

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of:

DOCKET NO. 20180133-EI

PETITION FOR LIMITED  
PROCEEDING TO APPROVE  
SECOND SOLAR BASE RATE  
ADJUSTMENT (SOBRA),  
EFFECTIVE JANUARY 1, 2019,  
BY TAMPA ELECTRIC COMPANY.

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PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS  
PARTICIPATING: COMMISSIONER DONALD J. POLMANN  
PREHEARING OFFICER

DATE: Wednesday, September 26, 2018

TIME: Commenced: 9:30 a.m.  
Concluded: 10:37 a.m.

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

REPORTED BY: ANDREA KOMARIDIS  
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 APPEARANCES:

2 JAMES D. BEASLEY, J. JEFFRY WAHLEN, ESQUIRES,  
3 Ausley & McMullen, Post Office Box 391, Tallahassee,  
4 Florida 32302, appearing on behalf of Tampa Electric  
5 Company.

6 J.R. KELLY, PUBLIC COUNSEL; CHARLES REHWINKEL,  
7 DEPUTY PUBLIC COUNSEL; Office of Public Counsel, c/o the  
8 Florida Legislature, 111 W. Madison Street, Room 812,  
9 Tallahassee, Florida 32399-1400, appearing on behalf of  
10 the Citizens of the State of Florida.

11 JON C. MOYLE, JR., KAREN PUTNAL, ESQUIRES,  
12 Moyle Law Firm, P.A., 118 North Gadsden Street,  
13 Tallahassee, Florida 32301, appearing on behalf of  
14 Florida Industrial Power Users Group.

15 WALTER TRIERWEILER, KURT SCHRADER, ESQUIRES,  
16 FPSC General Counsel's Office, 2540 Shumard Oak  
17 Boulevard, Tallahassee, Florida 32399-0850, appearing on  
18 behalf of the Florida Public Service Commission Staff.

19 KEITH HETRICK, GENERAL COUNSEL; MARY ANNE  
20 HELTON, DEPUTY GENERAL COUNSEL; Florida Public Service  
21 Commission, 2540 Shumard Oak Boulevard, Tallahassee,  
22 Florida 32399-0850, advisors to the Florida Public  
23 Service Commission.

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

2 COMMISSIONER POLMANN: Good morning, everyone.

3 AUDIENCE: Good morning.

4 COMMISSIONER POLMANN: According to the clock  
5 at the back, I think that says 9:34. This is -- I  
6 don't know. What's today, 26th?

7 MS. HELTON: September 26th.

8 COMMISSIONER POLMANN: Thank you, Counselor.

9 September 26th at 9:34 a.m. This is Docket  
10 No. 20180133-EI, the TECO second SoBRA docket.  
11 I'll call the hear- -- prehearing to order at this  
12 time. And if I were reading the script like I  
13 should be, it would have told me what the day was,  
14 so -- calling this to order.

15 Staff, please read the notice.

16 MR. TRIERWEILER: Good morning. By notice  
17 issued on September 6th, 2018, this time and place  
18 has been set for a prehearing conference in Docket  
19 No. 20180133-EI. The purpose of the prehearing is  
20 set out more fully in the notice.

21 COMMISSIONER POLMANN: Thank you,  
22 Mr. Trierweiler.

23 We'll now take appearances, beginning with  
24 TECO.

25 MR. WAHLEN: Good morning, Commissioner. Jeff

1           Wahlen of the Ausley McMullen law firm, appearing  
2           with James D. Beasley of the same firm, on behalf  
3           of Tampa Electric Company.

4           COMMISSIONER POLMANN: Thank you.  
5           Public Counsel.

6           MR. REHWINKEL: Good morning. Charles  
7           Rehwinkel, deputy public counsel, with the Office  
8           of Public Counsel, on behalf of TECO's customers.  
9           And I would say like to enter an appearance for  
10          J.R. Kelly.

11          COMMISSIONER POLMANN: Thank you.  
12          FIPUG.

13          MR. MOYLE: Good morning. Jon Moyle, with the  
14          Moyle Law Firm, on behalf of the Florida Industrial  
15          Power Users Group, FIPUG. I would also like to  
16          enter an appearance for Karen Putnal, with our  
17          firm.

18          COMMISSIONER POLMANN: Thank you, Mr. Moyle.  
19          Commission staff.

20          MR. TRIERWEILER: Wall Trierweiler and Kurt  
21          Schrader for Commission staff.

22          COMMISSIONER POLMANN: Thank you.

23          MS. HELTON: Mary Anne Helton. I'm here as  
24          your adviser. I'd also like to enter an appearance  
25          for your general counsel, Keith Hetrick.

1 COMMISSIONER POLMANN: Thank you, Counselors.

2 Preliminary matters -- staff, are there any  
3 preliminary matters that we need to address at this  
4 time?

5 MR. TRIERWEILER: Yes, Commissioner, there are  
6 a couple of preliminary matters that we need to  
7 address.

8 Staff requests that all parties bring at least  
9 20 copies of all exhibits that they wish to  
10 introduce into evidence at the hearing.

11 The appropriate cover sheet to be placed on  
12 each exhibit will be distributed by staff through  
13 e-mail following this prehearing.

14 No party has indicated in its prehearing  
15 statement that it desires to voir dire the  
16 witnesses.

17 We've got nothing else at this time.

18 COMMISSIONER POLMANN: Thank you,  
19 Mr. Trierweiler.

20 Does any other party have preliminary matters  
21 they wish to address?

22 Mr. Moyle.

23 MR. MOYLE: Thank you, Mr. Chair.

24 And I would defer to staff, but we -- we had  
25 kind of a late-breaking issue that cropped up last

1 week. I assume we may be having a discussion about  
2 that at some point. If we are, I will defer; if we  
3 are not, then -- then I'll talk now.

4 COMMISSIONER POLMANN: Mr. Trierweiler, do we  
5 have that elsewhere on the agenda today? I -- I  
6 assume you know what Mr. Moyle is referring to.

7 MR. TRIERWEILER: Yes, Commissioner, I do know  
8 what Mr. Moyle is referring to. Staff has received  
9 a revised discovery response from the utility this  
10 morning. We haven't had a chance to review it for  
11 its contents or to decide how to respond  
12 appropriately. So, we think it's appropriate for  
13 staff not to address it, but of course, the parties  
14 may.

15 COMMISSIONER POLMANN: With -- with regard to  
16 the prehearing today, does staff anticipate  
17 addressing the matter?

18 MR. TRIERWEILER: No, we do not. We -- we  
19 simply don't have any preparation to do so.

20 COMMISSIONER POLMANN: Okay. So, Mr. Moyle,  
21 would you care to make a comment here under  
22 preliminary matters?

23 MR. MOYLE: Sure. Sure. Happy to handle it  
24 that way.

25 My understanding of the sequence of events is

1 as follows. There was a discovery response that  
2 TECO provided last Friday to the parties and to  
3 staff. The discovery response elicited a host  
4 of -- of questions about the information in the  
5 discovery response.

6 Staff convened a call with all of the parties  
7 Monday. There was a lengthy discussion about some  
8 of the issues. They were substantive issues that  
9 were discussed.

10 The call concluded with the parties saying,  
11 let's talk about this, work on this, and -- and see  
12 kind of what -- what's what, with respect to the  
13 issues that were raised.

14 And yesterday afternoon, there was additional  
15 information provided by the company. Staff  
16 referenced it. They have not had a chance to  
17 digest it. FIPUG has not had a chance to -- to  
18 digest it.

