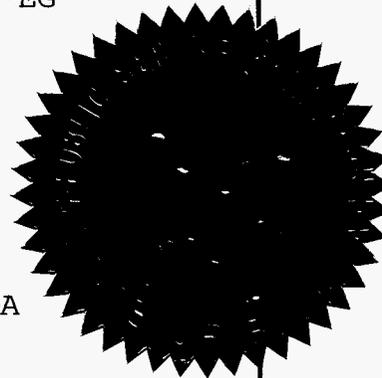


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 100159-EG

PETITION FOR APPROVAL OF
DEMAND-SIDE MANAGEMENT PLAN
OF TAMPA ELECTRIC COMPANY.



PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 6

COMMISSIONERS
PARTICIPATING: CHAIRMAN ART GRAHAM
COMMISSIONER LISA POLAK EDGAR
COMMISSIONER NATHAN A. SKOP
COMMISSIONER RONALD A. BRISÉ
COMMISSIONER EDUARDO E. BALBIS

DATE: Tuesday, November 30, 2010

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

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

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P R O C E E D I N G S

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3 **CHAIRMAN GRAHAM:** Now next we are going to
4 Item Number 6.

5 **MR. ELLIS:** Good morning, Commissioners.
6 Phillip Ellis with Commission Staff.

7 Item 6 is Staff's recommendation for
8 Docket Number 100159, Tampa Electric Company's
9 petition for approval of its 2010 demand-side
10 management plan.

11 TECO was previously sent back to modify
12 its DSM plan which failed to meet the Commission's
13 annual goals. The revised plan increases
14 participation rates in eight programs, with an
15 estimated cost of \$15 million over the ten-year
16 period. With these modifications, the revised plan
17 is projected to satisfy the Commission's demand and
18 energy goals. Staff will continue to monitor and
19 report on TECO's DSM achievements annually as part
20 of the FEECA report which is due to be filed in
21 February.

22 The rate impact associated with the
23 revised plan represents a small increase on the
24 typical bill less than \$1 per month. Staff
25 recommends that TECO's revised DSM plan be approved.

1 Staff is ready to answer any questions you
2 may have, and representatives of TECO and the
3 Intervenors are also present. It is our
4 understanding that SACE wishes to address the
5 Commission first.

6 **CHAIRMAN GRAHAM:** Okay. Thank you very much.

7 SACE?

8 **MR. CAVROS:** Chairman Graham, Commissioners,
9 good morning. George Cavros on behalf of Southern
10 Alliance for Clean Energy.

11 SACE is a regional nonprofit organization
12 that promotes responsible energy choices. And SACE
13 strongly advocates for meaningful energy efficiency
14 because it's the lowest cost resource available to a
15 utility. A well-designed energy efficiency program
16 can meet electricity demand at a fraction of the
17 cost of building new power projects, and efficiency
18 measures also help customers lower their energy use
19 and save money on their electric bills, and that's,
20 you know, particularly critical during these
21 economically challenging times.

22 You know, a lot of folks don't have access
23 to either information or resources on how to lower
24 their energy use, especially low income and fixed
25 income customers, and that's why customers look to

1 utility-sponsored programs to help them save money
2 on their bills. Yet these programs should be
3 cost-effectively designed when they're delivered to
4 customers to ensure that customers get the most bang
5 for their buck.

6 In this docket we contend that you have no
7 assurance of cost-effective program design. Staff
8 appropriately has done an initial cost-effectiveness
9 test. They've looked to make sure that the measures
10 pass the total resource cost test, which they do,
11 and that ensures that the energy efficiency measures
12 meet demand at a lower cost than building a new
13 power plant.

14 But SACE contends the next step by Staff
15 should be an analysis of whether the programs are
16 designed in a way to deliver energy savings in the
17 most cost-effective way, and that's a much more
18 rigorous analysis that informs you if the dollars
19 TECO is collecting are being used to maximize
20 customer benefit. In other words, can it get the
21 same energy savings to customers at a lower cost?
22 And from the DSM plan presented by TECO, you don't
23 know. And from the recommendation analysis provided
24 to you by Staff, you don't know that either, and
25 that's because neither contains information for the

1 Commission to determine if costs are, if programs
2 are well designed with best industry practices or if
3 costs are within national norms.

