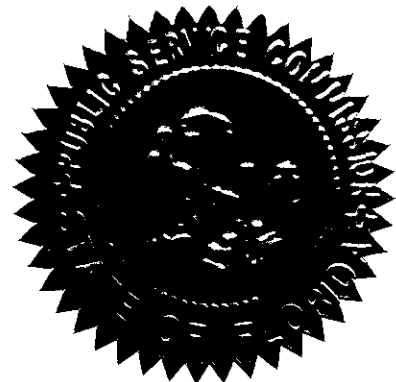


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 070733-EI

In the Matter of:

COMPLAINT NO. 694187E BY CUTRALE  
CITRUS JUICES USA, INC. AGAINST  
TAMPA ELECTRIC COMPANY FOR REFUSING  
TO PROVIDE TRANSFORMER OWNERSHIP  
DISCOUNT FOR ELECTRICAL SERVICE  
PROVIDED THROUGH MINUTE MAID  
SUBSTATION.



PROCEEDINGS:           AGENDA CONFERENCE  
                              ITEM NO. 3

BEFORE:                   CHAIRMAN MATTHEW M. CARTER, II  
                              COMMISSIONER LISA POLAK EDGAR  
                              COMMISSIONER KATRINA J. McMURRIAN  
                              COMMISSIONER NANCY ARGENZIANO  
                              COMMISSIONER NATHAN A. SKOP

DATE:                     Tuesday, June 3, 2008

PLACE:                    Betty Easley Conference Center  
                              Room 148  
                              4075 Esplanade Way  
                              Tallahassee, Florida

REPORTED BY:            JANE FAUROT, RPR  
                              Official Commission Reporter  
                              (850)413-6732

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1 PARTICIPATING:

2 JAMES D. BEASLEY, ESQUIRE, and WILLIAM ASHBURN,  
3 representing Tampa Electric Company.

4 ROBERT P. MAJOR, ESQUIRE, representing Cutrale Citrus  
5 Juices USA, Inc.

6 LISA BENNETT, ESQUIRE and LEE COLSON, KLANCKE,  
7 ESQUIRE, representing the Florida Public Service Commission  
8 Staff.

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

1  
2           **CHAIRMAN CARTER:** Commissioners and staff, we are now  
3 on Item 3. Give staff an opportunity to introduce Item 3.

4           Staff, you're recognized.

5           **MS. BENNETT:** Mr. Chairman and members of the  
6 Commission, my name is Lisa Bennett, I'm with the Office of the  
7 General Counsel.

8           Item 3 on the agenda is a formal complaint filed by  
9 Cutrale Citrus Juice USA against Tampa Electric Company.  
10 Cutrale is alleging that TECO has violated a provision of its  
11 tariff for firm standby and supplemental service which allows a  
12 transformer ownership discount. Staff has reviewed the  
13 parties' positions and believes that Cutrale does not meet the  
14 requirements of a tariff ownership -- transformer ownership  
15 discount. Accordingly, in Issue 1, staff recommends that the  
16 Commission find that TECO is not in violation of its tariff.  
17 If the Commission agrees with staff in Issue 1, staff  
18 recommends in Issue 2 that no refund be granted.

19           Both of the parties have representatives here that  
20 are prepared to speak to the Commission. Staff is available  
21 for questions.

22           **CHAIRMAN CARTER:** Commissioners, would you like to  
23 hear from the parties before we go forward with our questioning  
24 with staff? Okay. Let's hear from the parties.

25           **MR. MAJOR:** Good morning. My name is Robert Major.

1 I am an attorney for Cutrale Citrus Juices, who is the  
2 petitioner in this case. If I may, I'd like to give a brief  
3 background history of the dispute.

4 **CHAIRMAN CARTER:** You have five minutes.

5 **MR. MAJOR:** Five minutes, okay. It will get a lot  
6 briefer.

7 **CHAIRMAN CARTER:** Okay. Good.

8 **MR. MAJOR:** The petition seeks to have the staff's  
9 recommendation not followed. The staff has recommended that  
10 Cutrale be denied the transformer ownership discount, and I  
11 want to briefly explain why we think Cutrale is entitled to  
12 that discount.

13 The transformer ownership discount we're talking  
14 about appears in the tariff, and I will read the text of it.  
15 The text says as follows: "When the customer furnishes and  
16 installs all primary voltage to secondary voltage line  
17 transformation from a primary voltage distribution feeder, a  
18 discount of 36 cents per kilowatt of supplemental demand and 32  
19 cents per kilowatt of standby demand will apply."

