



1 APPEARANCES:

2 MARY WESSLING, CHARLES J. REHWINKEL, ESQUIRES,  
3 OFFICE OF PUBLIC COUNSEL, c/o The Florida Legislature,  
4 111 West Madison Street, Room 812, Tallahassee, Florida  
5 32399-1400, appearing on behalf of the Citizens of the  
6 State of Florida (OPC).

7 JARED DEASON, 200 Weathersfield Avenue,  
8 Altamonte Springs, Florida 32714, appearing on behalf of  
9 Sunshine Water Services.

10 KATHRYN G.W. COWDERY, ESQUIRE, FPSC General  
11 Counsel's Office, 2540 Shumard Oak Boulevard,  
12 Tallahassee, Florida 32399-0850, appearing on behalf of  
13 the Florida Public Service Commission Staff.

14 KEITH HETRICK, ESQUIRE, General Counsel; MARY  
15 ANNE HELTON, ESQUIRE, Deputy General Counsel, Florida  
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## 1 P R O C E E D I N G S

2 CHAIRMAN FAY: Good morning, everyone. It is  
3 9:30. I will now call this hearing to order.

4 Ms. Cowdery, would you please read the notice?

5 MS. COWDERY: Good morning. A notice  
6 published in the December 14th, 2021 edition of the  
7 Florida Administrative Register, this time and  
8 place was set for a rule hearing in Docket No.  
9 20210122-WS, as more fully set out in the notice.

10 CHAIRMAN FAY: Thank you. Next we will move  
11 to appearances. OPC is throwing me off this  
12 morning, you're over here, and not over there. So  
13 go ahead.

14 MS. WESSLING: All right. Thank you and good  
15 morning, Commissioners. This is Ali Wessling with  
16 the Office of Public Council. I also have Gina  
17 Price here, and together we're going to be making a  
18 presentation. We also have Marshall Willis and  
19 Charles Rehwinkel. Thank you.

20 CHAIRMAN FAY: Alrighty. Thank you. Sunshine  
21 Water Services. Turn your mic on.

22 MR. DEASON: Is that good? Yeah, there we go.

23 CHAIRMAN FAY: We can hear you.

24 MR. DEASON: Yeah. Jared Deason representing  
25 Sunshine Water Services, akr, formerly known as

1 Utilities, Inc. of Florida.

2 CHAIRMAN FAY: Thank you. Next we'll move to  
3 staff.

4 MS. COWDERY: Kathryn Cowdery for staff.

5 MS. HELTON: And Mary Anne Helton is here as  
6 your advisor, along with your General Counsel,  
7 Keith Hetrick.

8 CHAIRMAN FAY: All right. Great. Thank you.  
9 I think we got everybody.

10 Next, Ms. Cowdery, are there any preliminary  
11 matters that we need to address?

12 MS. COWDERY: As a preliminary matter, staff  
13 wants to give an overview of the purpose of this  
14 rule hearing. Rules 25-30.4345 and 2530.445 were  
15 proposed by the Commission in the October 14th,  
16 2021 edition of the Florida Administrative  
17 Register. The Joint Administrative Procedures  
18 Committee filed comments on paragraph 2C, the  
19 proposed rule 25-30.4345, and the Office of Public  
20 Counsel timely filed a petition for a rule hearing  
21 on proposed Rule 25-30.445.

22 The purpose of this rule hearing is for the  
23 Commission to decide whether to make changes to  
24 paragraph 2C of proposed Rule 25-30.4345, based on  
25 the comments of the Joint Administrative Procedures

1           Committee, and whether to make changes to proposed  
2           Rule 25-30.445, paragraph 6A, as suggested by the  
3           Office of Public Council. As required by  
4           section -- by chapter 120, staff is available to  
5           respond to questions or comments that may be raised  
6           regarding the rules during the course of the  
7           hearing.

8           CHAIRMAN FAY: Thank you, Ms. Cowdery. So  
9           what we'll probably do, Commissioners, is first  
10          we'll take up Rule 25-30.4345. And I guess if you  
11          could, Ms. Cowdery, could you give us a brief  
12          summary of the comments from JAPC and then staff's  
13          proposed changes.

14          MS. COWDERY: Yes. Rule 25-30.4345 is the  
15          noticing rule for applications for service  
16          availability charges or policies and for allowances  
17          for funds prudently invested charges. Subsection 2  
18          has the noticing requirements. Paragraph A  
19          requires that upon filing the applications, the  
20          utility must publish a notice of application in  
21          newspaper of general circulation in the service  
22          area covered by the application. Subsection -- I  
23          mean paragraph B requires that the utility must  
24          mail or hand-deliver a notice of application to all  
25          persons in the service areas included in the

1 application that have filed a written request for  
2 service or who have been provided a written  
3 estimate for service within the 12 calendar months  
4 preceding the application that's being filed.

5 Subsection 2C, which is subject of JAPC's  
6 comments states, Commission may require such other  
7 notice as it finds reasonably necessary. But  
8 JAPC's underlying concern is that that language, as  
9 written, gives the Commission unbridled discretion  
10 because it lacks specific criteria. Staff --

11 CHAIRMAN FAY: Go ahead, Ms. Cowdery.

12 MS. COWDERY: Staff recommends that the  
13 Commission change the proposed rules to delete that  
14 paragraph C. This paragraph has been looked at by  
15 staff, technical staff, and it's unnecessary  
16 because staff believes that the noticing  
17 requirements in A and B take care of everything.  
18 And, to staff's knowledge, no other type of  
19 noticing has been or is required by the Commission,  
20 and there is no need for any additional noticing  
21 requirements.

22 CHAIRMAN FAY: Thank you for the summary. I  
23 guess before moving on, I just want to make sure  
24 there are no interested parties who want to speak on  
25 this rule. Seeing not, Ms. Cowdery, you just gave

1 a good summary of it, but just to clarify, your  
2 recommendation would be to accept -- basically  
3 accept striking that language from -- based on  
4 JAPC's letter?

5 MS. COWDERY: That is correct. And I think  
6 we've got a -- and a copy of the deletion in your  
7 notebooks, Commission, we would be strike --  
8 striking 2C, which states the Commission may  
9 require such other notice as it finds reasonably  
10 necessary.

11 CHAIRMAN FAY: Great. Thank you. And I had a  
12 question for you, one real brief, just that the  
13 entire rule is looked at, at JAPC, even if we don't  
14 change the language, is that why this came up?