4 So, Commissioners, you know, I would say
5 to you that efficiency is a resource in meeting
6 demand just like power production and it should be
7 treated as one. Program design should get the same
8 cost-effective analysis as that of a new power
9 plant. I mean, the Commission would never provide a
10 determination of need for a generation resource
11 until that resource has been compared to multiple
12 alternatives under different assumptions and
13 scenarios. The same should apply to efficiency
14 implementation, yet no such rigorous analysis has
15 been conducted by TECO for you or by Staff to
16 determine one of several things: Are there more
17 cost-effective programs at meeting the energy
18 savings goals; two, is there a better mix of
19 programs at meeting the goals; or can the programs
20 themselves be better designed based on best industry
21 practices that ensure that costs are within national
22 norms?

23 And, you know, in fact this kind of
24 information is actually necessary for the Commission
25 to carry out its statutory duty. I would just point

1 you real quickly to *Florida Statute* 366.82(7), which
2 states in part, "The Commission may require
3 modifications or additions to a utility's plants and
4 programs at any time."

5 How can the Commission add programs or
6 modify programs with the limited information that
7 you have before you? It simply cannot. And, you
8 know, I was looking through the transcripts of the
9 September 14th Agenda Conference. Staff committed
10 to you at that time that it would provide a
11 comparison of comparable programs in other
12 geographic areas so you could compare Florida's
13 IOUs' DSM program costs to that of peer utilities,
14 yet no discovery has been conducted by Staff to TECO
15 since that conference.

16 Therefore, Staff has -- rather SACE issued
17 its own discovery to TECO, and just here's a quick
18 sampling of the responses we received when we asked
19 them to identify best industry practices or peer
20 utility programs the Company reviewed to evaluate
21 the cost-effectiveness of its programs. It answered
22 that its review consisted of peer utilities in
23 Florida and those identified through the Itron
24 collaborative process with SACE.

25 Now, Commissioners, you may not be

1 familiar with that process, but that's a
2 two-year-old process. And that process looked at a
3 list of measures; it did not look at programs.
4 Measures comprise programs.

5 Additionally, TECO also stated that it was
6 unaware of how energy efficiency managers in other
7 states account for energy efficiency impacts, and it
8 could not identify one utility outside of Florida
9 that was suitable for comparing cost-effective
10 program design.

11 So I would, you know, I would ask you
12 this. You know, TECO has -- you know, there's no
13 one that they deem suitable to compare themselves
14 to. And Staff has issued a recommendation based
15 primarily on TECO's past performance in its DSM
16 programs and in looking at DSM programs that it's
17 submitted now, so Staff is comparing TECO to TECO.
18 TECO is comparing themselves to nobody. And my
19 question is who's minding the store on behalf of
20 Florida consumers? And, lastly, why is SACE the
21 only entity sitting at this table that even cares
22 about this issue?

23 Lastly, Staff recommends that the
24 Commission should approve programs for cost recovery
25 and require the utilities to justify their costs on

1 the back end during the ECCR docket. Unfortunately
2 that docket is a backward looking process. The only
3 option available to you at that point is to say the
4 cost was prudent or imprudent. Basically are the
5 costs what the Company said they would be? And
6 that's not helpful in developing good energy
7 efficiency programs moving forward.

8 That said, we don't want much further
9 delay in implementing these programs, especially
10 since these programs will help customers reduce
11 energy use and save money on their bill. So
12 therefore we ask the Commission to consider two
13 options. Number one is to deny the Staff
14 recommendation if Staff feels that it can provide
15 information to the Commission in a reasonable, in a
16 reasonable matter of time that would provide
17 information to the Commission on whether there are
18 more cost-effective programs at meeting the energy
19 savings goals or if a better mix of programs exist
20 or if the existing programs can be improved. And if
21 Staff requires outside assistance from a third
22 party, that assistance should be provided. Or in
23 the alternative, approve the programs on a tentative
24 basis, keep the docket open, and set a schedule for,
25 for Staff or a third party to investigate

1 opportunities to make these programs more
2 cost-effective and for the Commission to consider
3 those recommendations accordingly. Thank you.

4 **CHAIRMAN GRAHAM:** Thank you, sir.