20 It's Cutrale's position that it meets this simple  
21 requirement. Cutrale takes power from TECO at 13 kV and steps  
22 that power down using 27 of its own transformers throughout the  
23 plant to the utilization voltage that the various equipment,  
24 everything from the processing equipment to the coffeemakers  
25 use. And the reason that Cutrale thinks that it is entitled to

1 the discount is it meets the description. It takes service at  
2 primary voltage, which is 13 kV. It provides the  
3 transformation to secondary voltage through its own  
4 transformers and it obtains this power from a primary voltage  
5 distribution feeder, which is the Minute Maid substation.

6           The staff recommendation -- interestingly on Page  
7 7 there is a footnote that, in my mind, very clearly explains  
8 why we think Cutrale should be entitled to this discount.  
9 Footnote 1 says this, and this is a quote from the Commission's  
10 ruling in a prior case involving a rate hike sought by TECO  
11 years ago: "Transformer ownership discounts are given when a  
12 customer takes service at primary or subtransmission voltage  
13 and provides his own transformation." Cutrale does exactly  
14 that.

15           These discounts are justified because the demand  
16 charge includes costs associated with the company's, TECO's,  
17 cost of transformation. Thus, customers who take service at  
18 higher voltage levels should get a credit to recover the costs  
19 included in the rates which are related to transformation not  
20 required.

21           Our point is simply this. Cutrale is assessed demand  
22 charges which have built into them transformation costs which  
23 TECO does not have to incur because we do the transformation  
24 ourselves through the 27 transformers at our plant. And this  
25 statement here from the Commission in a prior ruling

1 essentially establishes the reason for the transformer  
2 discount. When a customer provides the costs of  
3 transformation, TECO doesn't have to incur it, but the demand  
4 charges that we are hit with have those transformation costs  
5 built into them. So the only way to pull those costs back out  
6 of the demand charges is to give Cutrale the discount. And the  
7 language of the discount in the tariff is a very simple  
8 one-paragraph requirement, and Cutrale meets it.

9 Thank you.

10 **CHAIRMAN CARTER:** Thank you. TECO, you're  
11 recognized.

12 **MR. BEASLEY:** Mr. Chairman and Commissioners, good  
13 morning. I'm Jim Beasley with the law firm of Ausley and  
14 McMullen in Tallahassee representing Tampa Electric Company.  
15 With me is Mr. William Ashburn, Director of Pricing and  
16 Financial Analysis for Tampa Electric.

17 We agree with and support your staff's recommendation  
18 in this matter. While Tampa Electric is pleased to have the  
19 opportunity to serve Cutrale Citrus Juices USA, this customer  
20 simply does not qualify for the transformer ownership discount  
21 under Tampa Electric's tariff, and providing such a discount  
22 would afford this customer an unreasonable preference or  
23 advantage which is something that Tampa Electric is precluded  
24 by statute from doing.

25 Now, the arguments that Mr. Major has presented were

1 carefully considered by your staff in advance of the  
2 preparation of their recommendation. Staff issued numerous  
3 data requests, conducted teleconferences among the parties, and  
4 considered all relevant facts in advance of publishing its  
5 recommendation.

6 We would ask that you approve the staff's  
7 recommendation. Mr. Ashburn and I are available for any  
8 questions you may have.

9 **CHAIRMAN CARTER:** Thank you.

10 Commissioners, we are now into our questioning phase.  
11 Do you have questions for either the parties or staff?

12 Commissioner Argenziano, you're recognized.

13 **COMMISSIONER ARGENZIANO:** Thank you. I guess for  
14 TECO. If you have read Page 7, we've already heard Cutrale's  
15 representative read to us about the transformer ownership, can  
16 you tell me why, specifically, that you feel that Cutrale is  
17 not entitled to the discount with that language as it is?  
18 That's for TECO.

19 **MR. ASHBURN:** Thank you, Commissioner. I'm William  
20 Ashburn.

21 Mr. Major talked about Footnote 7 as one of the  
22 supports, and it is important to read Footnote 7 in total. As  
23 you saw at the end, it said that the costs -- the transformer  
24 ownership is based on the cost of service and how the rates are  
25 designed, and it said customers who take service at a higher

1 voltage level should get a credit to recover the costs included  
2 in the rates which are related to transformation not required.