15 MS. COWDERY: That is correct. That was not  
16 something that, you know, staff was looking at when  
17 we sent it over and they found that that was  
18 language that we should take some action on.

19 CHAIRMAN FAY: Great. Thank you. I  
20 appreciate the summary. I think we probably can  
21 move forward, if there are no other matters, we  
22 probably can move forward with a bench decision  
23 today, but I would allow for, I guess, questions,  
24 discussion and/or a motion by -- go ahead.

25 Commissioner La Rosa.

1           COMMISSIONER LA ROSA: Thank you, Chairman. I  
2 understand the change. I understand the request. I  
3 would motion to accept the comments as changed.

4           CHAIRMAN FAY: I have a motion. Second?

5           COMMISSIONER CLARK: Second.

6           CHAIRMAN FAY: Motion and a second. All that  
7 approve, say aye.

8           (Chorus of ayes.)

9           CHAIRMAN FAY: With that, the motion passes.  
10 Thank you, Ms. Cowdery.

11           We will now move on to Rule 25-30.445. Just  
12 give us a second to switch staff.

13           All right. Great. Thank you. So we have OPC  
14 and Sunshine Water up here. What I'm going to do  
15 is -- the rule hearing is going to be a little  
16 different from a normal hearing structure, but I'll  
17 allow those parties to present their information on  
18 the potential rule changes, and then, of course,  
19 allow questions by Commissioners and also  
20 discussion at that time.

21           So, with that, what I'll do is I'll start  
22 first with OPC. I am -- I will allow a little  
23 leeway as far as time goes, but please just make  
24 sure you stay on point, and I know you have  
25 multiple of you up here. So feel free to, you



1 know, adapt accordingly however you'd like to  
2 present.

3 MS. WESSLING: Thank you, Chairman. And good  
4 morning, Commissioners. Thank you for allowing the  
5 Office of Public Counsel to participate in a rule  
6 hearing regarding Rule 25-30.445, specifically  
7 subsection 6A. We have requested this opportunity  
8 to be heard because -- between OPC's multiple  
9 discussions with staff, the staff recommendation,  
10 staff's comments during the agenda conference in  
11 October, and OPC's own research, OPC has yet to be  
12 convinced of the need for this change across all of  
13 the classes of utilities. The nature of limited  
14 proceedings is that they provide a way for  
15 utilities to make necessary upgrades or to address  
16 unexpected material costs for which earnings do not  
17 reasonably provide recovery in between the filing  
18 of full rate cases. The original rule cap, the  
19 number of permissible projects at four, presumably  
20 to preserve that truly limited streamlined nature  
21 of the proceedings. OPC's witness will testify  
22 that it appears only nine limited proceedings have  
23 been filed in the last 10 years, so it does appear  
24 that this type of proceeding has been used  
25 sparingly. There's no evidence that the existing

1           limitation has created a hardship for the utilities  
2           or the customers.

3           Staff has requested an increase to the project  
4           cap from four to six in order to conserve staff  
5           resources, and OPC does support this goal. In the  
6           spirit of compromise and considering the staff's  
7           declared workload concerns, we would simply ask  
8           that the Commission tailor the proposed rule so  
9           that it accomplishes staff's goal of reducing the  
10          number of staff-assisted rate cases, but also  
11          addresses two consumer concerns.

12          The first of those concerns is that only two  
13          of those nine limited proceedings in the last 10  
14          years involved a Class A utility. There's simply  
15          no need to increase the number of allowable  
16          projects for Class A or non-staff-assisted  
17          rate-case-eligible utilities. The more projects  
18          that are allowed, the more opportunity for  
19          complications and for potentially overlooking the  
20          overall earnings position of a utility, which seems  
21          to erode the goal of limited proceedings,  
22          especially, like we said, it doesn't appear to be a  
23          need, there's only been two in the last 10 years.

24          The second concern is that raising the number  
25          of allowable projects for non-SARC eligible

1 utilities and limited proceedings, could encourage  
2 some of those utilities to add projects that may  
3 not necessarily need to be added in between rate  
4 cases in order to reach that full 30 percent  
5 increase, again, without the comprehensive  
6 earnings-based determination of genuine need.

7 OPC fears that some utilities may start to see  
8 that 30 percent increase as more of a target than  
9 as a limit, while ignoring any offsets. Given this  
10 threat, and the lack of the need for the change  
11 across the board for all utilities, OPC asks that  
12 you weigh our witness' testimony carefully,  
13 consider the points that we've made and the  
14 reasonable compromise that we have put forth in our  
15 proposed language and that you limit this proposed  
16 rule change accordingly.

17 Now, OPC's technical witness, Gina Price, will  
18 present some additional testimony on this issue.

19 MS. PRICE: Good morning, Commissioners.  
20 Sorry. I would like to thank you for allowing OPC  
21 the opportunity to express our concerns over  
22 staff's proposed rule change. Commissioners, OPC  
23 initially opposed the rule change because it  
24 appeared that no analysis had been conducted to  
25 support the change, and it was not clear if there

1           was even a need for the change. Staff's  
2           recommendation dated September 30th, 2021, stated  
3           in part that expanding the number of projects to  
4           six will continue to allow efficient processing of  
5           limited proceedings, and may serve to reduce the  
6           number of staff-assisted rate cases that require a  
7           significant commission staff time. Thus, OPC  
8           understood that the focus of this proposed rule  
9           change was on -- was entirely on conserving staff  
10          resources dedicated to SARC's. Having carefully  
11          listened to staff's concerns and reasoning, OPC  
12          accepts that for SARC-eligible utilities, the  
13          limited proceeding offers the opportunity to  
14          provide utilities with a more expeditious process  
15          to obtain rate relief and minimize rate case  
16          expense. The OPC believes that the data available  
17          supports this.

18                 Using the OPC site search function, OPC  
19          performed an analysis of the docket activity from  
20          2012 to 2021 to identify and assess the type and  
21          frequency of rate-related water and wastewater  
22          dockets filed with the PSC. Based on those  
23          results, we did not observe significant evidence  
24          that indicated a need to increase the number of  
25          projects permitted and the limited proceedings for

1 larger utilities. Our analysis revealed that over  
2 the last 10 years, 50 SARCs were filed for Class B  
3 and C utilities collectively, averaging five SARCs  
4 annually, which does not overtly indicate excessive  
5 SARC activity that would cause an imbalance between  
6 the SARC workload and staff resources.

