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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20200051-GU

PETITION FOR RATE INCREASE BY
PEOPLES GAS SYSTEM.

_____ /

DOCKET NO. 20200166-GU

PETITION FOR APPROVAL OF 2020
DEPRECIATION STUDY BY PEOPLES
GAS SYSTEM.

_____ /

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: COMMISSIONER JULIE I. BROWN
PREHEARING OFFICER

DATE: Monday, October 12, 2020

TIME: Commenced: 1:00 p.m.
Concluded: 2:31 p.m.

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

REPORTED BY: DEBRA R. KRICK
Court Reporter

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

1 APPEARANCES:

2 ANDREW M. BROWN, ESQUIRE, Macfarlane Ferguson
3 & McMullen, P.O. Box 1531, Tampa, Florida 33601,
4 appearing on behalf of Peoples Gas System (PGS).

5 J.R. KELLY, PUBLIC COUNSEL; CHARLES REHWINKEL,
6 DEPUTY PUBLIC COUNSEL; A. MIREILLE FALL-FRY, ESQUIRES,
7 Office of Public Counsel, c/o The Florida Legislature,
8 111 West Madison Street, Room 812, Tallahassee, Florida
9 32399-1400, appearing on behalf of the Citizens of the
10 State of Florida (OPC).

11 JON C. MOYLE, JR., and KAREN PUTNAL, ESQUIRES,
12 Moyle Law Firm, The Perkins House, 118 North Gadsden
13 Street, Tallahassee, Florida 32301, appearing on behalf
14 of Florida Industrial Power Users Group (FIPUG).

15 KURT M. SCHRADER, BIANCA LHERISSON, JENNIFER
16 CRAWFORD, ESQUIRES, FPSC General Counsel's Office, 2540
17 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,
18 appearing on behalf of the Florida Public Service
19 Commission (Staff).

20 KEITH C. HETRICK, GENERAL COUNSEL; MARY ANNE
21 HELTON, ESQUIRES, Deputy General Counsel, Florida Public
22 Service Commission, 2540 Shumard Oak Boulevard,
23 Tallahassee, Florida 32399-0850, Advisor to the Florida
24 Public Service Commission.

25

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

2 COMMISSIONER BROWN: Hi. I see Mr. Brown. I
3 know Mr. Moyle is on the phone and I have Mr.
4 Rehwinkel, so with that, I would like to call this
5 prehearing conference to order.

6 The time is 1:02. The date is October 12th,
7 2020. This is the Peoples Gas System petition for
8 rate increase for approval as well -- and approval
9 of the 2020 depreciation study, and with that,
10 Kurt, can you please read the notice?

11 MR. SCHRADER: Thank you, Commissioner.

12 By notice published September 30th, 2020, this
13 time and place was set for a prehearing conference
14 in Docket Nos. 200051-GU and 20200166-GU. The
15 purpose of the prehearing is set out more fully in
16 the notice.

17 COMMISSIONER BROWN: Thank you, and we will
18 take appearances, starting with PGS.

19 MR. BROWN: Andy Brown of the law firm of
20 MacFarlane Ferguson & McMullen in Tampa on behalf
21 of the Peoples Gas Systems.

22 COMMISSIONER BROWN: OPC.

23 MR. REHWINKEL: Charles Rehwinkel, A. Mireille
24 Fall-Fry and J.R. Kelly for the Office of Public
25 Counsel on behalf of Peoples customers.

1 COMMISSIONER BROWN: Thank you.

2 FIPUG. Game time, Mr. Moyle.

3 MR. MOYLE: Yeah. We had a delay of game to
4 start, but Jon Moyle on behalf of the Florida
5 Industrial Power Users Group, FIPUG, and Karen
6 Putnal is also appearing in the case.

7 COMMISSIONER BROWN: Thank you.

8 And staff.

9 MR. SCHRADER: Kurt Schrader for Commission
10 staff. Also want to enter appearances for Bianca
11 Lherisson and Jennifer Crawford.

12 MS. HELTON: And finally, Commissioner, Mary
13 Anne Helton here as your Advisor. I would also
14 like to make an appearance for your General
15 Counsel, Keith Hetrick.

16 COMMISSIONER BROWN: Thank you.

17 Staff, are there any preliminary matters that
18 we need to address at this juncture?

19 MR. SCHRADER: Yes, Commissioner.

20 State buildings currently closed to the
21 public, and other restrictions on gatherings are in
22 place due -- sorry, I will start over.

23 State buildings are currently closed to the
24 public, and other restrictions on gatherings remain
25 in place due to COVID-19. Accordingly, this

1 prehearing is being conducted remotely with the
2 parties participating by communications media
3 technology.

4 Members of the public who want to observe or
5 listen to this prehearing may do so by accessing
6 the live video broadcast which is available
7 commission website. Upon completion of the
8 prehearing, the archived video will also be
9 available.

10 Also, each person participating today needs to
11 keep their phone or device muted when they are not
12 speaking, and only unmute when they are called upon
13 to speak. If they do not keep their phone muted,
14 or put their phone on hold, they may be
15 disconnected from the proceeding and will need to
16 call back in.

17 Also, telephonic participants should speak
18 directly into their phone and not use the speaker
19 function.

20 Staff has no other.

21 COMMISSIONER BROWN: I want to make sure that
22 our court reporter, Debbie Krick, is able to
23 capture all of that clearly?

24 COURT REPORTER: Yes, ma'am.

25 COMMISSIONER BROWN: Thank you, Debbie.

1 Do any of the parties have any preliminary
2 matters? Seeing none, that is a big no.

3 All right. Let's go through the draft
4 prehearing order now. And as you know, I will
5 identify the sections, and if the parties want to
6 make any changes, please go ahead and just jump
7 right on in and let me know. We may go through
8 this pretty quickly, so please speak up and unmute
9 yourself when you want to make a change.

10 Okay, we are going to start with Section I,
11 the case background, any changes or corrections? I
12 see none.

13 Section II, the conduct of proceedings, any
14 changes or corrections? None.

15 Section III, jurisdiction, any changes or
16 corrections? There are none.

17 Section IV, the procedure for handling
18 confidential information, Staff.

19 MR. SCHRADER: Staff will noted that when
20 confidential information is used in a hearing that
21 has not been filed as prefiled testimony or
22 prefiled exhibits, parties must follow the
23 procedures for providing confidential electronic
24 exhibits to the Commission Clerk prior to the
25 hearing.

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

7 COMMISSIONER BROWN: Any questions regarding
8 that from the parties?

9 Yes, Mr. Moyle.

10 MR. MOYLE: Yeah, I just was hoping to have
11 clarification, or a discussion about how we would
12 treat the deposition of Tim O'Connor that was taken
13 under confidentiality. During the deposition,
14 there was discussion about using a process that
15 we've used in other cases, where PGS would go
16 through the deposition and highlight areas that
17 they believed were confidential and circulate that,
18 and work that out. That's what we did successfully
19 in the Duke Bartow case. And I sent around an
20 inquiry last week, and didn't get a lot of clarity
21 on how that's going to take place, so I think now
22 would be a good time to raise that issue, unless
23 you want to do it at the end.

24 COMMISSIONER BROWN: No. I think now is a
25 good time do it, but before I turn to staff, I just

1 want to hear from the parties, the other parties.

2 MR. BROWN: Andy Brown. I think that's a good
3 idea. I am midway through Mr. O'Connor's
4 deposition. I haven't finished highlighting, but I
5 will try to get that out as soon as I can.

6 COMMISSIONER BROWN: Mr. Rehwinkel, anything
7 to add?

8 MR. REHWINKEL: Just that depending on when we
9 have to have exhibits filed, that's going to be
10 crucial that we have that in time. We -- we are
11 required to file depositions as exhibits in case
12 they need to be used for impeachment. It's not so
13 we can enter them wholesale into the record, but
14 only so that they can be used, so it's important
15 that we get that.

16 COMMISSIONER BROWN: And I think the exhibits,
17 I think the deadline is October 20th.

18 Kurt, do you want to respond to all of those
19 comments, please?

20 MR. SCHRADER: Yeah, the -- the -- I am sorry,
21 it is due October 20th, you are correct.

22 COMMISSIONER BROWN: And the process as
23 outlined by Mr. Moyle, is that an accurate
24 portrayal of how we will be treating the depo of
25 Mr. O'Connor.

1 MR. SCHRADER: Let me confirm with Mary Anne
2 real quick. Can I take just a moment, please?

3 MS. HELTON: Commissioners, this is Mary Anne
4 Helton. Let me -- let me just make sure I
5 understand what the issue is here.

6 I am assuming that -- and I am making a big
7 assumption here -- that Mr. Moyle is concerned with
8 when he is preparing his cross-examination
9 questions, and if he is going to be tracking any of
10 the testimony from the deposition, that he wants to
11 make sure that he knows what is confidential and
12 not confidential from the perspective of the
13 utility. So the sooner that Mr. Brown can get that
14 highlighted copy of the deposition to Mr. Moyle,
15 that will make it easier for him to prepare for the
16 hearing, is that what the -- what we are talking
17 about here?

18 COMMISSIONER BROWN: Mr. Moyle.

19 MR. MOYLE: That's -- yeah, that's part of it.
20 That is, indeed, part of it.

21 MS. HELTON: Mr. Moyle, what is the other
22 part?

23 MR. MOYLE: Well, you know, I think, depending
24 on what the case from the petitioners presents is
25 that, you know, it may be something that I seek to

1 put into evidence. You know, I think there is a
2 rule that says a deposition of a party can go into
3 evidence for any purpose, but -- so I don't -- the
4 main purpose -- the main reason is so when you are
5 doing cross, you are not letting cats out of the
6 bag, but, you know, I -- you know, we haven't tried
7 the case yet, so I want to see how the case
8 develops; but whether it's used for cross, or
9 whether at some point somebody wants to try to put
10 it into evidence, I think it would be beneficial to
11 everybody to have that already worked on as to
12 what's confidential and what's not. It's how --
13 it's how my understanding is, is that we've done it
14 in just about all the cases that -- that are in
15 front of the Commission, or in front of DOAH, or,
16 you know, where we have to cross that bridge.

