

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20170235-EI

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

\_\_\_\_\_ /

DOCKET NO. 20170236-EU

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

\_\_\_\_\_ /

PROCEEDINGS: PUBLIC HEARING

COMMISSIONERS  
PARTICIPATING:

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

DATE: Thursday, October 18, 2018

TIME: Commenced: 2:00 p.m.  
Concluded: 2:50 p.m.

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

REPORTED BY: ANDREA KOMARIDIS  
Court Reporter

1 APPEARANCES:

2 BRYAN S. ANDERSON and KENNETH RUBIN, ESQUIRES,  
3 700 Universe Boulevard, Juno Beach, Florida 33408-0420,  
4 appearing on behalf of Florida Power & Light Company.

5 J. MICHAEL WALLS, ESQUIRE, Carlton Fields Law  
6 Firm, 4221 W. Boy Scout Boulevard, Tampa, Florida  
7 33607-5780, appearing on behalf of City Vero Beach.

8 DYLAN REINGOLD, COUNTY ATTORNEY, 1801 27th  
9 Street, Building A, Vero Beach, Florida 32960, appearing  
10 on behalf of Indian River County Board of County  
11 Commissioners.

12 BRUCE D. MAY, JR., ESQUIRE, Holland & Knight  
13 Law Firm, 315 S. Calhoun Street, Suite 600, Tallahassee,  
14 Florida 32301, appearing on behalf of Indian River  
15 Shores.

16 LYNNE A. LARKIN, ESQUIRE, 5690 Highway, AlA  
17 #101, Vero Beach, Florida 32963, appearing on behalf  
18 Civic Association of Indian River County, Inc.

19 J.R. KELLY, PUBLIC COUNSEL; CHARLES REHWINKEL,  
20 DEPUTY PUBLIC COUNSEL; and STEPHANIE A. MORSE, ESQUIRES,  
21 Office of Public Counsel, c/o the Florida Legislature,  
22 111 W. Madison Street, Room 812, Tallahassee, Florida  
23 32399-1400, appearing on behalf of the Citizens of the  
24 State of Florida.

25

1 APPEARANCES (CONTINUED):

2 CHARLES MURPHY and SUZANNE BROWNLESS,  
3 ESQUIRES, FPSC General Counsel's Office, 2540 Shumard  
4 Oak Boulevard, Tallahassee, Florida 32399-0850,  
5 appearing on behalf of the Florida Public Service  
6 Commission Staff.

7 KEITH HETRICK, GENERAL COUNSEL; MARY ANNE  
8 HELTON, DEPUTY GENERAL COUNSEL; Florida Public Service  
9 Commission, 2540 Shumard Oak Boulevard, Tallahassee,  
10 Florida 32399-0850, advisors to the Florida Public  
11 Service Commission.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X  
WITNESSES

NAME :	PAGE NO .
SENATOR DEBBIE MAYFIELD	6
REPRESENTATIVE ERIN GRALL	22
DORI STONE	30
TRACY ZUDANS	33
ZACK SANDERS	38
ROBERT BRACKETT	41
GLEN HERAN	43
BRIAN HEADY	47

## 1 PROCEEDINGS

2 CHAIRMAN GRAHAM: All right. Well, we have a  
3 quorum here, so we'll get started. We are supposed  
4 to start the public testimony at 2:00. So, we will  
5 do that. I only have -- we are going to start at  
6 2:00.

7 I set the expectation that we are only going  
8 to give everybody two minutes to speak because I  
9 wasn't quite sure of how many people were going to  
10 show up. I'm getting ready to do something that  
11 you'll probably never, ever hear me say, but I'll  
12 give you more than that two minutes because we only  
13 have six speakers and two elected officials. So,  
14 I'll give you up to five minutes each to speak.

15 Please don't be duplicative. If it's  
16 something that's already been said, there's no  
17 reason for you to re-say it. It's okay to say,  
18 "ditto." But it's just -- it's not like your city  
19 council meeting. It's not five minutes to talk  
20 about anything you could possibly want to talk  
21 about in the world. We're talking about the  
22 specifics of this case.

23 So, I will tell you to move on or I will tell  
24 you, enough, and we'll bring the next person up.  
25 So, don't feel like you've got to fill that time,

1 but if you have some -- some specific things to  
2 say, then now is the time to do that.

3 If I can get the seven people that are here to  
4 speak to stand up and raise your right hand, I need  
5 to swear you in.

6 (Witnesses sworn en masse.)

7 CHAIRMAN GRAHAM: Thank you.

8 Okay. Well, you can't talk about Vero Beach  
9 and the power system and not talk about Senator  
10 Mayfield. So, we will call her up first.

11 Senator, welcome back.

12 SENATOR MAYFIELD: Thank you.

13 CHAIRMAN GRAHAM: And -- and as I bring you  
14 up, if -- if you will, give me your name and  
15 address, and I guess just for clarity, if you are  
16 currently a Vero Beach customer. If you would,  
17 answer those questions, and then you have five  
18 minutes to speak. And then hold on because there  
19 may be some cross-examining questions following  
20 your speech.

21 Senator, welcome.

22 SENATOR MAYFIELD: Thank you. Thank you,  
23 Chairman. And I like the stand up, swear your --  
24 raise your right hand to tell the truth, the whole  
25 truth, nothing but the truth. We're going to start

1           doing that in committee meetings and legislative  
2           process so maybe we can get the truth out.

3           But I really do appreciate you guys allowing  
4           us to speak again. And my name is Senator Debbie  
5           Mayfield. I live at 6191 Anchor Lane in Rockledge,  
6           Florida, now. I was a resident of the City of Vero  
7           Beach since 1989 and -- with my husband, who passed  
8           away in 2008.

9           And I remarried three years ago. Yesterday  
10          was our third-year anniversary. And my kids  
11          thought it was a good idea if I lived with my  
12          husband now instead of Vero. So, I moved over to  
13          Rockledge. So, that -- that's kind of where I'm --  
14          I reside now.

15          But a couple of questions I want to address  
16          with you, Commissioner Graham, first. You asked  
17          about legislation. In 2008, there was legislation  
18          that was passed. And the then-city council members  
19          and city attorney, who was Charlie Vitunac, who was  
20          part of the Civic Association, and the city  
21          manager, who is no longer there, nor the mayor, who  
22          is no longer there, chose not to abide by that  
23          legislation that was passed.

24          And the wording that was put into that  
25          legislation was the number of customers that was

1 given to the committee staff by the Public Service  
2 Commission from the City of Vero Beach Utilities.  
3 And they chose to not abide by it. They chose to  
4 change the way that they counted their customer  
5 base. So, therefore, that legislation was never  
6 enacted on behalf of them.

