of the ways that we
13 are conducting outreach locally around the state of
14 Florida and also with some of the agencies that
15 access the customers that would be eligible for this.

16 And the main criteria is that -- for
17 eligibility is that they be a SNAP household
18 participant. So it's a -- I guess a criteria that we
19 thought would work best because it goes across state
20 lines. It isn't specific to any particular state.
21 It's a federal program, as you're well aware.

22 So we welcome the opportunity to be here
23 and to tell you about this. The website is actually
24 up and running, but there's more to come. And
25 actually on the 22nd, that's when the website will

1 make it -- it'll be available for folks to actually
2 go in and see if they are -- if there is the service
3 available to them technically where they currently
4 are.

5 The other thing that it'll do, and MaryRose
6 will speak to this too a little bit, is that it will
7 give access to information and collateral that folks
8 in organizations and nonprofits and agencies can
9 either download or they can be connected with AT&T to
10 get that collateral out to them in the form that they
11 need, so -- to get the word out to constituents that
12 they reach that we might not.

13 So with that, I want to turn it over to
14 MaryRose. And she's going to be using a presentation
15 that's one tool that we have to be used with
16 organizations to try to get them involved and to try
17 to bring awareness to them. But after the 22nd,
18 we'll actually have a portal that we can walk folks
19 through too. So there'll be more to come.

20 **CHAIRMAN BROWN:** Great.

21 **MS. BANISTER:** So with that, MaryRose.

22 **CHAIRMAN BROWN:** Thank you.

23 **MS. SIRIANNI:** Thank you, Elise. So as
24 Elise said, it is Access from AT&T. And as Elise
25 alluded to, that technology has the ability to do

1 just about everything these days. Our kids use it
2 for homework, you know, look for jobs online, look
3 up health questions, reasons, just about everything.
4 So probably everybody in this room has many access
5 to the internet, you know, whether it's phones, home
6 computers, such. So what we want to do is to ensure
7 that everybody, whether you are lower -- at a lower
8 price or not, it's available.

9 So our new low-cost offer, as Elise said,
10 it actually begins -- April the 22nd is the day that
11 we'll roll it out. And SNAP is the qualifying
12 program that you will be eligible for the offer if it
13 is technically available in the area that you live.

14 **CHAIRMAN BROWN:** MaryRose, could I stop
15 you right there?

16 **MS. SIRIANNI:** Sure.

17 **CHAIRMAN BROWN:** And just -- could you --
18 for the folks that are tuning in here, can you just
19 do an overview of how to qualify under SNAP?

20 **MS. SIRIANNI:** How do you qualify under
21 SNAP? Sure.

22 The Department of Children & Families here
23 in Florida is the qualifier for SNAP. And it is my
24 understanding, and somebody here could correct me if
25 I'm wrong, but my understanding for SNAP, as all DCF

1 programs, is that it is online. You have to go to
2 one of their offices throughout the state, and they
3 have a lot of community partners. I believe there's
4 probably hundreds of different locations throughout
5 the state that a constituent -- a customer can
6 actually go to. And at those locations, you can use
7 a computer there, or if you have access to a computer
8 at home or, you know, friend, families. But it is
9 online an application that you go through. And from
10 that point, I'm not really sure. I think, and sorry
11 for not knowing for sure, but I believe that they're
12 then sent a letter from DCF saying that they are
13 eligible for the program.

14 **MS. BANISTER:** And the good news is too
15 that once they're eligible -- MaryRose, I believe
16 once they're eligible and receiving SNAP -- that's
17 why we rely on being a SNAP participant, so that
18 they have a card or some kind of verification --

19 **MS. SIRIANNI:** Sure.

20 **MS. BANISTER:** -- so that we're not
21 getting into the personal information about a
22 particular person.