17 MS. HELTON: Right. And I thought we had been
18 down this road before, which is why we have Section
19 7G in the Order Establishing Procedure, and for
20 this case in particular, it's on the top of page
21 nine. And I thought that we had worked out a
22 process with OPC, and I thought that you were also
23 involved in those discussions, but I could be
24 remembering wrong, Mr. Moyle, where we have said in
25 the Order Establishing Procedure that if you plan

1 to use the deposition as an exhibit, or introduce
2 it into the record of the hearing, then you need to
3 put everyone on notice by no later than the last
4 day to conduct discovery in this docket. So just
5 making sure that everyone is -- we are all working
6 from the same page here, and everybody is aware
7 that is the process.

8 COMMISSIONER BROWN: And so any
9 cross-examine -- cross-examination exhibits that
10 need to be filed by October 20th, you should go
11 ahead, if you plan on entering or considering using
12 the deposition, you should be -- have made the
13 parties -- it sounds like they have been made aware
14 already.

15 MR. MOYLE: Yeah, I think there is two
16 different things. One is a cross-examination
17 exhibit, which I guess you have until the 20th; and
18 then Mary Anne was referring to a direct exhibit, I
19 guess, that says you got to -- you know, you got to
20 let everybody know by the last day of discovery.

21 I think -- I think, you know, we are kind of
22 heading down a trail that I don't know that we
23 necessarily have to, because, you know, the main
24 purpose, as we said, is to get it and help -- help
25 you with cross-examination. And it sounds like PGS

1 says, yeah, we are working on it. We will get it
2 to you.

3 So, you know, I think -- I think we would be
4 okay, and if, you know, for whatever reason I want
5 to try to put it in as an exhibit and get into this
6 other issue, I guess we could deal with that then
7 if we had to. But I think if the
8 cross-examination, you know, covers it
9 sufficiently, then I am not sure I need to put it
10 in as well, because it would be redundant.

11 COMMISSIONER BROWN: Okay.

12 MS. HELTON: Commissioner, it sounds like
13 Mr. Brown really needs to work on getting that
14 highlighted deposition to Mr. Moyle and the
15 other -- and Mr. Rehwinkel.

16 MR. BROWN: Yes, I will do that.

17 COMMISSIONER BROWN: Mr. Brown, Mr. Moyle, Mr.
18 Rehwinkel, I am fine with that. I just want to
19 make the parties aware that the discovery deadline
20 was October 9th.

21 MR. BROWN: If I could put up another issue
22 related to that, because of our shortened schedule,
23 we were taking depositions -- we took one on
24 October 9th, we took others that week, and there
25 are no transcripts yet available. And so, you

1 know, that may become an issue.

2 I think they are all going to be used for --
3 for impeachment purposes, and hopefully we will
4 have transcripts by the time of the deadline, but I
5 think that that's -- that potentially is an issue,
6 but hopefully it won't be, and we will see when the
7 transcripts come in.

8 MR. REHWINKEL: Just -- Commissioner, just to
9 be clear, we do have Mr. O'Connor's deposition.
10 That's available. We just don't have it in the
11 redacted or confidential form.

12 So just to be clear, what we need is a
13 redacted or a highlighted version, and it needs a
14 RCC, or a request for confidential classification,
15 so it can be covered. And then our intent is to
16 identify it as a cross-examination exhibit. And I
17 think Mr. Moyle is right, that it's premature to
18 speculate about what other uses someone might need
19 to make, but the depositions, the three that we
20 took last week, we're still pending transcripts.
21 We've asked for the one we took to be available by
22 Wednesday, so...

23 But our view is any depositions would be
24 identified as cross-examination exhibits only
25 pending some extraordinary circumstance that we

1 don't need to speculate about at this point.

2 COMMISSIONER BROWN: Okay. So just PGS needs
3 to work swiftly in getting those transcripts.

4 MR. BROWN: I will finish it up when we get
5 done here.

6 MR. MOYLE: Yeah, and then just the way --

7 MR. REHWINKEL: Just one last thing. Does --
8 the O'Connor deposition is the only one that has
9 confidential information. The other three were
10 taken without confidential information, to the best
11 of our knowledge.

12 COMMISSIONER BROWN: Is that -- is that
13 correct?

14 MR. BROWN: That's correct.

15 MR. SCHRADER: That's correct.

16 COMMISSIONER BROWN: Mr. Moyle.

17 MR. MOYLE: And the way that we have done
18 this -- I just want to make sure we are all on the
19 same page -- is Mr. Brown will do the highlighting.
20 He will circulate it to, I know OPC and FIPUG for
21 review. And if there is any, you know, issues that
22 we have about should something be confidential or
23 not confidential, we try to work that out
24 informally, and then most of the time we can. And
25 then there will be a filing, and then Mr. Brown

1 will make a filing of a redacted deposition with --
2 with the Commission.

3 I can't remember how he handles the
4 confidentiality with respect to staff, but if --
5 you know, if there is an issue that we can't work
6 out, then I guess we come back to you, as the
7 prehearing officer, but I anticipate we will be
8 able to work things out.

9 COMMISSIONER BROWN: That sounds good. It
10 sounds like we have a plan, is that correct, and we
11 can move forward? I see heads nodding.

12 MR. BROWN: I believe so.

13 MR. MOYLE: Yeah.

14 COMMISSIONER BROWN: Okay.

15 MR. MOYLE: Okay, thanks for -- thanks for
16 that.

17 COMMISSIONER BROWN: Thank you.

18 Mr. Schrader, anything to add before we move
19 on?

20 MR. SCHRADER: I think staff is good on the
21 issue. Thank you.

22 COMMISSIONER BROWN: Thank you.

23 Okay, we are going to go ahead and move to
24 Section V, which is the prefiled testimony and
25 exhibits, as well as witnesses.

1 MR. BROWN: I just had a question about this.
2 In terms of the discovery that's been done, will
3 that also be considered an exhibit, or will it --
4 do we have to enter that separately, or is that
5 already considered as part of the record?

6 MR. SCHRADER: I can confirm it. I believe
7 that's part of the record, but it has to be entered
8 as an exhibit.

9 MR. MOYLE: I thought it was not. I thought
10 exhibits.

11 MR. REHWINKEL: I have a contrary view of
12 that --

13 (Simultaneous speaking.)

14 MR. MOYLE: -- the exhibit list and you enter
15 them when you go to trial.

16 COMMISSIONER BROWN: Let's just hold on a sec.

17 MR. BROWN: I don't think we put --

18 COMMISSIONER BROWN: I don't think it is
19 either. Can we have Ms. Helton advise?

20 MS. HELTON: I don't think there is any
21 exhibit that automatically becomes a part of the
22 record. So there is the prefiled exhibits, which,
23 if no one objects, typically become part of the
24 record. Then there are the exhibits that are
25 identified on the comprehensive exhibit list, where

1 usually staff will list some discovery responses
2 that it would like to have entered into the record,
3 hopefully, you know, without objection by the
4 parties, and those get entered at the beginning.
5 Then there are the cross-examination exhibits
6 which, because of the current COVID situation, we
7 have asked parties to identify and provide to us a
8 week before the hearing so they can be disseminated
9 to all of the parties and the Commissioners for use
10 during the hearing.

11 And then if you are asking about deposition
12 transcripts in particular, we have -- I think you
13 could list a deposition transcript as a
14 cross-examination exhibit a week before the
15 hearing, but there is a special provision for the
16 use of depositions, where you want to introduce a
17 part or all of the deposition into the record. And
18 that is what I had mentioned on page -- that's
19 listed out on page nine of the Order Establishing
20 Procedure.

21 That is a process that we developed, actually
22 it's quite a few years ago now, because the parties
23 were objecting to what some had perceived as an
24 overuse of deposition transcripts being admitted
25 into the record, which basically eliminated the

1 Commissioners' ability to hear the testimony live
2 from those depositions.

3 COMMISSIONER BROWN: Thank you, Mary Anne.

4 Just to be clear, Mr. Brown, only discovery
5 that is included and moved into the record is part
6 of the record. Staff is going to include a list of
7 exhibits in their comprehensive exhibit list that
8 will be disseminated to the parties.

9 MR. BROWN: Well, in that case, because I was
10 not -- I mean, I am a little new at this game, so I
11 am just trying to make sure I understand how this
12 is going to work out.

13 I understand that everybody -- the staff has
14 seen the discovery, the parties have seen the
15 discovery, and the discovery, I assume, will be
16 part of the recommendations that are made to the
17 Commission. But what I need to know is whether I
18 have got to amend my exhibit list to include the
19 written discovery in order to make sure that that's
20 all going to be part of the record.

21 MS. HELTON: Written -- written discovery does
22 not automatically become a part of the record. It
23 takes an affirmative action on the part of the
24 party, the utility or staff to make written
25 discovery become part of the record.

1 MR. BROWN: Then in that case, I would -- I
2 would ask if I could amend to specifically list all
3 of the written discovery that has been done.

4 MS. HELTON: You would need to -- Mr. Brown,
5 you would need to identify that on the -- I
6 guess -- maybe what we need to do is, instead of
7 having to take up everyone's time during the
8 prehearing conference, I would be happy to talk to
9 you about the process afterwards, and maybe we
10 could include Mr. Moyle, Mr. Rehwinkel and staff
11 counsel, too, to make sure we are all on the same
12 page.