3 As the staff said in its recommendation, the  
4 transformation at Cutrale is required by the customer itself to  
5 get the voltage from 13 kV, particularly coming from their  
6 generator, to their load. And so all that transformation is  
7 required by Cutrale itself and would not be provided by Tampa  
8 Electric. Consequently it's not required, and, therefore, we  
9 are not avoiding transformation and, therefore, a discount is  
10 not required.

11 **COMMISSIONER ARGENZIANO:** Well, this is where it gets  
12 confusing for me, because it seems that the language says to me  
13 that if the company is going to need that transformer and they  
14 are the ones who have the transformer, they built it or  
15 acquired it, that the discount would apply. So maybe I'm  
16 missing something and would like to have a little bit more.

17 If it's at contracting, that the contract does not  
18 specify that the transformation will take place, or they need to  
19 have this voltage down to different areas in their  
20 facilities -- and, I guess, again, it seems like to me that  
21 that language is basically saying that if you provide the  
22 transformer then you are entitled to that discount, and I'm  
23 just not getting --

24 **MR. ASHBURN:** The language in the tariff talks about  
25 from a distribution feeder, and there is no distribution feeder



1 there. There is a substation, a small dedicated substation  
2 that we built only for Cutrale, and their meter is right at  
3 that point, and at that point, at the low side of the  
4 transformer, 13 kV is the service that Cutrale requires. So  
5 nothing is avoided. Nothing that we would have built has not  
6 been built but for Cutrale. They take 13, they need 13 from  
7 their generator to get to their -- throughout their system, so  
8 there's nothing avoided, and that's why we don't think they are  
9 owed the discount.

10 **COMMISSIONER ARGENZIANO:** Mr. Chairman, if I may. So  
11 then what you're saying is it is really location of the  
12 transformers.

13 **MR. ASHBURN:** That's a big part of it, yes.

14 **CHAIRMAN CARTER:** Commissioner Skop, you're  
15 recognized, sir.

16 **COMMISSIONER SKOP:** Thank you, Mr. Chairman.

17 Just a quick question to TECO. With respect to the  
18 voltage at the point of service, that was originally specified  
19 at 13 kV, is that correct?

20 **MR. ASHBURN:** Yes.

21 **COMMISSIONER SKOP:** That could have been specified at  
22 a lower level and you would have had to provide that voltage at  
23 that point of service?

24 **MR. ASHBURN:** We provide voltage as requested by the  
25 customer at whatever standard voltage they are. Sometimes they

1 request unusual voltages and we may have to do something  
2 different.

3           **COMMISSIONER SKOP:** And a question to Cutrale. With  
4 respect to transforming your own cogenerated electricity, how  
5 exactly, absent your own internal distribution system, would  
6 you reduce that cogeneration voltage down to the service level  
7 voltage?

8           **MR. MAJOR:** If Cutrale's own turbines were completely  
9 taken out of the equation and power was coming into Cutrale at  
10 13 kV as it would be, it would then go through Cutrale's  
11 transformation system. It has 27 transformers within its  
12 distribution system at the plant, and that would be stepping  
13 down the power that it is taking in at 13 kV to the various  
14 lower voltages required by the equipment itself.

15           And that's exactly the point we are making. All of  
16 the energy that Cutrale receives from TECO it receives at 13 kV  
17 and all the energy it uses from TECO it uses at much lower  
18 voltage having passed through transformers that Cutrale owns.

19           **COMMISSIONER SKOP:** But to my point, again, to  
20 utilize or useful -- actually to utilize the cogeneration that  
21 you're generating on your side of the meter and to distribute  
22 that for your own service voltage at the various locations  
23 within your facility, you could not accomplish that without  
24 your own internal distribution system.

25           **MR. MAJOR:** That's true.

1           **COMMISSIONER SKOP:** Okay. I think that's the only  
2 questions I have. I would defer to my colleagues and at the  
3 appropriate time I may be wanting to make a motion.

4           **CHAIRMAN CARTER:** Thank you.  
5 Commissioner Argenziano.

6           **COMMISSIONER ARGENZIANO:** I think there is just one  
7 other question. What was the reason why the Coca-Cola Company  
8 was granted the discount for so long?

