

# I. Meeting Packet



**State of Florida**  
**Public Service Commission**  
**INTERNAL AFFAIRS AGENDA**  
Wednesday – August 29, 2018  
Immediately Following Agenda Conference  
Room 105 - Gerald L. Gunter Building

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1. Draft 2018 Regulatory Plan (Attachment 1)
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.



State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** August 20, 2018  
**TO:** Braulio L. Baez, Executive Director  
**FROM:** Pamela H. Page, Senior Attorney, Office of the General Counsel *PHP*  
**RE:** Florida Public Service Commission's draft 2018 Regulatory Plan

**CRITICAL INFORMATION:** Please place on the August 29, 2018 Internal Affairs

**Commission approval is sought**

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Pursuant to Section 120.74, Florida Statutes, the Commission must prepare a regulatory plan and provide the plan by e-mail letter to the Joint Administrative Procedures Committee (JAPC) by October 1 of each year. The statute also states that the Commission shall publish its plan on the Commission website. In the regulatory plan, the Commission must designate new laws which create or modify the Commission's duties or authority. The Commission must also designate those rules which the Commission plans to amend before July 1, 2019. The statute requires the Commission to report any updates to the 2017 Regulatory Plan.

The list of laws which create or modify the Commission's duties or authority is attached to the letter to JAPC as Attachment A. Attachment B to the letter is the Commission's list of rules that it intends to amend before July 1, 2019. The Commission's report that it has no laws or updates to the 2017 Regulatory Plan is Attachment C to the JAPC letter. Staff is seeking approval of the draft 2018 Regulatory Plan.

STATE OF FLORIDA

ART GRAHAM  
CHAIRMAN



Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
(850) 413-6040

# Public Service Commission

September xx, 2018

**DELIVERED VIA E-MAIL**

**DRAFT**

Kenneth J. Plante  
Coordinator  
Joint Administrative Procedures Committee  
680 Pepper Building  
111 W. Madison Street  
Tallahassee, FL 32399-1400

**Re: Florida Public Service Commission's 2018 Regulatory Plan**

Dear Mr. Plante:

The Florida Public Service Commission (Commission) hereby files its 2018 Regulatory Plan pursuant to Section 120.74, Florida Statutes (F.S.).

Section 120.74(1)(a), F.S., requires a listing of each law enacted or amended during the previous 12 months which creates or modifies the duties or authority of the agency, a statement whether rule adoption is required to implement the law, and if so, whether a notice of rule development has been published; and an identification of the date by which the agency expects to publish the notice of proposed rule. The Commission's report of laws pursuant to Section 120.74(1)(a), F.S., is attached hereto as Attachment A.

Section 120.74(1)(b), F.S., states that the regulatory plan must also include a listing of each law not listed pursuant to Section 120.74(1)(a), F.S., which the agency expects to implement by rulemaking before the following July 1, including a statement whether rulemaking is intended to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce costs, or delete obsolete, unnecessary, or redundant rules. The Commission's report of laws pursuant to Section 120.74(1)(b), F.S., is attached hereto as Attachment B.

Section 120.74(1)(c), F.S., requires an identification and listing of laws which were previously identified in a prior year's regulatory plan as requiring rulemaking to implement, but for which a notice of proposed rule has not been published. The Commission has no laws or updates to report pursuant to Section 120.74 (1)(c), F.S. The Commission's report that it has no laws or updates to the 2016 Regulatory Plan is attached hereto as Attachment C.

Mr. Kenneth J. Plante  
September \_\_, 2018  
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Section 120.74 (1)(d), F.S., requires the Commission to submit a certification regarding the regulatory plan. Pursuant to Section 120.74(1)(d), F.S., we hereby verify that we have reviewed the attached regulatory plan and that the Commission regularly reviews all of its rules. The Commission's rules were most recently reviewed for the period July 2, 2015, through July 1, 2017, to determine if the rules remain consistent with the Commission's rulemaking authority and the laws implemented.