13 But you have already put on your direct case,
14 and you have already filed your rebuttal testimony,
15 and attached to that is your prefiled exhibits. So
16 I don't know that you get another bite at the
17 apple, if I am hearing you correctly, to
18 automatically introduce into the record all
19 discovery responses.

20 COMMISSIONER BROWN: And if I just may, when
21 does staff plan to disseminate the comprehensive
22 exhibit list to the parties so that they can see
23 it?

24 MR. SCHRADER: Commissioner, we did send out
25 the list on Friday. It does not have all of the

1 discovery in it yet. Staff is still working
2 through it. We had discovery open through Friday
3 afternoon, so I believe Kandis is working on that
4 today with everything that was wrapped up on
5 Friday, and we should be getting that to the
6 parties relatively shortly.

7 COMMISSIONER BROWN: Okay. And, Mr. Brown, as
8 for the process, I think Mary Anne made a really
9 good suggestion. Since you are somewhat new to
10 this, our PSC processes, I think having her
11 guidance off-line will be helpful, and encourage
12 the parties to also be on that call.

13 MR. BROWN: I agree. I welcome the
14 opportunity.

15 COMMISSIONER BROWN: All right.

16 MR. MOYLE: Yeah, thank you for that --

17 MR. REHWINKEL: Madam Chairman --

18 MR. MOYLE: -- for also including us. I think
19 you guys, I will just say from a policy standpoint,
20 you know, it's all they put in their testimony, and
21 then OPC put in theirs, and then, you know, it's
22 kind of what it is, and then to have a whole bunch
23 of other stuff outside of that, and we will just
24 have to talk about it on-line -- off-line, I am
25 sorry.

1 COMMISSIONER BROWN: I would ask staff to
2 coordinate a call with all of the parties to
3 address to handle this.

4 Charles.

5 MR. REHWINKEL: Commissioner, yes, thank you.

6 And I appreciate Mr. Brown raising this. He
7 beat me to the punch on an issue that I need to
8 bring to your attention. And of course, we stand
9 ready to work with the company and the parties, Mr.
10 Moyle and the staff, to make things go well, but we
11 do have a significant issue that I want to bring to
12 your attention since we are on this part of the
13 order. All these things come together.

14 We took a deposition Friday morning, we are
15 really in the next business day today. Without
16 getting into the particulars of how the deposition
17 went, there is information that came out of that
18 deposition that would cause us to seriously
19 consider a motion to strike portions, just
20 portions, very small portions of the testimony of
21 Mr. Hillary and Mr. Wall related to capital
22 additions, and it's also the disputed issue that
23 you have in your draft prehearing order at this
24 time.

25 Bound up in that issue is the response to

1 staff's seventh set of production of documents, POD
2 No. 15, which is cited by but attached to the
3 rebuttal testimony of Mr. Wall and Mr. Hillary. So
4 these -- all these three concepts are bound up in
5 this one issue about the timing of adding new
6 capital additions to the case on rebuttal.

7 We stand ready to talk to the company and
8 pursue the issue more off-line, but I do need to
9 raise it and bring it to your attention. The
10 prehearing -- the OEP requires motions to strike be
11 in writing prior to the prehearing conference, and
12 I think it's essentially absent good cause shown.

13 And we will get a transcript of the deposition
14 on Wednesday. That's what we have ordered. That's
15 about the earliest we thought we could get it.
16 The -- and so we think that because of the timing
17 of discovery and the prehearing conference, that we
18 would be able to show good cause for bringing that
19 forward.

20 But rather than take your time up with this,
21 we would like to talk to the company and Mr. Moyle
22 and see if we can work out an accommodation that
23 avoids this being a contentious matter before you,
24 but I just wanted to put you on notice.

25 So I will agree -- I don't have anything in

1 dispute until we get to that disputed issue at the
2 very end. We are okay with all the issues up until
3 that point, and with the staff's listing of the
4 parties subject to a potential for this limited
5 motion to strike.

6 COMMISSIONER BROWN: Thank you. And I
7 appreciate you raising the issue, and I see how it
8 all ties into the issue that we are going to
9 address towards the end of the prehearing
10 conference.

11 And I also acknowledge that you are trying to
12 preserve your right to strike the testimony. And
13 given the fact that the depo was just taken Friday,
14 and this is the next business day, I think we are
15 all on notice. So even though the OEP does say
16 that you should -- motions to strike should be
17 presented at the prehearing conference, I think
18 good cause could -- is potentially shown if it is
19 timely hereafter, okay?

20 MR. REHWINKEL: Okay. Thank you.

21 COMMISSIONER BROWN: All right.

22 Okay. Mr. Schrader, can we go to the Section
23 V again --

24 MR. SCHRADER: Yes.

25 COMMISSIONER BROWN: -- the boilerplate?

1 MR. SCHRADER: Let me get back to my place
2 here.

3 Staff suggests that witness summary testimony
4 be no longer than three minutes.

5 Also, staff would also like to note that
6 cross-examination exhibits, whether confidential or
7 nonconfidential, that a party intends to use at
8 hearing must be provided to the Commission Clerk by
9 close of business on October 20th, 2020, in order
10 to be processed and placed on the Commission's
11 website.

12 The parties have been emailed the
13 instructions, which is Attachment A to the draft
14 prehearing order, about how to electronically
15 provide this material to the Clerk. If you have
16 any questions, please contact me or Bianca
17 Lherisson.

18 COMMISSIONER BROWN: Okay. Any objections to
19 the three minutes for witness summary?

20 Yes, Mr. Rehwinkel.

21 MR. REHWINKEL: Yes, I do.

22 Peoples has 12 or 13 witnesses on direct, and,
23 you know, maybe seven or more on rebuttal. We have
24 two witnesses. One witness is taking care of both
25 ROE and depreciation.

1 You know, if the Commission is concerned about
2 the accumulation of time, I mean, that's all kind
3 of -- because of the breadth of their witnesses, we
4 think five minutes for Ms. Crane is appropriate.
5 And given that Mr. Garrett is filing testimony on
6 two major subjects, we would ask that he be at
7 least given eight minutes to address both issues,
8 ROE and depreciation.

9 COMMISSIONER BROWN: Mr. Brown, do you have
10 any responses towards that?

11 I am looking at the list of witnesses, and I
12 am sure some of your witnesses could certainly
13 summarize their testimony in more than three
14 minutes. It's just kind of a guideline given the
15 amount of witnesses you have, and OPC has only two,
16 it looks like, what are you are thoughts?

17 MR. BROWN: Well, my thought is that if he is
18 going to get five to eight, then we would be
19 entitled to five to eight. Now, I am not sure
20 everybody would use that, but certain witnesses
21 clearly, you know, have that much to talk about. I
22 think it would be unfair to allow the OPC to have
23 its witnesses given a longer explanation than we
24 would be entitled to.

25 COMMISSIONER BROWN: And I would concur with

1 you. And the whole point of witness summaries is
2 to summarize succinctly the testimony that they are
3 about to give before the Commission, so that is why
4 it has over the years gone from five minutes -- I
5 haven't seen eight minutes for a witness summary,
6 but five minutes, and it's kind of gradually gone
7 down to three, although, there is great latitude in
8 the time limit.

9 I want to think about this a little bit. Does
10 staff have anything that they would like -- to
11 before I turn to staff, it looks like Mr. Moyle has
12 something to add.

13 MR. MOYLE: Well, I don't have a witness in
14 the case, but I, just having practiced before you
15 all for a long time, I think, particularly when you
16 are in complex topics like depreciation and matters
17 like that, it -- I found it to be helpful to have,
18 you know, people not rushing through and talking
19 real fast to try to get what they are trying to say
20 in.

21 So, you know, obviously I don't think -- you
22 know, five times 12 is 60. That's an hour, and
23 it's a three-day case. I would urge to go on the
24 more time rather than less time.

25 COMMISSIONER BROWN: I am of the mindset --

1 again, I think we started with five minutes during
2 my time at the Commission on some of these more
3 complex cases, and we've narrowed it down to three
4 minutes.

5 So I would like to hear from staff before I
6 give you my ruling on this. I will turn back to
7 you, Charles, right after. Hold on. Let me -- I
8 want to hear from Mary Anne. She's talking it
9 over. Mr. Rehwinkel, if you want to go ahead and
10 jump in.

11 MR. REHWINKEL: Yeah. Just to be clear, I
12 don't have any objection about the time that Mr.
13 Brown thinks he might need for any or some of his
14 witnesses.

15 My point about Mr. Garrett is that normally
16 you have a depreciation witness and you have an ROE
17 witness, and they usually file enormous, voluminous
18 testimony each. That's just the way those filings
19 go. We have one witness doing both in 104 pages,
20 and so I just ask an accommodation that -- you
21 know, I think it would be patently unfair for him
22 to be limited to three minutes to cover both
23 topics. He can barely get out what he needs to
24 talk about on an ROE live in three minutes, much
25 less the depreciation. So I just ask that that be

1 considered.

2 You know, the customers of PGS incur
3 significant costs to bring witnesses down to
4 address their issues, and we would hope that we be
5 heard, so thank you.

6 COMMISSIONER BROWN: Thank you, and I
7 understand that that's the position that you all
8 are in on this, and there has to be equal pairing
9 among the parties as well, so I did want to
10 acknowledge that.

11 Mr. Brown.

12 MR. BROWN: I was just going to say, those
13 issues are no complex for our witnesses, and I am
14 just asking for whatever amount of time they get,
15 we get the same amount of time.

16 COMMISSIONER BROWN: No. Absolutely. I am in
17 agreement with that.

18 Mary Anne.

19 MS. HELTON: Commissioner, it's really -- I
20 mean, the witness summaries are kind of to remind
21 everyone of what the prefiled testimony says and
22 also to educate the public. And I think it's
23 really, you know, what the Commissioners -- it
24 boils down to what the Commissioners prefer.