7 Nevertheless, the OPC can envision that some  
8 efficiencies could be achieved if there was an  
9 increase in projects allowed and limited  
10 proceedings for SARC-eligible companies.

11 In response to staff's recommendation, OPC  
12 presented to the Commission proposed language as a  
13 compromise to the rule change that restricts the  
14 six-project limit to SARC-eligible utilities.

15 Commissioners, I'd like to take a moment to  
16 read our alternative language, which says, a  
17 limited proceeding will not be allowed if the  
18 utilities filing includes more than four separate  
19 projects for which recovery is sought, unless  
20 utility is eligible for staff assistance pursuant  
21 to Section 361.0814, the Florida Statutes.

22 Utilities eligible for staff assistance pursuant to  
23 section 367.0814 of the Florida Statutes shall be  
24 limited to six separate projects under this  
25 section.

1 I'd like to continue to briefly conclude my  
2 statement. With the SARC-eligible companies, OPC's  
3 intervention in a rate case or a limited proceeding  
4 is usually cost-prohibitive, as either approach  
5 increases the rate case expense that the customers  
6 ultimately pay in their rates. Accordingly, we  
7 believe that a reasonable optimal solution can be  
8 found in order to achieve staff's desired  
9 processing efficiencies. Under OPC's proposed  
10 alternative language, SARC-eligible companies could  
11 receive the assistance needed for rate relief in a  
12 limited proceeding and perhaps forestall a more  
13 expensive rate case. With the large companies  
14 where rate case expenses less likely to make OPC's  
15 intervention in a full revenue requirement case  
16 cost prohibitive, limited proceedings are more  
17 likely to be opportunities for piecemeal  
18 ratemaking, which essentially circumvents the full  
19 and thorough review of the requested revenue  
20 increase, including any offsets that may reduce the  
21 requested increase. For the large companies, OPC  
22 submits that a full rate case process is likely to  
23 be a more appropriate path that provides for a full  
24 review, which is not available in a limited  
25 proceeding.

1           Based on our analysis, there have only been 20  
2           rate cases over the last 10 years of which eight  
3           were for Class A companies and 12 for Class B.  
4           Again, the data does not indicate excessive rate  
5           case activities for large -- or the larger  
6           utilities that would call for increasing the  
7           project limit in a limited proceeding as a solution  
8           to alleviate a possible excessive or congested rate  
9           case workload at the SARC level.

10           This proposed rule change may be a solution to  
11           a SARC staffing resource issue. However, with  
12           large utilities, the proposed expansion of the  
13           limited preceding project cap could permit rate  
14           increases without a full evaluation of all factors  
15           that potentially affect or minimize the rate impact  
16           on customers. Thank you.

17           CHAIRMAN FAY: Thank you for that summary. We  
18           will now move on to Mr. Deason of Sunshine Water  
19           Services. Mr. Deason, you're recognized.

20           MR. DEASON: Thank you, Chairman. Thanks for  
21           hearing me out today. Once again, I'm Jared Deason  
22           with Sunshine Water Services. Just give you a  
23           little background about me. I'm actually an  
24           economist by trade. So whenever I see something  
25           like this that staff proposes, I kind of looked at

1           it from two perspectives. I ask myself one  
2           question first. Number one, does it make the  
3           process more efficient? And, number two, are there  
4           cost savings to be achieved? And I think with this  
5           recommendation, staff is achieving both of those.

6           And let me give you a scenario. Let's say a  
7           Class A utility is wanting to do six projects,  
8           wanting to get recovery of those and just look at  
9           those and address those issues. Under the current  
10          format, is there a path available do that? Well,  
11          yeah, there is. Under the current format, they  
12          can. However, they have to do it under two  
13          separate limited proceedings. That ain't very  
14          efficient. He's talking about two docket numbers,  
15          two different sets of customer service hearings,  
16          two different recommendations, two different agenda  
17          conferences, just -- it creates a mess there. At  
18          the same time, you want to achieve cost savings.  
19          Under that scenario, you're going to have two  
20          different filing fees and all the costs associated  
21          with the two different customer service hearings.  
22          In my company's case, it'd be several different  
23          customer hearings -- customer service hearings for  
24          just one limited proceeding. That would double.  
25          You'd have to look at to the cost associated with



1 coming to two different agenda conferences to  
2 address staff recommendation, and I could go on,  
3 but it's just -- would be twice as expensive.

4 Under this scenario, it would be -- you'd be  
5 able to cut that cost in half by being able to  
6 expand the number of projects that could be  
7 examined. I think another point -- way to look at  
8 it is the difference between a limited proceeding  
9 and a full rate case. And I know they brought it  
10 up and it seemed like every time I want a rate  
11 adjustment, OPC wants me to do a full rate case. I  
12 can understand that. There's a lot of moving parts  
13 there. I get that. However, they're also  
14 extremely expensive, especially compared to a  
15 limited proceeding. Limited proceeding I could  
16 probably do 40 -- \$50,000, as long as my attorney  
17 didn't have to get too heavily involved. And  
18 that's very economical compared to a full rate  
19 case. My last rate case cost my customers, through  
20 rate case expense, approximately \$750,000. That's  
21 a big difference. The one before that was  
22 approximately \$1.2 million. Those are very  
23 material amounts of money that get embedded in  
24 rates that have to be recouped from customers.

25 So, by encouraging utilities, all utilities,

1 not just B's and C's, but A utilities to offer the  
2 opportunity to encourage them to take advantage of  
3 a limited proceeding and hopefully lengthen out the  
4 time in between full rate cases, there's  
5 substantial cost savings to be achieved. So the  
6 way I view it, I think staff is making good  
7 recommendation by expanding it from four to six  
8 projects. I think there's significant efficiency  
9 to be achieved, there's significant cost savings to  
10 be achieved, and that benefits everybody through  
11 these efficiencies, not just PSC staff. It  
12 benefits the utility as well as our customers.

13 So I fully support staff's recommendation in  
14 moving the projects from four to six, but I want it  
15 to be applied to all utilities, not just B's and  
16 C's, but also A's, as well, so they can achieve  
17 those efficiencies, as well. Thanks.

18 CHAIRMAN FAY: Thank you, Mr. Deason. Just to  
19 make sure there's no other persons to speak on  
20 this?

21 That being the case, Commissioners, I'd like  
22 to open up to be available for questions and  
23 discussion, but first I was just going to have  
24 staff, Ms. Cowdery or Ms. Brown, just opine a  
25 little bit on the comments that we heard here and

1 write some sort of formal comment or  
2 recommendation.

