

1 TIME: Commenced: 1:06 p.m.
2 Concluded: 2:10 p.m.

3 PLACE: Betty Easley Conference Center
4 Room 148
5 4075 Esplanade Way
6 Tallahassee, Florida

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

11 PREMIER REPORTING
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13 TALLAHASSEE, FLORIDA
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1 APPEARANCES:

2 JOEL T. BAKER, KEN HOFFMAN and RUSSELL
3 BADDERS, ESQUIRES, Gulf Power Company, One Energy Place,
4 Pensacola, Florida, 32520-0100, appearing behalf of Gulf
5 Power Company (GULF).

6 BETH KEATING, ESQUIRE, Gunster, Yoakley &
7 Stewart P.A., 215 South Monroe Street, Suite 601,
8 Tallahassee, Florida 32301, appearing behalf of Florida
9 Public Utilities Companies (FPUC).

10 RICHARD GENTRY, PUBLIC COUNSEL; CHARLES
11 REHWINKEL, DEPUTY PUBLIC COUNSEL; STEPHANIE MORSE,
12 ANASTACIA PIRRELLO and PATRICIA A. CHRISTENSEN,
13 ESQUIRES, Office of Public Counsel, c/o The Florida
14 Legislature, 111 W. Madison Street, Room 812,
15 Tallahassee, Florida 32399-1400, appearing on behalf of
16 the Citizens of the State of Florida (OPC).

17 SHAW P. STILLER, WALTER TRIERWEILER and
18 JENNIFER S. CRAWFORD, ESQUIRES, FPSC General Counsel's
19 Office, 2540 Shumard Oak Boulevard, Tallahassee, Florida
20 32399-0850, appearing on behalf of the Florida Public
21 Service Commission (STAFF).

22 KEITH HETRICK GENERAL COUNSEL; MARY ANNE
23 HELTON, SAMANTHA CIBULA, ESQUIRES, Florida Public
24 Service Commission, 2540 Shumard Oak Boulevard,
25 Tallahassee, Florida 32399-0850, Advisor to the Florida

1 Public Service Commission.

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

2 COMMISSIONER FAY: Good afternoon, this is
3 June 2nd, one -- actually, it's 1:06 now. We will
4 call this prehearing conference to order.

5 Just before I have staff read the notice, the
6 Clerk's Office updated me that the video portion of
7 the hearing will be on-line following the meeting.
8 As appropriately noticed before, the telephonic
9 communications are still intact for the hearing, so
10 we will move forward as appropriate with those.

11 Staff, please read the notice.

12 MR. STILLER: By notice issued on May 21st,
13 2021, this time and place has been set for a
14 prehearing conference in Docket Nos. 20200151-EI,
15 20200189-WS and 20200194-PU. The purpose of the
16 prehearing is set out more fully in the notice.

17 COMMISSIONER FAY: Great. Thank you.

18 We will move to appearances. We will start
19 with Gulf Power.

20 MR. BAKER: Good afternoon, Commissioner Fay,
21 my name is Joel Baker, appearing on behalf of Gulf
22 Power. I will also enter an appearance for Russell
23 Badders and Will Cox.

24 Thank you.

25 COMMISSIONER FAY: Great. Thank you.

1 FPUC.

2 MS. KEATING: Good afternoon, Commissioner.
3 Beth Keating with the Gunster Law Firm here today
4 for Florida Public Utilities Company, all
5 divisions, and the Florida Division of Chesapeake
6 Utilities.

7 COMMISSIONER FAY: Great. Thank you.

8 And I believe Mr. Friedman is not on the call
9 but would just make sure.

10 MR. STILLER: That is correct.

11 COMMISSIONER FAY: Okay. Great. Thank you.
12 Office of Public Counsel.

13 MS. CHRISTENSEN: Good afternoon. Patty
14 Christensen with the Office of Public Counsel. I
15 would like to put an appearance for Richard Gentry,
16 the new Public Counsel, Charles Rehwinkel, and I
17 believe Stephanie Morse and Anastacia Pirrello are
18 both on the phone.