7 So, we -- yes, we have tried to change,  
8 legislatively, many times; not only through that  
9 process, but also through putting regulations,  
10 giving them -- giving the customers that live  
11 outside the city residence -- outside the City  
12 representation by the public service council as  
13 well. That didn't go through. We tried to do it  
14 by the number of residents that live outside the  
15 City. That didn't go through.

16 So, we've tried many times to change this,  
17 legislatively. And unfortunately, we were never  
18 able to get it through because of the powers to be  
19 with the other municipalities that did not want it  
20 happening. And as you know, the municipalities are  
21 exempt from the Public Service Commission. So,  
22 that's why we did that.

23 But you know, I wrote a letter, May 30th,  
24 before the June 5th meeting, which I'm not going to  
25 rehash, of all the benefits of this sale. And I'm

1           sure that you guys remember that. That was for the  
2           June 5th meeting.

3           Then, for the -- for the hearing that was  
4           supposed to be held, we wrote a letter, October  
5           1st, that addressed the -- the petitions that were  
6           filed by the individuals that filed those  
7           petitions. And we addressed each point as to why I  
8           disagreed with their petition. And I'm not going  
9           to rehash that because you have that letter on  
10          file.

11          But I will talk about transparency that was  
12          brought up. There was a contract that was done by  
13          the OUC when the City of Vero Beach chose to change  
14          their -- their utility provider. There was a lot  
15          of controversy about the transparency of that  
16          contract within itself.

17          And -- and then after that controversy was  
18          brought to light a few -- I don't know exactly how  
19          long later, if it was a year later or -- or less,  
20          the city manager chose to resign. The city  
21          attorney chose to resign. And the mayor at the  
22          time chose not to run for reelection.

23          So, I'm not sure there was a lot of  
24          transparency in this contract with the OUC that we  
25          are now trying to get out of through this sale to

1 the Florida Power & Light.

2 This contract with Florida Power & Light has  
3 had many meetings, many meetings. It -- this has  
4 got to be the most transparent process I have ever  
5 seen. We had public hearings in the community. He  
6 had City Council hearings, which I attended most  
7 every one of the City Council meetings that were  
8 there.

9 And it had been approved by the OUC, which had  
10 to have public hearings; the FMPPA, who had  
11 hearings; and the other municipalities that were  
12 part of this deal that had to have hearings. So,  
13 there was many transpar- -- many hearings where the  
14 transparency was -- was out.

15 The other issue I want to bring up was the  
16 various groups. It was noted that -- what groups  
17 are out there that support that; we haven't seen  
18 them. Well, I can tell you what groups they are  
19 because, if you went to these public hearings, you  
20 would know who they were.

21 You've got the Taxpayer's Association that is  
22 in support of this sale. You have the Tea Party  
23 that is in support of this sale. You have South  
24 Beach Property Owners, the Indian River Shores, the  
25 Chamber of Commerce, all -- those are just a few.

1 All are in support of this sale.

2 There's only one group that has been mentioned  
3 today that is opposed to this sale. And -- and I'm  
4 not really sure the membership of that group and  
5 who are the officers because, you know, we don't  
6 have who that membership is.

7 The other thing I want to address is -- and  
8 with all due respect -- and I really do mean this,  
9 with all due respect, Mr. Kelly, the last hearing  
10 we had where it was approved, Mr. Kelly indicated  
11 that he was not going to file protest on your  
12 decision and -- and now, here we are.

13 And you can play with words of whether it is a  
14 protest or it's just defending his job as the  
15 public counsel for all the ratepayers, but the fact  
16 of the matter is, when we left this chamber, no one  
17 that left thought there would be any protest on the  
18 decision that was made and -- but then yet, here we  
19 are with the protests going on.

20 And you know, I've been working this for 12  
21 years. I mean, you're talking about getting old --

22 CHAIRMAN GRAHAM: Senator --

23 SENATOR MAYFIELD: If I had a photo 12 years  
24 ago and what I look like here --

25 CHAIRMAN GRAHAM: Senator, you've got --

1 SENATOR MAYFIELD: -- believe me, I have aged.

2 CHAIRMAN GRAHAM: -- 30 seconds left.

3 SENATOR MAYFIELD: I have aged. So, you know,  
4 this is one of those where we just need to move on.  
5 You know, this is something that we have beat this  
6 horse to death.

7 This is good for our community. And -- and I,  
8 quite frankly, would ask, Mr. Chairman, if you  
9 would ask all the members that have protested this  
10 to forego their -- their -- their briefing -- their  
11 brief. And the reason I ask you to do that -- it's  
12 my understanding that everyone has agreed to do  
13 that except for one party. And it's time for us to  
14 move on.

15 It's \$2 million a month. \$2 million a month  
16 that it is costing taxpayers -- ratepayers in  
17 Indian River County. And that is made up from the  
18 hospitals that are paying more in a rate, the  
19 school districts that are paying more in the rate  
20 and businesses, not in addition to residents that  
21 are paying more in a rate. And it's time to move  
22 on.

23 You know, I remember in 2006 when this first  
24 came up. A lady by the name of Barbara -- and I'm  
25 not going to give your her last name because I

1 don't want her to be harassed. She called me and  
2 she said, we have to do something about City of  
3 Vero Beach rates. My neighbor, who lives right  
4 across the street from me, has power with Florida  
5 Power & Light. My power is with the City of Vero  
6 Beach, and my bill is almost twice as much as her  
7 bill. And that is -- there's something wrong with  
8 that.

9 That's how long we've been fighting this,  
10 since 2006.

11 CHAIRMAN GRAHAM: Thank you, Senator.

12 Hold on, see if there's any questions.

13 OPC?

14 Ms. Larkin?

15 MS. LARKIN: Sure.

16 Senator Mayfield, you agree this is a fairly  
17 complex contract, transaction, correct?

18 SENATOR MAYFIELD: Uh-huh.

19 MS. LARKIN: Okay. And -- but you say it's  
20 time to move on.

21 Are you aware of all the testimony from OPC's  
22 expert about the controversies, the changes, the  
23 possible problems with their accounting?

24 SENATOR MAYFIELD: Mr. Chairman -- no, I have  
25 not -- I'm not -- I'm not a number-cruncher. I am

1 going by what they have said. I do --

2 MS. LARKIN: Who've said?

3 SENATOR MAYFIELD: Well, what they said today.  
4 You know, I believe that this is a good deal. I  
5 do. I believe this is a good deal.

6 MS. LARKIN: That wasn't the question. I was  
7 just asking if you understood -- and -- and perhaps  
8 not -- the problems with the accounting -- is there  
9 any concern, in your mind, whether or not the  
10 problems in the accounting that they're using might  
11 affect what the outcomes are?

