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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

A) APPLICATION FOR CERTIFICATE OF AUTHORITY TO PROVIDE
TELECOMMUNICATIONS SERVICE.

DOCKET NO.	COMPANY NAME
20200025-TX	JEA

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 1 - CONSENT AGENDA

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

DATE: Tuesday, March 3, 2020

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

REPORTED BY: ANDREA KOMARIDIS WRAY
Court Reporter and
Notary Public in and for
the State of Florida at Large

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

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

2 CHAIRMAN CLARK: All right. Items 1, 4, 6, 9,
3 and 11 -- we're going to take those up beginning
4 with Item No. 1.

5 MR. FOGLEMAN: Good morning, Commissioners.
6 Greg Fogleman for Commission staff.

7 At this time, I'd like to introduce Margarita
8 de Ayala. She's been with the Commission for eight
9 months now. And this will be her first agenda
10 conference.

11 CHAIRMAN CLARK: Thank you.

12 Welcome.

13 MS. HELTON: Mr. Chairman, I'm so sorry to
14 interrupt, but I did not hear you say whether Item
15 No. 10 was approved on the move staff list or
16 whether we were going to take up Item No. 10
17 individually.

18 CHAIRMAN CLARK: Item No. 10 is on the move
19 staff list.

20 MS. HELTON: So, that was included in the
21 items --

22 CHAIRMAN CLARK: Yes.

23 MS. HELTON: -- that Commissioner Brown --

24 CHAIRMAN CLARK: Items 2, 3, 7, 8, 10, and 12.

25 MS. HELTON: Okay. Thank you.

1 MS. de AYALA: Good morning, Commissioners,
2 Margarita de Ayala on behalf of IDM staff.

3 Item No. 1 addresses application for
4 certificate of authority to provide
5 telecommunications service in the state of Florida
6 for JEA. Staff has reviewed the managerial,
7 technical, and financial capabilities and
8 determined that they have met the criteria in
9 accordance with Florida Statutes 364.335;
10 therefore, staff is recommending that JEA
11 application be approved.

12 Staff is available for any questions. And a
13 representative from JEA is available as well.
14 Thank you.

15 CHAIRMAN CLARK: All right. Thank you very
16 much.

17 Commissioners, any questions?

18 Commissioner Brown.

19 COMMISSIONER BROWN: Thank you.

20 I would love to hear from a representative of
21 JEA. If they could come up to the table, please.

22 So, Commissioners, there is a statute that has
23 been disseminated to you that was not referenced in
24 the staff summary on this item. This is
25 interesting because we have a government entity

1 asking to provide communication services in an area
2 that may or may not likely have services already
3 available for which it is applying.

4 Under the statute, which I haven't -- I
5 haven't seen a case like this since I've been here,
6 but it's communication services offered by
7 governmental entities.

8 Under the statute, 350.81 Subsection 2A, there
9 are requirements that -- and "B" -- there are
10 requirements that the governmental entity shall do.
11 And part of that -- I'd love to hear from JEA about
12 how they intend to comply with these guidelines.

13 CHAIRMAN CLARK: Okay. JEA.

14 MS. CLARK: Commissioner Brown, the first we
15 heard of these questions coming up was last night,
16 about -- I guess about 6:15. And we had no
17 information about the particulars of what you had
18 asked. I'll do my best.

19 COMMISSIONER BROWN: Okay.

20 MS. CLARK: We haven't necessarily looked at
21 this. This is not --

22 COMMISSIONER BROWN: Would you like to see a
23 copy of the statute?

24 MS. CLARK: Sure.

25 COMMISSIONER BROWN: It's very specific and it

1 does just provide what JEA intends to do. I would
2 reference you to 2A and 2B. It references public
3 hearings. It does also reference including the
4 Commission in noticing and things of that nature,
5 so --

6 MS. CLARK: Let me just start by introducing
7 myself.

8 CHAIRMAN CLARK: Thank you.

9 MS. CLARK: I'm Susan Clark. I'm with the
10 Radey Law Firm. With me is Tom Crabb, who is also
11 with the lady -- Radey Law Firm, and we're here on
12 behalf of JEA.

13 There are a couple of things that I would like
14 to point out, and then I'll turn to Tom, in case he
15 has something to add. First of all, it's not the
16 City of Jacksonville who is offering the service;
17 it is JEA, which is separate and is the utility.

18 At this point, they are not planning to engage
19 in telecommunications services to end users. That
20 is not their purpose in this. And, in fact, it's
21 my understanding that there may -- they may need to
22 have their charter revised.

23 So, I don't know that, even if there is a
24 statute that deals with the municipalities, that it
25 would apply in this instance.

1 I -- I --

2 COMMISSIONER BROWN: Why is a certificate,
3 then, being sought?

4 MS. CLARK: A certificate is being sought
5 because, in order for them to attach to poles of
6 other entities, they very often will require them
7 to have a certificate from the Commission.

8 And it's my understanding that this is not
9 different from the Orlando Utilities Commission,
10 that has a certificate as well, and has had one for
11 a while.

12 And in talking to your staff --

13 COMMISSIONER BROWN: -- my time --

14 MS. CLARK: There are other municipalities to
15 which these certificates have been granted.

16 COMMISSIONER BROWN: So, if you look at the
17 statute, it does provide a very proscriptive
18 nature, if you intend to seek a certificate for
19 communication services. So, I just want to make
20 sure that the utility is going to comply with all
21 of those requirements.

22 MS. CLARK: Commissioner, I have no reason to
23 believe they will not, and we will certainly carry
24 that message back to them.

25 COMMISSIONER BROWN: Thank you.

1 CHAIRMAN CLARK: Commissioner Graham.

2 COMMISSIONER GRAHAM: No.

3 CHAIRMAN CLARK: Sorry.

4 All right. Any other discussion? Any other
5 questions? I will entertain a motion.

6 COMMISSIONER GRAHAM: Move staff.

7 COMMISSIONER FAY: Second.

8 CHAIRMAN CLARK: Motion and second to approve
9 the item as presented. Is there any discussion?

10 All in favor, say aye.

11 (Chorus of ayes.)

12 CHAIRMAN CLARK: Opposed?

13 The item is approved.

14 Thank you very much.

15 MS. CLARK: Thank you, Commissioners.

16 (Agenda item concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, ANDREA KOMARIDIS WRAY, 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 11th day of March, 2020.



ANDREA KOMARIDIS WRAY
NOTARY PUBLIC
COMMISSION #GG365545
EXPIRES February 9, 2021