19 We're hopeful we can digest it and it will --  
20 it will, you know, not continue to -- to have  
21 questions associated with it, but at this point, we  
22 just don't know that and -- and so, I don't know  
23 the right way to do it, but we were hoping to have  
24 some kind of a placeholder that, to the extent we  
25 can look at this, satisfy ourselves with respect to

1 the information, then I think we're good to go.

2 If we can't satisfy ourselves with respect to  
3 the information, we want to preserve the right  
4 to -- to inquire about it at the hearing. I think  
5 that's -- you know, that's fair. If it's going to  
6 be something that will be before the Commission,  
7 then we should have the ability to -- to inquire  
8 about it if we are not satisfied.

9 So, I kind of put that back to you. I've  
10 drafted an issue sort of as a placeholder. And if  
11 I could, I'll just read it into the record. How  
12 is --

13 COMMISSIONER POLMANN: Mr. Moyle, just one --  
14 one second.

15 MR. MOYLE: Sure.

16 COMMISSIONER POLMANN: Are -- are you  
17 suggesting that -- just to clarify, you -- you said  
18 you've drafted an issue. That -- would that be an  
19 additional issue within the context of the -- the  
20 numbered issues for -- with regard to the hearing?

21 MR. MOYLE: I -- I think if -- if staff and  
22 others say, Mr. Moyle, the issue that -- that has  
23 been raised just recently is already covered in  
24 another issue, you're free to ask about it or talk  
25 about it at the hearing, I don't feel the need to



1 have an additional issue.

2 If people say, nope, that's not an issue, you  
3 can't ask about it, then -- then I would like to  
4 put forward an additional issue --

5 COMMISSIONER POLMANN: Okay.

6 MR. MOYLE: -- again, as a placeholder, so --

7 COMMISSIONER POLMANN: Okay. So -- so, one  
8 second. We're dealing with preliminary matters.

9 MR. MOYLE: Right.

10 COMMISSIONER POLMANN: I think you've  
11 described an event. And I understand you -- you've  
12 drafted an issue, if -- if I understood your point,  
13 that -- that could potentially be an additional  
14 issue. And perhaps, we could take that up when  
15 we -- when we review the issues that are -- that  
16 are currently on the table.

17 Would -- would it be inappropriate, in your  
18 mind, to -- to speak to that at -- at the point  
19 where we review the issues and see if that fits  
20 within another? Would that be appropriate? I'm  
21 just asking.

22 MR. MOYLE: Yeah, I -- I think -- I think we  
23 could -- we could surely do it that way. I mean,  
24 really, what I'm wanting to try to accomplish is  
25 just to satisfy myself and my client that the issue

1 that was late-breaking, if you will, that I just  
2 described, is something that we can sort through,  
3 get comfortable with --

4 COMMISSIONER POLMANN: Yes.

5 MR. MOYLE: -- and -- and be okay with, and  
6 not in any way waive the right to --

7 COMMISSIONER POLMANN: Understood.

8 MR. MOYLE: -- talk about it, so --

9 COMMISSIONER POLMANN: Yeah, I just wanted to  
10 get some comments from others here.

11 MR. MOYLE: Right.

12 COMMISSIONER POLMANN: Did you have anything  
13 else that -- that you wanted to add right now?

14 MR. MOYLE: No, I think I've covered it.  
15 Thank you.

16 COMMISSIONER POLMANN: Okay. Well, let me see  
17 if I understand. What you've indicated -- just  
18 to -- so that I understand it, there were discovery  
19 responses late last week. You indicated a number  
20 of questions arose because of that. There was a  
21 call, I believe you said, yesterday. And there's a  
22 review --

23 MR. MOYLE: Monday.

24 COMMISSIONER POLMANN: -- pending. A number  
25 of parties -- all the parties, perhaps, have not

1 had an opportunity to review everything.

2 Your concern is that, pending that review, we  
3 don't know exactly -- the parties don't know  
4 exactly what next steps may be. You're looking to  
5 preserve rights because you haven't had an  
6 opportunity to fully vet everything.

7 So, perhaps we look into this further, maybe  
8 an additional issue, later here in this prehearing.

9 MR. MOYLE: That's -- that's right, except the  
10 call was Mon- -- Monday.

11 COMMISSIONER POLMANN: Is that a fair summary  
12 of where we are right now -- so, let me ask,  
13 Mr. Rehwinkel, do you have anything you want to add  
14 to -- to this particular discussion?

15 MR. REHWINKEL: I appreciate that. Thank you,  
16 Commissioner Polmann. The only thing I would add  
17 is that we are well-aware and have been involved in  
18 this. I think, when we get to exhibits, there may  
19 be some discussion that will bear on this and we  
20 can -- we can speak up at that time.

21 One solution that -- that we would -- we were  
22 going to ask, that might resolve a part of this  
23 anyway, is to be given until, say, noon on Friday,  
24 if that would work for staff, for -- for the  
25 parties to provide amended positions or possible

1 stipulations, but we would -- we do have a need to  
2 talk to the company and, perhaps, other parties and  
3 the staff between now and then. That -- that might  
4 bring this home. So, that's all I would add at  
5 this point in time.

6 COMMISSIONER POLMANN: Okay. Well, we'll --  
7 we'll deal with the time frame when we get to  
8 amending our issues.

9 Staff, do you have anything to -- to add to  
10 this particular discussion right now?

11 MR. TRIERWEILER: The only thing staff would  
12 add is that staff is very interested in reviewing  
13 those -- the contents of the revised discovery  
14 response that they received this morning. And it  
15 is fully their intention to respond accordingly to  
16 whatever -- whatever the substance is.

17 They had a serious concern. This revision  
18 addresses that concern. We would, in the normal  
19 course of business, fully explore and examine this  
20 response through the course between the prehearing  
21 and the hearing; however, OPC's suggestion is -- is  
22 well-received that, perhaps, we do consider pushing  
23 back the normal response date for issues, which  
24 would normally be tomorrow, at noon, to Friday, at  
25 noon, to give the parties and staff more time to

1 evaluate the revised response.

2 COMMISSIONER POLMANN: Thank you,  
3 Mr. Trierweiler.

4 Okay. Anything else from any of the parties?

5 MR. WAHLEN: Mr. Polmann --

6 COMMISSIONER POLMANN: Mr. Wahlen?

7 MR. WAHLEN: -- I would just like to say, on  
8 behalf of Tampa Electric Company, that we  
9 appreciate staff raising the question on Friday and  
10 Monday. We've -- have been working diligently to  
11 prepare a revised answer that we believe addresses  
12 the questions that they had. We've shared that  
13 with the parties.

14 We're going to continue to work diligently to  
15 make sure that everybody understands and is okay  
16 with what we're doing. I like the idea of having a  
17 little bit more time than normal.

18 And I think, if all of our efforts don't work  
19 out and we can't put a bow on this question by  
20 Friday, it -- this goes to Issue 2, which is cost-  
21 effectiveness. And I believe we would all be able  
22 to answer -- ask whatever questions we wanted under  
23 Issue 2. And we certainly would not want to do  
24 anything to try and foreclose the ability of any of  
25 the parties to -- to ask whatever questions they

1 want.

2 So, I don't want anybody to think we're trying  
3 to push this through and shut people down and lock  
4 them out from a discussion or inquiry, if they need  
5 it.

6 COMMISSIONER POLMANN: Very good. I  
7 appreciate everyone's comments here. And thank  
8 you, Mr. Moyle, for your -- for your explanation,  
9 bringing me up to date on everything.