12 SENATOR MAYFIELD: No, I don't -- one, I don't  
13 under- -- I'm not an accountant. I'm not a -- a  
14 financial accountant to get into the weeds of this  
15 deal, but I do know, on surface, based on what I've  
16 been -- what I have been paying in a rate, that  
17 these are going to be good -- this is going to be a  
18 good deal for all -- all people, the City of Vero  
19 Beach, as well as the residents of Vero Beach.

20 But no, I am not -- I do not know the  
21 intricacies of what this deal -- numbers crunch out  
22 to be.

23 MS. LARKIN: And you stated there was certain  
24 groups that supported the -- the transaction.

25 SENATOR MAYFIELD: Uh-huh.

1 MS. LARKIN: And you na- -- you listed the  
2 South Beach Property Owner's Association. My  
3 understanding, from the president is, that they  
4 don't support it.

5 Did you have some other information?

6 MR. MAY: Objection. She's testifying.

7 MS. LARKIN: I'm not. I'm asking if they have  
8 other information about it.

9 CHAIRMAN GRAHAM: I think she just wanted to  
10 clarify if -- how --

11 SENATOR MAYFIELD: That's fine. Yeah, I have  
12 attended their meetings. And I've attended their  
13 meetings. And the members that were there at the  
14 meetings I attended supported the sale. They  
15 specifically asked me to come talk about the sale  
16 of the City of Vero Beach and the status of where  
17 we were.

18 So, there's members within the South Beach  
19 Homeowner's Property Association that does agree  
20 with this sale.

21 MS. LARKIN: I see. So, that's a little  
22 different than saying that the South Beach Property  
23 Owner's Association has officially made a statement  
24 either way on whether they approve of this  
25 transaction.

1           SENATOR MAYFIELD: That -- that would be a  
2 fair statement.

3           MS. LARKIN: Okay.

4           SENATOR MAYFIELD: But there's homeowners  
5 within that association that, at the meeting,  
6 agreed with the sale to take place.

7           MS. LARKIN: I understand.

8           SENATOR MAYFIELD: And I know they've also  
9 changed membership and presidents between the South  
10 Beach Homeowner's Association as well.

11          MS. LARKIN: Okay. That is just the  
12 distinction I was trying to make as far as  
13 officially standing behind something.

14          As far as OPC protesting, I -- maybe they  
15 should speak for themselves, but they didn't  
16 protest; they just joined in afterwards.

17          CHAIRMAN GRAHAM: Is there a question?

18          MS. LARKIN: So, I was wondering -- yes -- I  
19 was wondering why -- why would you be against  
20 having, again, this accounting issue brought to --  
21 brought to the subject -- brought to the docket?

22          SENATOR MAYFIELD: I'm not against the  
23 project. My -- my question to you would be: Where  
24 were you at, at the meeting in June? That would be  
25 my question to you.

1 MS. LARKIN: Well --

2 SENATOR MAYFIELD: Where were the meetings  
3 of -- the three individuals that are doing this  
4 protest -- where were you at in June?

5 CHAIRMAN GRAHAM: Senator --

6 MS. LARKIN: Senator, you're not --

7 SENATOR MAYFIELD: We have been working --

8 MS. LARKIN: You're not asking me questions.  
9 I'm asking you, if you don't mind.

10 Your idea that we need to move on -- now, have  
11 you personally done studies on all of these things  
12 or are you taking FPL's word for all this?

13 SENATOR MAYFIELD: I'm taking the citizens'  
14 words on how much money they are going to save with  
15 FPL's rates.

16 MS. LARKIN: So, the citizens are the ones  
17 telling you how much they're going to save?

18 SENATOR MAYFIELD: The citizens is who I  
19 represent.

20 MS. LARKIN: Well, a lot those citizens don't  
21 agree with you.

22 You're saying that two neighbors would compare  
23 their own rates, and they might have different  
24 houses. They might have different ways of spending  
25 their electricity. One might have --

1           MR. MAY: Mr. Chairman, I'm going to object.  
2           I'm trying to give Ms. Larkin some latitude. I  
3           know she doesn't practice here, but she's going far  
4           beyond the pale here. She's testifying, and that's  
5           improper.

6           CHAIRMAN GRAHAM: I agree.

7           MS. LARKIN: I'm repeating what Senator  
8           Mayfield has stated. And I'm saying, has -- has  
9           that comparison, the neighbor's comparison, that --  
10          I'm getting to the question of: Has the neighbor's  
11          comparison been apples-to-apples?

12          SENATOR MAYFIELD: Yes.

13          MS. LARKIN: You're sure of that.

14          SENATOR MAYFIELD: Based on what they've told  
15          me, yes. Same-sized house, the same -- the same,  
16          whether it's one people or -- one person lives in  
17          the house, two people live in the house. When they  
18          get together and they compare, what they're telling  
19          me is that their houses are very identical. When  
20          you live in one subdivision, most of the houses are  
21          identical. And these particular houses were.

22          MS. LARKIN: Got it.

23          I think that's it. Thank you.

24          CHAIRMAN GRAHAM: Any other questions of the  
25          Senator?

1 Commissioner? Commissioner Brown?

2 COMMISSIONER BROWN: Thank you.

3 And Senator Mayfield, thank you so much for  
4 coming to every single meeting that we've had and  
5 providing your thoughtful written comments, which  
6 have been helpful and -- and at least in part --  
7 part of my deliberation. So, thank you so much.  
8 You've been involved in this issue and in this  
9 transaction peripherally and also directly, I  
10 guess, attending meetings for a number of years.

11 SENATOR MAYFIELD: Right.

12 COMMISSIONER BROWN: Do you have a number --  
13 I'm just curious -- on the amount of expense? I --  
14 I know, out of pocket, you -- you are a true public  
15 servant. I mean, you -- you've traveled to all of  
16 these meetings and expended a lot of your own time  
17 on behalf of your own constituents.

18 But do you know a number of how much time --  
19 how much the litigation has cost as well as the  
20 expense and time -- can you quantify it?

21 SENATOR MAYFIELD: You know, that -- that -- I  
22 cannot quantify that. I can tell you that the  
23 trips to Tallahassee for these hearings is a  
24 four-and-a-half-hour drive for most people in this  
25 room that come up from Vero Beach that come.

1           You're talking about the number of hours that  
2           are in City Council meetings to have meetings that  
3           people travel to. The meet- -- the public hearings  
4           that are within the community -- I mean, I'm sure  
5           there's thousand of dollars that we have spent.

6           And I have spent these on my own money. This  
7           is not taxpayer monies because I do not turn in --  
8           turn in receipts for the taxpayers on this. This  
9           is -- this is on my dime because I -- that's how  
10          passionate I feel about this.

11          And everyone else in this room is the same  
12          way. They're very passionate about this. You  
13          know, whenever -- this is the only outlet we have  
14          to solve our problem.