23 **MS. SIRIANNI:** Right. Which we'll get to
24 in a later slide. But since we're talking about it,
25 as Elise said, they, you know, they do get a letter

1 whether -- I just don't know whether it's emailed or
2 sent in the mail. I think it may vary. I'm not
3 quite sure. But they do have something in hand, and
4 so when they do the application process for the
5 low-price broadband offer in the actual application,
6 once they're eligible, they send us that, that piece
7 of paper, which then we would retain. So they
8 actually have something to give us.

9 **CHAIRMAN BROWN:** Commissioner Brisé has a
10 question.

11 **MS. SIRIANNI:** Sure.

12 **COMMISSIONER BRISÉ:** So are you talking
13 about a program that's an overlay to the Lifeline
14 program, or are you talking about a program that --
15 you know.

16 **MS. SIRIANNI:** It is a completely separate
17 program to Lifeline. Lifeline is a credit on the
18 telephone bill.

19 **MS. BANISTER:** As you well know; right?

20 **MS. SIRIANNI:** As everybody in this room,
21 I'm sure, is very well aware. For AT&T's purposes,
22 it is, in Florida, on the wireline side, but there
23 are a lot of wireless carriers out there that also
24 offer it. This program is in addition to. It is an
25 actual service, internet service that AT&T will

1 provide. So you could be a customer who could be
2 eligible for both or not, depending if you're
3 eligible under lifeline, say, because of your
4 National School Lunch, which that's not a good
5 example because if you're National School Lunch,
6 you're SNAP.

7 **MS. BANISTER:** Qualified.

8 **MS. SIRIANNI:** Yeah. I don't know.

9 Section 8 housing and you don't have SNAP
10 qualification, although you probably could get both,
11 then, you know, you would not be eligible for the
12 low-price broadband if it was only under Section 8.

13 But my understanding in SNAP, I believe
14 from when I looked, and I think it varies a little
15 bit, but I think it's 200 percent of the --

16 **COMMISSIONER PATRONIS:** Poverty level.

17 **MS. SIRIANNI:** -- poverty level.

18 **COMMISSIONER PATRONIS:** Family of four.

19 **MS. SIRIANNI:** Yeah. So --

20 **MS. BANISTER:** There should be a lot of
21 overlap.

22 **MS. SIRIANNI:** There -- yeah. There's
23 probably not many programs on Lifeline that you
24 qualify for that you wouldn't qualify for SNAP that
25 you could also then get the low-cost broadband

1 offer. I mean, that's just -- I don't know that
2 100 percent, but I'm pretty sure that with the
3 200 percent you could probably get any of those. So
4 does that help?

5 **COMMISSIONER BRISÉ:** Yeah. I'll have a --
6 I'll probably have a question a little bit later for
7 you.

8 **MS. SIRIANNI:** That's fine. I invite
9 questions.

10 **CHAIRMAN BROWN:** Thank you.

11 **MS. SIRIANNI:** So just a little bit about
12 the offer itself. It is a 10-megabit-per-second
13 download speed for \$10 a month where it is
14 technically available. If the 10 is not available,
15 then it would be the 5 at \$10. And if the 5 is not
16 available, then 3 megabit at \$5. And that is per
17 month and that will be for 12 months. And then the
18 customer would have to recertify that they are still
19 eligible for the SNAP program, and we would send
20 notification in plenty of time for them to recertify
21 so that there's no break in the service.

22 And if they were to apply in the last year
23 of the program, which I did not mention, but it is a
24 four-year commitment, it would be for a 12-month
25 period even if they applied and were eligible within,

1 say, the last couple of months of the program. And
2 as I said, the qualifying households are the SNAP and
3 the four years.

4 And as Elise said, this presentation is
5 really geared towards how we're doing the outreach
6 for the program. And so what this slide does is just
7 tell you a little bit about how we're -- currently
8 outreach is being performed throughout the state:
9 third parties, community-based organizations. The
10 website is up and running, has quite a bit of
11 information on it. It has Q and A's on it. It does
12 not have the portal on it yet. It will be up and
13 running on April the 22nd.

