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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20170235-EI

PETITION BY FLORIDA POWER &  
LIGHT COMPANY (FPL) FOR  
AUTHORITY TO CHARGE FPL  
RATES TO FORMER CITY OF  
VERO BEACH CUSTOMERS AND  
FOR APPROVAL OF FPL'S  
ACCOUNTING TREATMENT FOR  
CITY OF VERO BEACH  
TRANSACTION.

\_\_\_\_\_ /

DOCKET NO. 20170236-EU

JOINT PETITION TO TERMINATE  
TERRITORIAL AGREEMENT, BY  
FLORIDA POWER & LIGHT AND  
THE CITY OF VERO BEACH.

\_\_\_\_\_ /

VOLUME 3  
PAGES 412 through 440

PROCEEDINGS: HEARING

COMMISSIONERS  
PARTICIPATING: CHAIRMAN ART GRAHAM  
COMMISSIONER JULIE I. BROWN  
COMMISSIONER DONALD J. POLMANN  
COMMISSIONER GARY F. CLARK  
COMMISSIONER ANDREW GILES FAY

DATE: Thursday, October 18, 2018

TIME: Commenced: 2:50 p.m.  
Concluded: 3:15 p.m.

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

REPORTED BY: ANDREA KOMARIDIS  
Court Reporter

APPEARANCES: (As heretofore noted.)

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I N D E X  
WITNESSES

NAME:	PAGE NO.
JAMES R. O'CONNOR	
Continued Examination by Ms. Larkin	417
Further Examination by Mr. Walls	425

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EXHIBITS

NUMBER:	ID	ADMITTED
66 - Resolution provided by Ms. Zudans	427	427
67 - Composite of City of Vero Beach Utility Commission minutes	428	428

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

2 (Transcript follows in sequence from  
3 Volume 2.)

4 CHAIRMAN GRAHAM: Ms. Larkin has got the  
5 floor. And she's finishing up with Witness  
6 O'Connell [sic].

7 MS. LARKIN: I don't know if I --

8 MR. WALLS: Before we recommence --

9 MS. LARKIN: There we go.

10 MR. WALLS: -- I've spoken to the Counsel and  
11 Ms. Larkin, and we are willing to stipulate to the  
12 various commission meeting minutes of the City  
13 Council commission and the utilities and finance  
14 commission meetings, if it will mean we won't have  
15 to sit through questions from reading them or --  
16 we'll stipulate to them coming into the record.

17 CHAIRMAN GRAHAM: Okay. Sounds good.

18 So say you all?

19 MS. LARKIN: We do.

20 CHAIRMAN GRAHAM: Okay.

21 Ms. -- hey, I am very happy.

22 MS. LARKIN: So am I.

23 CHAIRMAN GRAHAM: Ms. Larkin.

24 MS. LARKIN: Thank you.

25 MR. MURPHY: Are -- are we going to number

1           them and move -- move them in or --

2           CHAIRMAN GRAHAM: I think we'll --

3           MR. MURPHY: Are we going to take them as a  
4 composite?

5           CHAIRMAN GRAHAM: We'll do it as a composite.

6           MR. MURPHY: Okay.

7           MS. LARKIN: Because some of them are  
8 separately now.

9           CHAIRMAN GRAHAM: Yeah.

10          MS. LARKIN: I apologize. I wasn't trying to  
11 read them. I was trying to make sure that --

12          CHAIRMAN GRAHAM: No.

13          MS. LARKIN: -- we were getting a foundation.

14          CHAIRMAN GRAHAM: You -- you were doing  
15 exactly what you were supposed to do.

16          MS. LARKIN: Thank you.

17          CHAIRMAN GRAHAM: And that's why, after you  
18 did the first couple, I gave you the opportunity to  
19 meet with them because we could have done it either  
20 way. And I --

21          MS. LARKIN: That's right.

22          CHAIRMAN GRAHAM: I prefer this way.

23          MS. LARKIN: Thank you.

24          CHAIRMAN GRAHAM: Please, Ms. Larkin.

25          MS. LARKIN: Great.

1           MR. MAY: Mr. Chairman, will that be Composite  
2 Exhibit No. 67?

3           CHAIRMAN GRAHAM: We'll take care of that at  
4 the end.

5           MR. MAY: Okay.

6           CHAIRMAN GRAHAM: We'll come up with a number.

7           MR. MAY: Okay.

8           MS. LARKIN: Back to Mr. O'Connor.

9                           CONTINUED EXAMINATION

10 BY MS. LARKIN:

11           Q All right. Welcome back.

12           A I wish I could say I was glad to be here,  
13 but --

14                           (Laughter.)

