

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of:

DOCKET NO. 20180052-GU

CONSIDERATION OF THE TAX
IMPACTS ASSOCIATED WITH
TAX CUTS AND JOBS ACT OF
2017 FOR FLORIDA PUBLIC
UTILITIES COMPANY -
INDIANTOWN DIVISION.

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PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: COMMISSIONER JULIE I. BROWN
PREHEARING OFFICER

DATE: Monday, November 5, 2018

TIME: Commenced: 10:10 A.M.
Concluded: 10:19 A.M.

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

REPORTED BY: DEBRA R. KRICK
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
114 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
(850) 894-0828

1 APPEARANCES:

2 BETH KEATING, GREGORY MUNSON and LILA JABER,
3 ESQUIRES, Gunster Law Firm, 215 South Monroe Street,
4 Suite 601, Tallahassee, Florida 32301-1839, appearing on
5 behalf of Florida Public Utilities Company.

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

12 RACHEL DZIERCHCIARZ, MARGO DuVAL, and CHARLES
13 MURPHY, ESQUIRES, FPSC General Counsel's Office, 2540
14 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,
15 appearing on behalf of the Florida Public Service
16 Commission Staff.

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

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1 PROCEEDINGS

2 COMMISSIONER BROWN: Seeing none, we will
3 adjourn -- go ahead and adjourn the 51 docket and
4 move on to the 52 docket now. We are hereby
5 opening up that docket right now.

6 Obviously, there are preliminary matters to
7 address, so, Ms. Dziechciarz, could you please go
8 over this?

9 MS. DZIECHCIARZ: Sure. So staff would note
10 that on Friday afternoon, as in the previous
11 docket, we received proposed revisions to the draft
12 prehearing order from the parties. And again, we
13 will work with the parties to ensure that agreed
14 upon changes are incorporated into the final
15 prehearing order, and we can identify the issue
16 numbers with proposed stipulations when we get to
17 Section X of the draft prehearing order or
18 earlier --

19 COMMISSIONER BROWN: That sounds good.

20 MS. DZIECHCIARZ: Okay.

21 COMMISSIONER BROWN: We will do that.

22 Do any of the parties have any other
23 preliminary matters?

24 MR. MUNSON: Nothing for FPU.

25 COMMISSIONER BROWN: Thank you.

1 Okay. We are going through the draft
2 prehearing order. Like in the 51 docket, please
3 speak up if you have any changes, starting with
4 Section I, Case Background, any changes,
5 modifications?

6 Seeing none, moving to Section II, the
7 Conducts of Proceedings.

8 All right. Seeing no changes, we will move to
9 Section III, Jurisdiction, and we will see no
10 changes there.

11 Section IV, the Procedure for Handling
12 Confidential Information, similar to the 51 docket.

13 MS. DZIECHCIARZ: Yes. Similar to the 51
14 docket, staff would note that when confidential
15 information is used in the hearing, parties must
16 have copies for the Commissioners, necessary staff
17 and the court reporter in envelopes clearly marked
18 with the nature of the contents. Any party wishing
19 to examine the confidential material that is not
20 subject to an order granting confidentiality shall
21 be provided a copy in the same fashion as provided
22 to the Commissioners subject to execution of any
23 appropriate protective agreement with the owner of
24 the material.

25 COMMISSIONER BROWN: Thank you.

1 We are moving on to Section V, the Prefiled
2 Testimony, Exhibits and Witnesses. At this time,
3 can any witnesses be stipulated to in the 52
4 docket?

5 MR. MUNSON: Commissioner, I would say the
6 same thing for the 52 docket we said in 51. We
7 will work to excuse witnesses, and I am optimistic
8 we will be able to excuse --

9 COMMISSIONER BROWN: And you know I am going
10 to ask you again in the next two dockets as well.

11 MR. MUNSON: That's right.

12 COMMISSIONER BROWN: Thank you.

13 MS. PONDER: OPC concurs.

14 COMMISSIONER BROWN: All right.

15 MS. DZIECHCIARZ: Staff would like to note
16 that if witnesses are presented, staff will suggest
17 that the witness summary testimony be no longer
18 than three minutes.

19 COMMISSIONER BROWN: Thank you.

20 Moving on to Section VI the Order of
21 Witnesses. Anything to add, staff?

22 MS. DZIECHCIARZ: I don't think so, no.

23 COMMISSIONER BROWN: Okay. Section VII, Basic
24 Positions, any changes?

25 Seeing none. Now we will get to the issues,

1 Section VIII, Issues and Positions.

2 MS. DZIECHCIARZ: So staff would note again
3 that the order establishing procedure requires that
4 a party take a position at the prehearing
5 conference unless good cause is shown. Based on
6 the information that we received from the parties
7 on Friday, it appears that there is a position on
8 all of the issues, or OPC having no position on
9 some of them.