10 All right. Anything else under preliminary  
11 matters? I think we've -- we've covered  
12 everything.

13 Let's move on to No. 5. We're going to go  
14 through the prehearing order. We have a draft  
15 prehearing order. And what we'll do is identify  
16 the sections, and I'd like the parties to let me  
17 know if there are any corrections or changes. And  
18 let's see here. Hold on a second. We'll just turn  
19 pages here, as soon as I get to the right page.

20 Mr. Trierweiler, are we starting on basic  
21 positions or the issue positions? Or do we go to  
22 back to Section I and start there?

23 MS. HELTON: Commissioner, usually, you would  
24 start on Page 2, at the case background, and just  
25 work through each section of the prehearing order.

1 COMMISSIONER POLMANN: Thank you, Ms. Helton.

2 Okay. I'm on Page 2 because she said so.

3 Does anyone have any comments or concerns in the  
4 prehearing order, starting at case background,  
5 which is Section I?

6 MR. WAHLEN: No comments.

7 COMMISSIONER POLMANN: Okay. I'll assume  
8 silence means no comments, as -- as --

9 MR. MOYLE: That -- that's fair.

10 MR. WAHLEN: Right.

11 COMMISSIONER POLMANN: All right.

12 MR. MOYLE: If we have something, we'll --

13 COMMISSIONER POLMANN: All right. So, I'm  
14 going to go forward --

15 MR. MOYLE: -- raise our hand.

16 COMMISSIONER POLMANN: -- from Section I, case  
17 background.

18 Section II, conduct of proceedings.

19 Section III is jurisdiction.

20 Section IV is procedure for handling  
21 confidential information.

22 MR. TRIERWEILER: Commissioner, staff would  
23 note that if a party intends to use confidential  
24 material at the hearing, please have copies for  
25 Commissioners, necessary staff, and the court

1 reporter, in red envelopes, clearly marked with the  
2 nature of the contents.

3 Any party wishing to examine the confidential  
4 material that is not subject to an order granting  
5 confidentiality shall be provided a copy in the  
6 same fashion as provided to the Commissioners,  
7 subject to execution of any appropriate protective  
8 agreement with the owner of the material.

9 COMMISSIONER POLMANN: Thank you, staff.

10 Section V is -- starts on Page 3, prefiled  
11 testimony and exhibits, witnesses.

12 Staff?

13 MR. TRIERWEILER: Commissioner, staff will  
14 note that the draft prehearing order, now the  
15 prehearing order, states that witness summaries are  
16 limited to three minutes at the hearing.

17 COMMISSIONER POLMANN: So, witnesses -- once  
18 they're brought forward, we're -- we're going to  
19 limit their summary to three minutes.

20 MR. WAHLEN: No objection.

21 COMMISSIONER POLMANN: Okay. No issue there.

22 Section VI, looking at Page 4, order of  
23 witnesses, we have, from the petitioner, three  
24 witnesses. That -- that's all we have, right?

25 MR. WAHLEN: That's correct.



1           Commissioner, Tampa Electric would propose  
2           that Mark D. Ward be listed first in the order of  
3           witnesses. And we would like to take some time to  
4           double-check the designation-of-issues numbers for  
5           each of the witnesses, but we'll get with  
6           Mr. Trierweiler if we have any concerns about those  
7           by the deadline.

8           COMMISSIONER POLMANN: Okay. So, you're  
9           proposing to re-order the witnesses and -- and --

10          MR. WAHLEN: Mark Ward, first; James Rocha,  
11          second; and Bill Ashburn, third.

12          COMMISSIONER POLMANN: Okay. Any concerns  
13          among the parties or the staff?

14          MR. MOYLE: No.

15          COMMISSIONER POLMANN: Okay. So, we will  
16          re-order -- Mr. Ward first; otherwise, Rocha and  
17          then Ashburn -- one, two, three.

18          Any other comments in Section VI, order of  
19          witnesses?

20          MR. TRIERWEILER: At this time, Commissioner,  
21          we don't have any stipulated witnesses; however, I  
22          will note that even if the parties and the staff  
23          believe the witness can be excused from the  
24          hearing, staff will confirm with each Commissioner  
25          that any identified witnesses can be excused.

1           And if the Commissioners don't have any  
2           questions of these witnesses, then they may be  
3           excused at that time from the hearing, and his or  
4           her testimony and exhibits will be entered in the  
5           record at the hearing as though read.

6           COMMISSIONER POLMANN: Thank you,  
7           Mr. Trierweiler.

8           Mr. Wahlen, you had indicated issue numbers  
9           would -- do you have a time frame --

10          MR. WAHLEN: Whatever deadline is set for  
11          providing amendments to the prehearing order, we'll  
12          honor it.

13          COMMISSIONER POLMANN: Okay. You'll get back  
14          to staff counsel?

15          MR. WAHLEN: Yeah. It will not take long.  
16          Just need to double-check.

17          COMMISSIONER POLMANN: Okay. Very good.  
18          Thank you.

19          Moving on, if there are no other comments  
20          there, we'll go to basic positions in Section VII.

21          MR. REHWINKEL: Commissioner, Public Counsel  
22          has an error in the -- the first line of our basic  
23          position. The word "first" -- it should read  
24          "second." I apologize for that.

25          COMMISSIONER POLMANN: Okay. So, in the first

1 line --

2 MR. REHWINKEL: It should say, "Tampa Electric  
3 seeks" -- "company seeks approval of its second  
4 solar project."

5 COMMISSIONER POLMANN: I'm on the top of  
6 Page 5.

7 MR. REHWINKEL: Yes, sir.

8 COMMISSIONER POLMANN: Thank you.

9 MR. REHWINKEL: That's -- that's the only  
10 correction we have. Thank you.

11 COMMISSIONER POLMANN: In the basic positions,  
12 Tampa Electric, do you have any comments, changes?

13 MR. WAHLEN: Not at this time.

14 COMMISSIONER POLMANN: Mr. Moyle?

15 MR. MOYLE: FIPUG is good with its position,  
16 as -- as stated. Thank you.

17 COMMISSIONER POLMANN: Okay. Staff, we'll  
18 note that one change for OPC. Do you have anything  
19 else -- did we find any -- do we have any other  
20 questions on the basic position?

21 MR. TRIERWEILER: Staff would just like to  
22 remind the parties that changes to the basic  
23 position should be submitted -- normally by noon  
24 the next day; however, in keeping with OPC's  
25 recommendation, we believe that that should be

1 moved to noon on Friday, September 28th, to give  
2 the parties and staff time to react to the new  
3 evidence that has been filed.

4 COMMISSIONER POLMANN: Okay. Why don't -- why  
5 don't we dispense with -- with that issue right  
6 now. Is -- is everybody concurring that Friday,  
7 noon, is -- is appropriate, acceptable to the  
8 parties?

9 MR. WAHLEN: Tampa Electric concurs.

10 COMMISSIONER POLMANN: That Friday, noon,  
11 is -- is going to the deadline for changes, revised  
12 position statements on -- on all the issues?

13 MR. WAHLEN: Yes.

14 MR. REHWINKEL: We would agree and -- and find  
15 that helpful. Thank you.

16 MR. MOYLE: That's fine by FIPUG.

17 COMMISSIONER POLMANN: Okay. So, we'll --  
18 we'll make that change in --

19 MR. TRIERWEILER: Thank you.

20 COMMISSIONER POLMANN: -- whatever text it  
21 needs to be.

22 Okay. So, beyond the basic positions, we're  
23 going to move into the issues and positions in  
24 Section VII. Is that -- is that where we are,  
25 Mr. Trierweiler?