19 COMMISSIONER FAY: Okay. Great. Thank you.
20 Commission Staff next.

21 MR. STILLER: Shaw Stiller and Walt
22 Trierweiler and Jennifer Crawford for Commission
23 Staff.

24 COMMISSIONER FAY: Great.

25 MS. HELTON: And Mary Anne Helton and Samantha

1 Cibula are here as your advisers today. I would
2 also like to enter an appearance for your General
3 Counsel, Keith Hetrick.

4 COMMISSIONER FAY: Great. Thank you.

5 We will move on to preliminary matters.

6 MR. STILLER: Yes, Commissioner.

7 Due to the ongoing effects of the COVID-19
8 pandemic, parties and their representatives were
9 afforded the option to participate in this
10 prehearing in person or virtually. As noted by the
11 above appearances, all parties participating in the
12 prehearing conference have representatives in the
13 hearing room. Several attorneys with the Office of
14 Public Counsel are available via GoToMeeting today.

15 As the Commissioner noted at the beginning of
16 the hearing, a live video broadcast of this hearing
17 will be available upon completion as an archived
18 video on the Commission's website.

19 Each person participating via GoToMeeting
20 today needs to keep their phone or device muted
21 when they are not speaking, and only unmute when
22 they are called upon to speak. If they do not keep
23 their phone muted, or put their phone on hold, they
24 may be disconnected from the proceeding and will
25 need to call back in. Also, telephonic

1 participants should speak directly into their phone
2 and not use the speaker function.

3 Staff is aware of no other matters at this
4 time.

5 COMMISSIONER FAY: Great. Thank you, Mr.
6 Stiller.

7 Any parties have any preliminary matters they
8 want to address?

9 MS. CHRISTENSEN: Yes, Commissioner. Patty
10 Christensen with the Office of Public Counsel.

11 Our understanding is UIF has filed its notice
12 of withdrawal of its petition. I am not sure
13 whether or not that's been ruled on by the
14 Prehearing Officer, but we would ask that it be
15 stated on the record whether or not UIF's request
16 to withdraw their petition has been granted so we
17 can know whether or not we need to proceed with
18 anything dealing with UIF.

19 COMMISSIONER FAY: Yeah, I will confirm with
20 Mr. Stiller, but I believe we have withdrawn UIF.

21 MR. STILLER: UIF has filed their notice. The
22 order is scheduled for consideration by the full
23 Commission on June 15th.

24 Since this matter proceeded to a PAA, it's
25 beyond the jurisdiction, in staff's determination,

1 of the Hearing Officer to enter the order of
2 dismissal and it needed to go back before the full
3 Commission.

4 COMMISSIONER FAY: Is that clarity for you? I
5 know Mr. Friedman is not on the call. I don't know
6 if that's sufficient to presume that they are not
7 engaged.

8 MS. CHRISTENSEN: Yes. And I think that does
9 provide us with some clarity and gives us direction
10 as to how to prepare for the hearing on that now.
11 Thank you.

12 COMMISSIONER FAY: I'm presuming you are not
13 suggesting we find Mr. Friedman and get him on the
14 phone?

15 MS. CHRISTENSEN: No, I am not.

16 COMMISSIONER FAY: Okay. Thank you.

17 Okay, so we will move into the -- if there are
18 no other preliminary matters, we will move into the
19 prehearing order.

20 I know this is a little bit old and new. We
21 have some folks in the hearing room, we have some
22 on the phone. As we go through them, I will try to
23 pause just to allow anyone to speak up if they need
24 to. If you could just ask to be recognized, we
25 will make sure for the court reporter that we have

1 recognition of who's speaking, and then you are
2 welcome to provide your comments at that time.