9           **MR. ASHBURN:** It was for several years and it was in  
10 error. And when we discovered the error at the time that the  
11 cogen was being built and the substation was being made more  
12 built up, we corrected it and did not backbill them for that  
13 error. We just changed it and went forward with the correct  
14 coding.

15           **CHAIRMAN CARTER:** Yes, ma'am.

16           **COMMISSIONER ARGENZIANO:** Does Cutrale have any  
17 response to maybe some of the questions or what I just asked?

18           **MR. MAJOR:** Briefly. Cutrale receives a transformer  
19 ownership discount at two other facilities that it has, the  
20 wastewater treatment plant which is right next to the power  
21 plant, or right next to the juice processing plant in  
22 Auburndale, and the wastewater treatment plant does not have  
23 this configuration that is described in the staff  
24 recommendation order that says that Cutrale in order to qualify  
25 for the discount would have to put a transformer ahead of the

1 TECO meter on TECO's side of the ownership line. That  
2 situation does not exist for the wastewater treatment plant,  
3 yet we get the discount there. So there seems to be a  
4 mysterious inconsistency. Why don't we get it here when we get  
5 it there, and the rationale for that never seems to add up.

6 **COMMISSIONER ARGENZIANO:** That's a good point. Maybe  
7 staff could help respond to that one.

8 **MR. COLSON:** Commissioners, the Ariana Line is  
9 separate from this facility. This is an independent  
10 distribution network. The Ariana Line is served off of a 13 kV  
11 line that serves other customers in that area. It's not a  
12 dedicated line that is providing service to Cutrale.

13 So, this does not -- these are apples and oranges.  
14 What he just said is apples and oranges here because there are  
15 other customers. That's not a dedicated line. This is a  
16 dedicated line. TECO has provided a meter past a 69 kV to 13  
17 kV transformer. They have put a meter past there, and they  
18 have no responsibility past that meter. And that's what we are  
19 contending here is that the responsibility at this facility  
20 ends at the meter. And that it's an interconnection point, you  
21 have a cogeneration facility that is generating at 13 kV, and  
22 that 13 kV is then being distributed in a closed network that  
23 Cutrale has designed and built to serve these facilities and it  
24 is not the same as the Ariana situation.

25 **CHAIRMAN CARTER:** Yes, ma'am.

1           **COMMISSIONER ARGENZIANO:** So then the location of the  
2 transformer doesn't make a difference at the wastewater plant  
3 because there's other customers.

4           **MR. COLSON:** Right, there are other customers.

5           **COMMISSIONER ARGENZIANO:** Is that understood  
6 somewhere in writing? I mean, where does the understanding of  
7 the differences come into play?

8           **MR. COLSON:** Well, I think it was understood in terms  
9 of the original contract that specified that the Ariana Line  
10 was not sufficient to serve this facility, and that either that  
11 line would have to be beefed up at a tremendous cost, and it  
12 was determined that the substation to serve this facility would  
13 be less expensive than beefing up the Ariana Line. So TECO  
14 designed and built a dedicated substation at the request of at  
15 that time Coca-Cola to provide service at 13 kV. And the  
16 service that it provided at 13 kV from a 69 kV to 13 kV  
17 dedicated substation, they put a meter at the end of that  
18 transformer and they decided that it was Cutrale's  
19 responsibility after that meter to take the 13 kV and to  
20 disperse that power if they chose to purchase it from TECO.

21           And I should point out that Cutrale, you know, they  
22 had an option to either purchase or generate. If they  
23 generated their own power, then they dispersed that power as  
24 they saw fit. TECO had no responsibility to provide any  
25 transformation, because they didn't know what Cutrale was going

1 to do with their own generation.

2 **COMMISSIONER ARGENZIANO:** Now, bear with me on this,  
3 okay, because I'm still a little bit -- I won't use the word  
4 confused, but maybe unsettled. If TECO has no responsibility  
5 at the point of the transformer, right?

6 **MR. COLSON:** Past the transformer.

7 **COMMISSIONER ARGENZIANO:** Past the transformer. I'm  
8 sorry, past the transformer. But the discount program is that  
9 if the entity were to provide the transformers, then there  
10 would be a discount, right? Is that then --

11 **MR. COLSON:** Right. Okay. It is TECO, and I think  
12 the way I interpret it is that the 69 kV to 13 kV transformer  
13 is the transformation that is required, and TECO has provided  
14 that cost. And so, therefore, Cutrale does not -- they do not  
15 live up to the responsibility to require TECO to give them a  
16 discount because TECO has already provided them the  
17 transformation at 13 kV.