3 MS. COWDERY: Mr. Chairman, could staff have a  
4 brief, like five-minute break, just to confer about  
5 what we've heard before we address the Commission  
6 with our thoughts?

7 CHAIRMAN FAY: Sure. No problem. We'll break  
8 for five minutes and we will be back at 9:55.

9 COMMISSIONER CLARK: Mr. Chairman -- go ahead.  
10 (Brief recess.)

11 CHAIRMAN FAY: All right. Thank you for that  
12 time, Commissioners. We are back. Ms. Cowdery,  
13 would you like to address the Commission now?

14 MS. COWDERY: Yes, Mr. Chairman. Staff has  
15 conferred about the comments we've just heard and  
16 they -- staff recommends that the Commission should  
17 not make the changes to paragraph 6A to the  
18 proposed Rule 25-30.445. And Mr. Todd Brown will  
19 address staff's rationale in more detail.

20 CHAIRMAN FAY: Okay. Great. Go ahead, Mr.  
21 Brown.

22 MR. BROWN: Good morning, Commissioners.  
23 First of all, there's a couple things that OPC  
24 mentioned that I just want to make comments on.  
25 Staff did not intend in our language and the

1 recommendation to certainly limit a recommendation  
2 on the proposed rule to SARCs only. We think that  
3 the six projects is a good move. It's an efficient  
4 move. It certainly doesn't mean to limit it only  
5 to SARCs. It should be applied as a rule, I think  
6 as our language demonstrated to both the SARCs,  
7 that would typically be some of the C's and smaller  
8 B's, as well as to the A's -- A Class utilities.

9 Having said that, we also -- OPC claims  
10 staff's workload is not sufficient to support this  
11 type of change, and I think it's important to note  
12 that staff's -- staff's workload doesn't -- isn't  
13 just comprised of SARCs and limited proceedings.  
14 There's numerous other activities staff is involved  
15 in. And so to -- I think just hone in on two  
16 specific types of rate cases is a little  
17 disingenuous, to be honest with you.

18 Besides that, the rule is designed to capture,  
19 or at least the proposed rule is designed to  
20 capture, certain economies of scale that may be --  
21 that the utilities may be able to capture by doing  
22 more than four projects. We've had instances in  
23 the past, some with OPC, some with other  
24 intervenors, where a utility has filed the  
25 appropriate number of projects and somewhere during

1           the course of the rate case, there's the -- or  
2           limited proceeding, there has been discussion or --  
3           I don't know what the appro -- agitation over the  
4           number of projects, and there's been some pretty  
5           lengthy discussions, some of them have been pulled  
6           out. And having a couple of additional projects  
7           available, if that did come up again, we would have  
8           space to pull those out and still continue on with  
9           the limited proceeding, instead of the utility  
10          having to file an additional limited proceeding,  
11          like Mr. Deason referenced, or for the utility to  
12          have to pull the limited proceeding and go to a  
13          full-blown rate case.

14                   CHAIRMAN FAY: Thank you for that feedback.  
15           Commissioners, I'll turn to you for either  
16           questions or comments. Commissioner Clark.

17                   COMMISSIONER CLARK: Just had a couple  
18           questions regarding the number of projects and how  
19           you define projects. It seems like we're hung up  
20           on something kind of simple here, four versus six.  
21           But if you had four projects that were a million  
22           dollars each, versus six projects that were \$50,000  
23           per project, wouldn't you be better off with a  
24           larger number of projects at a smaller price and  
25           have less impact on the consumers? My question is,

1           could we not consider that if the number of  
2           projects -- to allow six projects, as long as they  
3           did not exceed X percentage of your fiscal year  
4           work plan, or something to that extent, to caveat  
5           that with a dollar value instead of just getting  
6           hung up on four and six?

7           MR. BROWN: We do have guardrails in place  
8           within the rule. Of course, there's the seven-year  
9           requirement that they have been in for a rate case.  
10          So the Commission can take a complete look at the  
11          utility and its earnings through audits and  
12          everything.

13          COMMISSIONER CLARK: You have your 30-percent  
14          increase.

15          MR. BROWN: That's the other --

16          COMMISSIONER CLARK: -- not relative to the --  
17          to numbers of projects that we're proposing here.

18          MR. BROWN: Right. I mean, that's the  
19          ultimate level, though. That's the cap on what,  
20          you know, the rate increase could be. Whatever the  
21          number of projects, whether it be two or whether  
22          you just remove the number of projects completely,  
23          and just leave it open-ended, that 30 percent is  
24          going to remain there as a cap on the increase in  
25          the rate case.

1           COMMISSIONER CLARK: I would love to hear the  
2 other two sides on what I'm asking.

3           CHAIRMAN FAY: Sure. If we could, we'll go to  
4 OPC first to respond and then Mr. Deason.

5           MR. REHWINKEL: Commissioner Clark -- I've yet  
6 to transition -- but, Chairman Fay, if I could  
7 and -- the reason we're here today is because the  
8 limited proceeding statute, I think first came --  
9 first came in electrics and applied to the water  
10 company, they're very similar. They weren't  
11 intended to narrowly limit the scope of the  
12 proceeding. And our reason for being here today is  
13 longer term than just this rule. It's about  
14 Mission Creek. And we're concerned -- regardless  
15 of the revenues that are attached to each of the  
16 projects, the more projects you get in, the more  
17 complicated, as Ms. Wessling said, the case  
18 becomes, the less limited it becomes.

19           We heard staff say at the agenda that they  
20 even considered eight projects. That's why we're  
21 here today. At some point, it's not limited  
22 anymore, regardless of the guardrails that may be  
23 there. So I think Commissioner Clark is on to  
24 something in terms of the -- you could be  
25 hitting -- you could be chasing the wrong thing by

1 the number of projects when they could have -- and  
2 there's a -- there's an infinite number of  
3 possibilities of whether a project is small or  
4 large, just the number of projects. So I don't  
5 know how to put a control on that because you can't  
6 foresee the future. Sometimes the issue is that  
7 it's a capital project that might be a large  
8 number, but there may be a revenue requirement  
9 associated with an expense that's considered a  
10 project, that's even a bigger number. And these  
11 are ongoing, recurring things.

12 So I don't know exactly how to rein that in.  
13 The bottom line is here, we're here to avoid  
14 Mission Creek in the A's. I mean, our real goal is  
15 to leave the A's alone and B's and C's and be done  
16 more efficiently, because this office can't really  
17 effectively intervene in B's and C rate cases as  
18 the rate case expense is just going to dwarf any  
19 gain we could get on behalf of the customer.