3 MR. REHWINKEL: Commissioner Fay.

4 COMMISSIONER FAY: Yes, Mr. Rehwinkel.

5 MR. REHWINKEL: Yes, hi.

6 COMMISSIONER FAY: Go ahead.

7 MR. REHWINKEL: I just would like to ask that
8 all the participants who are new to the hearing
9 room post-COVID to be reminded that I think the
10 Commission installed a new microphone system, and
11 they have to stay engaged with the microphone for
12 those watching, they fade in and out.

13 COMMISSIONER FAY: Great. Yeah, thank you for
14 that. We did a slide orientation for folks that
15 came in for the first time, and if for any reason
16 folks on the phone have trouble hearing one of the
17 parties or the attorneys, please just speak up and
18 let us know, and I know the Clerk will do the same
19 if she has trouble hearing anybody. I appreciate
20 the comment. I know sometimes we fade out just by
21 turning away from these new mics and we want to
22 make sure we get it on the record.

23 Anything else, Mr. Rehwinkel?

24 MR. REHWINKEL: Thank you very much. No.

25 Thank you.

1 COMMISSIONER FAY: Great. We will start with
2 Sections I, II and III of the draft prehearing
3 order.

4 Section IV, procedure for handling
5 confidential information.

6 Section V, prefiled testimony and exhibits,
7 witnesses.

8 MS. MORSE: OPC, has a question, Commissioner?

9 COMMISSIONER FAY: I am sorry, is this Ms.
10 Morse?

11 MS. MORSE: Yes, I apologize. Good afternoon,
12 this is Stephanie Morse for OPC.

13 I just wanted to confirm in terms of the
14 testimony summaries, even though we have the one
15 witness who will be addressing two different
16 dockets, and that he will get three minutes for
17 each of those dockets.

18 COMMISSIONER FAY: Yeah, Ms. Morse. So
19 assuming that there are specifics related to each
20 of those parties, that additional time could be
21 provided to clarify what you would want to entail
22 for that party. I don't -- I don't think it's
23 beneficial to the Commission to hear the same
24 argument three times for each docket, but assuming
25 you have something you want to add for each party,

1 I think that's appropriate.

2 MS. MORSE: Yes, you know, I do believe the
3 summary will have different information that's
4 specific to Gulf and specific to FPUC. I do
5 believe that's the case, so thank you very much.

6 COMMISSIONER FAY: Okay. And presuming they
7 are done, I am presuming Commissioner Graham might
8 speak up on that, so we will just -- we will play
9 it by ear assuming there is new information to
10 include.

11 Anything else, Ms. Morse?

12 MS. MORSE: Thank you Commissioner. Oh, no,
13 thank you.

14 COMMISSIONER FAY: Okay. Great.

15 Any other comments for that?

16 Staff, cross-examination exhibits?

17 MR. STILLER: All cross-examination and
18 impeachment exhibits, confidential and
19 nonconfidential, that a party intends to use at the
20 hearing must be provided to the Commission Clerk by
21 the close of exist June 9th, 2021, in order to be
22 processed and placed on the Commission's website.
23 Parties are aware of the cross-examination
24 requirements that were provided in Attachment A to
25 the prehearing order.

1 COMMISSIONER FAY: All right. Thank you, Mr.
2 Stiller.

3 Parties, any comments on this? Nope. Great.
4 We will move on.

5 Section VI order of witnesses. I am presuming
6 at this time, there is no witnesses stipulated.

7 MR. STILLER: None at this time, Commissioner.

8 COMMISSIONER FAY: Okay.

9 MS. KEATING: Commissioner.

10 MR. WILLIAMS: Yes, Ms. Keating, go ahead.

11 MS. KEATING: I apologize. Just one item
12 here.

13 I just wanted to note in the order of
14 witnesses that Terry Deason is listed as being
15 proffered by Gulf and it FPUC on direct, and he is
16 only being sponsored by FPUC, jointly with Gulf on
17 rebuttal.