14 At that point, a customer could go to the
15 portal, actually put in their address, and it would
16 tell them whether they actually qualify -- or not
17 qualify -- if they're eligible for the service at the
18 address that they live in.

19 For those of you who have probably, you
20 know, looked for internet maybe -- I'm not sure about
21 in Tallahassee, but at least AT&T generally, that's
22 pretty much how you do it. You can go to a site and
23 put your address in, and it'll tell you if there's --
24 what's available at your address. So that will be on
25 the portal. And as well, they could -- there will be

1 applications available on the portal. But another
2 reason for the outreach, for those who maybe, you
3 know, don't have access to the portal or to a
4 computer, we are hopeful that the outreach will get
5 the information to the constituents. They can get
6 applications and information. They can mail them in;
7 they can fax them in. So there's various ways that
8 they can get the applications in. They don't just
9 have to go online, although the portal will act for
10 much more than just for the consumer -- for
11 organizations to get information to then use that to
12 get it out to the constituents that they touch.

13 **MS. BANISTER:** And we will be promoting a
14 1-800 number as well --

15 **MS. SIRIANNI:** Yes.

16 **MS. BANISTER:** -- in case they want to
17 call in. And I believe you're going to talk about
18 the group.

19 **MS. SIRIANNI:** Sure. Sure. Let me just
20 mention that. It is a separate organization within
21 AT&T that will handle calls just for the low-cost or
22 low-priced broadband offer. So they will have, you
23 know, undivided attention from us when -- if and
24 when they call in about their applications or
25 eligibility. So that will be up and running on

1 April the 22nd also.

2 So just a little bit about the outreach.
3 There's direct outreach, which, you know, AT&T itself
4 will do. Indirect outreach, as I said, collateral in
5 the offices, bulletin boards and such, and just a
6 little bit about that. Our external affairs managers
7 that are throughout the states are reaching out to
8 organizations that they have relationships with and
9 providing the information, and we will work with them
10 to ensure that they get all of the collateral that
11 they might want.

12 I also have been working out -- working and
13 reaching out to some of the state agencies. I have
14 talked to the Department of Children and Families.
15 I'm working with their community partners throughout
16 the state to see if they're interested in getting
17 information, providing it to their constituents where
18 they can.

19 I've also contacted and talked to
20 Department of Education and the Department of
21 Agriculture in their food and school lunch program.
22 There are still conversations going on. We don't
23 have anything set in place as to what we're going to
24 do yet, but we're hopeful that, you know, the more
25 that we can talk to and get the information out, the

1 more people know about it, the more people will take
2 the opportunity. So I think that pretty much hits
3 all of those.

4 **CHAIRMAN BROWN:** MaryRose, and if I could
5 stop you. I mean, there are other companies that
6 provide similar programs in the state.

7 **MS. SIRIANNI:** There are. Right. There
8 are.

9 **CHAIRMAN BROWN:** And the outreach efforts
10 are probably similar. And, you know, at the Public
11 Service Commission, I think that this is something
12 appropriate for us to at least educate those that
13 could qualify. I'm sure we would welcome the
14 opportunity, but we'd have to look into it a little
15 bit more --

16 **MS. SIRIANNI:** Sure.

17 **CHAIRMAN BROWN:** -- and see how we can --
18 we could distribute those materials. What is the
19 anticipated participation rate you guys have
20 expected, those that would qualify based on those
21 that are eligible currently?

22 **MS. SIRIANNI:** Well, funny that you ask.
23 I can tell you that in Florida there's about
24 3.7 million SNAP participants. Based on an
25 estimate, I would say that in the AT&T footprint,

1 the wireline area, there's probably about
2 2.3 million SNAP participants. Now, granted, we all
3 know that we've done this over and over again for
4 Lifeline and we know that just because people are
5 participants, that does not mean that the enrollment
6 rate will be such. So, you know, I don't know how
7 many will take advantage of it, but those are at
8 least the eligible buckets of folks in the AT&T
9 footprint that are eligible.