1 MR. TRIERWEILER: That's correct,  
2 Commissioner. At -- at this time, before we go  
3 into the changes and the positions on issues, staff  
4 notes that -- that they were placed on notice that  
5 each party shall take a position on each issue by  
6 the time of the prehearing conference or by such  
7 later time as may be permitted by the prehearing  
8 officer. And the Commissioner just reset that time  
9 for noon on Friday, September 28th.

10 And, according to the OEP, staff notes that if  
11 a party takes no position on an issue by that time  
12 that's been set, it has waived its opportunity to  
13 conduct cross-examination on the issue as well as  
14 filing any post-hearing brief on that issue.

15 COMMISSIONER POLMANN: Okay. Thank you, sir.  
16 I managed to get my pages out of order here.  
17 Just one second -- okay. Issues and positions,  
18 Issue 1, Tampa Electric.

19 MR. WAHLEN: No changes at this time.

20 COMMISSIONER POLMANN: No changes on Issue 1.  
21 OPC?

22 MR. REHWINKEL: No changes.

23 COMMISSIONER POLMANN: And FIPUG.

24 MR. MOYLE: No changes.

25 COMMISSIONER POLMANN: All right. So, Issue 1

1 is no changes.

2 Issue 2, Tampa Electric.

3 MR. WAHLEN: No -- no changes at this time.

4 COMMISSIONER POLMANN: OPC.

5 MR. REHWINKEL: Commissioner Polmann, I have  
6 a -- a position -- I could -- what I would -- I  
7 could do one of two things. I could read my  
8 position change into the record today or I could  
9 just provide it on Friday, but I do have something  
10 to at least put people on notice of where we're  
11 coming from.

12 MR. WAHLEN: Or both.

13 COMMISSIONER POLMANN: I -- I would ask that,  
14 unless it's four pages long, that --

15 MR. REHWINKEL: Okay.

16 COMMISSIONER POLMANN: If it's a paragraph,  
17 maybe you could read it so that folks are aware  
18 and -- and, then, obviously submit it when you --  
19 you're going to submit a package on -- by Friday  
20 anyway. So, include --

21 MR. REHWINKEL: Yes, sir, I'll do that.

22 So, instead of, "No position at this time,"  
23 the Public Counsel's position should read as  
24 follows, "Yes, assuming TECO builds at least  
25 550 megawatts of solar projects. The OPC reserves

1 its rights to take positions in a future proceeding  
2 to the contrary, if the entire project is not built  
3 out. And the Commission should reserve its  
4 jurisdiction in a future proceeding to take  
5 appropriate action, if the entire project is not  
6 built."

7 That's the end of our position. I probably  
8 will -- will clean it up a little bit, but I just  
9 wanted to give folks a heads-up. And that's --  
10 this is related to the revised --

11 COMMISSIONER POLMANN: Okay.

12 MR. REHWINKEL: -- 12A-answer issue.

13 COMMISSIONER POLMANN: Okay. Well, we look  
14 forward to your final words.

15 MR. REHWINKEL: Again, and -- and it -- this  
16 could also be modified if we work out some  
17 arrangement with the company and the parties to  
18 bring to you as well, which we would endeavor to  
19 do.

20 COMMISSIONER POLMANN: Okay.

21 MR. TRIERWEILER: Commissioner, at this time,  
22 I would just ask OPC if -- if they would send that  
23 out to the parties after the conclusion of the  
24 hearing.

25 MR. REHWINKEL: I'll do that today, just so

1           you can see it, but it's subject to revision.

2           MR. TRIERWEILER: Right. Appreciate it.

3           Thank you.

4           COMMISSIONER POLMANN: Okay. Mr. Moyle, on  
5           Issue 2 --

6           MR. MOYLE: So, I think, given the  
7           conversation that we had previously that, to the  
8           extent the issue that was raised Friday is not  
9           resolved, then Mr. Wahlen indicated that tho- --  
10          that can be addressed under Issue 2. And we would  
11          have no objection, which -- which I appreciate. I  
12          just wanted to make sure we're all on the same  
13          page.

14          MR. WAHLEN: That's --

15          MR. MOYLE: Is that --

16          MR. WAHLEN: That's still correct.

17          MR. MOYLE: So, I think -- I think that  
18          would -- that would be helpful. And -- and one of  
19          the things -- I'll just -- again, kind of in the  
20          spirit that -- that Mr. Rehwinkel read his issue --  
21          make -- make the parties aware, we had a little bit  
22          of discussion on this on the phone that there's a  
23          question about how you calculate cost-  
24          effectiveness. And that's -- that's the issue.  
25          And there may -- may be some testimony and



1 discussions on that.

2 But another related point -- and I assume this  
3 is also within the ambit of Mr. Wahlen's agreement  
4 that questions can be asked -- is, you know,  
5 should -- should there be a common measurement of  
6 cost-effectiveness that's applied, not just to  
7 TECO, but to the other utilities that are coming in  
8 with SoBRA, so that, you know -- from my  
9 perspective, I think my client's perspective --  
10 ideally, everyone is being measured of cost-  
11 effectiveness by the same -- by the same yardstick.

12 I'm not sure that's presently the case, which  
13 leads to a question of should there be a rulemaking  
14 proceeding to address cost-effectiveness so  
15 everybody is on the same page, everybody knows what  
16 the calculations are, how you determine whether a  
17 project is cost-effective or not.

18 So, that -- that may be part of what -- what  
19 is addressed or what I ask questions about at  
20 the -- at the hearing --

21 COMMISSIONER POLMANN: Okay.

22 MR. MOYLE: -- when it commences.

23 COMMISSIONER POLMANN: But what's your  
24 position here today on this issue?

25 MR. MOYLE: I -- I don't -- I don't feel a

1           need to specifically set forth that issue, given  
2           Mr. Wahlen's representation that he believes  
3           Issue 2, as framed with respect to cost-  
4           effectiveness, is broad enough to allow inquiry on  
5           those types of issues.

6           COMMISSIONER POLMANN: Mr. Moyle, I'm going to  
7           ask Ms. Helton to help me interpret what you said  
8           because I heard you, but I don't understand --

9           MR. MOYLE: Okay.

10          COMMISSIONER POLMANN: -- how you're  
11          responding to the question of whether or not you're  
12          changing your position. So, just give us a second  
13          here.

14          MS. HELTON: The way I interpreted Mr. Moyle's  
15          statement was that, when he raised his preliminary  
16          thought at the beginning of the prehearing, that he  
17          wanted to raise potentially an additional issue,  
18          that that additional issue was whether he could  
19          pursue a line of questioning during the course of  
20          the hearing with respect to whether there should be  
21          rulemaking proceedings about gauging cost-  
22          effectiveness for these solar projects and whether  
23          that could be his position under Issue -- Issue 2.

24          Is that correct, Mr. Moyle?

25          MR. MOYLE: Th- -- if I may.

1           COMMISSIONER POLMANN:    Sure.

2           MR. MOYLE:    The -- the -- I think the first  
3           part is.  I don't -- I don't feel the need,  
4           necessarily, to change the position.  I just feel a  
5           need to have on the record everyone saying, yes,  
6           given the -- the late-breaking developments, we're  
7           not going to say that's not an issue in the case,  
8           you can't ask questions about cost-effectiveness  
9           and rulemaking and things related to how cost-  
10          effectiveness is determined.

11          So, I don't feel the need to change the -- you  
12          know, the position because we've said -- we've  
13          said, no, they're not cost-effective.  So, I think  
14          that puts it at issue, but I just don't want there  
15          to be a surprise or anybody to say, well, wait a  
16          minute, you know, if we go down that line and start  
17          asking those questions -- somebody to say, we  
18          didn't know you were going to ask this or it's not  
19          part of the issue.