10 COMMISSIONER BROWN: Okay. So can you walk us
11 through the issues that are subject to the Type 1
12 and Type 2 stipulation?

13 MS. DZIECHCIARZ: Yes, Commissioner.

14 So for the Type 1 stipulations, we have issue
15 numbers 1, s, 3, 4A, 5A, 11, 12 and 20. And for
16 the Type 2 stipulations, it's Issue Nos. 9, 10, 13,
17 14, 15 and 16.

18 COMMISSIONER BROWN: All right. Do the
19 parties agree that with this -- the proposed
20 stipulations as presented?

21 MR. MUNSON: Yes, Commissioner.

22 COMMISSIONER BROWN: OPC?

23 MS. PONDER: Yes.

24 COMMISSIONER BROWN: Okay. Are there any
25 other matters to address under this section?

1 MS. DZIECHCIARZ: No, Commissioner. We will
2 just note that we would like -- we will continue to
3 work with the parties to finalize the stipulation
4 language and make sure that we are all the happy
5 with the final prehearing order.

6 COMMISSIONER BROWN: Thank you.

7 All right. We are going to move to Section
8 IX, the Exhibit List. Ms. Dziechciarz.

9 MS. DZIECHCIARZ: I'm sorry.

10 COMMISSIONER BROWN: Did I --

11 MS. DZIECHCIARZ: Staff will note -- nope, I
12 went --

13 Staff will note that it has prepared a draft
14 comprehensive exhibit list, which includes all
15 prefiled exhibits and includes those exhibits staff
16 wishes to include in the record. Staff has already
17 circulated a draft list, and will work with the
18 parties to determine if there are any stipulations
19 that can be made before the hearing.

20 COMMISSIONER BROWN: All right. Parties do
21 you have any have anything to add under this
22 section?

23 MR. MUNSON: No.

24 COMMISSIONER BROWN: All right. Okay. We are
25 moving to Section X, the Proposed Stipulations,

1 which we have already covered.

2 MS. DZIECHCIARZ: Yep.

3 COMMISSIONER BROWN: Is there anything else to
4 address under this section?

5 MS. DZIECHCIARZ: Nope.

6 COMMISSIONER BROWN: Parties?

7 MR. MUNSON: Commissioner, just like we said
8 before, we will circulate language to staff later
9 today --

10 COMMISSIONER BROWN: That would be great.

11 MR. MUNSON: -- probably later today on Issues
12 6, 7 and 8 in this docket regarding the private
13 letter ruling.

14 COMMISSIONER BROWN: All right. Excellent.
15 OPC.

16 MS. PONDER: I am sorry. That's good.

17 COMMISSIONER BROWN: Okay. All right. We are
18 moving on to Section XI, Pending Motions.

19 MS. DZIECHCIARZ: That are no pending motions,
20 Commissioner.

21 COMMISSIONER BROWN: Thank you. Section XII.

22 MS. DZIECHCIARZ: No pending confidentiality
23 motions either.

24 COMMISSIONER BROWN: Thank you.

25 And now on to Section XIII, the Post-Hearing

1 Procedures.

2 MS. DZIECHCIARZ: If issues are stipulated to
3 and the parties agree to waive briefs, the
4 Commission may make a bench decision for this
5 portion of the docket. If there are any issues to
6 be briefed, the staff recommends that post-hearing
7 briefs, as in the 51 docket, be 40 pages.

8 COMMISSIONER BROWN: Okay. Thank you.

9 And are all parties, again, they are in
10 agreement with that number?

11 MR. MUNSON: Correct.

12 COMMISSIONER BROWN: Thank you. Okay.

13 So going on to Section XIV, Rulings.

14 MS. DZIECHCIARZ: Staff recommends that the
15 prehearing officer make a ruling that opening
16 statements, if any, should not exceed five minutes
17 per party unless any party chooses to waive its
18 opening statement.

19 COMMISSIONER BROWN: Thank you.

20 Ms. Christensen.

21 MS. CHRISTENSEN: Yes, before we leave the
22 ruling section, and this relates back to Section V
23 on witness summaries, we just noted that it was
24 changed to three minutes, and generally speaking
25 witness summaries have been five minutes. And

1 while we anticipate that our witness will be able
2 to meet the three-minute -- probably will be able
3 to make his summary within three minutes, I am
4 concerned that we are changing this to three
5 minutes in this proceeding and that that would get
6 carried over into other proceedings. I would
7 request that we make witness summaries five
8 minutes, which has been the standard, for the 51,
9 52, 53 and 54 dockets.