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ART GRAHAM  
Chairman  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770

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KEITH HETRICK  
General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770

Enclosures

PHP

FLORIDA PUBLIC SERVICE COMMISSION  
2018 REGULATORY PLAN

ATTACHMENT A

LAWS CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(a), F.S.

DRAFT

Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
Section 364.386, F.S., Reports to Legislature	No	N/A	N/A	Statutory change merely clarifies the date a report is due to the Legislature.
Section 366.92, F.S., Florida Renewable Energy Policy	No	N/A	N/A	Statutory change merely deletes an obsolete date (year only) for annual reporting by MUNIs and COOPs.
Section 403.511, F.S., Effect of Certification	No	N/A	N/A	Statute is specific as to the Commission's jurisdiction.
Section 403.531, F.S., Effect of Certification	No	N/A	N/A	Statute is specific as to the Commission's jurisdiction.

FLORIDA PUBLIC SERVICE COMMISSION  
2018 REGULATORY PLAN

ATTACHMENT B

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(b), F.S.

DRAFT

Laws	Intent of Rulemaking
Section 288.035, F.S.	To consider whether Rule 25-6.0426, F.A.C., Recovery of Economic Development Expenses, should be amended to increase the cap on recoverable economic development expenses.
Section 350.115, F.S.	<p>To repeal Rule 25-4.520, F.A.C., Reporting Requirements, as obsolete and no longer necessary because Rule 25-22.108, F.A.C., Change of Regulated Utility Contact Information, will be created.</p> <p>To consider whether Rule 25-6.0142, F.A.C., Uniform Retirement Units for Electric Utilities, “The List of Retirement Units (Electric Plant) as of January 1, 2000,” is sufficiently up to date and whether it needs to be accessible through the F.A.C. website as it is for retirement units for gas utilities in Rule 25-7.0461(2)(i), F.A.C.</p>
Section 350.117, F.S.	To repeal Rule 25-4.520, F.A.C., Reporting Requirements, as obsolete and no longer necessary because Rule 25-22.108, F.A.C., Change of Regulated Utility Contact Information, will be created.
Section 364.016, F.S.	To repeal Rule 25-4.0051, F.A.C., Current Certificate Holder Information, as it is no longer necessary because a new rule will apply to all regulated utilities.
Section 364.10, F.S.	To amend Rule 25-4.0665, F.A.C., Lifeline Service, to conform to federal standards.
Section 364.105, F.S.	To amend Rule 25-4.0665, F.A.C., Lifeline Service, to conform to federal standards.
Section 364.183, F.S.	<p>To repeal Rule 25-4.0051, F.A.C., Current Certificate Holder Information, as it is no longer necessary because a new rule will apply to all regulated utilities.</p> <p>To amend Rule 25-4.0665, F.A.C., Lifeline Service, to conform to federal standards.</p>
Section. 364.336, F.S.	To repeal Rule 25-4.0051, F.A.C., Current Certificate Holder Information, as no longer necessary because a new rule will apply to all regulated utilities.



FLORIDA PUBLIC SERVICE COMMISSION  
2018 REGULATORY PLAN

ATTACHMENT B

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(b), F.S.