20          And so, I want to have a full and frank and --  
21          and earnest conversation about that, to let  
22          everybody know of that; and then, you know, just  
23          like Mr. Rehwinkel did, put them on notice with  
24          respect to the revisions to his position, if all of  
25          it is not built, reserve the right to come back in,

1           that that those issues may be raised.

2           MS. HELTON: Did you want me to respond,  
3           Commissioner? To -- I think it's obvious, by this  
4           discussion today, that, for Issue 2 -- that as we  
5           stand right now, that Issue 2 is still a live issue  
6           and that the issue of the cost-effectiveness of the  
7           second tranche for TECO will be at issue during the  
8           course of the hearing.

9           With respect to the breadth of cross-  
10          examination, we don't have the Chairman here today.  
11          So, the -- I think the -- you know, that's the  
12          Chairman's discretion with respect to what cross-  
13          examination he will allow under Issue 2.

14          What -- I'm sitting here trying to think. I  
15          wish I had Ms. Cibula sitting here next to me, what  
16          her thoughts would be. I mean, I think, to me,  
17          that is an appropriate -- to ask a little bit about  
18          whether rulemaking is appropriate, but I certainly  
19          would not want this hearing to turn into whether  
20          there should be a rulemaking process at the  
21          conclusion of the Commission's decision here. I  
22          think that could be a discussion, but I'm not sure  
23          this is the appropriate venue to do that.

24          COMMISSIONER POLMANN: Thank you, Ms. Helton.

25          Mr. Moyle, that was my concern, is that the

1 issue, No. 2, deals with the cost-effectiveness of  
2 the 2019 SoBRA projects. And the -- the cross-  
3 examination at the hearing -- the Chairman may  
4 limit that. I don't have control over that.  
5 And -- and the cross-examination may be, at the  
6 Chairman's discretion, focused on the 2019 SoBRA  
7 project as to cost-effectiveness.

8 Now, I understood your comment about how all  
9 of the SoBRA projects among all utilities may be  
10 evaluated and examined, and it may or may not be  
11 the Commission's desire, as -- as a body, to pursue  
12 rulemaking.

13 Whether that is addressed within this  
14 particular hearing, I, sitting here today in this  
15 prehearing, on Issue 2, I -- I can't address.  
16 Whether -- I acknowledge your comments and I  
17 acknowledge your concern. I don't know how to  
18 address it inside of Issue 2, but I -- I do  
19 understand your position, for purposes of this  
20 issue here today, being "no."

21 MR. MOYLE: Okay.

22 COMMISSIONER POLMANN: That, I understand. I  
23 don't know how to address your concern about  
24 rulemaking; though, I recognize your concern.

25 MR. MOYLE: Right. Well --

1 MS. HELTON: And -- and Commissioner, part of  
2 my concern is that we've got other utilities that  
3 would be affected by any such decision. So, I  
4 think maybe -- we've heard Mr. Moyle, and maybe  
5 there can be a separate discussion about whether  
6 rulemaking is appropriate, but I'm just not sure  
7 this is the right proceeding in which to do that.

8 COMMISSIONER POLMANN: Thank you.

9 My -- my concern is process and procedure,  
10 not -- not the substance of your concern.

11 MR. MOYLE: Okay. And I will just explain  
12 sort of how I understand it, is, here, you have a  
13 live case. You have a company coming before you.  
14 They're going to say, here is how we determine  
15 cost-effectiveness. I may ask them, how do the  
16 others do it. Do you know. Is this consistent  
17 with --

18 COMMISSIONER POLMANN: Absolutely.

19 MR. MOYLE: -- get all into that. And if --  
20 if it's all --

21 COMMISSIONER POLMANN: In the hearing,  
22 absolutely. And that --

23 MR. MOYLE: Right.

24 COMMISSIONER POLMANN: And I won't be --

25 MR. MOYLE: And if it's all over the map --

1           COMMISSIONER POLMANN: -- the hearing officer.

2           MR. MOYLE: -- then maybe there should be an  
3 issue, so that, the Commission, if it's so  
4 inclined, can say, we're not going to make a rule  
5 today because that's not what this hearing is  
6 about.

7           But given what we've heard, we should make  
8 sure that all of the utilities are doing it in a  
9 common way. And that's what rulemaking is for; so,  
10 as part of our decision here today, we're going to  
11 say, go forth and do a rulemaking in the future,  
12 which would, then, give all the utilities notice.  
13 And everybody can come in and -- and say their  
14 piece. I -- I don't want to be foreclosed from  
15 that being a possibility when the Commission  
16 hears -- hears this case.

17           So, maybe the -- the best thing to do, just so  
18 that we have a clear record, is for FIPUG to  
19 propose that issue. And then, you know, you can  
20 rule on -- on it, if -- if that makes sense.

21           And so, the issue that I had drafted said,  
22 should -- should the manner of determining cost-  
23 effectiveness be addressed in rulemaking. Pretty  
24 simple, pretty straightforward.

25           MR. WAHLEN: Commissioner Polmann, I --

1 COMMISSIONER POLMANN: Yes, sir.

2 MR. WAHLEN: -- don't want to confuse things.

3 COMMISSIONER POLMANN: That's all right. I'm  
4 already confused -- no, I actually am not. I --

5 MR. WAHLEN: If Mr. Moyle wants to pursue  
6 rulemaking on this issue, he can file a petition to  
7 do it.

8 COMMISSIONER POLMANN: Well --

9 MR. WAHLEN: And -- and --

10 COMMISSIONER POLMANN: He can, certainly.

11 MR. WAHLEN: And I think that's abundantly  
12 clear.

13 If he wants to ask our witnesses whether they  
14 have an opinion about whether rulemaking is  
15 appropriate, we're certainly not going to object to  
16 that. They will have an opinion. It will be --

17 COMMISSIONER POLMANN: Yeah, we --

18 MR. WAHLEN: -- given quickly.

19 COMMISSIONER POLMANN: That's okay.

20 MR. WAHLEN: But I don't really think it makes  
21 sense to use this docket, which doesn't have other  
22 utilities in it, as the springboard for a  
23 Commission vote to begin a separate rulemaking  
24 docket.

25 So, we're happy to let Mr. Moyle ask a few



1 questions, but we don't really think that the issue  
2 that he has proposed should be included in this  
3 docket.

4 COMMISSIONER POLMANN: Well, just -- I don't  
5 want to belabor the point. I acknowledge  
6 Mr. Moyle's concern.

7 MR. WAHLEN: Yeah.

8 COMMISSIONER POLMANN: I -- I recognize his  
9 interest in addressing what I'll -- what I'll say  
10 is uniformity across the various SoBRA. And -- and  
11 I stated that this particular issue, No. 2, is  
12 specific to the 2019 SoBRA project proposed by --  
13 by Tampa Electric.

14 And -- and as stated here, I recognize that,  
15 as to cost-effectiveness, that -- that the FIPUG  
16 position as -- as written here in this draft is  
17 "no."

18 If Mr. Moyle -- if your position can -- is  
19 here, today, "no," and continues to be "no," as of  
20 Friday, noon, then -- then that's perfectly clear.  
21 You have other avenues and -- and -- and  
22 opportunities to discuss rulemaking for a general  
23 purpose, as -- as you well know.