18 COMMISSIONER FAY: So you are cutting out a
19 little bit, Ms. Keating. Can you just repeat your
20 comment?

21 MS. KEATING: Yeah, sorry. I'm getting used
22 to these mics.

23 COMMISSIONER FAY: That's okay. No problem.
24 We will get there.

25 MS. KEATING: Terry Deason is listed on direct

1 is being sponsored by Gulf and FPUC. He is only
2 sponsored by FPUC jointly with Gulf on rebuttal.

3 COMMISSIONER FAY: Okay. Great, we will make
4 of that correction.

5 MS. CHRISTENSEN: Commissioner.

6 COMMISSIONER FAY: Yes.

7 MS. CHRISTENSEN: This is Patty Christensen,
8 yes.

9 Going back to the section on prefiled
10 testimony and exhibits, since this is going to be a
11 hybrid hearing, and I know our witness for OPC is
12 going to be present. With cross-examination
13 exhibits, generally speaking when we've had live
14 hearings, we produced those at the hearings. I am
15 not sure who is appearing via Zoom, who is
16 appearing live, or who intends to appear live. It
17 might be helpful to know how to deal with
18 cross-examination exhibits for those particular
19 witnesses since this is going to be kind of a
20 hybrid procedure.

21 COMMISSIONER FAY: Yeah, I know we are -- we
22 are transitioning back into this hybrid model, so
23 maybe legal can provide some clarity to make sure
24 you have what you need for those witnesses.

25 MS. HELTON: Mr. Chairman, it's staff's

1 intention to continue the process of the electronic
2 version of all cross-examination exhibits on a
3 going-forward basis under the hybrid method, as
4 well as when we are all back in the hearing room.

5 MS. CHRISTENSEN: We -- the Office of Public
6 Counsel may wish to discuss that with staff on a
7 going-forward basis once we actually fully
8 transition back into live hearings. While we
9 understand that the process is necessary when you
10 are doing Zoom type of hearings. When you are in a
11 live hearing, I don't know that it's necessary to
12 provide cross-examination hearing exhibits prior to
13 the witnesses coming in live and taking the stand,
14 but I will defer that discussion to another day.

15 COMMISSIONER FAY: No, I appreciate it. It's
16 a valid point. The transition of the hybrid does
17 make it somewhat confusing as to which one we are
18 in person or not as those deadlines.
19 Unfortunately, just out of respect to the safety of
20 those who aren't in the room and who will attend by
21 phone, we want to keep in mind that that's our top
22 priority. So we will probably continue that
23 electronic version, but if you would continue to
24 speak with staff, and if there is something we can
25 do to resolve it for you, we will.

1 Thank you.

2 MS. CHRISTENSEN: Certainly, but I guess --

3 MR. REHWINKEL: Sir.

4 MS. CHRISTENSEN: Can I -- just --

5 COMMISSIONER FAY: Yeah, Mr. Rehwinkel, you
6 are interrupting Ms. Christensen. It's up to you
7 if you want to go.

8 MS. CHRISTENSEN: If I can finish this one
9 point before Mr. Rehwinkel responds, just a
10 practical matter.

11 If we can identify what witnesses are going to
12 be present in the hearing room and what witnesses
13 are going to be available Zoom. Unless the
14 exhibits are going to be projected, I just want to
15 know how we are going to handle giving them to the
16 witnesses during the actual hearing, so we know
17 whether or not we need to bring them with us to the
18 hearing, or should we bring copies of all the
19 cross-examination exhibits? That's also a part of
20 what I was trying to get guidance with.

21 COMMISSIONER FAY: Sure, we will do. We will
22 get you that guidance. Thank you.

23 Mr. Rehwinkel, go ahead.

24 MR. REHWINKEL: Yes. Along the same lines, I
25 believe we should probably have some kind of a

1 technical call with staff even for this hybrid
2 hearing, because we have never tried to do this
3 exhibit routine in the hearing room. I just don't
4 know the robustness of -- the robustness of the
5 WiFi and the availability of laptops. It's just --
6 it's just a conversation we haven't had to have
7 because we've never had live witnesses in the
8 hearing room.