15           Q I know. I think all of us wish we could say  
16 that.

17                           Okay. So, when we were talking about your  
18 testimony -- and this was your rebuttal testimony, of  
19 course. You didn't have direct -- on Page 9, Line 10 --  
20 oh, I've got to get mine back up again -- give me -- oh,  
21 no, I'm sorry. We asked that one already. I -- that's  
22 why. Never mind.

23                           Okay. We're talking about, now, Page 10,  
24 Line 20. And you mentioned the input from the utility  
25 Commission at that point. Yes. And the minutes --

1 let's see. I can -- I can refer you to the exact place  
2 in the minutes, but we were talking about, before, the  
3 decision to shut down an analysis and statements or  
4 advisory comments from the utility commissions and the  
5 finance commission.

6 There are several examples. I could go over  
7 them, but I think you're aware that that occurred?

8 A Yes, it was for a temporary time when the FMPA  
9 was negotiating with their cities that the City Council  
10 would prefer that the u- -- utility and finance  
11 commission not address the issue at that particular  
12 time.

13 Q Okay. And that was the City Council decision,  
14 not yours.

15 A That is correct.

16 Q Okay. Just wanted to make sure that was the  
17 same.

18 Okay. On Page 11, Line -- Line 13, you speak  
19 about the utility commission and the finance commission  
20 were provided the opportunity to review the APA terms  
21 and discuss them.

22 Can you state when that happened?

23 A No, I don't have the date. I know that we  
24 would go over even the drafts as we were negotiating  
25 the -- the contract, itself. And there were many times

1 that I would go in front of both of those commissions.

2 Also, the finance director would be there,  
3 too, showing the financial implications as well.

4 Q Okay. And did they have -- were they tasked  
5 to do this in the committees or were they doing that on  
6 their own?

7 A In many cases they were doing it on their own,  
8 but the City Council, at times, especially when a  
9 document would come by, they would say, take this to the  
10 finance and utility commission for review. That's why  
11 you had some joint meetings.

12 Q Yes. When we were talking in those particular  
13 meetings, the utility and finance commission meetings,  
14 you made comment about the standards of service and  
15 reliability. We've mentioned that generally all along.

16 Have you all done any studies or had any  
17 complaints about the reliability of service for the  
18 City?

19 A Yes, ma'am. We get complaints pretty regular  
20 about reliability more than anything else. The response  
21 to the service, we seem to get compliments, typically  
22 speaking, but reliability has been a -- a challenge.

23 Q Reliability being, you know, outages and  
24 things?

25 A That's correct.

1           Q     Okay.  So, when you were doing the budgets and  
2 such, there was a -- a question, I think, that you  
3 brought up with the finance -- the joint utility and  
4 finance committee meeting where you were concerned.

5                     You were -- you stated, you know, from 2011  
6 forward, the budget hasn't really covered a lot of  
7 the -- I don't want to say the infrastructure -- the  
8 upkeep, that sort of thing.  Your concern was, you know,  
9 genuine about that.

10                    Did that have some sort of impact on how  
11 reliable the service has been?

12           A     Yes, it did.  When we were -- and it would  
13 probably have been post-2012-'13, when we thought we  
14 were getting close to a deal, and we were trying to  
15 manage our rates at the same time.  The maintenance  
16 budgets were being reduced.

17                    And there was another reason for that.  If we  
18 were to going to sell to Florida Power & Light, we  
19 obviously wanted to make sure that our equipment  
20 corresponded to theirs.  So, we went through a period of  
21 about a year there that was a challenge for us.