24 If -- if you would like to propose an  
25 additional issue, then that can be considered here.

1           And I think we'd have to take the other parties'  
2           comments in -- into consideration.

3           You know, I can conceive of other ways that --  
4           that you could approach the Commission to -- to  
5           address that, but that's not for me to -- to  
6           recommend to you.

7           MR. MOYLE: No, I understand. Mr. Wahlen --  
8           he's correct. We could file a petition for  
9           rulemaking, but so could the Commission, after  
10          hearing evidence. They could say, boy, this is all  
11          over the map; we should, on our own motion, do  
12          rulemaking.

13          COMMISSIONER POLMANN: Of course. Of course.

14          MR. MOYLE: And I just want to make sure that  
15          is not foreclosed; people are going to say, no, you  
16          can't do that. I don't --

17          COMMISSIONER POLMANN: Right.

18          MR. MOYLE: -- think anyone will.

19          COMMISSIONER POLMANN: Yeah.

20          MR. MOYLE: So, anyway, I think -- I think  
21          that we have until noon on Friday. We'll have some  
22          conversations and --

23          COMMISSIONER POLMANN: Very good.

24          MR. MOYLE: And I appreciate the conversation  
25          about this. I mean, it is an important issue.

1 It's a lot of money.

2 COMMISSIONER POLMANN: Yeah.

3 MR. MOYLE: And I think everybody should be on  
4 the same page about how these things are being --

5 COMMISSIONER POLMANN: Yeah, and as Ms. Helton  
6 indicated, we've -- we've heard the concerns and --  
7 and I think everybody knows where you stand,  
8 whether or not -- you can do what you believe is  
9 the appropriate thing to -- thank you, Mr. Moyle.

10 Anything else on Issue 2?

11 All right. Let's move on to Issue 3. TECO  
12 elec- -- or TECO -- Tampa Electric.

13 MR. WAHLEN: No -- no changes at this time.

14 COMMISSIONER POLMANN: Thank you, sir.

15 MR. REHWINKEL: No changes.

16 COMMISSIONER POLMANN: OPC?

17 MR. REHWINKEL: No, sir.

18 COMMISSIONER POLMANN: No change?

19 Mr. Moyle, FIPUG.

20 MR. MOYLE: No changes.

21 COMMISSIONER POLMANN: All right. Anything  
22 else on Issue 3?

23 Issue 4.

24 MR. WAHLEN: No changes from Tampa Electric at  
25 this time.

1 COMMISSIONER POLMANN: Public Counsel?

2 MR. REHWINKEL: Commissioner, we need to make  
3 a revision to our position. After the phrase,  
4 "They appear to be projects," but before the word  
5 "less," should be inserted the words "with  
6 projected average capital costs for 2018 and 2019."  
7 And then the rest of it is as -- as written.

8 COMMISSIONER POLMANN: "With projected average  
9 capital costs"?

10 MR. REHWINKEL: Yes, for 2- -- 2018 and 2019.  
11 And it's just a clarification. Thank you.

12 COMMISSIONER POLMANN: So, your -- your  
13 position reads, "Yes, they appear to be projects  
14 with projected average capital costs for 2018 and  
15 2019, less than or equal to 14-" -- "\$1,475 per kW  
16 AC, pursuant to Subparagraph 6C of the 2017  
17 agreement."

18 MR. REHWINKEL: Yes, sir, you read that  
19 exactly right.

20 COMMISSIONER POLMANN: Thank you.

21 MR. REHWINKEL: Thank you.

22 COMMISSIONER POLMANN: Mr. Moyle, for FIPUG.

23 MR. MOYLE: No changes.

24 COMMISSIONER POLMANN: Thank you.

25 Moving on, Issue 5: What are the estimated

1 annual revenue requirements.

2 MR. WAHLEN: No changes from Tampa Electric at  
3 this time.

4 COMMISSIONER POLMANN: Thank you, sir.  
5 Public Counsel.

6 MR. REHWINKEL: We would strike the phr- --  
7 the sent- -- the first sentence, "No position at  
8 this time."

9 COMMISSIONER POLMANN: Thank you. I was going  
10 to ask about that.

11 MR. MOYLE: No changes for FIPUG.

12 COMMISSIONER POLMANN: Thank you.

13 MR. TRIERWEILER: Commissioner, at this time,  
14 staff would note and respectfully assert that  
15 FIPUG's position merely restates that the utility  
16 has the burden of proof in this docket for Issue 5  
17 and also in 6 and 7, and has not really taken a  
18 position and, therefore, is in danger of waiving  
19 taking a position if it doesn't change something  
20 before the deadline.

21 COMMISSIONER POLMANN: Mr. Moyle, I -- I had  
22 that concern and, in briefing with staff, we -- we  
23 discussed that the -- that the statement you've  
24 made is kind of a statement of fact as -- as to how  
25 we conduct business.

1           So, perhaps you could -- you could add a kind  
2           of a yes/no position by Friday. Otherwise, what  
3           Mr. Trierweiler said may put us in a peculiar  
4           situation.

5           MR. MOYLE: I -- I appreciate that. And we'll  
6           respond by the appropriate deadline.

7           COMMISSIONER POLMANN: So, just a note.  
8           Anything else on Issue 5?

9           MR. TRIERWEILER: No, Commissioner.

10          COMMISSIONER POLMANN: Okay. Moving on,  
11          Issue 6.

12          Tampa Electric.

13          MR. WAHLEN: Commissioner, on Monday, Tampa  
14          Electric filed a revised exhibit for Mr. Ashburn,  
15          WRA-1 --

16          COMMISSIONER POLMANN: Yes.

17          MR. WAHLEN: -- to reflect a correction of a  
18          calculation error that occurred in a spreadsheet.  
19          We've talked to the parties about it, talked to  
20          staff about it.

21          We will be revising Issue No. 6 to make it  
22          clear that we want the revised exhibit included in  
23          the record and that that's what we'll be relying  
24          on. I thought it would be helpful, in the spirit  
25          of disclosure, to announce that we will be making a

1 small change to this issue.

2 COMMISSIONER POLMANN: So, you've -- you will  
3 revise the text of your Issue No. 6.

4 MR. WAHLEN: Right. I think we'll probably  
5 just put "WRA-1 revised" --

6 COMMISSIONER POLMANN: Okay.

7 MR. WAHLEN: September 24th, 20- --

8 COMMISSIONER POLMANN: Thank you.  
9 Public Counsel.

10 MR. REHWINKEL: We would strike the first  
11 sentence, "No position at this time."

12 COMMISSIONER POLMANN: Thank you.

13 MR. REHWINKEL: And ours -- and just for the  
14 record, Mr. Wahlen is correct that the company has  
15 sat down with the Public Counsel and explained and  
16 gone over the tariff revisions. We do not have an  
17 objection to the Commission taking up this issue  
18 with the revision coming in at this time.

19 I just want to state that for the record, as  
20 the company has been diligent and timely in  
21 bringing us up to speed.

22 COMMISSIONER POLMANN: Thank you, Mr. Reh- --  
23 Rehwinkel. I -- I'm sorry. I know what your name  
24 is -- Mr. Rehwinkel. I -- I appreciate you  
25 acknowledging that.

1 Mr. Moyle for FIPUG.

2 MR. MOYLE: FI- -- FIPUG --

3 COMMISSIONER POLMANN: Same comment about --

4 MR. MOYLE: Same comment with respect to  
5 the --

6 COMMISSIONER POLMANN: Yes.

7 MR. MOYLE: -- modification of position that  
8 will be forthcoming.

9 And also, we were in communications with TECO.  
10 We appreciate their professionalism and bringing  
11 that changed exhibit to our attention, and have no  
12 objection to it.