9 So I -- it's not only for this hybrid, but if
10 we go on a going-forward basis, we just need to
11 understand what the technical capabilities are;
12 because in the past, we just been relying on
13 everyone's individual WiFi capabilities. I just
14 don't know what it's like in the hearing room.
15 Does that make sense?

16 COMMISSIONER FAY: Okay. Yeah, point taken.
17 Just encourage you to keep working with our staff,
18 and then if it's something that our Chair or the
19 Commission needs to address going down the road, I
20 am sure we will do that. So thank you for your
21 comment.

22 Any other comments before we move on to the
23 positions? Great.

24 We will start with the basic positions. Any
25 changes? Great.

1 And then we have Issues 1 through 5. I can
2 walk through each issue, but I thought it just
3 might be more expedient if we just raise if there
4 is any changes to Issues 1 through 5 by any of the
5 parties? Okay. If not, we will move on to the
6 contested issues.

7 Because we are in this hybrid model, I want to
8 make sure the proper recognition and time is given
9 to the parties to address these. My goal is to
10 take them up like we would pretty much any other
11 issue, and that the party raising the issue will
12 start by providing the comments that they want to
13 provide, followed by the other utility and/or OPC,
14 depending on who is presenting the argument. So
15 for the first issue, which is Issue 6, it would be
16 Gulf presenting first, and then we would go down
17 the line. And then for Issue 7, OPC would present
18 first, and down the line.

19 And I will -- I will allow for some brief
20 rebuttal on both of those issues at the end, but I
21 emphasize brief in that nature, because I think you
22 will still have plenty of time to raise these
23 issues.

24 So with that, I would start on Issue 6,
25 Gulf -- and if you could, you know, arrange your

1 comments to three to five minutes, that would be
2 appropriate.

3 MR. BAKER: Thank you, Commissioner Fay, I
4 look to move fairly quickly here.

5 COMMISSIONER FAY: Thank you.

6 MR. BAKER: So Gulf Power views this issue as
7 being appropriate for resolution in this proceeding
8 for a few reasons. First is that the issue has
9 clearly been put at issue by OPC and Gulf Power.

10 By way of a little bit of background, Gulf's
11 petition was filed over a year ago, on May 22nd of
12 2020. And it indicated how it would track and
13 record its COVID costs. Later, in a November 17th
14 protest petition, OPC then set the total cost issue
15 directly in dispute. I will describe that more
16 later.

17 Months after the protest petition, and in
18 light of the issues that were raised in the protest
19 petition, Gulf Power's total COVID costs were
20 updated and presented in Gulf's testimony, which
21 were filed on direct on April 2nd of 2021. And
22 OPC's May 7th, 2021, testimony continues to reflect
23 the total costs are at issue.

24 Now, staff didn't take any position on this
25 issue in its prehearing statement. And just

1 yesterday, we saw in the draft prehearing order
2 that staff had changed its position to objection,
3 so that caught us somewhat off guard. But I think
4 that it's worth noting that OPC is not objecting to
5 the inclusion of this issue to date, and it's
6 provided even a substantive position on the issue
7 in its prehearing statement. I also think it's
8 worth note that neither staff nor OPC has filed a
9 motion to strike Gulf's testimony which was filed
10 on this issue.

11 The second issue -- the second reason that the
12 issue is appropriate for inclusion is that the
13 issue should be included to comply with Section
14 120.80 with the Florida Statutes, which governs
15 these commission proceedings. Specifically
16 120.80(13)(b) states in pertinent part that hearing
17 on an objection to proposed action of the Florida
18 Public Service Commission may only address issues
19 in dispute.