20 I don't know if I answered your question,  
21 Commissioner Clark, but I think it would be very  
22 difficult. Your point is a good one, but our point  
23 is, is sometimes it's the number of projects that  
24 can make the case not be limited.

25 CHAIRMAN FAY: Thank you. Mr. Deason, if you



1           could address the question of revenue requirement  
2           instead of a number component on there that's  
3           raised by Commissioner Clark.

4           MR. DEASON: As far as the revenue  
5           requirement, yeah. As far as the rule, I'm not  
6           aware of any situation where, you know, companies  
7           have achieved 30 percent in a limited proceeding.  
8           I know with my company, we've done a couple of  
9           those things in the past that's been substantive,  
10          or as far as the projects that we addressed. As  
11          far as the limited nature of it, I think, you know,  
12          there's a lot of moving pieces that you can look at  
13          in a rate case, not just capital projects. You  
14          look at capital, you look at your O&M expenses, you  
15          look at your taxes, you look at your capital  
16          structure, you look at your ROE, return on equity,  
17          which is the appropriate amount of -- I mean,  
18          there's a list about a mile long of everything you  
19          can look at. Okay. That's why the process is very  
20          long and very expensive.

21          The purpose of a limited proceeding is to look  
22          at -- in this case, we're looking at just one  
23          component, just a few, only six capital projects,  
24          and how that would impact that rate. You're not  
25          going to look at all those other moving pieces.

1           You're limited to that. So you still are within  
2           the mission, or you're just looking at capital, a  
3           few capital projects, and nothing on -- none of  
4           those other long list of moving pieces either.  
5           Okay. You're excluding them. So you are within  
6           the mission, even if you move from four to six.  
7           You're not moving beyond that.

8                     In the case of my company, you know, we have a  
9                     lot of projects, you know, at any given time. You  
10                    know, we're talking about 50 different projects at  
11                    one time of things we do, a lot of them small, some  
12                    of them very big, you know, and some of them as  
13                    high as 10 to 12 million dollars a piece right now.

14                    So -- and that's what I think this is. If you  
15                    can have the opportunity to carve out some of those  
16                    larger components, some of the larger projects that  
17                    come up that need to be addressed and address them  
18                    solely so that you can reduce rate case expense  
19                    from having to go to a full-blown rate case, that's  
20                    an efficiency. That's something that's going to  
21                    benefit the utility and the customers. So I still  
22                    support the six projects that staff is  
23                    recommending.

24                    CHAIRMAN FAY: Great. Thank you.

25                    COMMISSIONER CLARK: And I'd love staff to

1 answer -- to respond to that, as well.

2 MR. BROWN: I guess what I'm struggling with  
3 is I don't know how that -- you know, we're  
4 basically coming up with a hard and fast like  
5 revenue number, as far as a cap. I just -- I don't  
6 know what that -- what that looks like in the  
7 process.

8 COMMISSIONER CLARK: So am I off base by  
9 saying that if the utility comes in for a limited  
10 proceeding and they've got four projects, and each  
11 of those four projects in, maybe in a Class A's  
12 case was \$2 million per project, that is a  
13 substantial amount of revenue requirement  
14 associated with those capital expenditures, versus  
15 a -- the same company that came in with six  
16 projects that were \$100,000 each. That's what I'm  
17 trying to ask is, okay, it's not about the number  
18 of projects that's going to have the impact on the  
19 rates. It's about the amount of money that is  
20 being spent. So is there a way that that can be  
21 associated back to say, okay, let's make it a  
22 percentage of your capital outlay budget for the  
23 entire year. If it exceeds 10 percent -- if your  
24 six projects exceeds 10 percent of your capital  
25 outlay budget for the year, you know, that's --

1           you're not allowed to come in for a limited  
2           proceeding that's going to have a rate impact, or  
3           should be considered under a full-blown rate case.

4           I'm just throwing -- looking for -- I don't  
5           get the hangup on the four to six -- I get Mission  
6           Creek, Mr. Rehwinkel. I don't disagree with you  
7           there. Four to six, in a primarily class B, C  
8           utilities, that's small stuff. Just thoughts.

9           CHAIRMAN FAY: Do you want to comment? Go  
10          ahead.

11          MS. COWDERY: Yes, I have one comment on that.  
12          The way the rule is written in subsection six is  
13          that those are -- those are factors that will mean  
14          you cannot have a limited proceeding. However, it  
15          is up to the Commission when you get an application  
16          to determine if you're going to allow it. So there  
17          could be reasons that you don't allow it if it  
18          doesn't meet --

19          COMMISSIONER CLARK: Yeah, but there's not an  
20          allowance where we could accept it if it doesn't  
21          meet these requirements, as a limited proceeding.  
22          If it's outside of these parameters, the Commission  
23          doesn't have the authority to say, okay, we're  
24          going with a limited proceeding anyway.

25          MS. COWDERY: That is true.

1 COMMISSIONER CLARK: Okay.

2 CHAIRMAN FAY: Thank you, Ms. Cowdery. Great.  
3 Go ahead.

4 COMMISSIONER GRAHAM: Thank you, Mr.  
5 Chairman -- sorry about that. Commissioner Clark  
6 asked -- start of his question was, what's the  
7 definition of a project.

8 MR. BROWN: I don't believe there's a -- I  
9 don't believe there's a clear definition of what a  
10 project is here. And I think we've had that come  
11 up in other proceedings here, not necessarily a  
12 limited proceeding, but I think that is -- is the  
13 big unknown, you know, what constitutes a project?

14 COMMISSIONER GRAHAM: So what's to stop the  
15 utility from basically combining three projects and  
16 calling it one project?

17 MR. BROWN: Nothing essentially other than,  
18 you know, staff's review or the OPC review and them  
19 coming back to us and saying, hey, we believe, you  
20 know, this is -- this is not a subproject of the  
21 main project. I mean, I think it would literally  
22 be up to staff, OPC, potentially you as  
23 Commissioners, to make that determination.

24 COMMISSIONER GRAHAM: So -- and let's back up.  
25 You said it's up to three different people. So any

1           one of those three can throw a flag and say, no,  
2           this is not one project, I think it's three?