25 Obviously, the longer that -- if every witness

1 takes five minutes, then that adds that much more
2 time before you can actually get to the
3 cross-examination and the meat of the proceeding.
4 I know there are some Commissioners that prefer
5 longer, some Commissioners that prefer shorter.

6 Maybe one approach might be to set five
7 minutes, but to encourage witnesses that if they
8 can prepare their summary so that it will be less
9 than five minutes, to definitely do so.

10 COMMISSIONER BROWN: Thank you, Mary Anne.
11 And that is what I am leaning towards, but I do
12 want to ask you to address Mr. Rehwinkel's remarks
13 regarding -- we do -- we have combined these
14 dockets, okay. We combined the rate case as well
15 as the depreciation study. And his concern about
16 having one witness testify to two -- two subject
17 matters.

18 MS. HELTON: I think Mr. Rehwinkel makes a
19 valid point, that he has got one witness covering
20 multiple subjects. Then as I understand Peoples'
21 testimony, they have -- are able to separate it out
22 and witnesses are able to address more discrete
23 subject matters.

24 COMMISSIONER BROWN: Mr. Brown, would you have
25 a problem having five minutes for all of the

1 parties for all of the witnesses apart from the
2 witness being proffered by OPC that is testifying
3 on two subject matters, and allowing eight minutes
4 for that witness?

5 MR. BROWN: You know, I guess the assumption
6 is they are going to divide up the time equally
7 between the two topics. You know, I just -- I just
8 think in general that the amount of time given the
9 witnesses is the amount of time given the
10 witnesses, and the fact that they have chosen to
11 have one witness cover these topics was a choice
12 they made for various reasons. And I think the
13 easier and the more consistent way to do this is
14 everybody on one side gets -- everybody gets the
15 same amount of time. That would be my preference.
16 I think that would be the fairest result.

17 MR. REHWINKEL: Well, my response to that,
18 Commissioner, would be that Mr. Hevert and --

19 COMMISSIONER BROWN: One second --

20 MR. REHWINKEL: -- Mr. Watson divide five
21 minutes up between themselves.

22 COMMISSIONER BROWN: I am sorry, I didn't hear
23 you. Can you say that again, Charles?

24 MR. REHWINKEL: If that's how we are going to
25 do it, and to be fair and even, let's just have

1 Mr. Watson and Mr. Hevert divide five minutes, or
2 three, between the two of them and we will take
3 three minutes for Mr. Garrett. This is just, you
4 know --

5 MR. BROWN: I don't want to get into this
6 either. I mean, that's fine. If that's -- if
7 that's what they would believe that they need in
8 order to properly present this, I don't have a
9 strong objection to it, so that's fine.

10 COMMISSIONER BROWN: And again, in light of
11 the fact that we have merged the two dockets into
12 this proceeding, and given, I think, Mr.
13 Rehwinkel's compelling argument, I think in the
14 hemisphere of allowing them an opportunity to be
15 heard on both issues, although they have limited
16 witnesses, unlike PGS, I think it would be fair.

17 So, Mr. Rehwinkel, is it Mr. Crane you said
18 that is -- or Mr. Garrett?

19 MR. REHWINKEL: Mr. Garrett, he is testifying
20 on the two issues.

21 COMMISSIONER BROWN: So all witnesses will
22 have five minutes apart from Mr. Garrett, who shall
23 have eight minutes. In the final prehearing order,
24 though, I would like staff to note that the wit --
25 and to encourage the witnesses that they do not

1 have to use all of the five minutes of their time,
2 and we will ask you to provide that guidance as
3 well to the Chairman's office, sounds good?

4 MR. REHWINKEL: Yes.

5 COMMISSIONER BROWN: All right. We are moving
6 on. Seeing no other objections under this, we are
7 going to go to Section VI order of witnesses.

8 I am not thinking there is any witnesses to be
9 stipulated here, is that correct?

10 MR. SCHRADER: That's correct, Commissioner.

11 And staff will also --

12 COMMISSIONER BROWN: Parties?

13 MR. SCHRADER: I am sorry, go ahead.

14 COMMISSIONER BROWN: Mr. Rehwinkel.

15 MR. REHWINKEL: We haven't had a chance to
16 talk about that. We would certainly consider it
17 when we have our discussions with the company and
18 Mr. Moyle. I can't imagine that we couldn't come
19 up to some accommodation, but we just haven't had
20 any conversation. We will -- we will take it to
21 heart.

22 COMMISSIONER BROWN: Excellent.

23 Mr. Schrader.

24 MR. SCHRADER: And if the parties do agree to
25 excuse any witnesses, staff will confirm -- I am

1 sorry, go ahead, Charles.

2 MR. REHWINKEL: I don't know, Ms. Fall-Fry is
3 on the line, and hopefully she can address this,
4 because I am not up to speed on it, but Ms. Crane,
5 she's the 16th in line, and she had a request for a
6 time certain because of her schedule, and I
7 don't -- and the working conditions that she has as
8 everyone is working remotely.

9 So I don't know if Ms. Fall-Fry can address
10 the issue, but we would like to -- we don't
11 necessarily have to have it decided today, but we
12 would like to be able to work to find a time
13 certain for her, but Mireille may be able to speak
14 better to that.

15 COMMISSIONER BROWN: Ms. Fall-Fry, does she
16 have a specific --

17 MS. FALL-FRY: Yes. There is construction in
18 her building, so she just wants to be able to get
19 to a quiet place, so as much of a heads-up we can
20 give her what day she is expected to testify,
21 that's what she's asking for.

22 COMMISSIONER BROWN: Always a challenge,
23 unless we can agree to a set time with opposite
24 counsel, it's going to be a challenge.

25 MR. BROWN: That shouldn't be a problem. I am

1 sure we will be able to agree on it.

2 COMMISSIONER BROWN: So I would ask if we can
3 come to an agreement before the actual hearing to
4 give her some certainty so that the Chairman
5 doesn't have to deal with this issue, sound good?

6 MS. FALL-FRY: Absolutely. Thank you.

7 MR. BROWN: Yeah, that won't be a problem.

8 COMMISSIONER BROWN: Okay, great.

9 Mr. Schrader, anything else along with the
10 order of witnesses?

11 MR. SCHRADER: Just to note that if the
12 parties do come to an agreement to excuse
13 witnesses, that the staff will confirm with the
14 Commissioners that any identified witness can be
15 excused. If Commissioners don't have any questions
16 for those witnesses, the witnesses may be excused
17 from the hearing and his or her testimony and
18 exhibits entered into the record as though -- at
19 the hearing as though read.

20 COMMISSIONER BROWN: All right. Any
21 questions? Any further issues on this?

22 Again, I would like to encourage the parties
23 to work together to get a time certain for Ms.
24 Crane so that there is some certainty, so that they
25 can coordinate with the Chairman's office.

1 All right. Moving to basic positions, Section
2 VII. Do the parties have any changes to their
3 basic positions? I see none.

4 If there are changes to basic positions, they
5 should be submitted to us by close of business
6 tomorrow, October 13th.

7 Section VIII, issues and positions. I will
8 now go through the issues by the section. If any
9 party has a change to any of their positions,
10 please speak up at the appropriate time. In
11 addition, if there are any changes that would like
12 to be made, please provide them by close of
13 business tomorrow.

14 It is also my understanding that Public
15 Counsel has proposed a new issue. And since it is
16 the last issue, we will reserve that time until the
17 end of issue list so the parties can address that
18 issue at that time.

19 Staff, before we proceed, are there any
20 additional comments before we get to the issues?

21 MR. SCHRADER: Yes, Commissioner.

22 Staff will note that for a number of issues,
23 OPC and FIPUG have not taken a position. If a
24 party does not take a position on these issues per
25 the OEP, their position will be changed to no

1 position in the prehearing order.

2 Also, per the OEP, if a party fails to take a
3 position on an issue by the time of the prehearing
4 conference, the party waives his opportunity to
5 conduct cross-examination on the issue, as well as
6 filing file a post-hearing brief on said issue.

7 COMMISSIONER BROWN: Okay. And now we are
8 going to get started with the issues, starting with
9 the test period and forecasting, Issues 1 through
10 3, do any of the parties have any changes to the
11 issues? I see none.

12 Mr. Rehwinkel.

13 MR. REHWINKEL: Yes. Depending on how
14 everything works out with regard to the new issue
15 and the testimony that's embedded in that, we might
16 ask to come back and change our position on this
17 issue, but at this point in time, we don't see the
18 need to.

19 COMMISSIONER BROWN: Would close of business
20 on -- Mr. Schrader, could we extend the changes to
21 any of the issues or positions, and what would be
22 acceptable?

23 MR. SCHRADER: Let me confer with Mary Anne.
24 Just a moment.

25 COMMISSIONER BROWN: And this would apply

1 equally, by the way, any changes on issues or
2 positions will apply as soon as he gives me a date
3 to all issues.

4 MR. SCHRADER: Let us take a look at the
5 schedule real quick to make sure the timing is
6 good, but I am thinking maybe the 14th would be --
7 would work out. If there is an extra day, would
8 that work for everybody?

9 COMMISSIONER BROWN: 14th would be Wednesday,
10 so maybe the 15th?

11 MR. SCHRADER: Yes.

12 COMMISSIONER BROWN: Okay. Close of business
13 by the 15th, is that acceptable, on all issues, Mr.
14 Rehwinkel?

15 MR. REHWINKEL: Yes.

16 COMMISSIONER BROWN: Okay. So that would
17 apply to all.

18 MR. REHWINKEL: Yes.

19 COMMISSIONER BROWN: Thank you.

20 So no -- no parties have any other changes to
21 Issues 1 through 3.

22 We will move to quality of service, Issue 4.
23 Any changes to the issues or positions?

24 Seeing none, all right --

25 MR. REHWINKEL: We may provide a supplemental

1 -- we will provide a supplemental response since
2 the customer hearings are over, and we will do it
3 by the deadline.