15          And Chairman Graham, as -- and I really do  
16          appreciate your passion for your constituents as  
17          well in Jacksonville on their issue, but this issue  
18          is one that we have come before the Public Counsel  
19          before. We have asked for your help on it. And  
20          your answers have always been, our hands are tied  
21          because we do not have oversight over the  
22          municipalities. And that's okay and I get it.

23          And we have went back and we have done what  
24          you've asked us to do; and that is, work it out at  
25          home, work it out locally. And that -- that's what

1 we've done.

2 But there's many, many hours of not -- just  
3 not my time, but everyone sitting in this room and  
4 other people that you're going to hear from, that  
5 have taken time out of their day, away from their  
6 family, to come up here and share with -- and the  
7 cost is just mounting and mounting, more and more.

8 And the more we delay this, you know, the more  
9 the cost is going to be; and not just to us, but to  
10 the taxpayers that pay taxes for their hospitals,  
11 that pay taxes to the school district because  
12 every -- every month that we're delaying this, this  
13 is a cost to them on money that they could be  
14 saving in this deal.

15 And I think it's been proven that -- I -- I --  
16 you know I'm not an accountant. I haven't looked  
17 at the numbers, but I have to depend on the experts  
18 that have.

19 COMMISSIONER BROWN: But -- but you said, it's  
20 two million a month right now, at least, and --  
21 for -- for the delay in our decision. Thank you.

22 SENATOR MAYFIELD: Yes.

23 CHAIRMAN GRAHAM: Commissioner Fay.

24 COMMISSIONER FAY: Thank you, Mr. Chairman.

25 Just a real quick question. I've worked with

1 Senator Mayfield for a long time now. I have the  
2 utmost respect for your commitment to the people  
3 that you -- you represent. And I share  
4 Commissioner Brown's point that -- that this has  
5 been a long time that you've worked on this, a lot  
6 of it on your personal dime.

7 So, I -- I'm just curious, from listening to  
8 the questioning, at any point, did the -- the Civic  
9 Association approach you, I guess, recently,  
10 regarding this issue at all?

11 SENATOR MAYFIELD: No, sir.

12 COMMISSIONER FAY: Okay. Thank you.

13 CHAIRMAN GRAHAM: Thank you, Senator. Thank  
14 you for your time.

15 SENATOR MAYFIELD: Thank you.

16 CHAIRMAN GRAHAM: All right. Next speaker --  
17 I'm sorry -- next witness is Representative -- I  
18 apologize -- Grall?

19 REPRESENTATIVE GRALL: Grall.

20 CHAIRMAN GRAHAM: Welcome, Representative.

21 REPRESENTATIVE GRALL: Thank you. Thank you,  
22 Mr. Chairman. Thank you, Commission, for hearing  
23 from us today. I'd also like to thank you for your  
24 consideration of these issues. I know it's  
25 challenging. I appreciated where the Commission

1 landed in June, and am hopeful that you will find  
2 yourself in the same posture at the end of this  
3 hearing.

4 My comments today are going to be focused a  
5 little more on the role of the Office of Public  
6 Counsel. And as a practicing attorney, it is  
7 confusing for me sometimes when I come into agency  
8 proceedings when I'm used to the civil justice  
9 system. And so, there have been some nuances and  
10 some terminology that I've had to, you know, get  
11 used to, quickly.

12 But overall, I believe that I have a clear  
13 understanding of what happened in June; and that  
14 was the Public Counsel's office said they did due  
15 diligence, that was their duty; they were duty-  
16 bound to do such. And they said, "We've discharged  
17 our duty," specifically in the transcript; and, "We  
18 will abide by the Commission's decision."

19 And although they haven't filed a formal  
20 protest here today, that is certainly the ob- --  
21 object of what is happening and what is occurring.  
22 And that is because it appears just as if they had  
23 filed a protest; where, instead, it is actually  
24 that they are -- from an outsider's perspective, it  
25 appears as if they are carrying the water of a

1 special interest group because if the Office of  
2 Public Counsel was actually duty-bound to represent  
3 the citizens of Florida -- and that is who they are  
4 to represent, the citizens of Florida -- then they  
5 would have filed a protest and they would not have  
6 abdicated that role in this chamber in June.

7 And that is the type of gamesmanship that  
8 builds distrust in the public. And so, for me,  
9 it's very frustrating because we deal with trust  
10 issues every day, as elected officials, and we  
11 don't need them to be piled on by a system that  
12 just allows nuances and different rhetoric in order  
13 to get to the final -- final goal.

14 And so, I believe that, if the Office of  
15 Public Counsel was duty-bound, they should have  
16 filed that protest. So, I have spent some time  
17 looking into what exactly is the relationship  
18 between the Office of Public Counsel and the  
19 special interest groups because that's really what  
20 it is.

21 These are not individuals that are coming  
22 before the Commission and asking for some sort of  
23 relief. These are special interest groups who had  
24 filed protests, and a couple of individuals.

25 In my public records request, I had two things

1           that showed up that were of great concern. And  
2           they're -- the Office of Public Counsel had offered  
3           advice and went so far as to offer to the citizens'  
4           association help in finding an expert for these  
5           proceedings.

6                     And I just have to ask: What is the role of  
7           Public Counsel? Is it to help -- is it to be  
8           counsel for all of the citizens' groups that decide  
9           that they have an interest in the proceedings for  
10          the Commission? I believe that responsibility lies  
11          with the citizens' group.

12                    And so -- also, the Office of Public Counsel  
13          had authorized up to \$36,000 in expert witness  
14          fees. Those are taxpayer dollars. Those are  
15          taxpayer dollars that are being used to defeat this  
16          sale, which we have heard testimony is in the  
17          public interest, is in the best interest of  
18          citizens.

19                    Without that testimony here, today, there  
20          would be no conflicting testimony to consider. So,  
21          they have provided a basis -- a legal basis for  
22          which you to be concerned about a conflict that a  
23          court might have to look at.

24                    However, they have not done it in their own  
25          name and in the interest of the citizens of

1 Florida. And this is bothersome to me especially  
2 because, previously, the Office of Public Counsel  
3 has stated that they have no statutory jurisdiction  
4 to represent the customers of municipal utilities  
5 or cooperatives. And that is, in fact, what has  
6 happened here.

7 And so, I would ask you to consider these  
8 motives, consider whether or not any conflicting  
9 testimony or any testimony presented by the Office  
10 of Public Counsel is appropriate for you to  
11 consider in your decision, as they had the ability  
12 to protest specifically and not be painted with the  
13 bias of what this appears to be.

14 So, thank you very much for your  
15 consideration. And I appreciate everything that  
16 you have to -- the difficult decision ahead of you.