DRAFT

Laws	Intent of Rulemaking
Section. 364.3375, F.S.	<p>To repeal Rule 25-4.0051, F.A.C., Current Certificate Holder Information, as no longer necessary because a new rule will apply to all regulated utilities.</p> <p>To repeal Rule 25-4.520, F.A.C., Reporting Requirements, as obsolete and no longer necessary because Rule 25-22.108, F.A.C., Change of Regulated Utility Contact Information, will be created.</p>
Section 366.03, F.S.	<p>To amend Rule 25-6.020, F.A.C., Record of Applications of Service, Rule 25-6.033, F.A.C., Tariffs, and Rule 25-6.038, F.A.C., Change in Character of Service, to update the rules.</p> <p>To amend Rule 25-6.037, F.A.C., Extent of System Which Utility Shall Operate and Maintain, to update the rule and clarify standards.</p>
Section 366.04, F.S.	<p>To amend Rule 25-17.015, F.A.C., Energy Conservation Cost Recovery, to streamline utility filing requirements.</p> <p>To amend Rule 25-6.0141, F.A.C., Allowance for Funds Used During Construction, to remove outdated language.</p> <p>To amend Rule 25-6.036, F.A.C., Inspection of Plant, Rule 25-6.0440, F.A.C., Territorial Agreements for Electric Utilities, and Rule 25-6.0441, F.A.C., Territorial Disputes for Electric Utilities, to clarify rule standards.</p> <p>To amend Rule 25-6.037, F.A.C., Extent of System Which Utility Shall Operate and Maintain, to update the rule and clarify standards.</p>
Section 366.041, F.S.	<p>To consider whether Rule 25-6.0142, F.A.C., Uniform Retirement Units for Electric Utilities, "The List of Retirement Units(Electric Plant) as of January 1, 2000," is sufficiently up to date and whether it needs to be accessible through the F.A.C. website as it is for retirement units for gas utilities in Rule 25-7.0461(2)(i), F.A.C.</p>
Section 366.05 F.S.	<p>To create Rule 25-22.108, F.A.C., Change of Regulated Utility Contact Information, to specify that all regulated utilities are required to update the utility's contact information with the Commission.</p> <p>To amend Rule 25-6.020, F.A.C., Record of Applications of Service, Rule 25-6.021, F.A.C., Records of</p>

FLORIDA PUBLIC SERVICE COMMISSION  
2018 REGULATORY PLAN

ATTACHMENT B

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(b), F.S.

DRAFT

Laws	Intent of Rulemaking
Section 366.05 F.S., con't.	<p>Complaints, Rule 25-6.039, F.A.C., Safety, and Rule 25-6.040, F.A.C., Grounding of Primary and Secondary Distribution System Circuits, to update the rules.</p> <p>To amend Rule 25-6.036, F.A.C., Inspection of Plant, Rule 25-6.0440, F.A.C., Territorial Agreements for Electric Utilities, and Rule 25-6.0441, F.A.C., Territorial Disputes for Electric Utilities, to clarify rule standards.</p> <p>To amend Rule 25-6.037, F.A.C., Extent of System Which Utility Shall Operate and Maintain, to update the rule and clarify standards.</p>
Section 366.055, F.S.	To amend Rule 25-6.036, F.A.C., Inspection of Plant, to clarify rule standards.
Section 366.06, F.S.	<p>To consider whether Rule 25-6.0142, F.A.C., Uniform Retirement Units for Electric Utilities, "The List of Retirement Units(Electric Plant) as of January 1, 2000," is sufficiently up to date and whether it needs to be accessible through the F.A.C. website as it is for retirement units for gas utilities in Rule 25-7.0461(2)(i), F.A.C.</p> <p>To amend Rule 25-17.015, F.A.C., Energy Conservation Cost Recovery, to streamline utility filing requirements.</p> <p>To amend Rule 25-6.0141, F.A.C., Allowance for Funds Used During Construction, to remove outdated language.</p> <p>To amend Rule 25-6.033, F.A.C., Tariffs, to update the rule.</p>
Section 366.08, F.S.	To amend Rule 25-6.036, F.A.C., Inspection of Plant, to clarify rule standards.
Section 366.093, F.S.	To amend Rule 25-6.0151, F.A.C., Audit Access to Records, to update forms incorporated by reference.
Section 366.82, F.S.	To amend Rule 25-17.015, F.A.C., Energy Conservation Cost Recovery, to streamline utility filing requirements.
Section 367.071, F.S.	To amend Rule 25-30.0371, F.A.C., Acquisition Adjustments, to update rule to address current industry practices.
Section 367.081, F.S.	To create new Rule 25-30.xxx, F.A.C., Water Transmission Distribution and Wastewater Collection Used and

FLORIDA PUBLIC SERVICE COMMISSION  
2018 REGULATORY PLAN

ATTACHMENT B

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(b), F.S.