4 COMMISSIONER BROWN: I was going to point that
5 out in your statement, but thank you for bringing
6 it up. Again, those changes should be submitted by
7 Thursday, close of business.

8 All right. Depreciation study, Issues 5
9 through 7, any changes?

10 All right. Seeing none. I am going to move
11 on to rate base, which there are 8 through 20
12 issues, any changes to the issues or positions?
13 Again, you have until Thursday if there are.

14 MR. REHWINKEL: Commissioner, if I could ask
15 if we could go look at issue -- if we could look at
16 Issue 7 again?

17 COMMISSIONER BROWN: Sure. Sure.

18 MR. REHWINKEL: The position that OPC is
19 taking there is tantamount to no position. So
20 anywhere we have a position like that, I think
21 nothing has come to mind, or come to the forefront
22 that would cause us to take a substantive position
23 on there. So these are going to be issues that
24 would likely be stipulated, in so many words, in a
25 Type 2 sense.

1 COMMISSIONER BROWN: Got it. Thank you.

2 Yeah, that's in several places, but thank you.

3 So we are on Issues 8 through 20, rate base.
4 Any changes to the issues or positions?

5 Yes, Mr. Moyle.

6 MR. MOYLE: Thanks. I just was hoping to get
7 clarification from Mr. Brown on Issue 13. It
8 relates to the LNG facility.

9 COMMISSIONER BROWN: What clarification are
10 you seeking from him?

11 MR. MOYLE: I was reading his general
12 positions as well, and he says on page eight, under
13 the heading Virtual Pipeline Natural Gas Service,
14 Peoples is proposing to implement a new tariff
15 which is designed to provide natural gas service to
16 customers who are unable to obtain access from
17 traditional pipelines. This tariff should allow
18 Peoples to respond to customer demand in situations
19 where traditional natural gas pipeline delivery
20 would not be economically or logically feasible.

21 And my understanding, based on where we are
22 and where things have transpired in other cases, is
23 that, you know, the issue -- the issue here with
24 respect to this facility is, you know, should this
25 go in rate base, and it's for peak saving, it has

1 nothing to do with the LNG tariff that is the
2 subject of another proceeding.

3 So I was just hoping for Mr. Brown to say,
4 Moyle, nothing related to the LNG tariff is in this
5 rate case, and that -- that would be helpful. It's
6 consistent with my understanding, but when I read
7 that virtual pipeline natural gas issue that I just
8 quoted to you, it seemed -- seemed like it was
9 unclear to me.

10 COMMISSIONER BROWN: Mr. Brown.

11 MR. BROWN: Nothing related to the LNG tariff
12 is in this rate case.

13 MR. MOYLE: Thank you, Mr. Brown, you are good
14 to work with in that respect.

15 COMMISSIONER BROWN: Fair enough.

16 Any other changes, questions to the issues or
17 positions in rate base, Issues 8 through 20?

18 I see none. We are going to move a to cost of
19 capital, Issues 21 through 27.

20 MR. REHWINKEL: Madam Chairman, on 25, we have
21 one of those not recommending an adjustment issues.
22 We may provide a modified issue on that dependent
23 on -- well, related to the LNG issue. I am not
24 sure, but just to give people notice. We will
25 either leave that the way it is, and it would

1 revert to a Type 2 type issue, or we would provide
2 a -- a more specific issue about nonutility
3 investments.

4 In line with what Mr. Moyle and Mr. Brown just
5 talked about, about LNG service being in here, and
6 whether that would be considered utility or
7 nonutility, we may take a position that preserves
8 our rights there, but does not really dispute that
9 there is anything patent involved in this case with
10 respect to inappropriate nonutility investments.

11 COMMISSIONER BROWN: Okay. Thank you for the
12 heads-up to all the parties, and you do have until
13 close of business on Thursday to change that.

14 Any of the other parties have any comments or
15 would like to make any changes to those issues of
16 cost of capital?

17 Mr. Rehwinkel, I do have a question regarding
18 potentially the Type 2 stipulations that you have
19 alluded to. Do you contemplate when you anticipate
20 potentially filing those? Assuming prior to the --

21 MR. REHWINKEL: Well, what we -- what Type 2
22 is, in our view, is kind of a passive stipulation.
23 In other words, we don't object if staff takes the
24 position that they agree with the company, or that
25 they are not going to dispute it, then it's going

1 to revert to that.

2 The staff's position is they are kind of
3 waiting to see how the hearing turns out. So even
4 though we may not dispute it, the staff still may
5 still have an issue they need to resolve.

6 So I think whether it's a Type 2 or not would
7 need to be resolved closer to hearing than in the
8 next two or three days.

9 COMMISSIONER BROWN: Okay.

10 MR. REHWINKEL: But what I am saying is
11 we're -- if we don't change those no adjustment
12 issues, then they are going to be what I would say
13 ripe for a Type 2, does that --

14 COMMISSIONER BROWN: It does. It does.

15 MR. REHWINKEL: -- does that make sense?

16 COMMISSIONER BROWN: It does. And I hope
17 staff understands too.

18 MR. REHWINKEL: We won't be affirmatively
19 filing anything.

20 COMMISSIONER BROWN: Okay.

21 MR. REHWINKEL: Yeah.

22 COMMISSIONER BROWN: Staff, any questions or
23 comments?

24 MR. SCHRADER: No, Commissioner.

25 COMMISSIONER BROWN: All right. Thank you.

1 If none of the parties have anything further
2 on Issues 21 through 27, cost of capital, we are
3 going to move to net operating income, Issues 28
4 through 55. I will give you some time to look over
5 those.

6 Okay. Everyone good with those issues?
7 Again, any changes need to be submitted to staff by
8 Thursday, close of business.

9 We are going to move to revenue requirements,
10 Issues 56 and 57. Any changes to the issues or
11 positions?

12 Seeing none, we are going to move to cost of
13 service and rate design, Issues 58 through 70.

14 Just a reminder, there shouldn't be any -- if
15 there are any changes, they need to be made by
16 Thursday on these issues.

17 So if there are no changes on Issues 58
18 through 70, we are going to go ahead to the other
19 issues, 71 to 72. That's not the OPC issue just
20 yet.

21 MR. REHWINKEL: If I could state -- if I could
22 state for the record on the cost of service -- I
23 mean, the rate design issues, 56 through 70, we
24 will not be changing our position. We generally
25 don't maintain positions on those.

1 COMMISSIONER BROWN: That's right. Thank you.
2 So we are on the other issues now, 71 and 72.

3 Any changes? Those are standard. Seeing none.

4 All right. Now let's move on to the proposed
5 issue. I have it in front of me as well, and I
6 would like to hear from the parties, starting with
7 Public Counsel since it's their proposed issue, if
8 that's appropriate, Kurt, if you have anything else
9 to add before we go?

10 MR. SCHRADER: I was just going to ask the
11 Commissioner, would you like me to read the
12 proposed issue into the record, is that helpful?

13 COMMISSIONER BROWN: Yes, please.

14 MR. SCHRADER: Okay.

15 COMMISSIONER BROWN: Thank you.

16 MR. SCHRADER: Sure.

17 OPC has proposed the issue should the
18 Commission consider and, if so, should it approve
19 the capital additions proposed by the company in
20 rebuttal testimony and/or simultaneously filed
21 discovery responses?

22 COMMISSIONER BROWN: Okay. Mr. Rehwinkel, you
23 have the floor.

24 MR. REHWINKEL: Thank you, Madam Chairman.

25 We oppose -- we posed this issue and ask that

1 it be considered and decided by the Commission
2 because it's an issue of factual, legal and policy
3 implications that it is separate and distinct and
4 unique from any other issue.

5 The issue arises because during discovery in
6 this case, it became apparent that several
7 significant projects that were in the projected
8 test year of Peoples were either deferred or
9 delayed for a significant period of time beyond the
10 test year, or canceled.

11 On direct -- I mean, on rebuttal, Peoples
12 identified values associated with projects that
13 were either new or involved project costs that were
14 carried over from projects that were in a prior
15 year, but they were not new projects, they were new
16 costs. And many of these projects and costs were
17 known to the company prior to the filing of the --
18 the direct case and MFRs on June 8.

19 This issue is similar to but legally and
20 factually distinct from issues that the Public
21 Counsel has litigated on appeal, and for which one
22 is pending in the First DCA.

23 COMMISSIONER BROWN: That would be the KW case
24 that's -- correct?

25 MR. REHWINKEL: Yes, ma'am. Yes. Yes, that's

1 correct.

2 What's different about this case from the
3 water and sewer case, just to be clear, is the
4 water and sewer companies generally file a
5 historical test year with proformas, and sometimes
6 the issues are that the proformas are in
7 development and that's a known circumstance when
8 the case is filed.

9 Electric and gas utilities, on the other hand,
10 have the ability and have, for years, taken the
11 option of filing fully protected test years.
12 Allowing subsequent adjustments or proformas, if
13 you will, to a fully projected test year would be
14 unprecedented in commission jurisprudence, and we
15 think would be unfair to the customers.

16 When you have a fully protected test year, you
17 assume the burden, if you are the company, of
18 meeting your burden of proof to demonstrate costs
19 that you can demonstrate will be reasonably and
20 prudently incurred in the test year.

21 We -- in the discovery process, there are one
22 or two questions that we did not get full answers
23 to when it came to getting all facts about the
24 filing in this testimony, and they were objected to
25 and instructed by counsel not to be answered.

1 Rather than pursuing a motion to compel here,
2 along with the other issues related to the
3 discovery responses and this testimony, we would
4 like to have an opportunity to talk to the company
5 about that. But if this issue is not resolved,
6 that motion to compel would be brought before the
7 Commission at sometime between now and the hearing
8 once we get the discovery transcript.