5 Can I get some comments from TECO?

6 **MR. BEASLEY:** Mr. Chairman and Commissioners,
7 James D. Beasley with the law firm of Ausley McMullen on
8 behalf of Tampa Electric Company. With me is Mr. Howard
9 T. Bryant, Manager of Rates for Tampa Electric, who is
10 prepared to address the Commission, respond to the
11 points addressed by Mr. Cavros, and answer any questions
12 that you may have on this item.

13 **CHAIRMAN GRAHAM:** Thank you, Mr. Beasley.

14 Now is it Mr. Bryant?

15 **MR. BRYANT:** Yes.

16 **CHAIRMAN GRAHAM:** Okay. I just wanted to make
17 sure I heard correctly.

18 **MR. BRYANT:** Yes. I appreciate that. Thank
19 you. Good morning.

20 Several points have been raised by
21 Mr. Cavros, and I'm trying to logically keep them in
22 my mind so I can address them.

23 First off, in terms of the measures and
24 whether or not those measures were actually programs
25 or not, the process began in a collaborative

1 fashion, which I believe he referenced, and that
2 included the seven utilities in Florida as well as
3 Itron, the consultant that was utilized by the
4 Utility. And, also, SACE was a member of that
5 process from the very beginning.

6 And the development of that process
7 entailed some 271 measures that were applied across
8 residential and commercial, the residential and
9 commercial sectors, and within those sectors it was
10 also applied against new and existing construction.
11 And so once you do that kind of multiplication, if
12 you will, of application, you ended up with some
13 2,300 individual analyses that were done across
14 those various measures.

15 We sought to have data that was specific
16 to Florida for a couple of reasons. One, our
17 climate in Florida is unique, and so when you
18 consider measures that are evaluated for heating and
19 cooling, for instance, you need to be considering
20 what is happening in the State of Florida relative
21 to -- you simply need to consider what is going on
22 within the State of Florida. The heating and
23 cooling loads of other parts of our country are not
24 applicable to Florida, so we need to be specific.
25 And that, that was -- we made sure, all the

1 utilities made sure that we did that.

2 The second thing, even when you go outside
3 the area of heating and cooling measures, if you
4 look at water heating measures for an example, water
5 heating is based on, in many cases, the consumption,
6 but it's also based on the incoming water
7 temperature. And so in Florida our incoming water
8 temperature is some 70 to 72 degrees on a consistent
9 basis. And if you were to compare water heating
10 measures across the other parts of the country, as
11 you go further north, ground water temperature is
12 higher [sic], so you'll be at 60 degrees as you go
13 up toward perhaps the Tennessee area. And even if
14 you get into the, to the northern geographic regions
15 of the country, then you're down to a 50 degree
16 incoming water temperature.

17 So because of, again, those specifics to
18 Florida is why we focused on what could these
19 measures do in our particular climate zone, in our,
20 excuse me, in our particular region? And so that
21 was our comparison.

22 Now in the process of the collaborative,
23 SACE did bring to the table some activity that was
24 from the northwest part of our country. And as we
25 looked at it from a group of utilities, we made the

1 decision that what was happening in that particular
2 region was not necessarily specific and Florida
3 specific so that it would give us good data relative
4 to what's happening in our climate zone. And so
5 we -- although the measures in some cases were
6 considered for us down here in that group of
7 271 measures, what we wanted was specific data for
8 Florida, which we did have available to us through
9 that particular study.

10 On the issue of comparing to other Florida
11 utilities, if you will look at what the costs are on
12 a per unit basis for Tampa Electric relative to the
13 other utilities, you will find that we are generally
14 at or below delivery costs on a per unit basis
15 relative to other utilities. We think that's a good
16 point.

17 Now how good of a point is that? Again
18 you look to cost-effectiveness, which again was
19 mentioned by Mr. Cavros, as our programs are
20 cost-effective and that is true. The question is
21 will it continue to be cost-effective on a
22 going-forward basis? And the answer there is that
23 is tested on an annual basis when the Commission has
24 through its audit process a review of our true-up
25 filings. And you look at the expenses and you look

1 at per unit costs, and those are filed every
2 March 1, and the companies are asked to do a
3 cost-effectiveness, cost-effectiveness analysis each
4 time to, to make sure that those programs maintain
5 cost-effectiveness.

6 So we, from Tampa Electric's perspective,
7 we are at or below average cost within our sister
8 utilities, if you will. We look at cost-
9 effectiveness on an annual basis at the time of the
10 true-up and at the time of the audit process, and we
11 make sure that those things remain in sync to the
12 extent that they remain cost-effective.