10 **CHAIRMAN BROWN:** Obviously an outreach is
11 critical to be able to capture any of the efforts
12 that you're deploying here. So on that front again,
13 we'll definitely look into --

14 **MS. SIRIANNI:** Sure.

15 **CHAIRMAN BROWN:** -- helping in any way
16 that we can and if we're able to, so --

17 **MS. SIRIANNI:** Sure.

18 **MS. BANISTER:** We appreciate too that it
19 does have to be competitor neutral. We certainly
20 understand that. We welcome any help that you can
21 give, not only with the outreach, but if anyone is
22 aware, anyone within the sound of our voices is
23 aware of an organization that does have direct
24 contact with these folks or that might, whether it
25 be the food, you know, food bank -- we're looking at

1 National School Lunch Program, but we're looking
2 beyond that. We're trying to get even more local as
3 well. But we welcome any suggestions that anyone
4 has really.

5 **CHAIRMAN BROWN:** Right. Thank you. Our
6 staff is looking into it, so --

7 **MS. SIRIANNI:** Great. Great.

8 **MS. BANISTER:** Thank you.

9 **MS. SIRIANNI:** And Connected Nation that
10 y'all are probably all aware of the name, this is
11 actually an organization that AT&T is using as a
12 third-party partner to actually get the collateral
13 out, so that if there is an organization that is
14 interested in getting the information out to their
15 constituents, Connected Nation will then partner --
16 they're partnering with us and they will, you know,
17 whether it's mailing fliers out to them, getting the
18 collateral to them. So Connected Nation is just
19 that. It will play a very, very big part in
20 ensuring that the correct organizations, you know,
21 actually get the information to then be able to get
22 it to the end users.

23 Digital literacy, the Digital You, this is
24 a website that we have used for a while that has
25 excellent information on it whether -- it just

1 educates people the best practices of technology just
2 generally speaking. And it's not specific to the
3 AT&T low-price broadband offer. It will have a link
4 to it, as you can see on the bottom. The website
5 will also include information on the Access from
6 AT&T. But I put it up there just because it is just
7 an excellent site for end users to go to to learn and
8 educate themselves about technology, generally
9 speaking, and it will have a link to the Access from
10 Tallahassee (sic) -- Access from AT&T program on it.
11 So we have the -- if you just type in "Digital You,"
12 it'll come up. It's just a great site for folks to
13 look at.

14 So -- and as we all know, access to the
15 internet has probably changed our lives and how we
16 live on a daily basis. I know it has mine from just
17 talking to my children who are in college or out of
18 college and how they're keeping up with their
19 friends. And I was saying, "I didn't have that."
20 When I got out of college, you called their home
21 number, and their parents said, "They no longer live
22 here. They've moved on." Like, you know, now you
23 just Google them and, you know, look them up on
24 Facebook. So, you know, access to the internet plays
25 a lot of roles across everybody's life, so it's

1 important and it provides a lot of interaction that's
2 necessary in today's world.

3 And there are some slides in the appendix.
4 If y'all have any questions about those, I'd be glad
5 to go through them. I wasn't going to go in detail.
6 This just kind of lays out the process that a
7 customer would use. And if you have questions about
8 it, I'd be glad to talk about it.

9 **CHAIRMAN BROWN:** Thank you, MaryRose and
10 Elise. And, Commissioners, are there any follow-up
11 questions with -- for either of them?

12 Again, thank you.

13 **MS. SIRIANNI:** Thank you.

14 **CHAIRMAN BROWN:** And we'll definitely
15 be -- our staff will be in contact with you further.

16 **MS. BANISTER:** Sure. Thank you for your
17 time.

18 **MS. SIRIANNI:** Thank you for your time.

19 **CHAIRMAN BROWN:** Thank you. Appreciate
20 it.

21 Legislative update.

22 **COMMISSIONER EDGAR:** Are they done?

23 **CHAIRMAN BROWN:** I think they're done.

24 **COMMISSIONER EDGAR:** I think they're done.