DRAFT

Laws	Intent of Rulemaking
Section 367.081, F.S., con't.	<p>Useful Considerations, to codify Commission policy on water and wastewater collection used and useful considerations.</p> <p>To amend Rule 25-30.0371, F.A.C., Acquisition Adjustments, to update rule to address current industry practices.</p> <p>To amend Rule 25-30.420, F.A.C., Establishment of Price Index, to reflect the revision of the form for water utilities to obtain a price index adjustment.</p>
Section 367.0812, F.S.	<p>To create a new rule, Rule 25-30.xxx, F.A.C., Water Quality Testing In Water Distribution System, to implement water quality testing procedures.</p>
Section 367.0814, F.S.	<p>To create a new rule, Rule 25-30.4575, F.A.C., Operating Ratio Methodology, to codify the Commission's practice of applying an alternative form of calculating revenue requirement for small water and wastewater utilities.</p>
Section 367.091, F.S.	<p>To amend Rule 25-30.335, F.A.C., Customer Billing, to provide clarity and increased efficiency for implementing certain miscellaneous service charges, as proposed in the revision of Rule 25-30.460, F.A.C., Application for Miscellaneous Service Charges.</p>
Section 367.121, F.S.	<p>To amend Rule 25-30.0371, F.A.C., Acquisition Adjustments, to update rule to address current industry practices.</p> <p>To review Rule 25-30.110, F.A.C., Records and Reports; Annual Reports, to determine whether amendment is needed to update the rule that was last amended in 1999.</p> <p>To amend Rule 25-30.335, F.A.C., Customer Billing, to provide clarity and increased efficiency for implementing certain miscellaneous service charges, as proposed in the revision of Rule 25-30.460, F.A.C., Application for Miscellaneous Service Charges.</p> <p>To amend Rule 25-30.420, F.A.C., Establishment of Price Index, to reflect the revision of the form for water utilities to obtain a price index adjustment.</p>

FLORIDA PUBLIC SERVICE COMMISSION  
2018 REGULATORY PLAN

ATTACHMENT B

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(b), F.S.

DRAFT

Laws	Intent of Rulemaking
Section 367.156, F.S.	<p>To create Rule 25-22.108, F.A.C., Change of Regulated Utility Contact Information, to specify that all regulated utilities are required to update the utility's contact information with the Commission.</p> <p>To review Rule 25-30.110, F.A.C., Records and Reports; Annual Reports, to determine whether amendment is needed to update the rule that was last amended in 1999.</p>
Section 367.161, F.S.	To review Rule 25-30.110, F.A.C., Records and Reports; Annual Reports, to determine whether amendment is needed to update the rule that was last amended in 1999.
Section 368.03, F.S.	To amend Rule 25-12.005, F.A.C., Codes and Standards Adopted, so that it is updated to refer to the current version of the federal gas safety rules.
Section 368.05, F.S.	To amend Rule 25-12.005, F.A.C., Codes and Standards Adopted, so that it is updated to refer to the current version of the federal gas safety rules.
Section 427.704, F.S.	To repeal Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company, to make it consistent with the Regulatory Reform Act of 2011 as applied to Chapter 364, Florida Statutes.

FLORIDA PUBLIC SERVICE COMMISSION  
2018 REGULATORY PLAN

ATTACHMENT C

UPDATES TO 2017 REGULATORY PLAN- SECTION 120.74(1)(c), F.S.

DRAFT

The Commission has no laws or updates to the 2017 Regulatory Plan to report pursuant to Section 120.74(1)(c), F.S.

## 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 ART GRAHAM  
COMMISSIONER JULIE I. BROWN  
COMMISSIONER DONALD J. POLMANN  
COMMISSIONER GARY F. CLARK  
COMMISSIONER ANDREW G. FAY

DATE: Wednesday, August 29, 2018

TIME: Commenced: 10:00 a.m.  
Concluded: 10:15 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  
114 W. 5TH AVENUE  
TALLAHASSEE, FLORIDA  
(850) 894-0828

## 1 P R O C E E D I N G S

2 CHAIRMAN GRAHAM: Okay. Again, good morning.  
3 Let the record show it is Wednesday, August 29th,  
4 and my clock says it is 10:01 a.m., and this is our  
5 Internal Affairs meeting. We will call this  
6 meeting to order.