22                    Then we came back and decided, because it  
23 seemed to be back in a state of flux, that reliability  
24 became a -- safety was first; reliability was second in  
25 our priority list.

1 Q Okay. Thank you.

2 No, I'm not going to ask that.

3 So, you -- the last budget year, during the  
4 budget committee hearings, you had a plan for a budget  
5 for about one year. And sometimes you do five-year  
6 plans, maybe longer. But this time, there's a one-  
7 budget-year.

8 A That -- that is correct. A City Council and  
9 Florida Power & Light had agreed upon a contract. So,  
10 we were transitioning. And one of the things that has  
11 been, I think, notable from my perspective is how well  
12 this transition has gone because Florida Power & Light  
13 came in -- we were really addressing several issues in  
14 this transaction. One, obviously, was reliability. The  
15 other was rates.

16 The other was what would happen to our  
17 employees. We did have concerns about that. The impact  
18 on our -- when you say employees, the impact on our  
19 pension plans --

20 Q And the budget.

21 A -- and the customer service to make sure this  
22 transition took place.

23 So, we started doing a lot of the transition.  
24 And Florida Power & Light people would come over, for  
25 example, in our customer service -- we were starting to

1 integrate our software to make sure that, if we  
2 closed -- and our target date at that time was  
3 October the 1st. If we closed that day, it would be  
4 seamless to our customers.

5 Q Great. But I'm talking mostly about just  
6 budget issues here, just money. So, did you make any  
7 sort of five-year plan, planning ahead for when the  
8 budget changed, as far as income from losing the  
9 utility?

10 A Yes, we did. As a matter of fact, the -- we  
11 presented a finance -- to the finance commission a  
12 financial plan that would show our transition and how we  
13 would use the proceeds from the sale, and have sort of a  
14 glide path out five to seven years in order to meet the  
15 obligations of the City, but at the same time, we would  
16 have incremental, very small tax -- ad valorem tax  
17 increases.

18 Q So, the shift to the tax increases was taken  
19 into consideration.

20 A Yes, ma'am. It was discussed at the finance  
21 commission. And it was acceptable in the fact that the  
22 savings from the sale of the electric utility would be  
23 equal to or less than -- or the -- or greater than the  
24 tax increase that would be imposed.

25 Q And there were studies that actually showed

1 that.

2 A Yes, ma'am.

3 Q Done by --

4 A -- our finance department.

5 Q Oh, so, this is in- -- inside.

6 A Internal.

7 MS. LARKIN: Internally. Okay. Got it.

8 Thank you.

9 And I think that's it -- and I think that's  
10 it. Thank you.

11 CHAIRMAN GRAHAM: Staff.

12 MR. MURPHY: Is this the time when we would go  
13 through --

14 CHAIRMAN GRAHAM: No, questions of this  
15 witness.

16 MR. MURPHY: No questions. Sorry.

17 CHAIRMAN GRAHAM: I -- I appreciate where your  
18 head is.

19 (Laughter.)

20 Commissioner Brown.

21 COMMISSIONER BROWN: Thank you. I just have a  
22 question about the structure of the -- of what will  
23 happen to those employees that work for the City's  
24 utility system after closing.

25 THE WITNESS: When we negotiated the contract,

1 we negotiated the transition of our employees --  
2 they would be offered jobs with FP&L. Couldn't  
3 guarantee locations, but they would be offered  
4 jobs.

5 And then we also talked about how those jobs  
6 would be related to what their skill sets were.  
7 And so, we've been evaluating the skill sets. For  
8 example, some of our employees we sent to schools  
9 in order to -- for them to accommodate some of the  
10 needs of FP&L.

11 But we were assured, unless an employee had  
12 either been terminated for cause or rejected by  
13 FP&L, they would be offered a position with FP&L.

14 COMMISSIONER BROWN: Thank you. That's great.

15 CHAIRMAN GRAHAM: Mr. O'Connor, is there any  
16 sort of retirement or 401(k) for those employees?

17 THE WITNESS: Yes, sir, there is. We do -- we  
18 had a fixed pension plan. And the City -- we did  
19 away with that in about 2012, I believe it was.  
20 And we went to a 401(k), a 4- -- 457 deferred  
21 contribution, and -- which the City does a match of  
22 7 percent. The employee is 3 percent, depending on  
23 when you were hired, or 5 percent today. That  
24 money will go with the employee. It was a hundred  
25 percent vested.