10 COMMISSIONER BROWN: I don't -- thank you, Ms.
11 Christensen, for participating in raising your
12 concerns.

13 I think we have been consistent in these tax
14 dockets. Specifically we tried to because there
15 are limited issues in some of these dockets, and
16 there are -- I don't have a problem with making it
17 five minutes, but we have, I believe in all of the
18 tax dockets, been making it three minutes.

19 MS. HELTON: I can't speak to that, but I can
20 speak to why it states three minutes.

21 COMMISSIONER BROWN: Go ahead.

22 MS. HELTON: And that is the presiding
23 officers' preference that in all hearings going
24 forward, that witness summaries be limited to three
25 minutes.

1 COMMISSIONER BROWN: Not me.

2 MS. CHRISTENSEN: Yeah, and that specifically
3 was my concern, because even though these dockets
4 have relatively short testimony, and they probably
5 could be summarized in three minutes, five minutes
6 in a rate case on much more substantive issues is
7 very short, and we have issues even with the five
8 minutes. So it was my concern and I think I
9 would --

10 COMMISSIONER BROWN: I tend to agree with what
11 you are saying. In this particular docket, though,
12 I think three minutes is fair. Moving forward,
13 though, I would suggest that you raise those
14 concerns in the appropriate docket. And I
15 completely agree, and I don't have a problem even
16 in this docket ruling that it's five minutes, but,
17 again, it's the presiding officer's discretion. So
18 he has indicated three minutes, so if you would
19 like to raise it to five, now is the time to --

20 MS. CHRISTENSEN: If we could have it at five,
21 and then maybe that would be something that would
22 be best addressed going forward between Public
23 Counsel and --

24 COMMISSIONER BROWN: Well, let me turn to FPUC
25 first and find out their thoughts on this.

1 MS. CHRISTENSEN: Okay.

2 MR. MUNSON: Commissioner, we are actually
3 fine with three minutes. You know, I don't think
4 it's really our issue.

5 COMMISSIONER BROWN: Okay. Staff, do you have
6 anything to add to this?

7 I don't want to get on the Chairman's bad side
8 by making it five minutes.

9 MS. DZIECHCIARZ: Staff could look at -- if we
10 had more time, we could look at the other tax
11 dockets for consistency, and maybe take it under
12 advisement.

13 COMMISSIONER BROWN: So we will take it under
14 advisement and we will issue the ruling in the
15 final prehearing order after we look at it. But I
16 think your concerns are valid when two comes to
17 more substantive rate cases with lot -- not that
18 this isn't substantive --

19 MS. CHRISTENSEN: Correct.

20 COMMISSIONER BROWN: -- but with more
21 voluminous issues. I think three minutes is more
22 appropriate in this docket, but definitely
23 encourage you to raise the issue when you feel
24 necessary.

25 MS. CHRISTENSEN: Now, I could commit, and if

1 you would consider giving five minutes with a
2 commitment to do less than three, I am happy to do
3 that as well.

4 COMMISSIONER BROWN: I will take it under
5 advisement.

6 MS. CHRISTENSEN: All right. Thank you.

7 COMMISSIONER BROWN: And I appreciate you
8 raising the concern.

9 MS. CHRISTENSEN: Thank you.

10 COMMISSIONER BROWN: All right. So where are
11 we? We are under rulings, I thought. Okay, I
12 think you were getting ready to --

13 MS. DZIECHCIARZ: I think -- well, aside from
14 the five versus three minutes, which, as you
15 mentioned, you will take under advisement, I think
16 we can move on to other matters.

17 COMMISSIONER BROWN: Okay. And you did
18 mention five minutes, though, for opening
19 statements, unless the parties waive that.

20 MS. DZIECHCIARZ: I believe I did, but I would
21 like to also reiterate that.

22 COMMISSIONER BROWN: All right. So are there
23 any other matters to address in this prehearing
24 conference?

25 MS. DZIECHCIARZ: Staff is not aware of any.

1 MR. MUNSON: No. Thanks.

2 COMMISSIONER BROWN: Nope. All right.

3 All right. So we are going to go ahead and
4 adjourn the 52 docket and move on to the 53 docket.

5 (Proceedings concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

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

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

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

DATED this 9th day of November, 2018.



DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #GG015952
EXPIRES JULY 27, 2020