25 **CHAIRMAN BROWN:** Hi, Mark.

1 **MR. FUTRELL:** Hey.

2 **CHAIRMAN BROWN:** Welcome.

3 **MR. FUTRELL:** Good morning, Commissioners.

4 I'm Mark Futrell with staff. I wanted to update you
5 on some activities in the legislative session since
6 our last meeting with you on February 23rd.

7 As per normal, most of the bills we were
8 tracking did not pass. There were a few that did
9 pass of note. I wanted to just briefly kind of update
10 you on that.

11 Probably the most significant bill was
12 House Bill 419, water and wastewater, by
13 Representative Smith. And we were also tracking the
14 companion by Senator Hays, 534. At the end, the
15 issue that was of most note between the two chambers
16 was the rate case expense criteria that the Senate
17 was supporting, ultimately that the House did not
18 accept that language, and the Senate ultimately, at
19 the end, receded from its amendment onto the House
20 bill and the bill ultimately passed. It was
21 submitted to the Governor on March 30th. He has
22 until April 14th to take action. So we're monitoring
23 that closely.

24 There -- the bill, as you know, includes
25 many of the provisions that were recommended by the

1 Water Study Committee. That was noted by Senator
2 Hays on the floor. And so we'll be following that
3 language, depending upon how the outcome of the bill
4 and noting possible actions, if any, the Commission
5 may have to take in implementation.

6 A couple of other bills of note that I'm
7 going to just mention briefly. We were following the
8 utility projects bills: House Bill 347 by
9 Representative Sprowls and the companion in the
10 Senate by Senator Legg. Essentially it authorized
11 certain entities to finance the cost of water and
12 wastewater utility projects by issuing bonds and then
13 authorizing an entity to recover those costs from
14 customers. We were tracking this bill because at one
15 point there was some language amended on it that
16 would have impacted the Commission. Ultimately that
17 language was removed through an amendment. The bill
18 has passed -- did pass and the Governor signed the
19 bill on March 25th. So as it stands, there's no
20 direct impact on the Commission with that bill, but
21 that was one that was definitely in play there.

22 And then finally there was a bill of note
23 just in monitoring, you know, particularly those that
24 impact our utilities. There's House Bill 1355 on
25 Gainesville Regional Utilities. It would have

1 revised the governance of GRU. That bill passed and
2 was presented to the Governor on March 10th. He,
3 however, vetoed the bill on March 25th, so that will
4 not be going forward.

5 We -- there are several other bills that we
6 were following. We will be providing you with a
7 written summary of those bills and -- once the
8 process plays out, presenting the Governor the bills
9 and his time for taking action. A significant amount
10 of bills have already run through the process.
11 There's a few still trickling to his desk, and so
12 we'll be following that closely. And we'll be, like
13 I said, providing you with some more material going
14 forward.

15 **CHAIRMAN BROWN:** Thank you, Mark.

16 Commissioners, any questions on any of the
17 updates?

18 And I want to say thank you. This session,
19 Mark, you and your staff spent a lot of time
20 providing information to legislators. I know
21 personally I witnessed it, and I appreciate all the
22 work that you guys did this session.

23 **MR. FUTRELL:** Thank you. And I do want to
24 thank Katherine Pennington and Nancy Harrison and
25 working with our legal colleagues, all the work they

1 did on the bills, as well as our technical staff.
2 When they -- when we needed them, they made
3 themselves available. So we appreciate the
4 teamwork.

5 **CHAIRMAN BROWN:** Commissioner Graham has a
6 question.

7 **COMMISSIONER GRAHAM:** Yeah. House Bill
8 355, what was that going to do to the GRU?

9 **MR. FUTRELL:** It was going to change the
10 governance structure of the utility. Currently the
11 city commission itself, the elected members of the
12 city commission make decisions regarding the
13 utility. It would have set up an appointed board,
14 if you will, to be the essentially decision-makers
15 for utility activities and investment decisions,
16 things like that, with those members, those
17 appointed members answerable to the elected body of
18 the city commission.