9 One of the issues that we -- and I would also
10 would like to distinguish the water and sewer
11 situation from the statute in 367 that requires the
12 Commission to consider proforma adjustments 24
13 months out. There is no such consideration in the
14 electric and gas arena.

15 So we would also state that if this issue is
16 not subsumed in or covered by any other issue, and
17 it is not a situation where the company -- well,
18 there was testimony in the deposition that the
19 company does not have a targeted specific dollar
20 amount of rate base, that if you take some out, you
21 can dip into -- into a reserve and put others in to
22 fill in the gap. They said that's not their
23 policy, and that's not what they are doing.

24 They also testified in the deposition that
25 there was no service or capacity issue that was

1 wanting, if you will, from the cancellation of the
2 deferral of projects that they filed that these new
3 projects come in and replace. So that's not a
4 factual situation that's before the Commission.

5 So it is our view that this is purely and
6 simply new evidence that is filed untimely in
7 rebuttal. This is evidence that was required to be
8 filed on direct and not in rebuttal.

9 So we believe that the Commission should
10 decide in a specific secret discrete issue whether
11 it's appropriate to take this new evidence and
12 allow it to be used to support the revenue
13 requirement that the Commission ultimately awards.
14 And we are not -- well, so that's essentially what
15 we are trying to tee up with this issue, Madam
16 Chairman, and we would ask you to leave the issue
17 in, and I will stop there.

18 COMMISSIONER BROWN: Okay. I appreciate that.

19 Before I turn to Mr. Brown, though, does Mr.
20 Moyle want to say anything regarding OPC's proposed
21 motion?

22 MR. MOYLE: Yeah. We support OPC's position,
23 and just would note that it's replete with other
24 issues that I don't think Mr. Rehwinkel has in any
25 way waived by not bringing it up. But also, you

1 know, from a fundamental fairness and due process
2 standpoint, you know, when you are trying to get
3 your case ready to go to hearing and, you know,
4 rebuttal is designed to address things that the OPC
5 or other parties have put forward, and then on
6 rebuttal you bring in, you know, a brand in new
7 issue, that is a real challenge from a due process
8 standpoint and otherwise. So we would join with
9 OPC in their position.

10 COMMISSIONER BROWN: All right. Mr. Brown,
11 PGS.

12 MR. BROWN: Let me start by saying we oppose
13 this issue, but it's not that we oppose these
14 issues from being discussed. I think that all of
15 these issues are going to come up in the discussion
16 of Issue 10, what's the appropriate amount of CWIP
17 to include, Issue 13 -- or rather, Issue 17, what's
18 the appropriate level of plant in service; what's
19 the appropriate -- No. 20, what's the appropriate
20 level of base rate.

21 So all of these issues, when you discuss those
22 topics in those issues, we are going to get into
23 whether or not there is a reforecast, whether or
24 not we only take away projects and don't add any
25 new projects in, that's all going to be discussed,

1 and that's all going to come out in the wash, as it
2 were.

3 We are not suggesting that they can't talk
4 about these issues in any way. I just don't think
5 it needs to be a separate proposed issue before the
6 Commission. I don't think that anybody waives
7 anything by not having this separate issue, but let
8 me talk a little bit about what's happened, because
9 the discussion has been all about the rebuttal
10 testimony.

11 The reason for this reforecast is that staff
12 asked us to reforecast the capital budget in
13 discovery, and so we did so. And so the -- and so
14 the rebuttal does address it as well, but it was in
15 response to staff's discovery request that the
16 decision was made to reforecast and present that.

17 If you talk about it in terms of the real
18 world and in terms of what happened, this rate --
19 this rate case got delayed because of COVID, it is
20 then filed later than was intended. And in the
21 course of any year that you are having capital
22 budgets, there are projects that drop out, there
23 are projects that stay in, there are new projects
24 that come on-line. Most of these new projects
25 really don't have impact on the budget. They are

1 going to be AFUDC projects, and so there is not
2 going to be any real increase on rate base, and
3 that would be -- there is a couple of RNG projects,
4 one that's been delayed, one that's come on new.

5 The other big project is the Bayside lateral
6 project, which is under construction. It is now
7 going on, and so I think under the -- under the
8 current issues that we have, it's going to be that
9 the staff and the Commission are going to be able
10 to assess all of those issues, they are going to be
11 assessing the new projects, and they are going to
12 make the determination as to whether or not they
13 are to be included in the case or not, or whether
14 they are going to be included in rate base. I
15 don't think -- I don't know why we need a separate
16 issue for that. I think it's all going to be in
17 there. I am not suggesting that, you know, no, we
18 don't get to talk about it.

19 Part of what's going on here is they want
20 to -- they want to only count things that are back
21 out of the budget, and they don't want to count
22 anything that comes in new to the budget, and
23 that's an unfair process. We think that the
24 Commission should look over everything as they
25 have, I think, done prior to rate cases. I mean, I

1 think there has been, in projected test years,
2 there has been evidence that comes out that there
3 are adjustments made in the capital budget on an
4 ongoing basis on a regular basis, and that's a
5 normal part of the business practice of any natural
6 gas utility, or any electric utility for that
7 matter.

8 So we don't object to talking about all of
9 these issues. They are all going to get talked
10 about, and they are all going to get analyzed. I
11 just don't think we need a separate issue like this
12 that I think kind of creates kind of more of a
13 headache than there needs to be, and so that would
14 be our position.

15 COMMISSIONER BROWN: Mary Anne, in the UIF
16 case and the KW case, was this particular issue the
17 subject of appeal?

18 MS. HELTON: Madam Chairman, my recollection,
19 which the older I get becomes fuzzier and fuzzier,
20 is that I agree, I think, with Mr. Rehwinkel's
21 recollection, and that is that we were dealing with
22 historic test year and proforma plant that was
23 identified on the direct case, the costs were just
24 refined during the course of the proceeding.

25 And from listening to Mr. Brown, it sounds

1 like that is not the case here. It sounds like
2 that there are some, if I understood him correctly,
3 some new projects that we are learning of for the
4 first time on rebuttal.

5 COMMISSIONER BROWN: Do we have someone from
6 technical staff here, though, to confirm whether
7 that is a result of the Commission staff's request
8 to have the utility reforecast?

9 MR. ELLIS: This is Phillip Ellis with
10 technical staff.

11 COMMISSIONER BROWN: Hi, Phillip.

12 MR. ELLIS: We did have a discovery request
13 associated with a deposition. I believe it was
14 Witness O'Connor. In the course of the deposition,
15 there was some questions about the scheduling of
16 that, and we had requested an updated version of
17 one to reflect the timings that were mentioned. It
18 was confidential, so I am not certain as to how
19 much I can say on that.

20 MR. BROWN: And I think --

21 COMMISSIONER BROWN: Go ahead.

22 MR. BROWN: I can address that a little bit.

23 Mr. O'Connor's deposition was taken, and the
24 issue that arose is the Miami LNG project, which
25 has been delayed, and is not going into service in

1 2021 as was the case, or we believed to be the case
2 at the time that the case was filed, and so there
3 were discussions about the timing on that. I don't
4 know if there were any other projects. There may
5 have been RNG projects as well, I can't remember,
6 specifically in his testimony.

7 As a result of that, staff asked for a
8 reforecast of the capital budget, which we
9 provided. And it does have new items, and it has,
10 in particular, the Bayside project, which is under
11 construction, and it had other adjustments up and
12 down the line throughout the capital budget.

13 Now, you know, the overall numbers stay
14 roughly the same, but this was not some sort of
15 sandbagging that was done. This is staff coming to
16 us and saying, reforecast your capital budget. So
17 we went through that exercise, which was not easy,
18 and we did that, and we provided that information.

19 Our position is that this isn't going to --
20 shouldn't be a one-sided affair where all we do is
21 back things out and we don't talk about the things
22 this should be added. So the staff asked us for
23 that. We have done it. And I don't think there is
24 any -- that there is anything in particular that's
25 harmful about that.

1 In addition, information about the Bayside
2 project is included in discovery to the OPC's
3 original request for production that was filed
4 immediately after the case was filed, and so they
5 had information about that project to some degree.
6 Although, in all fairness, it was not, at that
7 time, listed in the capital budget as being an
8 approved product -- project.

9 But all we are asking -- and again, I don't
10 think any of this is anything that can't be just
11 resolved as we go through the rate case and go
12 through the capital budget. I expect staff is
13 going to go through each part of it, and they are
14 going to analyze each project, and they are going
15 to say whether it's in or out, or they are going to
16 make the adjustments that they feel are necessary
17 when they make the recommendations to the
18 Commission.

19 Again, I am not saying that these issues
20 aren't going to be coming up and shouldn't being
21 dealt with, but I just don't think we need this
22 separate issue to be done. I think all the issues
23 can be handled going through the rate case with
24 this.

25 And again, I think there is some precedent in

1 the past, if I -- in my understanding anyway. And
2 I am not 100 percent on this, but I believe there
3 was discussion of this type in Peoples' last rate
4 case, where an adjustment was made, and there was
5 additional capital that was sought to be cleared in
6 the rate base, some of which was allowed and some
7 of which was denied. I think this is going to be
8 just a typical rate case in this regard.

9 I would also point out --

10 COMMISSIONER BROWN: Go ahead.

11 MR. BROWN: Go ahead, I am sorry.

12 COMMISSIONER BROWN: No, please continue. You
13 want to --

14 MR. BROWN: I would also point out that this
15 is not a situation where there has been expert
16 testimony going through all of these different
17 projects. The OPC's expert Andrea Crane has simply
18 blanketly said we shouldn't count any of the
19 projects in 2021. And so, you know, her view is
20 they shouldn't be counted either way regardless of
21 what they are; but this was -- this was done in
22 response to discovery, and -- I am getting an echo.
23 I don't know if it's me.