7 The first item on our agenda is draft 2018  
8 regulatory plan. Staff.

9 MS. PAGE: Good morning. Staff is seeking  
10 approval for the Commission's 2018 regulatory plan  
11 which reports on rule-making in the upcoming year.  
12 Section 120.74, Florida Statutes, requires the  
13 Commission to prepare a regulatory plan and then  
14 submit the plan to the Joint Administrative  
15 Procedures Committee by October 1 of each year.

16 A certification by the Chairman and the  
17 General Counsel that they have reviewed the plan,  
18 and that the Commission regularly reviews its rules  
19 for correctness is required. The plan must be  
20 posted on the Commission website and the  
21 certification submitted to the Joint Administrative  
22 Procedures Committee by October 1, 2018.

23 We plan to work with the Chairman's office to  
24 submit the certification letter to the Joint  
25 Administrative Procedures Committee and ask for

1 administrative authority to correct any scriveners  
2 errors as necessary before posting the plan.

3 CHAIRMAN GRAHAM: All right. I have a  
4 question for you.

5 On page four -- you know, it's funny, I have  
6 been on this commission for eight years, and we've  
7 probably brought up the word "acquisition  
8 adjustment" maybe a handful of times, and so now  
9 it's just one of those things that it always sticks  
10 out at me.

11 So if you look next to the bottom, Section  
12 367.071.FS, what are we doing there?

13 MS. PAGE: This rule addresses the difference  
14 between the purchase price of assets and the net  
15 book value of those assets. We are amending the  
16 rule so that it is consistent with industry  
17 practices when that particular dollar amount is  
18 calculated, so that the utilities would be familiar  
19 with the process for calculating the acquisition  
20 adjustments.

21 CHAIRMAN GRAHAM: Well, let's flip over to  
22 page five, the very top one. Walk me through that  
23 one.

24 MS. PAGE: This rule codifies -- again,  
25 codifies Commission policy on water and wastewater

1 collection and useful consideration -- used and  
2 useful consideration.

3 MR. BAEZ: Mr. Chairman, just so that we can  
4 be operating with some clarity. It references the  
5 same rule only because it touches a different  
6 statute, so this is organized by statutes that are  
7 being implemented, so to speak, and then the rules  
8 that become subject to that effect.

9 CHAIRMAN GRAHAM: And so at the bottom of the  
10 page --

11 MR. BAEZ: You see the same rule -- you may  
12 see the same rule more than once throughout the  
13 plan.

14 CHAIRMAN GRAHAM: So the bottom of page five,  
15 same thing again, same rule, 25-30?

16 MS. PAGE: Correct.

17 MR. BAEZ: Different statute, different --

18 MS. CIBULA: We have a number of different  
19 statutes of the ruling, so we have to list them  
20 that way.

21 CHAIRMAN GRAHAM: Okay. Commissioners,  
22 questions?

23 Commissioner Brown.

24 COMMISSIONER BROWN: I am just curious about  
25 the new rule that staff is looking to create, page

1 five, and provided under Section 367.0812, it's  
2 water quality testing in the distribution system.  
3 What are we -- where are we on that, and what is  
4 that?

5 MS. CIBULA: We are in the initial stages. We  
6 are looking to see whether or not a rule should be  
7 implemented in that regard. So it's just initial  
8 stage that staff is just looking at that, and we  
9 put it on the plan in case we get to the point  
10 where we want to propose a rule that it would be  
11 included in the plan.

12 COMMISSIONER BROWN: And it's self-initiated?

13 MS. CIBULA: Yes. Staff initiated.

14 COMMISSIONER BROWN: Okay. And then the one  
15 right beneath it, we just talked about it at the  
16 Agenda Conference briefly, operating ratio  
17 methodology. I know we -- I know the Office of  
18 Public Counsel said it's been ongoing for a year.  
19 Is it scheduled to come to the agenda?