3           MR. BROWN: Typically it'd be an intervener or  
4           OPC that would throw the flag. Staff could. I  
5           think staff has historically taken a pretty  
6           broad -- broad approach to looking at projects.  
7           And what's included under a subproject, just  
8           because I think we typically look for efficiencies  
9           that may be there when combining more than one  
10          project at the same time. But, to answer your  
11          question, I don't think there's a clear definition  
12          of projects, and there's really nothing other than  
13          the, you know, Commission staff from reviewing it  
14          and a few other people that would prevent them from  
15          including multiple projects under one.

16          COMMISSIONER GRAHAM: And just briefly tell  
17          us, if there's any pushback after a limited  
18          proceeding, I mean, what's the recourse? I mean,  
19          you basically throw the flag and say, we're going  
20          to go into a full-blown rate case or we're going to  
21          oppose this project and this project?

22          MR. BROWN: Well, depending on the number of  
23          projects initially filed with the Commission, I  
24          mean, if there is pushback on an item that's listed  
25          as a subproject or whatever, we could, you know,

1 split that off. You know, if there's room -- if we  
2 haven't reached that limit of four we can just, you  
3 know, set it aside and take it up as its own  
4 project. You know, if we have three projects and  
5 one of them gets -- if there's a sub project that  
6 gets kicked out, that could be our fourth project  
7 and we move forward. If we've already got the four  
8 projects, then I think the recourse would be the  
9 utility could probably come back with another  
10 limited proceeding, or they could pull the limited  
11 proceeding and come back with a rate case.

12 COMMISSIONER GRAHAM: Thank you.

13 CHAIRMAN FAY: Any other questions or  
14 comments? Commissioner Passidomo.

15 COMMISSIONER PASSIDOMO: I have a question for  
16 OPC. I just kind of want to get an understanding  
17 of your concerns and the harm customers might face  
18 for, you know, Class A utility customers first  
19 with, you know, increasing the project --

20 CHAIRMAN FAY: You're recognized.

21 MR. REHWINKEL: Thank you, Mr. Chairman.  
22 Thank you, Commissioner Passidomo. As I alluded  
23 to, B's and C's because of their size, they're kind  
24 of off limits for us to intervene and have a rate  
25 case filed. So we fully understand the

1 efficiencies. And after review of everything, we  
2 can see that the staff was not off the mark on  
3 that. But a class A case, like Peoples has 4  
4 million dollars in revenue. Thirty percent of that  
5 could be done in a limited proceeding, if you had  
6 the projects -- and projects can include expenses.  
7 They don't have to all be capital. If you had four  
8 or five or six projects that total 1.2 million  
9 dollars, you'd be within the scope of a limited  
10 proceeding under this rule. You could have it. I  
11 agree with Commissioner Clark. You could have two  
12 projects that got you to 1.2 million, or you could  
13 have five or six that got you to 1.2 million.

14 But the problem we have is that the customers  
15 of a company the size of Peoples have an  
16 opportunity to have all of the debits and credits  
17 considered together. Debits are the ones that  
18 create upward pressure on rates and credits are the  
19 ones that put downward pressure on rates. Things  
20 like ROE, tax saving, efficiencies,  
21 computerization, those things get into the class  
22 A's. So we think the customers of those utilities  
23 have an opportunity to have all of the factors  
24 considered. When you start mining out specific  
25 projects and do a limited proceeding, you're



1 cannibalizing the opportunity to have everything  
2 considered in the rate case and you're -- in a  
3 limited proceeding, you're starting to minimize the  
4 opportunity we have to represent the customers on  
5 an efficient basis. Efficiency for us is about  
6 rate case expense. If we think we can knock out  
7 \$150,000 and that there's \$200,000 of rate case  
8 expense, that's amortized over four years. So  
9 that's \$50,000 of expense to go after \$150,000 of  
10 un-warranted costs or to bring in ignored offset.  
11 Those kind of things -- if you do it in a limited  
12 proceeding, they start to erode at our ability to  
13 look at everything.

14 I don't know if I make sense to you about  
15 that, but that's what we're -- that's what we think  
16 the Mission Creek gets into is starting to erode a  
17 last opportunity to have a full revenue requirement  
18 rate case if things are piecemealed into limited  
19 proceedings. That's the heart of what we're after.

20 And if I haven't made it clear, we said  
21 SARC-eligible would be what we would want to limit  
22 it to. We're willing to say B's and C's. This is  
23 an efficient way to do B's and C's. But for A's,  
24 we think that we ought to leave A's as limited, as  
25 a little bit more limited, and have them looked at

1           comprehensively.

2           CHAIRMAN FAY:   Follow-up?

3           COMMISSIONER PASSIDOMO:   Okay.   Yeah.   Just  
4           one -- I made -- this might be more directed to the  
5           staff thinking.   Did you consider, you know, even  
6           having -- if we even need, you know, a limit on the  
7           number of projects when we have these other -- the  
8           30-percent cap and the seven-year provision as  
9           other safeguards?

10          CHAIRMAN FAY:   Mr. Brown.

11          MR. BROWN:   We did not look at it, like,  
12          removing the number of projects.   We did not look  
13          at that.   We thought it was probably a bridge too  
14          far.   I mean, we -- our discussions, I think we  
15          started at eight and worked our way down to six,  
16          thinking that that may even be a bridge too far,  
17          but it was better than trying to propose eight to  
18          move forward.   So I'm not -- we didn't think about,  
19          like, moving limits on the number of projects at  
20          all.

21          And I do -- if I can take just a moment,  
22          Commissioner, I just wanted to respond to something  
23          that Mr. Rehwinkel said.   When staff's making  
24          adjustments and looking at these projects during  
25          the course of a limited proceeding, there's a lot

1 of corresponding adjustments that take place.  
2 Especially like with a capital project, there's  
3 going to be adjustments to depreciation. We do  
4 typically make adjustments to property taxes to  
5 reflect any of the changes that are taking place.  
6 There's going to be retirements. There's a lot of  
7 offsets and other adjustments that take place. So  
8 it's not just staff, you know, increasing this --  
9 increasing different things across the board.  
10 There are other adjustments that do take -- take  
11 place, and I thought that that was important to  
12 reference.

13 And, also, I mean, as far as rate case expense  
14 goes, if these utilities are forced to go into a  
15 full-blown rate case, there's no savings to the  
16 customers from missing that opportunity to go to a  
17 limited proceeding. Mr. Deason referenced the fact  
18 some of their rate case expense numbers from their  
19 last couple of rate cases versus a limited  
20 proceeding, and those numbers grow exponentially  
21 when you go to a rate case.