19 **COMMISSIONER GRAHAM:** Okay.

20 **CHAIRMAN BROWN:** Thank you. Looking
21 forward to the written report. Thank you.

22 All right. On to the Clean Power Plan
23 update, and I think we have a quick staff report on
24 some of the updates first.

25 **MS. COWDERY:** Good morning, Commissioners.

1 Kathryn Cowdery and Mark Futrell.

2 This update covers the time period from the
3 last Internal Affairs on February 23rd. On that same
4 date, about ten intervenor and amicus briefs
5 supporting the state's challenge to the Clean Power
6 Plan were filed. These briefs were filed by
7 municipal electric authorities, members of Congress,
8 former public utilities commissioners, coal
9 companies, consumer groups, state and local business
10 associations, and individual businesses.

11 On March 28th, EPA filed its brief in
12 support of the Clean Power Plan, and this brief
13 answers the arguments that were raised by the
14 petitioners' briefs. The main points addressed by
15 EPA are that it properly exercised its authority by
16 including generation shifting as the best adequately
17 demonstrated system of emissions, and this is --
18 means shifting from the high carbon sources to the
19 lower carbon sources. That's just the -- sort of the
20 main point.

21 Their argument is that regulation of
22 hazardous pollution emissions under the Clean Air
23 Act, Section 112, does not bar regulation of CO2
24 emissions under 111D; the rule poses no
25 constitutional issues but exemplifies cooperative

1 federalism, again, in response to the petitioners'
2 challenge; and that there were no procedural errors;
3 all statutory requirements were considered; they
4 reasonably calculated the state-specific goals and
5 determined that all states were able to come up with
6 compliant plans.

7 The parties have been directed by the court
8 to file a unified format proposal for the June 2nd
9 oral argument that's coming up. On May 29th,
10 intervenors in support of the Clean Power Plan filed
11 their briefs. There were four intervenor briefs
12 filed. They were by a group of environmental and
13 public health organizations, a brief by certain
14 electric utilities, a brief by certain renewables,
15 and a brief by certain state and municipal
16 intervenors. And this particular brief included
17 South Miami and Broward County.

18 Then on April 1st, 18 amicus curiae briefs
19 were filed in support of the Clean Power Plan, and
20 the brief filed by local government interests
21 included Coral Gables; West Palm Beach; Pine Crest;
22 Cutler Bay; Miami; Miami Beach; and Orlando, Florida.
23 The next step is petitioners' reply briefs, which are
24 due on April 5th. And, again, oral argument on the
25 Clean Power Plan litigation in front of the circuit

1 court is set for June 2nd.

2 There's the separate litigation, which is
3 for the new, reconstructed, and modified sources as
4 opposed to the existing sources. The court has set
5 up a briefing schedule on that. Petitioners' briefs,
6 that would include Florida, are due July 15th.
7 Respondent, EPA, that brief is due September 23rd.
8 The petitioners' reply briefs are due October 21st.
9 There are final briefs due November 14th. Oral
10 argument hasn't been set yet, but apparently this
11 typically does not happen before 45 days after the
12 final briefs are filed. So we're looking at, for
13 that particular rule, no earlier than January of 2017
14 for oral argument on that rule.

15 **CHAIRMAN BROWN:** Thank you. Thanks for
16 the update. We've all been getting your emails, I'm
17 sure, and appreciate it. I know Commissioner Edgar
18 has also been busy. And, Commissioner Edgar, would
19 you like to provide an update?

20 **COMMISSIONER EDGAR:** Oh, thank you. Very
21 briefly. And Kathryn, as always, has done a great
22 summary.

23 The legal arguments remain fascinating. I
24 actually commend the briefs to you. I'm still
25 working my way through them, but the legal arguments

1 are intriguing. I have had the opportunity to meet
2 in the last few weeks with senior officials at DEP,
3 notwithstanding the stay. The coordination between
4 our agencies within our different and separate areas
5 of authority and jurisdiction I think are important,
6 and I appreciate your confidence in me in continuing
7 those efforts.