20 MS. CIBULA: The next agenda, October.

21 COMMISSIONER BROWN: Is to the final rule  
22 or --

23 MS. CIBULA: It will be proposal for the  
24 Commission to propose a rule.

25 COMMISSIONER BROWN: Proposal. Have there

1           been workshops and the sort?

2           MS. CIBULA:   Yes.

3           COMMISSIONER BROWN:   I know you all have been  
4           working on it.

5           MS. CIBULA:   And we've done some research in  
6           regard to it, too.   So we had a workshop, and then  
7           we had to do some research in regard to the rule  
8           and some of the comments in the workshop.   And it's  
9           going to be on the October agenda.

10          COMMISSIONER BROWN:   Thank you, Samantha.

11          CHAIRMAN GRAHAM:   Any other commissioners?

12          COMMISSIONER CLARK:   Just a quick -- was OPC a  
13          part of the workshop?

14          MS. CIBULA:   Yes.

15          COMMISSIONER CLARK:   Okay.

16          CHAIRMAN GRAHAM:   So what was the point it is  
17          trying to make today?   This was our rule that we  
18          initiated, correct?

19          MS. CIBULA:   The operating ratio methodology.

20          COMMISSIONER GRAHAM:   Yes.

21          MS. CIBULA:   OPC came to the Agenda Conference  
22          and asked that we initiate rule-making and we did.

23          CHAIRMAN GRAHAM:   Okay.

24          MS. CIBULA:   Staff did.

25          COMMISSIONER GRAHAM:   Okay.

1           COMMISSIONER POLMANN: That was a informal  
2 request, not a petition?

3           MS. CIBULA: Yes, it was not a petition.

4           COMMISSIONER POLMANN: Okay, thank you.

5           CHAIRMAN GRAHAM: Had it been a petition, it  
6 would be 30 days, just like --

7           MS. CIBULA: Yes, just to initiate it. So it  
8 would have been just to initiate the process, like  
9 we did at the agenda. And then we would have to go  
10 through the whole rule-making process after that.  
11 And for the operating ratio methodology, we are now  
12 going through the process, and we should come to  
13 Agenda in October with a recommendation on whether  
14 the Commission should propose a rule.

15           CHAIRMAN GRAHAM: So then there was no, quote,  
16 "favoritism", regardless of how it might look from  
17 the outside?

18           MS. CIBULA: No.

19           CHAIRMAN GRAHAM: Okay. I just want to make  
20 sure the record was clear on that.

21           Commissioner Polmann.

22           COMMISSIONER POLMANN: Thank you.

23           Back on Rule 250 -- I am sorry, 25-30.0371,  
24 the acquisition adjustment, there is -- the  
25 language here refers to industry practices. I know

1           there has been some discussion recently on  
2           water/wastewater versus electric or, you know, the  
3           different utility types, is this, 0371 is that --

4           MS. CIBULA: Water and wastewater.

5           COMMISSIONER POLMANN: Okay. So is there  
6           going to be any effort to look kind of universally  
7           across all utility types, or is this --

8           MS. CIBULA: Not at this point. This is  
9           just -- we are just looking at the water and  
10          wastewater at this point.

11          COMMISSIONER POLMANN: Okay, at this time?

12          MS. CIBULA: Yes. We already have a rule in  
13          regard to that we are looking at, whether it needs  
14          to be updated or not.

15          COMMISSIONER POLMANN: Okay. Thank you.

16          COMMISSIONER BROWN: Mr. Chairman, one more.

17          CHAIRMAN GRAHAM: Sure.

18          COMMISSIONER BROWN: Samantha, the territorial  
19          agreements amendment rule, which is provided in two  
20          different sections, what is staff doing with that?

21          MS. CIBULA: We actually got a letter from  
22          JAPC recently, and they reviewed all of our rules,  
23          and that was one of the rules on the list that they  
24          want us to look at. I guess it's an older rule,  
25          and they saw some rule language in there that they



1           said might not be up-to-date, and they want us to  
2           look at that, so we included that on the list.