24 COMMISSIONER BROWN: A little echo. Make sure
25 that everyone is muted.

1 Can you wrap it up?

2 MR. BROWN: Again, this was a result of the
3 staff making the request. And I think to the
4 extent that staff has asked for the request, that
5 the information is there, and I think everyone is
6 capable of dealing with it.

7 Again, we are going to deal with all these
8 issues. I just don't think we need a separate
9 additional issue to do that.

10 COMMISSIONER BROWN: Okay. I hear you.

11 Mr. Rehwinkel.

12 MR. REHWINKEL: Yeah. I think to the extent
13 this is a reaction to my questions of Mr. O'Connor
14 in the earlier deposition, it may be reasonable for
15 the staff to ask what are you going to do about
16 those projects. But in a deposition on Friday, the
17 questions were, of these knew projects, were they
18 intended to fill in a deficiency or a gap that was
19 created by the delay or deferral of the filed
20 projects, and the answer was unequivocally no.

21 So this isn't a situation where there was a
22 problem that needed to be remedied by a stopgap
23 measure. These are just purely new projects. Some
24 of them were known and around in April and May.
25 Some of them, we were -- the only testimony we got

1 was that they were just known about, or the costs
2 occurred after January of this year.

3 So clearly, the company was -- had these
4 projects and knew about them, but just didn't file
5 them. So that doesn't mean -- and they also said
6 that they didn't give us any indication that they
7 were reserving an opportunity to update costs like
8 was done in the water and wastewater cases. They
9 just brought new projects in on rebuttal, and
10 that's a problem that we have.

11 Whether we end up arguing about this during
12 the hearing or not, we are entitled, especially in
13 light of what the First DCA said about what we
14 needed to do to vindicate our rights, we are
15 entitled to raise this issue as a matter of law.
16 We certainly think as a matter of policy. And we
17 certainly will challenge it factually if we have to
18 go forth with it and our motion to strike is
19 ultimately denied if we bring that motion.

20 I do know that in the TECO case, I want to say
21 it was in the, sometime before 2013, there was some
22 proforma adjustment to plant that were raised late
23 in the case. The Commission allowed them. We
24 appealed, and then we settled the case.

25 So that issue has not been, in my view, fully

1 litigated. It is an issue that has ramifications
2 next year. And in the conduct of all those other
3 cases, it needs to be resolved, and we insist that
4 we have the right to have the issue specifically
5 called out.

6 Yeah, it may have -- you know, the resolution
7 of it may affect those balances in all those other
8 areas, but the legal and policy issue about whether
9 it's appropriate in the first place, we believe we
10 have an absolute right to raise that.

11 COMMISSIONER BROWN: And I did talk to my
12 legal counsel before this prehearing conference to
13 kind of go over kind of all of the things both
14 parties have just presented, and Mr. Moyle too,
15 regarding the substance of whether this issue
16 should actually be included as a separate, distinct
17 issue in the case, and I do want to be on the right
18 side of the legal argument on whether we allow it
19 or whether we don't.

20 So I would like -- and I do also acknowledge
21 the larger scale ramifications going into 2021,
22 which we know is going to be a very active rate
23 case year.

24 So I do want to spend a little bit more time
25 talking about Ms. Helton and Mr. Hetrick on the

1 issue. I know that we have until Thursday -- we've
2 given until Thursday for you all to make changes to
3 the other issues and positions. So I will make a
4 decision on this by -- and I would like to ask
5 staff, after I confer with our counsel, to
6 disseminate my decision to the parties by close of
7 business tomorrow so that you have some time to
8 help possibly alter your positions if need be, or
9 not. So I will make a decision, but I just need a
10 little bit more time to talk to our -- our
11 attorneys.

12 Ms. Helton, I am going to give you an
13 opportunity to say anything you would like to say,
14 though, on the record, or you can --

15 MS. HELTON: Well, I am sitting here thinking
16 about what -- what would be appropriate to say
17 right now. I think maybe you taking it under
18 advisement so we can have further discussions, and
19 maybe we can include Ms. Cibula too, and hopefully
20 she's listening this afternoon, so we can make sure
21 that we, as you say, we come down on the right
22 side.

23 COMMISSIONER BROWN: Yeah. I think that's the
24 best course. So I will get with our attorneys and
25 get back to you as soon as possible, and I

1 appreciate you arguing this issue today.

2 All right. Are there any other issues before
3 we get to the Section IX, the exhibit list?

4 MR. MOYLE: I have -- I have one. I just want
5 to want to raise. Unfortunately, it may pick up
6 some of the conversation that you just had on that
7 prior issue, you know, but I have been following
8 the regulatory asset discussion related to the
9 COVID expenses, and, you know, I think of that
10 issue is involved in this case, because if I
11 understand PGS, their sales forecast -- you know,
12 they are considering sales forecast relating to
13 COVID, and things like that. So, you know, should
14 PGS receive rate adjustments for COVID-19 expenses
15 appears to be an issue in my mind, and whether it
16 gets set out as a separate issue, or whether it is
17 subsumed, you know -- I mean, consistent with
18 Mr. Brown's position, he could say hey, we are
19 going -- we are going to have a lot of people
20 talking about a lot of things, and if -- you know,
21 if the -- if I am right, the sales forecast
22 considers COVID, it seems that, you know, they put
23 that issue at play, and, you know, it's an issue
24 for -- for resolution.

25 COMMISSIONER BROWN: Well, I don't know if

1 lost revenue is the issue for resolution. I think
2 what this commission determined was approving a
3 regulatory asset for PPE expenses and COVID related
4 costs particularly, so it was not for lost
5 revenues, Mr. Moyle.

6 MR. MOYLE: Yeah, but my -- my understanding
7 is that the lost revenues is a retroactive look,
8 but in terms of going forward, you know, they have
9 a sales forecast moving forward about how much --
10 how many therms they are going to sell. One of the
11 things that is a factor in how many they are going
12 to sell is COVID.

13 So they've -- you know, they've put COVID at
14 issue in that regard, as I understand it, and then
15 it's just a question of, well, you know, are there
16 other COVID expenses, or are we getting into the,
17 you know, the whole regulatory asset PPE stuff, and
18 so, you know, I am not -- I am not real sure. I am
19 just trying to understand what, you know, what is
20 at issue, but when Mr. Brown says, you know, there
21 is other issues, that we can bring in a lot of
22 things, you know, it seems -- seems that the PPE
23 issues are -- probably fall within that bucket as
24 well.

25 COMMISSIONER BROWN: Mr. Brown, I don't -- can

1 you -- I don't see any issue related to the
2 regulatory asset that the Commission approved for
3 COVID related expenses. I am either asking Mr.
4 Brown or our legal folks. Is that going to be
5 considered in this rate proceeding?

6 MR. BROWN: No, that's in a separate -- that's
7 in the COVID petition.

8 COMMISSIONER BROWN: Okay. So --

9 MR. BROWN: And then --

10 COMMISSIONER BROWN: Go ahead.

11 MR. BROWN: As you pointed out, the COVID
12 petition does not cover lost revenues. It is
13 strictly for expenses that have been incurred as a
14 result, and so it's not -- the expense portion is
15 not part of this proceeding.

16 MR. MOYLE: Okay, but then also I understand
17 that essentially the conversation is if -- if there
18 are regulatory assets, the time to pick those up is
19 in the next rate case, and you are saying the next
20 rate case is not this rate case?

21 MR. BROWN: Correct.

22 COMMISSIONER BROWN: Okay. We can move on?

23 MR. MOYLE: Yes. Thank you.

24 COMMISSIONER BROWN: All right. We are going
25 to go to the Exhibit 9 -- pardon me, IX, exhibit

1 list.

2 Staff, is there anything to note in the
3 exhibit list?

4 MR. SCHRADER: Yes, Commissioner.

5 Staff has prepared a comprehensive exhibit
6 list which lists all prefiled exhibits. This draft
7 was given to the parties to see if there are any
8 changes to the CEL or the introduction of any of
9 staff's exhibits to be entered into the record. If
10 any party has any changes to the list to be sent
11 out, please reach out to me or Bianca Lherisson.

12 COMMISSIONER BROWN: Is there a deadline that
13 you would like them to reach out to you if there
14 are any changes that they have?

15 MR. SCHRADER: Right now, Commissioner, we are
16 still working to get our final list because of
17 discovery having just closed on Friday, so I can
18 reach out to the parties once everything is
19 finalized and let them know that off-line, if that
20 works.

21 COMMISSIONER BROWN: Definitely. I really
22 don't want it to hinder the issuance of the
23 prehearing order, though. So if there need to be
24 changes to the exhibit list prior to the hearing, I
25 think that will be acceptable to the Chairman.

1 MR. SCHRADER: Thank you.

2 COMMISSIONER BROWN: Okay. Moving on to
3 Section X, the proposed stipulations. Are there
4 any at this time? I do not believe so.

5 MR. SCHRADER: Staff notes there are no
6 proposed stipulations at this time.

7 COMMISSIONER BROWN: Okay. And the parties
8 don't have any either? No.

9 All right. Moving to pending motions, Section
10 XI.

11 MR. SCHRADER: Staff notes that there are no
12 pending motions at this time, or stipulations --
13 stipulations or motions, none pending at this time.
14 I apologize.

15 COMMISSIONER BROWN: Thank you.

16 Section XII, pending confidentiality -- I know
17 we have a few hanging over right now. Can you just
18 go over those?

19 MR. SCHRADER: Yes, Commissioner.

20 Well, there are four pending confidentiality
21 motions at this time. Staff will work to address
22 those prior to the hearing.

23 The utility has also filed a number of
24 additional notices of intent to file a request for
25 confidentiality. As soon as PGS gets those filed,

1 we will work to address them.