8 **CHAIRMAN BROWN:** Thank you for doing that.

9 **COMMISSIONER EDGAR:** Thank you.

10 **CHAIRMAN BROWN:** And thank you guys again.
11 Keep us informed, and we appreciate it. Thank you.

12 And Keith just began this earlier -- last
13 month, and I know you've been having a lot of
14 meetings with folks and getting acclimated, so we're
15 note going to put pressure on you for your General
16 Counsel's report.

17 **COMMISSIONER PATRONIS:** He's got, like,
18 four pages there.

19 **MR. HETRICK:** I can give you a quick
20 report, if you'd like.

21 **CHAIRMAN BROWN:** Okay. Great. You've got
22 one.

23 **MR. HETRICK:** I talked to Commissioner
24 Graham just before the meeting, and the Agenda
25 Conference today is my second Agenda Conference, and

1 I asked him, "Is this as good as it gets?" And he
2 goes, "Well, it can certainly get worse." I took
3 that as a sign of optimism because he did not say it
4 will get worse, just -- you know. So thank you for
5 that. That says a lot about --

6 **CHAIRMAN BROWN:** Anything can happen.

7 **MR. HETRICK:** Anything can happen. So as
8 you know, I started the 14th. I think I'm off to a
9 pretty good start. I'm pretty impressed -- so
10 impressed with our staff and thoroughly enjoy being
11 here. As I said on February 23rd, I'm deeply
12 honored to serve as your General Counsel, and the
13 past three weeks have only confirmed that for me.

14 As I was talking to Commissioner Patronis,
15 he goes, "What's it been like for the past three
16 weeks?" And it's been a whirlwind. Three weeks have
17 passed with the blink of an eye. And I can tell you
18 it's been three weeks of passwords, administrative
19 records, phone numbers, nomenclature, procedure,
20 process, questions, getting to know my staff.

21 One of the things I've done with my staff
22 is, and I wanted to do this in several different
23 ways, but in order to get to know them better, one
24 of the things I've done is take each of my sections
25 out to lunch. And I asked them where they wanted to

1 go and I let them choose that, and they all voted
2 and had some, you know, decisions, but we did that.
3 And it's certainly given me a better understanding
4 of their backgrounds, personalities, their personal
5 lives, as well as offered me the opportunity to
6 share my background and my interests. So I think
7 that's been pretty helpful. I seem to be getting a
8 pretty good reaction to that.

9 I think soon what I'd like to do is start
10 individual briefings with attorneys to get a better
11 idea of what their day-to-day workload is and focus
12 and interests are in this exciting workplace. And I
13 intend to always, as I've told each of you and all
14 of you, make myself accessible to them and
15 continuously reach out and make sure that they're
16 doing okay.

17 I'd like to thank Braulio Baez and --
18 publicly and Lisa Harvey for extending hospitality
19 and making me feel just not -- not just comfortable
20 but also supported. I look forward to getting to
21 know them better.

22 The past several weeks there have been a
23 few legal and practical issues that have arisen
24 which I think I've contributed towards the
25 resolution of. And in addition, I focused on

1 ethics, which is an ongoing priority of mine.

2 I want to make sure that we're ahead of
3 the curve as much as we can be. And I know each of
4 you take this aspect of your job very seriously, as
5 you should, and I'm -- in particular, I'm mindful of
6 your time, which is very valuable. So you might
7 have noticed in some of the opinions we've taken a
8 slight different approach; that is, we've started
9 out each opinion with a quick summary that's
10 tailored to the facts and issues at hand so you can
11 get a quick read of what the answer is. Because
12 some of the information is repetitive, but you want
13 to get into it deeper and there is value in
14 constantly being reminded of what you're doing, but
15 it's also important to be able to get a quick read.
16 And that will change depending on the facts of a
17 situation. But you should have the value of being
18 able to see what the main points are on one page
19 pretty quickly so you can move along with your
20 business.