3           COMMISSIONER BROWN:   Where are we in that  
4           process?

5           MS. CIBULA:   We have just started it.   We will  
6           look at the rule and see whether or not we need to  
7           do rule-making.   It would be staff initiated.

8           COMMISSIONER BROWN:   How would JAPC even know?

9           MS. CIBULA:   They do -- every year, they, I  
10          guess -- I think they do it during the summer.  
11          They go through and look at agency rules.   There  
12          are certain people that are assigned to certain  
13          agencies, and they go through and review the whole  
14          section.

15          COMMISSIONER BROWN:   How many rules did they  
16          find that were -- are they --

17          THE WITNESS:   about 10 or 11 rules.

18          COMMISSIONER BROWN:   And how do they  
19          determine -- what do did they determine, that they  
20          are outdated by --

21          MS. CIBULA:   Yeah, some of them, they look at  
22          the date and said, oh, this hasn't been a end haded  
23          since, you know, 1969.

24          COMMISSIONER BROWN:   So it warrants --

25          MS. CIBULA:   Yeah, you might need to look at

1           it and let us know whether or not you think it  
2           should be updated.

3           MR. BAEZ:    JAPC also changes their mind on  
4           what their preferable language is from time to  
5           time, and really that sort of what the genesis of  
6           how a rule pops, all of a sudden it's using the old  
7           language.

8           MS. CIBULA:  Yeah, some of the rules are older  
9           and they have some language in it that probably  
10          wouldn't pass, you know, the criteria nowadays, and  
11          they, you know, so they say, maybe you should look  
12          at this rule and determine whether or not you  
13          should make --

14          COMMISSIONER BROWN:  Well, do they do it once  
15          a year, or do they do it several times after  
16          session?

17          MS. CIBULA:  Probably once a year, it seems  
18          like it's different sections.  Like, they did 366  
19          this time around, or our electric rules, so -- but  
20          they, you know, maybe next year we might get the  
21          water rules.

22          COMMISSIONER BROWN:  All we are required do is  
23          look at it?

24          MS. CIBULA:  To look at it and respond to  
25          their request.

1 MR. BAEZ: Yeah, just to be clear, these  
2 recommendations -- or their correspondence to us  
3 isn't on a policy basis.

4 COMMISSIONER BROWN: Oh, that's -- thank you.  
5 That's what I wanted to hear. Thank you.

6 MR. BAEZ: This is -- with all due respect,  
7 it's an administrative.

8 MS. CIBULA: Yeah, it's JAPC staff. It is not  
9 the committee.

10 MR. BAEZ: It's not a substantive  
11 recommendation to be reviewed or any of that.

12 COMMISSIONER BROWN: Got you.

13 MR. BAEZ: It really is language.

14 COMMISSIONER BROWN: Okay. Thank you.

15 CHAIRMAN GRAHAM: Any further discussion?

16 Can I get a motion to allow staff to move  
17 forward with this draft?

18 COMMISSIONER BROWN: So moved.

19 COMMISSIONER CLARK: Second.

20 CHAIRMAN GRAHAM: It's been moved and  
21 seconded.

22 Any further discussion?

23 Seeing none, all in favor, say aye.

24 (Chorus of ayes.)

25 CHAIRMAN GRAHAM: Any opposed?

1 (No response.)

2 CHAIRMAN GRAHAM: By your action, you have  
3 approved that motion.

4 Thank you, staff.

5 Okay. Back to our agenda, No. 2, General  
6 Counsel's report.

7 MR. HETRICK: No report, Mr. Chair.

8 COMMISSIONER GRAHAM: Okay. Executive  
9 Director report.

10 MR. BAEZ: Thank you, Mr. Chair.

11 Briefly, it's fall, that means it's budget  
12 season, not football season here. Staff is busy  
13 finalizing the legislative budget request for the  
14 '19-'20 fiscal year, briefings are getting set with  
15 your office leading up to that.