13 COMMISSIONER POLMANN: Very good. Thank you.  
14 Anything else on Issue 6?

15 MR. TRIERWEILER: No, Commissioner.

16 COMMISSIONER POLMANN: Okay. Moving on,  
17 Issue 7.

18 Tampa Electric.

19 MR. WAHLEN: No changes at this time.

20 COMMISSIONER POLMANN: No changes. Okay.  
21 Thank you.

22 Public Counsel, would you like to delete that  
23 first sentence?

24 MR. REHWINKEL: Actually, I have an overhaul  
25 of this that I will provide by Friday, but let me



1 try to read this into the record here today.

2 COMMISSIONER POLMANN: All right.

3 MR. REHWINKEL: So, our position -- I'm just  
4 going to read it just as it should have read rather  
5 than doing a strike-and-add.

6 COMMISSIONER POLMANN: All right.

7 MR. REHWINKEL: Our position should now read,  
8 "Yes, subject to the Commission not allowing the  
9 incremental costs and associated revenue  
10 requirement attributable to the 5.3-megawatt/  
11 2-percent variance of the Lake Hancock project and  
12 subject to the contingency associated with  
13 Issue 2."

14 And I will -- I will also e-mail that out with  
15 my lengthy revision to Issue 2 as well as give  
16 final positions by Friday at -- at noon.

17 COMMISSIONER POLMANN: Mr. Moyle, Issue 7.

18 MR. MOYLE: We have no -- no change at this  
19 time. We'll provide a change with respect to  
20 Issue 7, we're talking about.

21 COMMISSIONER POLMANN: Okay.

22 MR. MOYLE: We'll put it at issue by noon  
23 on --

24 COMMISSIONER POLMANN: Okay. Very good.

25 Thank you.

1 MR. MOYLE: -- Friday.

2 COMMISSIONER POLMANN: Okay. Issue 8.

3 MR. WAHLEN: No changes from Tampa Electric at  
4 this time.

5 COMMISSIONER POLMANN: Public Counsel.

6 MR. REHWINKEL: No change. No change.

7 COMMISSIONER POLMANN: All right.

8 MR. MOYLE: No -- no change for FIPUG.

9 COMMISSIONER POLMANN: Let's see.

10 Mr. Trierweiler, exhibit list.

11 MR. TRIERWEILER: Yes, Commissioner. Staff  
12 has prepared a comprehensive exhibit list and  
13 distributed it at the hearing. It lists all the  
14 prefiled exhibits and those exhibits staff wishes  
15 to include in the record.

16 Due to recent and anticipated revisions, this  
17 comprehensive exhibit list is a work in progress.  
18 And we -- the parties haven't had an opportunity to  
19 determine whether or not they can stipulate to its  
20 admissibility.

21 So, we're not prepared to offer the exhibit  
22 list in the record at this time; however, at this  
23 time, we would like to know if there are any  
24 further changes that are anticipated to be made to  
25 the parties' exhibits.

1           COMMISSIONER POLMANN: Any comments from the  
2 parties here on exhibits?

3           MR. WAHLEN: For Tampa Electric, no -- no  
4 changes other than the revised answer to  
5 Interrogatory No. 12 that we've been talking  
6 about --

7           COMMISSIONER POLMANN: Okay.

8           MR. WAHLEN: -- you know, repeatedly. And we  
9 expect that to be filed the next day or two, after  
10 our discussions get to a resting point.

11          COMMISSIONER POLMANN: And then the -- that's  
12 not the same issue, WRA-1.

13          MR. WAHLEN: No, that's separate. That was --

14          COMMISSIONER POLMANN: Okay. So, there's a --

15          MR. WAHLEN: And the staff has very dutifully  
16 footnoted the revision to Mr. Ashburn's exhibit --

17          COMMISSIONER POLMANN: Okay.

18          MR. WAHLEN: -- in Footnote 2, which we  
19 appreciate.

20          MR. REHWINKEL: Commissioner, from the Public  
21 Counsel's standpoint, we just got this today. We  
22 will endeavor to review it in a timely way. And  
23 our anticipation is, just for -- to put everyone on  
24 notice is that we will -- based on what we know  
25 about the discovery that has been listed here, the

1 exhibits to the witnesses' testimony, we do not  
2 contemplate, given the narrow scope of this docket,  
3 having any objections to this exhibit list.

4 Also, further, just for staff and others to  
5 digest, we have reviewed a draft response to  
6 Interrogatory 12A, a revised draft response to -- I  
7 guess it's supplemental 12A; is that right?

8 MR. WAHLEN: I believe so.

9 MR. REHWINKEL: And at this point, if that's  
10 what's filed, I believe we will also be able to  
11 stipulate to that as being consistent with our  
12 understanding of -- of the settlement, but that's  
13 just the Public Counsel's view.

14 COMMISSIONER POLMANN: Thank you, sir.

15 Any other comments on exhibits?

16 MR. MOYLE: I -- they would parallel Office of  
17 Public Counsel's with regard to --

18 COMMISSIONER POLMANN: Okay.

19 MR. MOYLE: -- this being something that has  
20 just been provided. So, we'll --

21 COMMISSIONER POLMANN: Right.

22 MR. MOYLE: -- need to review it.

23 Staff has -- has been great to work with in  
24 past proceedings where exhibits they want to put  
25 in -- they are providing those to the parties in

1 advance.

2 And I -- I hope that will continue. That  
3 gives us all the information, we know what's going  
4 on. No -- no -- I know they're still being  
5 developed, but I'm hopeful we'll be able to work  
6 through issues and not have objections to any of  
7 the evidence that's -- that staff wants to put in,  
8 provided we can see it in advance.

9 COMMISSIONER POLMANN: Thank you, Mr. Moyle.  
10 I appreciate that recognition.

11 Okay. Section X, approved or proposed  
12 stipulations. Mr. Trierweiler.

13 MR. TRIERWEILER: Commissioner, there are no  
14 proposed stipulations on issues at this time;  
15 however, we were looking at Issues 3 and 4, which  
16 appear to be ripe for a stipulation of some kind.  
17 And I'm -- I'm just not certain, with everything  
18 that we've discussed today, whether or not the  
19 parties think it's ripe to take up.

20 COMMISSIONER POLMANN: I would -- I'd be happy  
21 to hear any comments from the parties.

22 MR. MOYLE: I -- I think staff's sense of --  
23 sense of the status of things is -- is accurate.  
24 So, an indirect way of saying we probably need to  
25 have some further conversations before stipulating

1 to issues.

2 COMMISSIONER POLMANN: Are -- are we -- are we  
3 thinking something might -- might be -- is there  
4 any thinking along these lines, on three and/or  
5 four, is -- is kind of the question that I'm  
6 wondering. Or is it, like, no way, forget about  
7 it?

8 MR. MOYLE: The former. I'll say from FIPUG's  
9 perspective, it's the former.

10 COMMISSIONER POLMANN: You might consider it.

11 MR. MOYLE: Probably, more than likely than  
12 not, we'll do it.

13 COMMISSIONER POLMANN: Okay.

14 MR. MOYLE: But we just need to get some  
15 information --

16 COMMISSIONER POLMANN: Okay. So, it's a more-  
17 likely-than-not, perhaps.

18 MR. REHWINKEL: Commissioner, I can say  
19 this -- and we have between now and noon on Friday  
20 to work in that direction, and we intend to. We  
21 personally believe that Issues 2, 3, 4 and the  
22 issue we have the -- well, two, three, four, five,  
23 six, and seven, are -- are issues that -- that we  
24 will talk to the company about resolving.