21 In this regard, I've gotten to know Adria
22 better, and certainly not to the exclusion of anyone
23 else, I'm thankful we have such a talented,
24 delightful, and dedicated, and thoughtful lawyer in
25 this area of law. And I strongly encourage each of

1 you -- I hope you continue to take advantage of the
2 opportunity she brings to all of us to ask her your
3 questions any time -- open door policy with her and
4 with me -- with any event that you might be
5 attending. I think we can add a lot of value, and
6 so I want to continue to add a lot of value for you
7 in that regard

8 Finally, I look forward to focusing on
9 procedure and learning the subject matter of rate
10 setting as we move forward. I guess I'll be thick
11 into that with the Florida Power & Light case and be
12 well educated maybe after that case.

13 I'm also excited about continuing to
14 develop relationships with you and your staff as
15 well as my own legal staff and the many talented
16 technical staff that serve this Commission.

17 So thank you again for this opportunity,
18 and that's what three weeks has been like.

19 **CHAIRMAN BROWN:** Keith, thank you so much.
20 And, personally, it's only been three weeks, but
21 I've enjoyed working with you thus far. Your
22 professionalism, thoughtfulness, and really
23 accessibility is just very impressive, and looking
24 forward to a very fulfilling relationship here. So
25 thank you.

1 **MR. HETRICK:** Thank you too.

2 **CHAIRMAN BROWN:** Commissioners, any other
3 points? Well, thank you for your first update.

4 On to Executive Director report. Braulio.

5 **MR. BAEZ:** Thanks, Chairman.

6 Commissioners, the only update is the
7 budget that we've been tracking all along, but since
8 our last meeting the budget went final. As you
9 recall, we had a modest reduction of about \$198,000
10 to our line, and on the -- that represented a
11 reduction of three positions. And on the plus side,
12 we finally got a little vehicle money to -- so we can
13 start refreshing our fleet. But it was a short LBR
14 for us this year and it's now gone fine.

15 If you have any questions or want to dig
16 into it, I'd be happy to meet with you.

17 **CHAIRMAN BROWN:** Thank you. I'm sure we
18 will.

19 **MR. BAEZ:** There wasn't a whole lot of
20 detail, frankly, but -- you know, not this year
21 anyway.

22 **CHAIRMAN BROWN:** Commissioners, any
23 questions of Mr. Baez?

24 Okay. Thank you so much.

25 **MR. BAEZ:** Thanks, Commissioners.

1 **CHAIRMAN BROWN:** Other matters? Well,
2 Commissioners, this past month of March we did not
3 have an Internal Affairs, so I wanted to just
4 present our employee of the month, who is sitting
5 right in the front row, Ms. Jennifer Crawford from
6 our legal department. I have to tell you, I had
7 such a great time talking with her and meeting with
8 her. She's one of the kindest, most thoughtful
9 people at the Commission and really cares about the
10 work that she does. And she's fortunate that she
11 has a good support staff here, including her family,
12 and among a lot of friends here. And she's very
13 talented and really is just a -- really just a
14 pleasure to be around. And I want to congratulate
15 you on this award. I hope you enjoyed your parking
16 spot this month, and I'm really proud of you.

17 **MR. CRAWFORD:** I miss it already.

18 **CHAIRMAN BROWN:** Thank you.

19 (Applause.)

20 And if there are no other matters, this
21 meeting is adjourned. Thank you.

22 (Internal Affairs adjourned at 10:37 a.m.)

1 STATE OF FLORIDA)
2 COUNTY OF LEON) : CERTIFICATE OF REPORTER

3
4 I, LINDA BOLES, CRR, RPR, Official Commission
5 Reporter, do hereby certify that the foregoing
6 proceeding was heard at the time and place herein
7 stated.

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

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

18 DATED THIS 12th day of April, 2016.

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LINDA BOLES, CRR, RPR
FPSC Official Hearings Reporter
(850) 413-6734