16 Filing day is 10/15, October 15th of this  
17 year. We will be bringing it for your  
18 consideration to the October 9th Internal Affairs.  
19 Hopefully we will get to walk you through it, each  
20 of you leading up to that. So we will arrange for  
21 briefings with each of your offices.

22 Also, we are in the process of arranging for  
23 briefings to fill you in on the year-end this past  
24 year to give you the, I guess, the bullet on how we  
25 ended up so that you can have a natural starting

1 point moving forward.

2 So I look forward to meeting with all of  
3 you -- each of you. All of you.

4 COMMISSIONER FAY: Separately.

5 MR. BAEZ: Separately, yes. Separately but  
6 equally.

7 COMMISSIONER GRAHAM: Any questions to the  
8 Executive Director?

9 Does that complete your report?

10 MR. BAEZ: Yes. Thank you, Mr. Chairman.

11 CHAIRMAN GRAHAM: Other matters?

12 Commissioner Brown.

13 COMMISSIONER BROWN: Thank you.

14 Commissioners, I don't know if you received  
15 through NARUC, but the Natural Gas Committee on  
16 NARUC has developed a natural gas modernization --  
17 infrastructure modernization partnership with the  
18 Department of Energy, and they are -- they are  
19 convening at a research lab in Andover,  
20 Massachusetts, and they have asked for  
21 commissioners, if you are interested, to  
22 participate. It is on September 17th and 18th and  
23 19th.

24 There is going to be a research tour of the  
25 research lab. Catherine has all of the details,

1 but they are encouraging all commissioners who have  
2 an interest in natural gas to come along. I will  
3 be there. So just wanted to say that.

4 Also, because I was the only one that didn't  
5 being to SEARUC, apparently I got volunteered for a  
6 Blue Ribbon Commission to Puerto Rico to address  
7 hurricane preparedness issues, and kind of share  
8 Best Practices.

9 That is coming up, and if you all are  
10 interested in at least sharing some ideas, or if  
11 you want something to be thrown out there on behalf  
12 of Florida, please let me know, and thank you so  
13 much.

14 COMMISSIONER GRAHAM: You were volunteered for  
15 that not because you weren't at SEARUC, that's  
16 because we felt you were most qualified being the  
17 person that was chairing this agency during the  
18 last three or four hurricanes.

19 COMMISSIONER POLMANN: That's exactly how I  
20 remember it.

21 COMMISSIONER BROWN: Is that how you remember  
22 it?

23 COMMISSIONER POLMANN: Yeah.

24 COMMISSIONER BROWN: I have a bilingual  
25 advisor, so that will come in handy.

1 COMMISSIONER GRAHAM: There you go.

2 Any other matters?

3 MR. BAEZ: Mr. Chairman.

4 COMMISSIONER GRAHAM: Yes.

5 MR. BAEZ: Pardon me, did you have dates for  
6 that?

7 COMMISSIONER BROWN: We do.

8 MR. BAEZ: I didn't -- I didn't get them, I am  
9 sorry.

10 COMMISSIONER BROWN: It is tentatively  
11 scheduled for -- we had a hearing that was just  
12 canceled. It's October 17th and 18th, so two-day  
13 stay-over in Puerto Rico.

14 COMMISSIONER POLMANN: It takes remarkably  
15 long to get there.

16 COMMISSIONER BROWN: I know.

17 COMMISSIONER POLMANN: It's much further than  
18 you think.

19 COMMISSIONER BROWN: So there are -- it's a  
20 really interesting commission, too. If you want  
21 more details, they all know about it, I am just  
22 getting up to speed on it, but it's exciting for  
23 Florida to be at the table to help share some of  
24 our Best Practices with that state -- entity.

25 CHAIRMAN GRAHAM: Anything else?

1 All right. That being the case, we are  
2 adjourned. Everybody please travel safe.

3 (Whereupon, the proceedings were concluded at  
4 10:15 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,  
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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 7th day of September, 2018.



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DEBRA R. KRICK  
NOTARY PUBLIC  
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