22 CHAIRMAN FAY: Thank you, Mr. Brown. Any  
23 other comments? Commissioner Clark.

24 COMMISSIONER CLARK: Yeah, I guess I'm going  
25 to keep riding this horse until I see some sunlight

1            somewhere. I still want to go back and talk about  
2            dollar-value thresholds as opposed to project  
3            numbers. And I would ask -- I think Mr. Rehwinkel  
4            made a valid point. You do have -- as an addition  
5            to capital outlay, you have expense that can be  
6            included in projects. But is there a dollar value  
7            threshold that we can determine that was a  
8            percentage of some number -- I keep going back to  
9            capital outlay work plan or something of that  
10           nature, that we could establish for A, B and C  
11           utilities, that would get us to a point -- this  
12           project number to me is just arbitrary. I means,  
13           it's just arbitrary. Let's pick 12, let's pick 45,  
14           let's pick two. There's nothing scientific about  
15           it. We're talking about impacts to rates, and that  
16           comes back to dollars. I would much rather -- I  
17           don't want to drag the process out, but seems to  
18           make more sense if we could come up with a dollar  
19           value threshold and assign here, we would probably  
20           be on to something. Just a thought, Mr. Chairman.

21                    CHAIRMAN FAY: Commissioner Clark, I  
22           appreciate that. I think if staff wants to address  
23           that, they -- it sounds like they have previously  
24           addressed that. But there is no number, I guess,  
25           that you would comfortable with?

1           MR. BROWN: Not right off the cuff, not at  
2           this moment. I mean, I'm sure that's something  
3           that we could go back and try to look at. I don't  
4           know what those numbers would look like, though, at  
5           this point in time.

6           CHAIRMAN FAY: One second, Commissioner La  
7           Rosa, just to make sure we don't have any other  
8           questions for staff.

9           Commissioner La Rosa, go ahead.

10          COMMISSIONER LA ROSA: Thank you, Chairman.  
11          And just maybe just a kind of a quick follow up to  
12          that -- and I understand where Mr. Clark's going,  
13          and I like that. There is an understanding of  
14          where to start to analyze -- come up with that  
15          number, right?

16          MR. BROWN: As far as a starting point to come  
17          up with those numbers?

18          COMMISSIONER LA ROSA: Right.

19          MR. BROWN: I think we -- I mean, I think we  
20          understand what Commissioner Clark's asking. I  
21          mean, I don't have those numbers right now, but I  
22          think that's something that if there's a desire to  
23          pursue that, I think that's something we'd be more  
24          than happy to look at.

25          CHAIRMAN FAY: That comment said,

1           Commissioners, I'm obviously happy to open it up to  
2           a motion, but first we would make a decision, if we  
3           want to take this up as a bench decision today --  
4           and I think we've heard a lot of -- or a lot of  
5           comments from both parties. So I'd be inclined to  
6           move this forward to allow staff to provide a  
7           recommendation to us to make a decision. However,  
8           with that said, if it's your prerogative, if you  
9           want to move forward today, I'm happy to entertain  
10          that discussion.

11           COMMISSIONER CLARK: Mr. Chairman, I would  
12          just add, Mr. Deason, I'd really love to hear their  
13          what they have from a utility perspective, what  
14          they think about --

15           CHAIRMAN FAY: On your last question?

16           COMMISSIONER CLARK: Yes.

17           CHAIRMAN FAY: Yeah. Okay. Mr. Deason, go  
18          ahead and respond.

19           MR. DEASON: I just want to say I appreciate  
20          Commissioner Clark's thoughts on this. I think  
21          you've made some valid points about the size of the  
22          projects included. I'd like to give you a specific  
23          answer on what that should be. All I can say is  
24          that, you know, our projects vary from very small  
25          to very large. You know, it could be a few

1 thousand, it could be up into 15 million dollars  
2 for one individual project. And sometimes these  
3 things come up. You know, sometimes it's required  
4 by say, FDEP. If -- or mid-county plant, if it  
5 needs to be completely overhauled, we're looking at  
6 upwards of 15 million dollars. Okay. That's not a  
7 small amount. That can be very easily be taken up.  
8 But if they, for example, if the Commission sets  
9 the cap at only 10 million dollars for each  
10 individual project, well, we would miss that  
11 opportunity to have it at that 15. So I can't  
12 really say exactly how much because some of these  
13 projects are required by DEP -- and we have to do  
14 it. There's no way around it. And I think you'd  
15 be a shame to the miss opportunities and the cost  
16 savings to do a limited proceeding by inadvertently  
17 setting an arbitrary cap for each individual  
18 project, because they're all going to be separate.

19 As far as combining projects, I can just give  
20 you my experience with my utility. You know, we  
21 operate in 10 different counties. And usually,  
22 it's very easy to delineate different capital  
23 projects. Usually the first thing you start off  
24 with is an engineering study. Each individual  
25 project's going to have its own separate

1           engineering study.  If you were to see a project  
2           get submitted and has three separate individuals --  
3           and three separate individual engineering studies,  
4           that's a pretty good indication it's not one  
5           project, it's multiple projects.  But I think  
6           the -- if you look back at some of our last rate  
7           cases where we did have a lot of pro forma  
8           projects, you can see how we can very easily  
9           delineate the different projects and that we're not  
10          combining them into one.  And I'm just speaking for  
11          the experience of mine, my personal utility.

12                 As far as -- you know, I do want to address  
13          what Charles was saying.  You know, I understand --  
14          again, I understand, you know, OPC is concerned.  
15          They want to look at all the moving pieces.  But  
16          limited proceedings do not look at all the moving  
17          pieces.  I understand his concern.  You want to  
18          monitor utility.  Nobody wants to see a utility  
19          over-earn and be in those situations.  I get it.  
20          But, you know, the PSC and PSC staff is monitoring  
21          the financials of each utility.  Every year, I have  
22          to file an annual report with this Commission.  
23          Every year, that annual report, which has all of  
24          our financial information, balance sheet, income  
25          statement, has all of our O&M expenses, we lay



1 everything out, and it's highly scrutinized. And  
2 if we're ever into -- and I often get calls back on  
3 certain numbers in that annual report, if I need to  
4 validate some of those, because it is a very  
5 extensive annual report. I think the last one I  
6 filed was in excess of 400 pages. So it's not a  
7 very slim document and it does take a lot --  
8 there's a lot of information in there.