2 COMMISSIONER BROWN: Sounds good. And we will
3 process those swiftly.

4 All right. Post-hearing procedures, Section
5 XIII.

6 MR. SCHRADER: Staff recommends that
7 post-hearing briefs be limit the to 40 pages,
8 inclusive of attachments, should briefs be
9 necessary.

10 COMMISSIONER BROWN: Are all parties in
11 agreement?

12 Mr. Rehwinkel.

13 MR. REHWINKEL: I would think that for a rate
14 case of this size that 40 pages might not -- my
15 suggestion is that be decided at the end of the
16 hearing. I don't know why it couldn't be. We
17 could see how the hearing goes, but I certainly
18 would ask for more than 40 pages.

19 COMMISSIONER BROWN: You just confused me
20 there. Were you asking for a bench decision at the
21 end of the hearing, or were you asking for more
22 pages?

23 MR. REHWINKEL: I would ask -- I was asking
24 for a bench decision on the number of pages based
25 on how the hearing goes, but I just think 40 pages

1 is probably not enough for a major rate case.

2 COMMISSIONER BROWN: What would you recommend?

3 MR. REHWINKEL: And I don't really know what
4 the right number is.

5 COMMISSIONER BROWN: Do any of the parties
6 have a suggestion?

7 Mr. Brown?

8 MR. BROWN: I mean, I really don't. I mean,
9 40 would be fine. If we have more, it would be
10 fine. Whatever -- whatever is the Commission's
11 pleasure.

12 COMMISSIONER BROWN: Thank you.

13 Mr. Moyle?

14 MR. MOYLE: Well, I -- I don't have a strong
15 recommendation either, but I am not sure that
16 anyone on our call right now can say, hey, the last
17 five gas rate cases they used 60 pages. It's
18 probably instructive maybe to do a little thinking
19 and looking on that, and as Mr. Rehwinkel suggests,
20 maybe -- maybe pick it up at the end of the
21 hearing.

22 COMMISSIONER BROWN: Well, I have no problem
23 extending the amount of pages, but I would like to
24 ask our staff if they have a recommendation. The
25 last PGS rate case was 40.

1 MR. BROWN: I suspect their recommendation is
2 40.

3 COMMISSIONER BROWN: You are probably right
4 given that the last PGS rate case was 40, in fact.

5 MS. HELTON: Well, Madam Chairman, there are
6 at least 72 issues, so -- and it sounds like that
7 there is the possibility that there may be some
8 Type 2 stipulations, if I understood Mr.
9 Rehwinkel's comments earlier.

10 So maybe his suggestion with respect to
11 waiting until the conclusion of the hearing --
12 typically, I don't like to leave these things for
13 the Chairman's decision, but maybe in this case,
14 because we really don't know how many issues will
15 drop out, it would be more realistic to wait until
16 the conclusion of the hearing to know how many
17 pages, and we will have a better idea then, and we
18 will have a recommendation for you then.

19 COMMISSIONER BROWN: And I hate leaving too
20 many unknowns to the Chairman, but if that's your
21 recommendation, then we will go ahead and do it
22 that way, and it will be at the Chairman's
23 pleasure. It could be less than 40.

24 MR. REHWINKEL: You know, one solution would
25 be to just go ahead and leave it at 40 and we will

1 revisit it at the end of the hearing. I can tell
2 you this, is that we have done -- we have done --
3 even during this call, we've done some internal
4 assessments that if certain issues revert to Type 2
5 stipulations, we've already looked at how that
6 would affect -- the domino effect on the witnesses
7 that would need to testify.

8 So I think Ms. Helton is correct, that we can
9 take better stock later on. But I am fine with you
10 leaving it at 40, just it's on the record that we
11 would like the opportunity to revisit it if
12 necessary.

13 COMMISSIONER BROWN: I think that's smart,
14 because then you at least have a placeholder for
15 40; and if the parties need more, they can ask at
16 the hearing. So we will go ahead and do that.

17 Kurt, we will issue -- put it at 40, okay, you
18 got that?

19 MR. SCHRADER: That's fine, Commissioner.
20 Thank you.

21 COMMISSIONER BROWN: Okay. Any other
22 post-hearing procedures?

23 MR. MOYLE: I just have a somewhat related
24 question, and I know -- I am not sure we can get a
25 definitive answer today, but just from an order of

1 magnitude standpoint it would be helpful.

2 Post-hearing briefs, in terms of timing, I am
3 trying to juggle a couple of things on the
4 calendar.

5 COMMISSIONER BROWN: Briefs are due November
6 12th, 2020.

7 MR. MOYLE: November 12th is when we are
8 looking at?

9 COMMISSIONER BROWN: And I think Kurt was just
10 getting ready to say that.

11 MR. SCHRADER: You beat me to the punch,
12 Commissioner. It's November 12th.

13 COMMISSIONER BROWN: Yes. The day after my
14 father's birthday.

15 All right. Section XIV, rulings.

16 MR. SCHRADER: Staff recommends that the
17 prehearing officer make a ruling that opening
18 statements, if any, should not exceed five minutes
19 per party unless any party wishes to waive opening
20 statements.

21 COMMISSIONER BROWN: Mr. Rehwinkel, are you
22 okay with five minutes?

23 MR. REHWINKEL: I think we can live with that.

24 COMMISSIONER BROWN: Good.

25 You okay with five minutes, Mr. Moyle?

1 MR. MOYLE: Yes.

2 COMMISSIONER BROWN: PGS, Mr. Brown?

3 MR. BROWN: Well, I am tempted to ask for 10
4 to equal it, but I will -- I will go with five.

5 COMMISSIONER BROWN: That's what I was
6 anticipating from somebody here, so --

7 MR. BROWN: Well, I think we will go with
8 five.

9 COMMISSIONER BROWN: Okay. I think the
10 Commissioners would appreciate that. Five it is.

11 Other matters. Are there any other matters to
12 address at the prehearing conference?

13 MR. SCHRADER: Staff is aware of no other
14 matters at this time.

15 COMMISSIONER BROWN: Do any of the parties
16 have any other matters.

17 MR. BROWN: No.

18 COMMISSIONER BROWN: Seeing none --

19 MR. BROWN: I just -- should we stay on the
20 line to talk to Ms. Helton?

21 COMMISSIONER BROWN: I am sorry?

22 MR. BROWN: Should we stay on the line to talk
23 to Ms. Helton about this issue or just --

24 COMMISSIONER BROWN: Would you like them to
25 call back on a different line to talk about the

1 exhibits?

2 MS. HELTON: Madam Chairman, I have a really
3 hard time sometimes hearing in this hearing room
4 when people are speaking by video. So my
5 preference would be for me to go back to my office
6 and ask for one of my secretaries to set up a
7 conference call and we can then talk.

8 I am not -- I know I have a call at -- from
9 3:00 to 4:00, so maybe four o'clock, does that work
10 for everybody?

11 COMMISSIONER BROWN: Does four o'clock work?

12 MR. MOYLE: Not for me. I have a conflict,
13 but I got -- I am pretty good tomorrow.

14 COMMISSIONER BROWN: You all good for
15 tomorrow?

16 MS. HELTON: I could do 9:00 tomorrow or
17 11:00.

18 MR. BROWN: Tomorrow, I have a --

19 COMMISSIONER BROWN: Mr. Brown?

20 MR. REHWINKEL: Hopefully earlier --

21 MR. BROWN: I have a business -- (inaudible)
22 -- could we do it late in the day?

23 COMMISSIONER BROWN: Late in the day. I want
24 to get this --

25 MR. BROWN: Or preferably in the morning.

1 MR. MOYLE: Yeah, first thing in the morning
2 is better for me.

3 COMMISSIONER BROWN: Charles?

4 MS. HELTON: Nine o'clock is first thing in
5 the morning for me. Does 9:00 work?

6 MR. MOYLE: 9:00 works for me.

7 MR. BROWN: 9:00 works for me.

8 COMMISSIONER GRAHAM: All right. A-OK.

9 Seeing no other matters to address, we've got
10 that for tomorrow, and we make sure -- yes, Kurt.

11 MR. SCHRADER: Sorry, Commissioner.

12 Could everyone just email me the best number
13 to call you all at tomorrow so we can set up the
14 conference call? Just shoot me an email. I would
15 appreciate it.

16 COMMISSIONER BROWN: Sounds good.

17 MR. SCHRADER: Thank you.

18 COMMISSIONER BROWN: Thank you.

19 Yes, and please remember, Thursday is to get
20 your issues and positions into the Commission.

21 And seeing that there are no other matters to
22 address, we will conclude this prehearing for these
23 dockets.

24 Thank you, guys.

25 MR. MOYLE: Thank you.

1 MR. BROWN: Thank you, Commissioner.

2 Commissioner, may I ask one quick question?

3 Oh, well -- oh, she's back.

4 COMMISSIONER BROWN: I'm sorry. I'm here.

5 MR. BROWN: Just in terms of if we are -- if
6 we are amending the exhibit list, would that have
7 the same Thursday deadline?

8 COMMISSIONER BROWN: No, that does not have
9 the same Thursday, because I waived that so that
10 staff can go ahead and proceed with issuing a
11 prehearing order timely. If the exhibit list needs
12 to be amended even after the issuance of the
13 prehearing order, that will be fine. It will just
14 be supplemental to -- for the Chairman and the
15 docket.

16 MR. BROWN: Okay. Thank you.

17 COMMISSIONER BROWN: Kurt, you understand
18 that, too?

19 MR. SCHRADER: Yes, Commissioner. Thank you.

20 COMMISSIONER BROWN: Thank you.

21 All right, bye.

22 (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
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attorney or counsel connected with the action, nor am I
financially interested in the action.

DATED this 26th day of October, 2020.



DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #HH31926
EXPIRES AUGUST 13, 2024