1 typically is in the -- the conversation.

2 Q And those are publicly-noticed with agenda for  
3 those items to be represented if they're going to be  
4 discussed?

5 A Yes, sir, there are always agenda -- now, that  
6 doesn't mean that it would be specifically on the  
7 agenda. For example, in the finance commission, they  
8 sometimes tie it to something.

9 For example, our water and sewer department,  
10 when we -- when they talk about the budget, the City has  
11 a potential of saving somewhere in the neighborhood of  
12 \$300,000 in our water and sewer department. So, they  
13 talk about it and gen- -- in the fact that the electric  
14 utility sale will have a savings there. And so, it does  
15 come into those type of conversations.

16 Q And any -- anyone can speak at those meetings,  
17 right, publicly-held meetings?

18 A Yes, the City Council policy is, for all of  
19 our commissions, you have a place for public comment.

20 Q And do -- in your seven years, and with this  
21 frequent addressing this issue, do you recall anyone who  
22 ever said they were here on behalf of the Civic  
23 Association of Indian River County?

24 A No, sir, I don't recall that.

25 Q Do you recall Ms. Larkin ever being present at

1 one of those meetings and discussing the electric  
2 utility issue?

3 A No, sir. I don't recall that.

4 MR. WALLS: No further questions.

5 CHAIRMAN GRAHAM: Okay. Exhibits. I believe  
6 that we've already entered Mr. O'Connor's exhibits,  
7 31, 32, and 33, correct?

8 We need to deal with Exhibit No. 66, which is  
9 the resolution from Ms. Zudans. Is there anybody  
10 opposed to that? We will enter that into the  
11 record.

12 (Whereupon, Exhibit No. 66 was marked for  
13 identification and admitted into the record.)

14 CHAIRMAN GRAHAM: Now, are we going to create  
15 a -- a composite. We'll call it Exhibit 67. That  
16 composite is the City of Vero Beach Utility  
17 Commission minutes, dated 8/9, 8/16, 12/6 of 2016;  
18 and 5/2, 5/16, 6/6, 7/6, and 8/30 of 2017.

19 Is there any objections to entering that as a  
20 composite?

21 MR. REHWINKEL: So I understand, these are  
22 other than 63, 64, and 65?

23 CHAIRMAN GRAHAM: Those would just be  
24 scratched. I mean, they're not going to be  
25 entered. We're just going to --

1           MR. REHWINKEL: Everything that she had in  
2           the -- is one. Okay.

3           CHAIRMAN GRAHAM: That's all going as a one  
4           composite exhibit. And those specific minutes, so  
5           it's not going to be any others ones coming in.  
6           Those are the ones specifically that we talked  
7           about.

8           MR. WALLS: No objection.

9           CHAIRMAN GRAHAM: Okay. All right.

10          (Whereupon, Exhibit No. 67 was marked for  
11          identification and admitted into the record.)

12          MR. REINGOLD: To the Chair -- I don't know if  
13          Mr. Walls wanted his --

14          MR. WALLS: Yeah, I forgot to let Mr. O'Connor  
15          go, so --

16          MR. REINGOLD: That was coming --

17          (Laughter.)

18          CHAIRMAN GRAHAM: Would you like to get rid of  
19          Mr. O'Connor?

20          MR. WALLS: Yes. I'm sure he would like me to  
21          let him go.

22          CHAIRMAN GRAHAM: Sir, thank you here for your  
23          testimony. Thanks for coming up.

24          THE WITNESS: Thank you.

25          CHAIRMAN GRAHAM: Okay. Mr. Reingold, do you

1 have a witness?