9 But I'm just going to speak from -- as far as  
10 the validity of the numbers in there, I can only  
11 speak to the last experience I had where staff  
12 essentially audited my annual report. If you look  
13 at my last rate case that I had a couple of years  
14 ago, the MFR's in the annual report, you know, the  
15 time frame matched each other. So staff went  
16 through a thorough process of making sure -- make  
17 sure the MFR's I filed were consistent with the  
18 numbers in the annual report. It had to be  
19 essentially one in the same. There are few minor  
20 discrepancies as far as annualized revenues versus  
21 actual revenues, but they had to be consistent with  
22 another one for the filing to be considered  
23 official. After that, as far as our file,  
24 Commission staff went through a very thorough and  
25 long auditing process, the MFR's, essentially

1 auditing the annual report, so -- because the  
2 numbers had to be consistent with one another. In  
3 that audit process, there was essentially one  
4 finding, minor finding associated with annualized  
5 revenue. So, essentially, the audit determined the  
6 annual report I filed, which had to be consistent  
7 with the MFR's were correct.

8 So I think it's safe to say that the number I  
9 file in my annual report, which you get to see  
10 every year, updated every year, are correct, and  
11 you can rely upon those numbers and you can get to  
12 see our full financial picture on an annual basis,  
13 and you get to see the debits and credits, as Mr.  
14 Rehwinkel says. I'm just throwing that out there.

15 CHAIRMAN FAY: Thank you. Does that answer  
16 your question, Commissioner Clark?

17 Commissioner, with that said, Commissioner  
18 Graham, I'll go to you and then I'm going to check  
19 with staff here on what we would do to move forward  
20 with the recommendation and how to come back. Go  
21 ahead.

22 COMMISSIONER GRAHAM: Thank you, Mr. Chairman.  
23 Just because something is defined as a limited  
24 procedure -- let me use a John Moyle analogy,  
25 seeing that he's not here. If the limited

1 procedure is what's under the hood of the car,  
2 can't the staff always asks to see what's in the  
3 trunk? At any time, it doesn't have to necessarily  
4 be a part of that case, but at any time if we want  
5 to see what's in the trunk, can't we ask to see  
6 what's in the trunk?

7 CHAIRMAN FAY: Mr. Brown, you can answer that  
8 question.

9 MR. BROWN: Yeah, we can certainly ask the  
10 question. Yes, sir.

11 COMMISSIONER GRAHAM: I mean, you made it  
12 sound like -- I mean, we can demand that answer, as  
13 well, correct?

14 MR. BROWN: I believe we could.

15 COMMISSIONER GRAHAM: Okay. So just because  
16 it's a limited procedure doesn't mean we can't see  
17 every single part of the car that we want to see.

18 MR. BROWN: I think staff and the Commission  
19 would have every opportunity to see whatever  
20 information we needed during the course of that  
21 limited proceeding or any other proceeding we may  
22 have.

23 COMMISSIONER GRAHAM: I guess, Mr. Chairman --  
24 I mean, I can just speak for myself. I'm not  
25 really comfortable for a bench decision right now.

1 Off of what we -- the conversations we've had so  
2 far, I think there's a couple things that need to  
3 be addressed. I mean, one of them -- and I don't  
4 know how much of a task is going to be put on  
5 staff, but I'd like to see more of a definition of  
6 what a project actually is. I mean, I don't know  
7 if it comes down to connectivity. You know, can it  
8 be this part of the plant, and this part of the  
9 plant can still be considered one project or  
10 multiple projects? I think Commissioner Clark  
11 threw out a great one there. I think there's  
12 plenty of data we have out there and looking at and  
13 saying is this something -- we can come up with  
14 some sort of idea, or number, or -- you know,  
15 historically, you know, what projects have looked  
16 like. And that's all I have.

17 CHAIRMAN FAY: Great. Thank you. Ms.  
18 Cowdery, so I know the original changes to the  
19 rule. This was just one component of this change,  
20 that we pulled out to have this rule hearing, for  
21 purposes of the two rule hearings today. If we  
22 were to move forward with the recommendation, you  
23 could then take all that information from the  
24 interested persons today and comments from the  
25 Commission -- Commissioners and then provide a

1 recommendation, let's say at the March agenda or  
2 something. Would that be -- would that be viable?

3 MS. COWDERY: That would be a possibility that  
4 we could do that.

5 CHAIRMAN FAY: Great. And just real quick,  
6 Mary Anne, will we need a motion to move forward  
7 with that, or would be able to just go ahead and  
8 state that we'll order staff to provide a  
9 recommendation for the March agenda?

10 MS. HELTON: I think you can just ask staff to  
11 prepare a recommendation. I think the record's  
12 clear here that you're not ready to make a bench  
13 decision. But if I could ask that you not include  
14 the March agenda, because if there's something  
15 that -- you know, we have discussions, if it takes  
16 a little bit longer to perhaps follow Commissioner  
17 Clark's, you know, suggestions, maybe the March is  
18 a little bit quick.

19 CHAIRMAN FAY: Okay. That's fine. We can  
20 direct staff to provide a recommendation. I'm  
21 comfortable with it being as we move forward. I  
22 think there were a lot of -- personally, a lot of  
23 great comments from the Commission today to direct  
24 maybe what that initially could look like to  
25 address some of the issues that -- that have been

1 raised. And I do recognize, like, this rulemaking  
2 is really fun for some people and not for others.  
3 And so I -- I'm having fun today, but I recognize  
4 that that might not always be the case. And so I  
5 think if we can continue sort of that narrow scope  
6 as we looked at, knowing that the course wouldn't  
7 be open one part of the rule of some others, and to  
8 be raised, I think the comments here really relate  
9 specifically to the project numbers. And then, of  
10 course, you get the 30 percent cap. But, as  
11 Commissioner Clark stated, the final number of what  
12 those projects cost and potentially the definition  
13 what that project would look like, I think that  
14 would be addressed for us and allow the Commission  
15 to make an informed decision going forward.

16 So with that, Commissioners, I would direct  
17 staff to move forward with that. We don't need a  
18 motion on that directive. And, with that, I  
19 believe that will -- that will conclude the rule  
20 hearing for today. I would allow about 15 minutes  
21 before we'll have internal affairs, and we'll be  
22 doing it in this room. So I would say 10:45  
23 internal affairs, we'll start the meeting.

24 Thank you.

25 (Proceedings concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA )  
COUNTY OF LEON )

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Reporter, do hereby certify that the foregoing  
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IT IS FURTHER CERTIFIED that I  
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DATED THIS 3rd day of February, 2022.



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