25 COMMISSIONER POLMANN: Right.

1           MR. REHWINKEL: I mean, our big hang-up is,  
2           aside from this new issue that, I think, we can --  
3           we can work to, is the issue about the -- the  
4           5.3 megawatts. And we have been in discussions  
5           with the company for several weeks now on that, as  
6           we can find time, and -- and we will make time to  
7           do so, ahead.

8           So, we're optimistic, but like Mr. Moyle said,  
9           we have to have further conversations.

10          COMMISSIONER POLMANN: Sure. So, there  
11          conversations.

12          MR. REHWINKEL: Yes.

13          COMMISSIONER POLMANN: And there are  
14          possibilities. Very good.

15          MR. WAHLEN: Commissioner, if it will help --  
16          I've just consulted with Tampa Electric, and if we  
17          understand the language that Public Counsel has  
18          added to its position on Issue 2 regarding what  
19          happens if we don't build 550, we would probably be  
20          inclined to add that to our position so that we're  
21          in agreement with Public Counsel on it.

22          Their proposal in that regard seems  
23          reasonable, but we will be having further  
24          discussions with them on that, but we hope to  
25          continue narrowing whatever disputes there are in

1 this docket down to the bare minimum.

2 COMMISSIONER POLMANN: Very good, sir. Thank  
3 you.

4 Okay. If there's nothing else, we'll move on  
5 to the next section here, which looks like pending  
6 motions. Mr. Trierweiler?

7 MR. TRIERWEILER: There are no pending motions  
8 at this time.

9 COMMISSIONER POLMANN: Okay. Confidentiality  
10 motions.

11 MR. TRIERWEILER: There are six pending  
12 confidentiality motions.

13 COMMISSIONER POLMANN: Okay. And we'll --  
14 we'll deal with those at some appropriate time in  
15 the future. We don't need to take any action on  
16 that right now. So, we'll -- we'll take those up  
17 timely.

18 Post-hearing procedures.

19 MR. TRIERWEILER: Commissioner, staff  
20 recommends that post-hearing briefs be limited to  
21 40 pages with attachments.

22 MR. WAHLEN: No objection.

23 COMMISSIONER POLMANN: So, unless somebody has  
24 their hair on fire, we're going to try to --

25 MR. WAHLEN: That's fine.



1 COMMISSIONER POLMANN: Try to --

2 MR. REHWINKEL: (Inaudible.)

3 COMMISSIONER POLMANN: That's okay. We're --  
4 we're trying to keep --

5 MR. WAHLEN: There's only one of us here who  
6 has any left to -- to burn, so --

7 (Laughter.)

8 COMMISSIONER POLMANN: Yeah, so, we'll --  
9 we'll try to keep the packet small. I don't -- I  
10 don't think there's that much material here.

11 MR. TRIERWEILER: Staff further recommends  
12 that a summary of each position, set off with  
13 asterisks, should be included in each post-hearing  
14 statement. And briefs, if any, shall be due on  
15 November 13th and not November 12th.

16 COMMISSIONER POLMANN: Okay. So, we have --

17 MR. WAHLEN: We have no objection to that.

18 COMMISSIONER POLMANN: We have some head nods  
19 here --

20 MR. MOYLE: That's fine.

21 COMMISSIONER POLMANN: All right. In terms of  
22 rulings -- Mr. Trierweiler?

23 MR. TRIERWEILER: Staff had recommended that  
24 opening statements be limited to five minutes or  
25 less per party, unless the party chooses to waive

1 its opening statement.

2 COMMISSIONER POLMANN: So, five minutes or  
3 less, and less could be zero.

4 MR. WAHLEN: Could.

5 MR. MOYLE: Yes, that's fine.

6 COMMISSIONER POLMANN: And less would be --  
7 will be encouraged by the presiding officer because  
8 he -- he likes less.

9 MR. REHWINKEL: I -- I will need no more than  
10 a minute or two. I'm sure two is more than enough.

11 COMMISSIONER POLMANN: Yes, that would be  
12 less.

13 MR. WAHLEN: I think that's probably the same  
14 for the Tampa Electric Company. We -- we know that  
15 the witnesses are more important than the lawyers,  
16 so...

17 COMMISSIONER POLMANN: Some would think so.

18 MR. WAHLEN: Well, that's what we think.

19 COMMISSIONER POLMANN: Okay. Other matters?

20 MR. TRIERWEILER: Staff is aware of no other  
21 matters at this time, unless there's a matter of  
22 scheduling.

23 COMMISSIONER POLMANN: Comment -- yeah,  
24 comments from the parties on other matters?

25 MR. WAHLEN: I -- I just want to thank the

1 staff for bringing the issue to our attention on  
2 Friday, and the cooperation and effort everybody  
3 has been putting in to help us get to a resting  
4 point on that.

5 COMMISSIONER POLMANN: We have a slight  
6 revision on the hearing schedule in terms of time.  
7 We -- we have the hearing scheduled for  
8 October 11th; is that --

9 MS. HELTON: Yes, sir.

10 COMMISSIONER POLMANN: And we have some other  
11 things on -- on the Commission agenda for that day.  
12 So, we're going to take up this hearing -- we have  
13 an item on our Commission agenda at 9:00 a.m. I  
14 think we start our -- our regular agenda conference  
15 at 9:00, and then we have internal affairs. We  
16 have ten-year site plan. And then we're going to  
17 do this. So, it will -- it will be floating.

18 MR. WAHLEN: So, this will be after the  
19 ten-year site plan.

20 COMMISSIONER POLMANN: Right.

21 MR. WAHLEN: Fair enough.

22 COMMISSIONER POLMANN: So, it will be sort of,  
23 like, standby.

24 MR. WAHLEN: That will be fine. Thank you.

25 COMMISSIONER POLMANN: Not a time-certain

1 hearing.

2 MR. WAHLEN: Nope, no problem. We -- we  
3 will -- we will have nothing more important to do  
4 than this.

5 MR. MOYLE: FIPUG is -- is good with that  
6 approach. Having -- having done it before, we  
7 understand. And we'll work with -- work to make it  
8 happen. So, no problem.

9 COMMISSIONER POLMANN: Yeah, I'm not quite  
10 sure how long the other items will take. I mean,  
11 it's just one of those things. We'll have to see  
12 how -- how heavy those other agendas are.  
13 Sometimes the IA is pretty quick. Ten-year site  
14 plan, I -- I couldn't venture a guess. So, it will  
15 be immediately following everything else.

16 MR. WAHLEN: We're batting clean-up.

17 COMMISSIONER POLMANN: Yeah, actually,  
18 we'll -- we'll be fourth.

19 All right. Anything else for today? Have we  
20 covered everything?

21 MR. TRIERWEILER: Yes, Commissioner, I believe  
22 we have.

23 COMMISSIONER POLMANN: All right. So,  
24 wrapping up, we have items due Friday, by noon.

25 And I think you all have a variety of discussions

1           ongoing. You have revisions to make and submit.  
2           There will be some e-mail going back and forth.

3                    If there is nothing else to discuss, it is --  
4           goodness -- 10:00- -- 10:37. And I think your  
5           prediction of one hour was quite -- was quite good.  
6           So, I will say this prehearing is adjourned.

7                    Thank you very much.

8                    (Whereupon, proceedings concluded at 10:37  
9           p.m..)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA )  
COUNTY OF LEON )

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

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

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

DATED THIS 5th day of October, 2018.



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ANDREA KOMARIDIS  
NOTARY PUBLIC  
COMMISSION #GG060963  
EXPIRES February 9, 2021