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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20190125-WS

Application for staff-assisted
rate case in Sumter County by
The Woods Utility Company.

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PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 11

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

DATE: Tuesday, October 6, 2020

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

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

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

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

2 CHAIRMAN CLARK: Moving to Item No. 11.

3 MR. FUTRELL: Item 11 is staff's
4 recommendation on The Woods Utility Company's
5 request for a six-month extension of time to comply
6 with the reporting requirements of the order which
7 resulted from its most recent staff assisted rate
8 case.

9 In its March 3rd, 2020, Commission Conference,
10 the Commission found the quality of the utility's
11 service to be unsatisfactory, and the utility was
12 ordered to file status reports every six months.
13 On July 24th, 2020, the utility filed its request
14 for the six-month extension due to the impacts of
15 COVID-19.

16 The utility has received permission from the
17 DEP to delay activities to reduce in-person
18 contact. Staff is also recommending that it be
19 given administrative authority to grant one
20 additional extension if good cause is shown.

21 The Office of Public Counsel would like to
22 address the Commission, and a representative of the
23 company is available. Staff is available for
24 questions.

25 CHAIRMAN CLARK: Thank you.

1 Ms. Morse, are you available?

2 MS. MORSE: Yes. Yes, I am.

3 CHAIRMAN CLARK: You are recognized.

4 MS. MORSE: Okay. Thank you.

5 Good morning, Mr. Chairman and Commissioners.
6 Stephanie Morse with the Office of Public Counsel.
7 And thank you for this opportunity to speak for the
8 customers.

9 Very briefly, OPC does not object to staff's
10 recommendation to allow this one six-month
11 extension of time for the utility to submit its
12 first status report and action plan on lead and
13 copper exceedances; however, the recommendation
14 also proposes staff should be given administrative
15 authority to, in the future, grant one additional
16 time extension if good cause is shown. OPC
17 requests clarification on whether staff proposes to
18 grant any additional extension without bringing the
19 issue to the Commission for a vote.

20 We note that an additional extension may delay
21 submission of the required status report and action
22 plan a year beyond the date ordered by the
23 Commission in its March 25, 2020, PAA order. If
24 that's what is contemplated, OPC objects and asks
25 that each and every time an extension is

1 considered, it should require direct action from
2 the Commission at an Agenda hearing.

3 Due to the well established and irreversible
4 damage lead exceedances can cause to human health
5 and development, OPC objects to any
6 pre-authorization for staff to unilaterally provide
7 administrative extensions in this case without a
8 concurrent public hearing and vote by the
9 Commissioners.

10 Thank you.

11 CHAIRMAN CLARK: Thank you, Ms. Morse.

12 Mr. Futrell, would you address that?

13 MR. FUTRELL: I would like to see if Mr.
14 Phillips or Mr. Ellis of the Engineering Division
15 would address that question.

16 MR. PHILLIPS: I don't want to say anything I
17 am not sure of, so if Phillip Ellis is available, I
18 will let him answer. I am not positive on the
19 answer.

20 MR. ELLIS: This is Phillip Ellis with staff.

21 My understanding of our request for
22 administrative -- one additional administrative
23 extension was in case of a continuation of a
24 pandemic or other items that would prevent the
25 utility from doing in-person meetings, or other

1 meetings of that sort, or collecting samples.

2 My understanding per the utility is they have
3 protocols to collect samples, and are continuing to
4 collect samples at this time, but that was the
5 intention behind that.

6 MR. BALLINGER: This is Tom Ballinger. Can I
7 speak too, Commissioner?

8 CHAIRMAN CLARK: You may.

9 MR. BALLINGER: Thank you.

10 Really, the extension is -- remember, this
11 requirement that they are doing is the result of
12 DEP, a consent order there to have other testing.
13 Since DEP has allowed for this extension, staff
14 thought it appropriate to do so.

15 Our administrative approval is really to just
16 follow that. If DEP again looks at the ongoing
17 pandemic and decides that another extension is
18 necessary, staff would go along with it. That's
19 really the purpose of it. But we are fine if you
20 want us to come back entitled again. That's okay
21 too.

22 CHAIRMAN CLARK: So the question before us is
23 do we modify the recommendation to require, at the
24 six-month extension, they come back to the
25 Commission for approval?

1 I got a lot of nods from staff that that's
2 fine with them. There is no real objection there,
3 so we would incorporate that into the staff's
4 recommendation and make that change.

5 Commissioner Polmann.

6 COMMISSIONER POLMANN: Mr. Chairman, I don't
7 see a particular need -- although, I appreciate OPC
8 raising the issue, I don't see a particular need
9 for staff to bring this back based on Mr.
10 Ballinger's remark.

11 If the intent of staff was to follow guidance
12 and the requirements of DEP, I would clarify the
13 authority that we are granting to staff
14 administratively that if their action to grant an
15 extension to the utility is based on the
16 requirements, or the latitude provided to the
17 utility by DEP, that -- that we should provide
18 administrative authority on that basis. If there
19 is an -- if there is a separate reason that the
20 utility requests an extension, that that would be a
21 rationale for staff to come back to us. But if
22 they are following guidance from DEP, or the
23 requirements of DEP to place on -- on the utility,
24 I don't think the Commission needs to be burdened
25 by that.

1 That's my suggestion, Mr. Chairman.

2 CHAIRMAN CLARK: Thank you, Commissioner
3 Polmann.

4 Commissioner Graham.

5 COMMISSIONER GRAHAM: I agree with Mr. Polmann
6 100 percent.

7 CHAIRMAN CLARK: Great.

8 Other comments from Commissioners?

9 I will entertain a motion.

10 COMMISSIONER GRAHAM: Mr. Chairman, I move
11 staff recommendation on all issues.

12 CHAIRMAN CLARK: As written?

13 COMMISSIONER GRAHAM: As written.

14 CHAIRMAN CLARK: Do I have a second?

15 I have a second.

16 Any discussion?

17 Any questions?

18 On the motion, all in favor say aye.

19 (Chorus of ayes.)

20 CHAIRMAN CLARK: Opposed?

21 (No response.)

22 CHAIRMAN CLARK: Motion carries.

23 Thank you very much.

24 (Agenda item concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

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

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

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

DATED this 20th day of October, 2020.



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