17 CHAIRMAN GRAHAM: Thank you, Representative.

18 Hold for any questions.

19 OPC?

20 Ms. Larkin?

21 MS. LARKIN: Sure. Just one, I think.

22 You seem to be very much targeted on OPC. And  
23 I'd like to just clarify that the only relationship  
24 I've had with OPC is asking them is there a  
25 place --

1 CHAIRMAN GRAHAM: Ms. --

2 MS. LARKIN: -- where there --

3 CHAIRMAN GRAHAM: Ms. Larkin, you need to ask  
4 a question.

5 MS. LARKIN: Yes.

6 CHAIRMAN GRAHAM: You don't need to clarify  
7 her statement.

8 MS. LARKIN: Okay.

9 I wonder if there is some law that prevents  
10 anyone on the Commission staff or anyone else from  
11 giving me information about where the experts on  
12 utilities are. Is that a problem?

13 REPRESENTATIVE GRALL: I'm not certain about a  
14 law that creates a problem. I am limited, based on  
15 the Public Service Commission's own general  
16 counsel, from speaking to the Public Service  
17 Commission, even though I am part of a legislative  
18 body that is involved with their oversight.

19 And the same -- I -- I equate it to a clerk of  
20 court. A clerk of court is not permitted to give  
21 any type of legal advice. And that usually -- that  
22 usually encompasses anything from where you might  
23 find information, making certain legal arguments,  
24 looking for how you would draft a pleading. And  
25 there was documentation of some of that

1 communication within the public records request.

2 So, that was what I was referring to.

3 MS. LARKIN: So, if I got information from a  
4 clerk of court, that is also improper because  
5 there's -- the clerk of court puts a list of  
6 attorneys out with their specialties.

7 REPRESENTATIVE GRALL: If it is legal advice,  
8 yes, it is improper.

9 MS. LARKIN: And if it's not legal advice --  
10 if it's just referring people to folks that  
11 actually practice in a certain field, which is what  
12 they do, then it's not improper.

13 REPRESENTATIVE GRALL: I believe that we're  
14 talking about two different types of issues,  
15 Ms. Larkin, but --

16 MS. LARKIN: Well, you brought up the clerk of  
17 courts, so that's why I was making that comparison.

18 REPRESENTATIVE GRALL: But if a clerk of court  
19 or -- it would be improper for somebody else with a  
20 similar -- with a different interest to point you  
21 in the direction, a certain litigation direction,  
22 to certain experts that -- I believe, that the  
23 appearance is improper.

24 Whether or not there is a law that prohibits  
25 it is something I cannot speak to today. The

1 appearance is improper. And I believe that the  
2 Office of Public Counsel should be separate and  
3 apart from any other protesters. That is -- that  
4 is my personal belief, after looking through this  
5 process, and in understanding the statute and the  
6 duty that attaches to the Office of Public Counsel.

7 If it is something that has happened in the  
8 past in which the Office of Public Counsel has, in  
9 fact, helped different special interest groups who  
10 file protests -- just because it has been done, in  
11 my opinion, does not make it right.

12 MS. LARKIN: So, that's your opinion, right?

13 REPRESENTATIVE GRALL: That is my --

14 MS. LARKIN: That's not based on law.

15 REPRESENTATIVE GRALL: That is my opinion.

16 I've not asserted that anybody broke a law. I am  
17 merely bringing up points that should speak to the  
18 credibility of the Office of Public Counsel's  
19 witness and the motivation for which they are  
20 providing testimony.

21 MS. LARKIN: Okay.

22 CHAIRMAN GRAHAM: Thank you, Representative --

23 REPRESENTATIVE GRALL: Thank you.

24 CHAIRMAN GRAHAM: -- for your testimony.

25 Commissioner Brown.

1           COMMISSIONER BROWN: And I just had a quick  
2 comm- -- comment for Representative Grall, although  
3 she -- it's not a question, just a comment, in  
4 similar to fashion of Senator Mayfield's.  
5 Appreciate you participating in our proceeding and  
6 providing very well-articulated comments today  
7 and -- and prior, and encourage you to continue  
8 participating in our proceedings. And thank you  
9 for coming up to Tallahassee here. Thanks.

10           The first witness we have to testify is Dori  
11 Stone. Please come up to the podium. Ms. Stone,  
12 could you please state your name and address for  
13 the record and whether you are a customer or not.

14           MS. STONE: Yes, Dori Stone, City -- I'm  
15 sorry, Indian River County -- I apologize for my  
16 voice. It's been a long haul -- Indian River  
17 County Chamber of Commerce, 1216 21st Street, Vero  
18 Beach, Florida. And yes, we are customers.

19           Thank you very much for giving me the  
20 opportunity to speak today. The Chamber sent up a  
21 resolution on 1001, which I believe in is in your  
22 background packet of information, but today I would  
23 like to discuss several other points with you, if I  
24 may.

25           The Chamber has been actively engaged in this

1 conversation since before 2009, when the first  
2 proposal came forward to consider the sale of Vero  
3 Beach Utility to Indian River -- I'm sorry -- to  
4 FPL. I am here today representing over 800 members  
5 of our Indian River County Chamber of Commerce,  
6 which encompasses Indian River County, Vero Beach,  
7 and Fellsmere.

8 We are made up of over 4,000 employees and  
9 employers, with regard to our -- our outreach. We  
10 also have, within my framework of organization,  
11 tourism as well as an economic development  
12 organization, which is actively engaged in -- in  
13 both retention and recruitment of new -- of new  
14 employers into Indian River County.

15 I want to speak today a little bit about the  
16 economic impact that we see with regard to  
17 infrastructure and the ongoing needs of making sure  
18 that the infrastructure that we have in Indian  
19 River County is competitive with other  
20 infrastructure needs throughout the State of  
21 Florida and in -- throughout, actually, the  
22 southeast.

23 One of the critical issues, when we see  
24 recruiters bringing in new businesses to Indian  
25 River County is the cost of doing business; not

1 just for the business, itself, but for the intended  
2 employees and as well as any people who would be  
3 moving in with them.

4 So, it becomes critical to us, as we're  
5 beginning to put together proposals, to look at the  
6 most cost-effective way to provide those recruiters  
7 and our possible, potential economic businesses  
8 with the best resources available.

9 One of the keys to this has been looking at  
10 power. And we've heard back from recruiters that,  
11 unfortunately, our electric power in Indian River  
12 County, provided through Vero Beach Utilities, has  
13 been, in some cases, a discouragement to see new  
14 businesses come into the -- come into the county.

15 We are very much looking forward to seeing  
16 Florida Power & Light bring in, not only their  
17 competitive edge, but also some of the incentives  
18 they offer for us to recruit and retain our  
19 existing businesses.