18 **COMMISSIONER ARGENZIANO:** Okay. Thank you.

19 **CHAIRMAN CARTER:** Commissioners, as you think, let's  
20 me just kind of ask a question while it's on my brain here.  
21 What is the impact of the ratepayers for TECO if we were to  
22 grant what Cutrale is asking? What is the impact on the  
23 ratepayers, the body of ratepayers for TECO?

24 **MS. BENNETT:** From initial calculations for the month  
25 of February 2008 it would be an additional \$5,247 per month for

1 a discount that would be granted to Cutrale. TECO did some  
2 calculations from 1997 to 2007. If there was a refund granted,  
3 it would be about \$424,000 for just that ten-year period.

4 **CHAIRMAN CARTER:** So \$400,000, and then on a  
5 going-forward basis roughly 5,000 a month, is that what you're  
6 saying?

7 **MS. BENNETT:** Yes. And Cutrale and TECO may have  
8 more up-to-date information since several months have passed by  
9 since we got that calculation from them.

10 **CHAIRMAN CARTER:** Do you have any additional numbers  
11 on that?

12 **MR. MAJOR:** No.

13 **MR. ASHBURN:** We haven't updated it from that point.  
14 I would say going forward that the discount, if it were  
15 applied, would depend on Cutrale's load and how much they would  
16 use, because it's a discount based on billing units. So it  
17 depends on how their load pattern would be, how big it would be  
18 as far as billing impact.

19 **CHAIRMAN CARTER:** Let me ask you this, to the folks  
20 at Cutrale. Do you think that's appropriate for the body of  
21 ratepayers, the general body of ratepayers of TECO to subsidize  
22 this when they have already brought the power to your facility  
23 as requested?

24 **MR. MAJOR:** I believe that because the demand charges  
25 that Cutrale pays have built into it costs for transformation

1 that Cutrale itself is providing, it's not fair to Cutrale to  
2 imposes those costs on Cutrale. To be treated as everyone else  
3 is treated would mean they would only pay for -- that they  
4 wouldn't have to pay for transformation costs that they  
5 themselves are providing. The rest of the ratepayers are  
6 paying for transformation costs that TECO provides and Cutrale  
7 is having to pay for costs that it is providing and that  
8 strikes me as not being appropriate.

9 **CHAIRMAN CARTER:** You would agree, though, that the  
10 power that Cutrale is paying for has been consumed on your  
11 facility?

12 **MR. MAJOR:** Yes. Power generated by TECO is being  
13 consumed on our facility, and certainly the Minute Maid  
14 substation was built to accommodate Coca-Cola. And it's my  
15 understanding that the cost of the Minute Maid facility, the  
16 Minute Maid substation have essentially been repaid through  
17 demand charges as the contracts specified. That the costs of  
18 accommodating Coca-Cola, later Cutrale, by building that thing  
19 have already been repaid through 15, 20 years of demand charges  
20 that include these costs.

21 **CHAIRMAN CARTER:** Commissioners?

22 Commissioner McMurrian, you're recognized.

23 **COMMISSIONER McMURRIAN:** Thank you. I just wanted  
24 to -- this is for staff, and I just wanted to make sure that I  
25 understand what Mr. Colson was saying earlier. I think what



1 you're saying is it was TECO's responsibility to step down from  
2 69 kV to 13 kV because that's what the customer requested.

3 **MR. COLSON:** That's correct.

4 **COMMISSIONER McMURRIAN:** And then beyond that, if the  
5 tariff were to apply, according to what you have said in the  
6 staff recommendation, I guess, if on that side of the meter,  
7 where TECO is stepping down from 69 to 13 kV, if on that side  
8 of the meter somehow Cutrale had paid for some facilities and  
9 done the work themselves, then they would be entitled to a  
10 credit under the tariff in that situation, right? Am I  
11 understanding it correctly?

12 **MR. COLSON:** No. I'm saying that if Cutrale would  
13 have paid TECO for the Minute Maid substation, if they would  
14 own that transformation, then they would qualify for a  
15 transformer discount.

16 **COMMISSIONER McMURRIAN:** And that's on TECO's side of  
17 the meter, right?

18 **MR. COLSON:** Right. That is TECO ownership now.