13 If there is a need for a change, then we
14 would petition and make changes, which we have done
15 over time trying to preserve those programs. If you
16 look at what we have filed in terms of our
17 modification, to address another point of
18 Mr. Cavros, the fact that he indicated that some of
19 the greater gains can be secured through the low
20 income folks, there are five residential programs
21 that we modified. One in particular is a proactive
22 approach to the low income community in our service
23 area, and that is for us to, to go to the
24 neighborhoods to make our presence known and to let
25 folks be aware that we are there and that we are

1 providing some free energy audit low cost energy
2 savings measures to that, to that group of folks.
3 And so I think we are doing exactly what Mr. Cavros
4 has asked us to do or what he is suggesting that we
5 should do, which is look to those folks.

6 So our approach has been one of going to
7 programs that have the opportunity for increasing
8 participation. We didn't necessarily look at
9 programs that have been around since the '80s
10 because of the maturity of those programs and the,
11 the decreasing number of participants that could be
12 available for those programs. We looked at newer
13 programs that have just been developed and/or we
14 looked at programs where we can proactively go to
15 certain aspects of our service area, certain
16 community groups, if you will, and try to increase
17 participation there, as well as focusing on energy
18 awareness.

19 The fact that if we can make folks more
20 and more and more aware, whether it be through
21 neighborhood associations, whether it be through
22 trade shows or whether it be through the school
23 system, which is an element of what we are doing,
24 and we are attacking the school system in the sense
25 of attacking, we're educating and providing students

1 the opportunity to take home with them energy saving
2 opportunities that they can discuss and create that
3 kind of an environment so that, if you will, mom and
4 dad and the students are learning together because
5 the student has brought it home. So that's been our
6 approach to increase as well the education aspect.

7 That's what we are doing. We think it is
8 cost-effective. We believe we have met the intent
9 of the Commission order, which was for us to
10 establish annual goals, and we're looking forward to
11 beginning our effort in so doing. Thank you.

12 **CHAIRMAN GRAHAM:** Does Staff have any last
13 minute things before I bring it back to the board?

14 **MR. ELLIS:** Yes. Staff would like to point
15 out, we, we did review compared to other companies,
16 especially those that SACE suggested for their peer
17 review, and we did find some issues with it.

18 The first is the metric to determine
19 cost-effectiveness. SACE uses a dollar per kilowatt
20 hour metric, which we don't believe is necessarily
21 appropriate to Florida.

22 There's two major aspects to energy
23 conservation. There is the energy savings where
24 this reduces fuel and the amount on the customer
25 bill, and there's also a demand savings, which

1 reduces, rather defers or avoids power plants in the
2 future. So that metric does produce some
3 difficulties and it heavily weights towards energy,
4 while the goals established by this Commission are
5 annual goals for demand for winter, for summer peak
6 periods, as well as for annual energy.

7 Also, there seems to be a dependence on
8 each of the companies upon a single program.
9 Typically these are rebate programs or lighting
10 programs. Florida also divides it into commercial
11 and residential pools.

12 Commercially, TECO is performing better
13 than four of the five that SACE compared using
14 SACE's metric. And on the residential side, TECO is
15 significantly higher, but it depends upon some
16 factors. The reliance upon a single program kind of
17 focuses where most of the savings are. And if a
18 participant can use that program, they would be able
19 to share in those higher savings, but in some
20 instances they may not be able to.

21 For example, Excel Energy, one of the
22 companies selected, has one program that provides
23 77 percent of its energy savings, the home lighting
24 and recycling program. Without this program, the
25 rest of the portfolio has approximately 92 cents per

1 kilowatt hour versus, I believe I calculated 44 for
2 the residential portion of TECO excluding demand
3 management programs. So by their own metric,
4 without that single program, there are vastly higher
5 costs.

6 Most of these programs seem to offer heavy
7 CFL rebates, and most of them also have a time
8 period up to approximately when federal standards on
9 CFLs go into effect. TECO's plan is a ten-year plan
10 that goes significantly beyond that period, so CFL
11 savings would not be available to TECO for a vast
12 majority of its plan. So that raises some concerns.
13 So that would be all.

14 **CHAIRMAN GRAHAM:** Thank you.