2 MR. REINGOLD: No witnesses from the County,  
3 sir.

4 CHAIRMAN GRAHAM: I thought --

5 MR. WALLS: No, that's -- I think that's --

6 MR. REINGOLD: That's Indian River Shores, the  
7 town, sir.

8 MR. MAY: Mr. Chair --

9 CHAIRMAN GRAHAM: Mr. May.

10 MR. MAY: Mr. -- Mr. Chairman, Commissioners,  
11 this is some bad news and some good news, depending  
12 on how you look at it, but Mr. Barefoot is not able  
13 to be here today, due to circumstances beyond his  
14 control. He regrets that. He wanted me to extend  
15 his -- his apologies for not being able to be here,  
16 but he asked for me to take a couple of minutes and  
17 explain why.

18 In a nutshell, on October 7, Mr. Barefoot  
19 traveled to Tallahassee on Sunday afternoon, late.  
20 And he and I prepared for the hearing that evening  
21 and -- on Monday morning. And then, certainly  
22 because of circumstances beyond everybody's  
23 control, the hearing was continued. It was  
24 scheduled for the 9th and 10th.

25 Mr. Barefoot chairs the Babson College

1 Presidential Advisory Council, which is in the  
2 midst of the nationwide search for the college's  
3 president. The presidential council has crucial  
4 meetings in Boston today and tomorrow. He tried to  
5 reschedule them, but they've been re- -- scheduled  
6 for almost a year. And as chair of the council, he  
7 just was not able to be here.

8 In light of those circumstances, we were  
9 initially hopeful that the parties could stipulate  
10 to Mr. Barefoot's testimony so that his attendance  
11 would not be required. The City, the County, FPL,  
12 and OPC did not object, but the Civic Association  
13 did not agree, which is certainly the Civic  
14 Association's prerogative.

15 So, not to further delay the matter, the town  
16 will not be offering Mr. Barefoot's prefiled  
17 rebuttal testimony into the record.

18 CHAIRMAN GRAHAM: It's amazing how you  
19 answered every question that I was getting ready to  
20 ask you.

21 So, we are going to strike Mr. Barefield's  
22 [sic] entire rebuttal testimony?

23 MR. MAY: I guess it's never been entered into  
24 the record. However you want to address that,  
25 Mr. Chairman.

1 CHAIRMAN GRAHAM: Okay.

2 MR. MAY: But there is one other thing I'd  
3 point out. There is an exhibit that's in the  
4 master exhibit list that I would suggest you may  
5 want to just take that out of the -- the --

6 CHAIRMAN GRAHAM: So, there isn't an -- a  
7 specific exhibit that is his, but he is in the  
8 comprehensive ex- -- exhibit list?

9 MR. MAY: Yes -- yes, sir.

10 CHAIRMAN GRAHAM: So, we'll let the record  
11 show we are going to strike Mr. Barefield's [sic]  
12 exhibit within the comprehensive exhibit list.

13 Staff, is there a better way of handling that  
14 than just that?

15 MR. MURPHY: If he knew the number of that, it  
16 would help.

17 20 -- 28 -- do it by number.

18 MR. MAY: I think it's 28. Let me check.

19 CHAIRMAN GRAHAM: Oh, I -- I've got it.

20 Then, we will strike -- well -- yeah, we'll  
21 strike -- because we've already entered that. So,  
22 let's just go ahead and pull that back out.

23 MR. MAY: Thank you, Mr. Chairman.

24 CHAIRMAN GRAHAM: Sure.

25 Okay. So, I believe that's all the witnesses

1           that we have.

2           MR. REHWINKEL: Mr. Chairman, I apologize for  
3           the housekeeping. I -- I just want to make sure  
4           that -- when we got here, we had a stack of minutes  
5           from the City of Vero Beach. We went through, I  
6           think, cross on three of them, and then the rest  
7           were agreed to on the break.

8           But I think -- is it your ruling that all of  
9           those --

10          CHAIRMAN GRAHAM: Yes.

11          MR. REHWINKEL: -- regardless of whether there  
12          were questions asked --

13          CHAIRMAN GRAHAM: Yes.

14          MR. REHWINKEL: -- are in? Okay. Thank you.

15          CHAIRMAN GRAHAM: Short of Ms. Larkin having  
16          to go through the other five that were left, they  
17          stipulated that -- that they were okay with that.