20 This became more and more important to us as  
21 we began to look at our existing businesses. We  
22 recently underwent an effort with Piper Aircraft,  
23 one of our longest-term businesses, who was looking  
24 to move out of county. And one of the reasons they  
25 were looking to move out of county, and actually

1 out of state, was the cost of doing business in our  
2 county.

3 Luckily, my Chamber, as well as the other  
4 business and community leaders, got together to  
5 persuade Piper that they were in the best fit  
6 throughout -- where they could fit into -- in -- in  
7 what they do.

8 With that, we are very excited about this. As  
9 I said, we are looking forward to the conclusion of  
10 this. And I'm here to answer any questions. Thank  
11 you.

12 CHAIRMAN GRAHAM: Thank you.

13 OPC, any questions?

14 Ms. Larkin?

15 MS. LARKIN: No, none.

16 MS. STONE: Thank you.

17 CHAIRMAN GRAHAM: No other questions.

18 Ma'am --

19 MS. STONE: Thank you.

20 CHAIRMAN GRAHAM: Thank you very much.

21 COMMISSIONER BROWN: Next up, we have Tracy  
22 Zudans. Again, please state your name and address  
23 and whether you are a customer or not.

24 MS. ZUDANS: My name is Tracy Zudans. I am  
25 one of seven trustees on the Indian River County

1 Hospital district. The hospital district address  
2 is 37307 Terrace, and the zip code there is 32960.  
3 They pay for Vero Beach electric, and they live  
4 outside the City limits. I am a Vero electric  
5 payer and City resident at 3845 Indian River Drive  
6 East, and my zip code is 32963.

7 So, being a hospital district trustee, it is a  
8 challenging job at times because you have to deal  
9 with healthcare for an entire community. And a  
10 majority of the healthcare that happens there is  
11 for indigent patients, patients that don't have the  
12 ability to pay for medical services.

13 And so, it was our board of trustees that  
14 recently unanimously voted for a resolution  
15 supporting the sale of the Vero Beach electric to  
16 FP&L. And I'm assuming that you all received  
17 copies of the resolution. If you have not, I did  
18 bring copies with me for you, if you would like  
19 one.

20 What I would like to do is just highlight a  
21 few points from the resolution that I think are  
22 really poignant in regards to making this sale  
23 happen.

24 The hospital district owns, on behalf of  
25 taxpayers, healthcare facilities, other medical

1 facilities that are within Indian River County. We  
2 collect approximately \$14 million in annual ad  
3 valorem taxes from county residents, both that live  
4 inside City limits and outside the City limits.

5 We fund, through taxpayer dollars, safety net  
6 for indigent healthcare at hospital-district-owned  
7 facilities and many other public and non-profit  
8 facilities throughout Indian River County.

9 Our healthcare providers receiving healthcare  
10 funding with facilities on Vero electric include  
11 Indian River Medical Center, which is our hospital,  
12 University of Florida Psychiatric Clinic, Mental  
13 Health Association, the Visiting Nurse's  
14 Association, Indian River County Health Department,  
15 Healthy Start Coalition, Treasure Coast Community  
16 Health, New Horizons, and the Mental Health  
17 Collaborative.

18 These funded agencies, as well as our own  
19 offices for the hospital district, all are on Vero  
20 Beach electric, and we live outside the City limits  
21 or the facilities are outside the City limits.  
22 Indian River Medical Center receives the majority  
23 of the funding. And it's my understanding that  
24 they pay \$2.7 million annually just in electric.

25 Utilities are a significant cost to these

1 funded agencies, most of them being not-for-profit;  
2 therefore, it affects the cost of healthcare for  
3 indigent population. And therefore, it also  
4 affects the ad valorem taxes that we, as the  
5 district, assess.

6 Indian River Hospital district has no  
7 governmental body to appeal to for the relief from  
8 the significant rate disparities between what FPL  
9 is offering or -- and what Vero electric is  
10 costing. So, it was unanimously decided by the  
11 hospital district that we were in support of the  
12 sale to FP&L. And I hope that you will continue  
13 with that decision.

14 CHAIRMAN GRAHAM: Ms. Zudans --

15 MS. ZUDANS: Yes.

16 CHAIRMAN GRAHAM: -- thank you very much for  
17 your testimony.

18 OPC, any questions?

19 Ms. Larkin, any questions?

20 MS. LARKIN: Sure.

21 Good afternoon.

22 MS. ZUDANS: Yes, Ms. Larkin.

23 MS. LARKIN: I think what a lot of your  
24 testimony concerned was, of course, lower rates,  
25 which is important. That seemed to be the focus.

1 And I think we all agree lower rates benefit  
2 everyone.

3 Does it concern you at all that maybe there  
4 won't be lower rates? Maybe the bills, themselves,  
5 won't go down? Is that anything that your board or  
6 the hospital district has looked into?

7 MS. ZUDANS: We have not budgeted for lower  
8 rates this year. And it's my understanding that  
9 none of the other agencies have either. So, they  
10 all are in favor of this sale and a lower rate  
11 would help with that.

12 MS. LARKIN: Right. What I -- I'm sorry. I  
13 wasn't probably very clear. What I mean is, with  
14 the counter-testimony about what these numbers  
15 actually mean, if there weren't going to be lower  
16 rates, would you be for the sale?

17 MS. ZUDANS: I would still be for the sale no  
18 matter what because I think, in the end, over time,  
19 it will be to the benefit of our community and  
20 residents and FP&L customers as a whole.

21 MS. LARKIN: Okay. You said there was no  
22 government body to complain to. Have you ever  
23 presented any of your concerns to, say, the utility  
24 commission or the finance commission or the City  
25 Council, itself?

1 MS. ZUDANS: I have not presented, but I did  
2 present the resolution to the City Council.

3 MS. LARKIN: Right. That was a recent  
4 resolution.

5 MS. ZUDANS: Correct.

6 MS. LARKIN: But in the past, you haven't made  
7 any other presentations or requests?

8 MS. ZUDANS: No, I have not.

9 MS. LARKIN: Okay. Thank you.

10 CHAIRMAN GRAHAM: Any other questions of  
11 Ms. Zudans?

12 Ma'am, thank you very much for your testimony  
13 today.

14 MS. ZUDANS: Thank you.

15 CHAIRMAN GRAHAM: I'm going to do that. We  
16 are going to give that exhibit a number of 66. And  
17 we'll talk about if we're going to enter it into  
18 the record after we're done with Mr. O'Connor.

19 COMMISSIONER BROWN: Thank you. That -- while  
20 he's passing that out, I will read -- the next name  
21 is Mr. Zack Sanders.

22 MR. SANDERS: Good afternoon, Chairman,  
23 Commissioner. My name is Zackery Sanders. I  
24 reside at 2015 19th Avenue Southwest, Vero Beach,  
25 Florida 32962.