15 To the board. Commissioner Edgar.

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

17 Just a few comments.

18 First of all, I recognize, I think pretty
19 much everybody who participated in this process that
20 brought us here to date recognizes and recognize
21 that Florida has been a leader for years in DSM
22 comparatively to other states, and as a state but
23 also with our companies, of which we are, we are
24 very proud. But it also kind of leaves us at that
25 where do we go from here and maybe does contribute

1 to an issue that I believe Mr. Cavros has
2 highlighted for us today as to who, who do we
3 compare to and who do we learn from?

4 Florida for many years in this issue and
5 in many, many, many other issues has put a lot of
6 time and effort into using benchmarks as a state and
7 also policy sector and industry sector, and
8 certainly our new Governor-Elect has talked a lot
9 about how we can use that benchmarking process to
10 move forward in a number of areas, and I think this
11 is certainly one that clearly rises to the
12 forefront.

13 I am not sure though where we, where we go
14 from here. I agree with many of Mr. Cavros'
15 comments on behalf of SACE. I thank you for your
16 participation and for the participation of your
17 organization, and I am hopeful that as we as a state
18 and as a Commission move forward on these issues
19 that we will have continued participation and even
20 more robust participation. Because I agree that as
21 we look at these issues, sometimes that consumer
22 representative perspective is, is a little harder to
23 bring to the table. I'm not sure how we do that. I
24 welcome suggestions from your organization, from all
25 consumer groups that have participated to date, and

1 others that may be out there individually and
2 collectively.

3 I agree completely that efficiency is a
4 resource that we have made strides in the past but
5 can continue to move forward, especially as
6 awareness increases and as technology becomes more
7 accessible. I think that the issues surrounding and
8 discussions around smart grid as a nation and
9 hopefully as a state will lend itself to that as
10 well and will help us move from maybe the focus on
11 one or two programs but to bringing in, in some
12 others.

13 With those general comments, I still have
14 a little bit of discomfort personally as to how we
15 do measure cost-effectiveness and value added on
16 these issues as a whole. And I'm hoping,
17 Mr. Chairman and Commissioners, that that is something
18 as a Commission we will continue to put some time and
19 resources into and move forward. I think that's
20 necessary. I think there are still, there's still more to
21 be done and more to be learned, and that we do need to
22 look at cost-effectiveness as a very important component
23 as we move forward.

24 But with everything that we have done and
25 with everything that we know to date I am

1 comfortable approving this item today so that we can
2 continue the motion forward, but I hope for many
3 more discussions and continued progress.

4 **CHAIRMAN GRAHAM:** Thank you.

5 Commissioner Skop.

6 **COMMISSIONER SKOP:** Thank you. Just a
7 question for Staff and possibly to the Company also.

8 On page 6 of the Staff recommendation,
9 second paragraph, Staff noted that eight of the
10 proposed programs were modified to increase
11 participation levels as indicated in Table 3. And I
12 believe, if my math is correct, that six of those
13 eight programs feature increased advertising costs
14 and customer awareness efforts to encourage
15 additional participation, which is always a good
16 thing.

17 I think that the question I have for
18 Staff, however, is are the new advertising expenses
19 assumed not to change the cost-effective,
20 cost-effectiveness measures?

21 I mean, for instance, if you spend
22 additional money to promote a given efficiency
23 program, is that captured within the E-TRC and E-RIM
24 analysis, or is advertising costs excluded from
25 that?

1 **MR. ELLIS:** Typically those costs are
2 included. In TECO's instance, we have a very early
3 avoided unit. It's, I believe, a 2012 combustion
4 turbine. And at that point the expenditures for
5 additional advertising and participation occur after the
6 timing of the avoided unit. So I believe that would be
7 the reason the E-TRC test results did not change.

8 **COMMISSIONER SKOP:** Okay. Well, the reason I
9 asked is in the prior recommendation from 9-1 in Table
10 6, again, some of the values did not change, and so I
11 was looking at the underlying assumptions to, you know,
12 as they pertain to the cost-effectiveness test that the
13 Commission bases its decision to approve or deny any
14 specific program under its discretion.

15 **MR. ELLIS:** Yes. Those values did not change
16 from the previous recommendation. And we do annually
17 review the cost-effectiveness of these programs as a
18 part of the FEECA report.