18          MR. REHWINKEL: Thank you for that.

19          CHAIRMAN GRAHAM: Sure.

20          Okay. We will have daily transcripts of this  
21          matter. Of course, it's just one day, so that's  
22          kind of moot.

23          Parties, I guess, the questions I have is: Do  
24          the parties still want to do hearing briefs, post-  
25          hearing briefs?

1 OPC?

2 MR. REHWINKEL: Mr. Chairman, we're  
3 indifferent. We're -- we're willing to file one if  
4 everyone else is going to file one. We're willing  
5 to not file one.

6 MS. LARKIN: I apologize. I do need to clean  
7 things up. I'm just so new, I don't really want to  
8 miss any of the opportunities I have to make my  
9 issues clear. And I don't feel comfortable in not  
10 submitting a brief. So, I'm --

11 CHAIRMAN GRAHAM: No need to apologize. It's  
12 your right.

13 Mr. Reingold.

14 MR. REINGOLD: We would have -- we were going  
15 to waive our rights, but seeing as other parties  
16 have challenged that issue, we'll probably be  
17 filing --

18 CHAIRMAN GRAHAM: Mr. May.

19 MR. MAY: To control cross, we would prefer  
20 not to, but given the circumstances, it looks like  
21 we'll have to.

22 CHAIRMAN GRAHAM: Mr. Walls?

23 MR. WALLS: I imagine I will need to file a  
24 brief.

25 CHAIRMAN GRAHAM: Okay. Once again, it's not

1 mandatory because I'm sure my staff --

2 (Laughter.)

3 MR. ANDERSON: FPL will file a brief.

4 CHAIRMAN GRAHAM: Okay. All right. So,  
5 briefs will be no longer than 40 pages, including  
6 both dockets. And they were due October 26th.

7 MS. LARKIN: I had a quick question about  
8 that. That shortened our time by about -- well, it  
9 ends up being three days. I'm wondering if it's  
10 possible it could include that last weekend. Two  
11 days is going to mean a lot to me. And it's just  
12 the weekend.

13 CHAIRMAN GRAHAM: Is October 26th a Friday?

14 MS. LARKIN: A Friday.

15 CHAIRMAN GRAHAM: You know, I --

16 MS. LARKIN: Can we make it Monday?

17 CHAIRMAN GRAHAM: Let me ask my prehearing  
18 officer because I'm sure he came up with that date.

19 Is there a concern? Because I'm sure our  
20 staff is not going to be working that weekend.

21 COMMISSIONER CLARK: Yeah, we backed into that  
22 number. I'm looking at Ms. Helton for some help  
23 here. We backed into that -- we backed into that  
24 number -- we backed into that number from the date  
25 of -- the hearing had some requirements.

1 Charlie?

2 MR. MURPHY: Well, is it going to be 9:00 on  
3 Monday --

4 CHAIRMAN GRAHAM: No, we'll --

5 MR. MURPHY: -- or we -- we're giving up  
6 Monday. Because if it's close of business Monday,  
7 we --

8 CHAIRMAN GRAHAM: We'll do noon on Monday.

9 MR. MURPHY: Say again?

10 CHAIRMAN GRAHAM: Noon on Monday.

11 MR. MURPHY: Staff is okay with it.

12 CHAIRMAN GRAHAM: And what is that date?

13 MR. MURPHY: If it's the 26th -- 29th.

14 MS. HELTON: 29th.

15 CHAIRMAN GRAHAM: Okay. So, briefs are due  
16 noon -- and we are very specific -- noon on Monday,  
17 the 29th.

18 MS. LARKIN: Thank you so much.

19 CHAIRMAN GRAHAM: If it wasn't a weekend, it  
20 would be a different story, but you made a valid  
21 point. Okay. So, briefs are due noon on the 29th.

22 Are there any other matters to address in this  
23 hearing?

24 MR. ANDERSON: Couple of ministerial matters,  
25 Chairman Graham.

1                   CHAIRMAN GRAHAM:    Sure.

2                   MR. ANDERSON:    At Page 22 of the prehearing  
3                   order, it shows a pending motion, an FP&L motion to  
4                   dismiss protest of the Civic Association.   While  
5                   FPL does not agree that the Civic Association has  
6                   standing, we -- we will withdraw that motion, to  
7                   streamline the Commission's consideration.