19 **COMMISSIONER McMURRIAN:** So the purpose of the tariff  
20 -- I'm sorry, Chairman.

21 **CHAIRMAN CARTER:** You're recognized.

22 **COMMISSIONER McMURRIAN:** So the purpose of the tariff  
23 is to give a credit to an entity that has incurred some expense  
24 that offsets some of TECO's expense in providing that service  
25 to that customer, is that --

1           **MR. COLSON:** That's correct.

2           **COMMISSIONER McMURRIAN:** Okay. And we don't have  
3 that situation here because it is on the customer side of the  
4 meter, is that correct?

5           **MR. COLSON:** Right.

6           **COMMISSIONER McMURRIAN:** I just wanted to make sure.  
7 And, Chairman, one other thing if I may mention. Mr.  
8 Colson, is this your last agenda with us?

9           **MR. COLSON:** Yes, it is.

10          **COMMISSIONER McMURRIAN:** I'm going to embarrass him  
11 here, but I've known Lee a long time and he is a good man and  
12 he has done a lot of good work for us. And I just wanted to  
13 thank him for that publicly.

14          **MR. COLSON:** Thank you, Commissioner.

15          **CHAIRMAN CARTER:** Happy trails, Mr. Colson. Happy  
16 trails. A lot of great years both to the United States Navy  
17 and here at the Florida Public Service Commission. We're  
18 honored by your service.

19                 Commissioners, any further questions? We don't want  
20 to embarrass you any further, Mr. Colson.

21                 Commissioner Skop, you're recognized, sir.

22          **COMMISSIONER SKOP:** Thank you, Mr. Chairman.

23                 And I think there has been some good discussion. At  
24 least from my perspective, it seems like the debate in this  
25 issue centers on the language in the tariff. And while that

1 language might be able to be tightened up, you know, it's often  
2 hard to write things perfectly.

3           Accepting the Cutrale interpretation of that language  
4 in practice just wouldn't lead, in my view, to a practical  
5 result. It's stretching something that, you know, looks good  
6 on paper, but when you apply it to practice it's just  
7 inconsistent with how things are typically done. So with that  
8 I would move at this time to adopt the staff recommendation.

9           **CHAIRMAN CARTER:** Commissioner Argenziano.

10           **COMMISSIONER ARGENZIANO:** Before we do that, I just  
11 want to, I guess, say something, because I think the language  
12 is vague. And while I don't want to shift something to the  
13 customers, if I were the entity who -- and, even TECO in  
14 making, I guess, putting these contracts together, or the  
15 language together, because that's the part I had the hardest  
16 time with. Is it really telling Cutrale that -- you know, I  
17 don't see location specified. I don't see that specification  
18 in there. So if I were Cutrale, I would have reason to believe  
19 that possibly because I had those transformers I would be  
20 eligible for that discount, too. So I have real heartburn  
21 because of the vagueness.

22           I always look to either a statute, or the rule, or  
23 the contract to find out what the language really says, and I'm  
24 not sure that it doesn't say what Cutrale -- I think that's why  
25 they're here today. So to me it is very vague, and I'm really

1 not comfortable because it is that vague, because I don't know  
2 which way this really needs to go.

3 I don't want to see the customers paying for  
4 something they don't have to pay for, but, yet, why should  
5 Cutrale if it is due to just lack of specification in the  
6 contract. And it really comes down to, gee, I'm not sure what  
7 the heck to do at this point, to be honest with you.

8 **CHAIRMAN CARTER:** Okay. Thank you, Commissioner.

9 We have a motion on it.

10 **COMMISSIONER EDGAR:** I'll second.

11 **CHAIRMAN CARTER:** Second.

12 Commissioners, we have a motion and a second. We are  
13 still in discussion or debate.

14 Hearing none, all those in favor let it be known by  
15 the sign of aye.

16 (Simultaneous aye.)

17 **CHAIRMAN CARTER:** All those opposed like sign. Show  
18 it done.

19 Mr. Colson, thank you so very much for your service.

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STATE OF FLORIDA )  
  
COUNTY OF LEON )


CERTIFICATE OF REPORTER

I, JANE FAUROT, RPR, Chief, Hearing Reporter Services Section, FPSC Division of Commission Clerk, 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 June, 2008.

  
\_\_\_\_\_  
JANE FAUROT, RPR  
Official FPSC Hearings Reporter  
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