1           I'm not a -- I'm not a ratepayer with Vero  
2           electric. I was born and raised in Vero Beach,  
3           however, and I've been working in Indian River  
4           County since I've graduated high school.

5           I've followed this sale closely and worked on  
6           campaigns for candidates who are also for the sale.  
7           With the help of the Indian River Taxpayers'  
8           Association, I designed a petition against one of  
9           the petitioners to the PSC ruling from earlier this  
10          summer.

11          I collected over 2,000 signatures in a  
12          community of 16,000. That represents about  
13          10 percent of the population, which is sometimes  
14          more than show up for our elections.

15          It's evident, from the petitions I've  
16          collected and the canvassing that I've done, that  
17          the people of Vero Beach and Indian River County  
18          are for the sale of Vero Electric to FP&L. There's  
19          only a handful of protesters that are against the  
20          sale, and their motives are still quite puzzling.

21          Vero Beach is an expensive place to live. For  
22          young professionals, such as myself, to stay in  
23          Vero Beach after graduation, our variable expenses  
24          cannot be too high. Vero electric charging folks  
25          up to 30 percent higher than FPL represents a real

1 dent in their budget.

2 I hope you'll approve the sale for all young  
3 men and women like myself who wish to stay in our  
4 community even after graduation. Thank you.

5 CHAIRMAN GRAHAM: Thank you, Mr. Sanders.

6 OPC?

7 Ms. Larkin?

8 MS. LARKIN: Just one question.

9 MR. SANDERS: Yes, ma'am.

10 MS. LARKIN: Mr. Sanders, your focus, again,  
11 is on rates. And I understand everyone wants lower  
12 rates. If the rates didn't turn out to be lower,  
13 would you still be in favor of the sale?

14 MR. SANDERS: Yes, ma'am. I don't -- I don't  
15 see that it's the government's position to be in --  
16 in any type of business whatsoever.

17 MS. LARKIN: Any business.

18 MR. SANDERS: Yes, ma'am.

19 MS. LARKIN: Okay. Thank you.

20 MR. SANDERS: Thank you.

21 CHAIRMAN GRAHAM: If no other questions, thank  
22 you, Mr. Sanders, for your testimony.

23 COMMISSIONER BROWN: Next up, we have  
24 Mr. Robert Brackett. Again, please state your  
25 name, address, and whether you are a customer or

1 not. We've seen you before.

2 MR. BRACKETT: Good afternoon. Thank you,  
3 Mr. Chairman, Commission, for allowing us to speak  
4 today. My name is Robert Brackett. I live at 2105  
5 Cordova Avenue, Vero Beach, Florida. I am on the  
6 City power and I am a current candidate for City  
7 Council.

8 As I stated, I'm a current candidate for City  
9 Council. There's never -- previously, it was never  
10 my desire to run for public office, but when --  
11 when I heard that petitions had been filed, I knew  
12 that it was time for me to get involved.

13 Our community has wanted this for a long time,  
14 almost a decade now. It truly is the will of the  
15 people. And that's one of the main reasons I  
16 decided to run.

17 I currently represent multi-generation  
18 families living in the Vero Beach area who want the  
19 sale. For three generations, my family and I have  
20 built and revitalized the City of Vero Beach.  
21 We've been a very active part in that. Along with  
22 that, we've owned a number -- a number of  
23 businesses in that area.

24 As we progress through this process, it's  
25 become crystal clear that the sale was the right

1           thing to do. There are only a small handful of a  
2           community of people that are against this sale.

3           In my campaign trail I've been on for the last  
4           months, I would predict that be to somewhere around  
5           5 percent, people that I've run into. That means  
6           that 95 percent are for the sale. And that  
7           definitely is a majority. That's the desired  
8           result and it's right thing to do.

9           Again, I decided to run because of this. I am  
10          running for City Council. I want to make sure the  
11          sale is complete. And I plan to fight for that  
12          until the very end, right until the ink is dry on  
13          the closing papers.

14          Please, give us better service, better rates,  
15          and protection of the PSC, and approve the sale.  
16          Thank you.

17          CHAIRMAN GRAHAM: Thank you, Mr. Brackett.

18          OPC?

19          Ms. Larkin?

20          MS. LARKIN: Yes, please.

21          Hi, Mr. Brackett.

22          MR. BRACKETT: Hi.

23          MS. LARKIN: I understand that you believe  
24          that this is the will of the people, and you're  
25          talking about 95 percent of people are for the

1 ref- -- for the sale. Are you aware of the numbers  
2 of the votes on the referendums?

3 MR. BRACKETT: What I said was 95 perc- --  
4 95 percent of people that I've run across in my  
5 campaign trail. I've been to numerous events --

6 MS. LARKIN: Right.

7 MR. BRACKETT: -- campaign meetings, other  
8 things that I've run across, and I've tried to pull  
9 that out. Okay.

10 MS. LARKIN: So, that's your numbers. Right.  
11 I see.

12 MR. BRACKETT: It is.

13 MS. LARKIN: I misunderstood. Okay.

14 And I think that was it. Thank you.

15 CHAIRMAN GRAHAM: Thank you --

16 MR. BRACKETT: Thank you.

17 CHAIRMAN GRAHAM: -- Mr. Brackett, for your  
18 testimony today.

19 COMMISSIONER BROWN: All right. We have just  
20 two more speakers here.

21 Mr. Glen Heran -- I hope I pronounced that  
22 correctly. Again, name, address, and whether  
23 you're a customer or not, please.

24 MR. HERAN: Good afternoon, Commission. My  
25 name is Glen Heran. And I am an FP&L customer.

1           And on my family's property, we are 75 percent of  
2           the property is on the City grid and my family is  
3           also on the City grid.

4           My mother and my father, both elderly, are  
5           City of Vero Beach voters on the City grid, as is  
6           my sister. She's also on the City grid and a City  
7           of Vero Beach voter. So, my family represents kind  
8           of all of it.

9           Again, my name is Glen Heran. And over the  
10          past 11 years, some have suggested that the effort  
11          to sell Vero's inefficient, government-run utility  
12          was merely subterfuge, driven entirely by FP&L.  
13          Nothing could be further from the truth. And such  
14          a claim is an insult to our public.

15          I know because I am one of the founding  
16          members of this modern movement to sell Vero Beach  
17          electric to the private sector. 11 years ago,  
18          Dr. Steven Faherty and I were simply responding to  
19          the public's complaints about Vero's high rates,  
20          inefficiency, and unregulated behavior.

21          Our findings were simple: Vero Beach really  
22          does have significantly higher rates than FP&L.  
23          Vero Beach really does cost its customers over  
24          \$20 million per year. Outside customers really  
25          can't vote in City elections. And the big surprise

1 to us was we have no representation from the Office  
2 of Public Counsel.