8                   Second thing is that, speaking with staff  
9                   counsel, just for clarity, they wanted to ensure --  
10                  and we're all for it -- that, as to the witnesses,  
11                  FPL witnesses who were excused, what testimony was  
12                  offered and admitted.

13                  And my notes show, just for others also:  
14                  David Herr, which was direct and his exhibits;  
15                  Tiffany Cohen was direct and supplemental direct,  
16                  and her exhibits; Scott Bores, direct, supplemental  
17                  direct, and rebuttal.

18                  And then finally, tying it together, the  
19                  errata, Exhibit 62, which we've talked about,  
20                  pertains to supplemental direct and of -- and  
21                  exhibits of Scott Bores, the supplemental direct  
22                  testimony of Deputy Cohen, and the Forrest  
23                  rebuttal.   So, that's just offered for  
24                  clarification.

25                  Does -- do staff's notes agree with mine?

1 MR. MURPHY: Thank you.

2 MR. ANDERSON: Good.

3 That's all we had. Thank you.

4 CHAIRMAN GRAHAM: Anybody else?

5 MR. MURPHY: If we could get Public Counsel to  
6 make sure that we got both their direct and  
7 supplemental moved in and anything that applies to  
8 that.

9 MS. MORSE: I -- yeah, no, I get that.

10 Yeah, I believe it was moved in, but it was  
11 the Kollen direct, and the supplemental direct, and  
12 his LK-9 exhibit, in addition to the LK-1 through  
13 8, attached to the direct.

14 CHAIRMAN GRAHAM: If that wasn't already moved  
15 in, then it's so --

16 MS. MORSE: Yeah, and the errata is already in  
17 the composite exhibit.

18 MR. MURPHY: Thank you.

19 And I believe the Association was all just the  
20 direct testimony of each of their witnesses.

21 CHAIRMAN GRAHAM: Yes.

22 MR. MURPHY: Yeah, and two -- two of the  
23 witnesses have been dismissed from the proceeding  
24 and now this has been withdrawn. So, the staff  
25 would like to clarify that the -- all standing

1 issues are moot in this matter.

2 CHAIRMAN GRAHAM: One more time.

3 MR. MURPHY: Well, there were two witnesses  
4 ex- -- who were dismissed from the proceeding for  
5 failure to attend the prehearing conference.

6 CHAIRMAN GRAHAM: Okay.

7 MR. MURPHY: And they're not here. And there  
8 is also a -- they've withdrawn their motion, with  
9 respect to standing, FPL. So, we just want to  
10 clarify that all -- all of those issues are moot  
11 with respect to standing for those three witnesses.

12 CHAIRMAN GRAHAM: All those issues are moot;  
13 is that --

14 MR. MURPHY: Yes.

15 CHAIRMAN GRAHAM: -- what you said?

16 MR. MURPHY: There -- nothing --

17 CHAIRMAN GRAHAM: No.

18 MR. MURPHY: Nothing to be decided.

19 CHAIRMAN GRAHAM: I just want to make sure I  
20 understand what you said.

21 MR. MURPHY: Yes.

22 CHAIRMAN GRAHAM: I -- yes.

23 Anything else?

24 MR. MURPHY: Nothing.

25 CHAIRMAN GRAHAM: Anybody, for the good of the

1 order?

2 Okay. That's it. There's nothing else from  
3 staff. I do want to thank you all for this and for  
4 your patience. I -- I would apologize for the  
5 hurricane last week. I -- I told --

6 COMMISSIONER BROWN: Your fault.

7 CHAIRMAN GRAHAM: I told it to come a  
8 different time and it just didn't listen, but I --  
9 I do appreciate your flexibility and your willing  
10 to -- to adapt to this Commission.

11 That all being said, travel safe and thank you  
12 all for coming.

13 We're adjourned.

14 (Whereupon, proceedings concluded at 3:15

15 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 19th day of October, 2018.



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