19 **COMMISSIONER SKOP:** And then also on Page 7 of
20 the Staff recommendation, second to last paragraph at
21 the bottom of the page, TECO assumed a carbon cost of
22 \$38 per ton starting in 2014 and escalating in the
23 future. Is that a consistent assumption that was used
24 across the analysis for the various respective IOUs?

25 **MR. ELLIS:** That was consistent with TECO's

1 usage in the goal setting process. During the goal
2 setting process each of the IOUs had a different carbon
3 number both in initial cost, initial start date and
4 escalation rate. So but this number is consistent with
5 that used in the goal setting process.

6 **COMMISSIONER SKOP:** But in terms of order of
7 magnitude in relation to the underlying assumption is it
8 consistent generally with other IOUs?

9 **MR. ELLIS:** I believe it was one of the
10 highest, if not the highest of the IOUs and had a
11 relatively early start date comparable to the others.

12 **COMMISSIONER SKOP:** Okay. And then on Page 9
13 of the Staff recommendation, the second paragraph, Staff
14 articulates the estimated monthly bill impact of 84
15 cents by 2014. And I guess a question I had with
16 respect to that as shown on Table 5, in the prior Staff
17 recommendation the estimated bill impact I believe was
18 59 cents in 2014. So it seems to be about a 25-cent per
19 month bill impact from the revised plan to the former
20 Staff recommendation; is that correct?

21 **MR. ELLIS:** That would be correct. Typically
22 there was an increase of expenditures in the middle
23 years of TECO's DSM plan as those were the years they
24 were lacking in meeting the annual goals. Overall, the
25 84-cent rate impact is equivalent to approximately 7

1 kilowatt hours of usage a month, or a half a percent of
2 usage.

3 **COMMISSIONER SKOP:** Okay. And then also on
4 that same page in Table 5 showing the ECCR component of
5 the bill from years 2010 through 2019 as projected by
6 TECO on the preliminary analysis of the projected
7 projects, basically in terms of the contribution
8 component for the ECCR cost, it's pretty consistent in
9 terms of the percentage of the total bill over that time
10 period; is that correct?

11 **MR. ELLIS:** That would be correct.

12 **COMMISSIONER SKOP:** Okay. And then just two
13 final I guess comments to TECO and Mr. Beasley and
14 Mr. Bryant.

15 Again, during that goal setting process, I
16 know that that was well vetted, to say the least, by
17 the intervening parties, the investor-owned
18 utilities, the Commission, but I do want to take the
19 opportunity to commend TECO in terms of its proposed
20 plan for embracing some of what was articulated from
21 the bench, particularly on page 17 in agency
22 outreach there's a means to affect or help low
23 income customers through providing at least some
24 compact, excuse me, compact fluorescent lamps and a
25 couple of other things that I actually had never

1 heard of before, air filter whistles. I thought
2 that was very informative and I'd like to commend
3 the Company for taking that action.

4 And also on page 27 of the Staff
5 recommendation as articulated in Attachment A where
6 it articulates the renewable energy system
7 initiatives that TECO is pursuing, particularly in
8 relation to solar PV and on the residential and
9 commercial level and also at the schools, I think
10 that that was something that came up and I believe
11 the Intervenors proposed that. The Commission
12 ultimately adopted it in its goal setting process
13 and it's good to see that come to fruition in a,
14 what appears to be a good faith, aggressive manner
15 by the Company. So I just wanted to commend the
16 Company for taking those steps. Thank you.

17 **CHAIRMAN GRAHAM:** Any last minute rebuts from
18 SACE? TECO?

19 **MR. BEASLEY:** No, sir.

20 **CHAIRMAN GRAHAM:** Do I get a motion?

21 **COMMISSIONER SKOP:** Move Staff recommendation
22 on Issues 1 and 2.

23 **COMMISSIONER BRISÉ:** Second.

24 **CHAIRMAN GRAHAM:** It's been moved and seconded
25 Staff recommendations on Issues 1 and 2. Any further

1 discussion? Seeing none, all in favor, say aye.

2 (Vote taken.)

3 Those opposed? By your action, you've approved

4 Item Number 6.

5 **MR. BEASLEY:** Thank you, Commissioner.

6 (Agenda item concluded.)

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STATE OF FLORIDA)
 :
COUNTY OF LEON)

CERTIFICATE OF REPORTER

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

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

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

DATED THIS 31st day of December, 2010.

Linda Boles
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