3 It was the public who long understood and  
4 fought to free themselves from Vero electric. Did  
5 FP&L contribute funds to -- to political committees  
6 to support our community's wishes? Yes, because I  
7 asked them to.

8 I believed that well-funded anti-sale forces,  
9 not only in Vero Beach, but in Tallahassee and  
10 around the state, would and did attempt to misguide  
11 the voters with fear tactics and false narratives.

12 To be clear, this issue would not have been  
13 possible without the tremendous partnership that  
14 FP&L has demonstrated to our community. We would  
15 not be here today if FP&L had merely said, we have  
16 no interest in 33,000 City of Vero Beach customers.

17 And frankly, given how small we are, relative  
18 to the 4.9 million customers that FP&L has, I am  
19 shocked they have stood by us so long. But stood  
20 by us, they did.

21 They did because it was our community that  
22 asked FP&L to come to the table. It was our  
23 community who overwhelmingly voted to sell to FP&L.  
24 And hopefully, with your affirmative vote today, I  
25 hope you will help our community finally realize

1           its dreams.

2           Thank you.

3           CHAIRMAN GRAHAM: Thank you, Mr. Heran, for  
4 your testimony today.

5           OPC?

6           Ms. Larkin?

7           MS. LARKIN: Just one question.

8           Mr. Heran, you had spoke about the long fight  
9 to get free. Are you aware of any complaints about  
10 the divisions that you talk about in -- in between  
11 the outside customers, inside customers, prior to  
12 2008 or nine?

13          MR. HERAN: Yes, the -- actually, it was the  
14 South Beach Property Owners' Association who -- one  
15 of the first communities to -- they actually asked  
16 Dr. Steven Faherty to produce a study, which he did  
17 with no cost. And it was --

18          MS. LARKIN: That was prior to 2008?

19          MR. HERAN: That was 2007, uh-huh. Yes,  
20 ma'am.

21          MS. LARKIN: Okay. Got it.

22          And you talk about the -- the supposed anti-  
23 sale people being well-funded opposition. Do you  
24 know how well-funded --

25          MR. HERAN: Well, cer- --

1 MS. LARKIN: -- and where the funding is  
2 coming from?

3 MR. HERAN: Certainly. There was a white  
4 paper -- and I actually have it with me here today.  
5 It's from the FMEA. And that was in 2011. And  
6 that their opposition to the 2011 referendum.

7 MS. LARKIN: So, you're talking about really  
8 FMEA, FMFA --

9 MR. HERAN: The FMEA specifically.

10 MS. LARKIN: Yeah. So, not the citizens.  
11 Okay.

12 Thank you.

13 MR. HERAN: Mr. Chair, if I -- if I may be so  
14 bold --

15 CHAIRMAN GRAHAM: No. No. No. Thank you for  
16 your testimony.

17 MR. HERAN: Thank you.

18 COMMISSIONER BROWN: The last customer signed  
19 up -- or person -- is Brian Heady. Mr. Heady,  
20 please state your name, address, and whether you  
21 are a customer, please.

22 MR. HEADY: My name is Brian Heady, and  
23 actually, I'm one of the complainants. And you  
24 have lots of information already from me. And I am  
25 a customer. My address is 406 19 Street.

1           And I would ask that the documents that you  
2           already have from me, specifically dated July the  
3           23rd and August the 28th, be entered into the  
4           public record as -- as it was repeated and set  
5           forth today.

6           Second, I would like you to know that you know  
7           what your responsibility is, but I can tell you  
8           that the general public at home thinks that your  
9           responsibility and your obligation is to protect  
10          that -- us. And I would agree and I would hope  
11          that you see your way to do that.

12          Third, the level of deception here today is  
13          mind-boggling. The -- I've been active in this  
14          issue for many years, prior to the 2008 beginnings  
15          of the current issues. And Mr. Heran would  
16          testify, if asked, that he and Dr. Faherty came to  
17          me when I was elected in 2009.

18          And I was the council member that put this on  
19          the agenda for the council to discuss. I'm not  
20          against the sale. I am against what's going on  
21          here today, and I am against the sale, as it's  
22          currently structured. I was the first council  
23          member, by the way, to make the -- the motion to  
24          invite FP&L.

25          As a council member, I personally witnessed

1 FP&L remove from City Hall all public records,  
2 current and -- originals and copies, of the initial  
3 proposal. Those documents before you today bear  
4 little resemblance in what they originally brought.  
5 They took the originals and the copies from City  
6 Hall.

7 If Peggy Lyon, the assistant city attorney,  
8 were here, she would testify that I went to her  
9 office more than once because of out-of-sunshine  
10 meetings on this issue that they tried to involve  
11 me with. And I don't get involved in shenanigans.

12 In fact, shenanigans -- they've removed me  
13 from the current ballot. I was sworn in as a  
14 candidate, and my name has been removed from the  
15 ballot as further shenanigans because the City  
16 Council is hell-bent on making sure this deal goes  
17 through, and they'll do anything, including --  
18 including interfere with a lawful election.

19 The -- I'm not against the sale. I've been  
20 threatened. I've been removed by police from  
21 public meetings because I took a position against  
22 the mayor. The -- I'm probably one of the few  
23 people in this room that didn't receive a dime from  
24 anybody from -- to be here today. It's all on me.

25 And I can tell you -- help me if I can't get

1 through this, but my brother was a Vietnam  
2 casualty. And he was a casualty not because a  
3 Vietcong bullet at all; he was a casualty because  
4 of the deception by governing officials over the  
5 dangers of what they were exposing our military,  
6 our soldiers, our veterans to.

7 And I can tell you that the deception before  
8 you today is no less important to the community as  
9 a whole. Please, please, please do not allow this  
10 deal, as it's structured, to go through.

11 Thank you.

12 CHAIRMAN GRAHAM: Thank you, Mr. Heady.

13 OPC?

14 Ms. Larkin, you don't have any --

15 MS. LARKIN: No.

16 CHAIRMAN GRAHAM: -- for any cause?

17 Mr. Reingold.

18 MR. REINGOLD: No.

19 CHAIRMAN GRAHAM: Mr. May, Mr. Walls,

20 Mr. Rubin? Okay.

21 Sir, thank you very much for your testimony.

22 MR. HEADY: Thank you.

23 CHAIRMAN GRAHAM: That's all the names that we  
24 have on our list. Is there anybody else out there  
25 that wanted to give testimony today? Seeing none,

1           we will go back to Ms. Larkin.

2                   (Whereupon, public testimony concluded at 2:50  
3           p.m., and the trial resumed in a separate volume.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE OF REPORTER

STATE OF FLORIDA )  
COUNTY OF LEON )

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

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

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

DATED THIS 19th day of October, 2018.



---

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