20 So what are the issues in dispute? We look to
21 the protest petition filed by OPC, and we see the
22 following: Paragraph 12(c)(3) of the OPC petition,
23 we can see that OPC asks the PSC to determine the
24 specific types of costs that are permitted to be
25 included in the regulatory asset. And this issue

1 is encapsulated in prehearing order Issue 3, which
2 is what type of costs should be eligible for
3 inclusion in the regulatory assets?

4 But when we look to the proceeding paragraph,
5 we are looking at paragraph 12(c)(2) of the protest
6 petition now, and we can see there that OPC asks
7 the PSC to determine the appropriate, if any,
8 expenses that are permitted to be considered for
9 inclusion in the regulatory -- regulatory asset
10 treatment due to the effects of COVID-19.

11 Now, we know that this latter paragraph
12 doesn't relate to the what types of costs issue
13 that was separately pled. I think a fair reading
14 of this paragraph is that it raises an issue as to
15 what COVID-19 expenses, if any, are permitted to be
16 considered for regulatory asset treatment, or, as
17 we state in our proposed issue here, what are the
18 total costs eligible for recovery?

19 So the long and the short, both OPC and Gulf
20 have put this issue in dispute in this proceeding,
21 and the Commission should render a substantive
22 decision on it through the Chapter 120
23 administrative hearing process.

24 And third, my last point I would like to point
25 out, if I may, is that there should be no concern

1 with the Commission's ability to address cost
2 recovery approval for the regulatory asset at the
3 appropriate time in a base rate proceeding. I
4 think at a fundamental level, this comes down to
5 the difference between a determination of what
6 costs are eligible for the regulatory asset versus
7 approval of cost recovery for those costs. So the
8 question as to, you know, what would be left to do?

9 And we look to the PAA order, and we can see
10 in there a direct quote from page two, it states:
11 That this approval to establish a regulatory asset
12 for accounting purposes does not limit our -- being
13 the Commission's -- ability to review the amounts,
14 recovery method, recovery period and other related
15 matters for reasonableness in a future proceeding
16 in which the regulatory asset is included.

17 Now, the Commission has taken a similar
18 approach and used similar language a few different
19 times previously, you know, specifically I am
20 talking about Gulf's Plant Smith and Plant Crist
21 petitions, as well as the FPL Lauderdale Martin
22 petition.

23 In those cases, the utility provided
24 projected, or estimated costs and information for
25 the amount of the regulatory asset in their

1 petitions that were ultimately approved by the
2 Commission. And those approvals were subject to
3 subsequent cost recovery approval based on the
4 actual costs for amortization and cost recovery.

5 And it's for those reasons, Commissioner Fay,
6 that we feel that this issue is well within the
7 bounds of inclusion within this case.

8 COMMISSIONER FAY: Great. Thank you. Within
9 the time. I appreciate it.

10 Ms. Keating.

11 MS. KEATING: Thank you, Commissioner.

12 Commissioner, the FPUC companies which include
13 Chesapeake, don't object to the inclusion of this
14 issue as it pertains to Gulf Power. However, we
15 would ask that if you do decide that this issue
16 should be retained, we would ask that it not --
17 that it be a Gulf specific issue, and not apply to
18 FPUC.

19 FPUC is not in the same posture as Gulf is.
20 The company does not have final projected numbers
21 for the total COVID costs. Those numbers continue
22 to be updated and continue to change, and that
23 issue has not been put into -- made an issue for
24 the FPUC companies in this proceeding. The company
25 has no testimony in that regard, and we would

1 simply ask that if you allow the issue, that you
2 make it a Gulf specific issue.

3 COMMISSIONER FAY: Okay. Thank you.

4 Ms. Christensen.

5 MS. CHRISTENSEN: Good afternoon.

6 OPC would support the inclusion of the issue
7 regarding the costs that's being requested for
8 recovery as part of any regulatory asset. We think
9 that given the Governor's declaration, I think, I
10 believe it's July 1st where everything is going to
11 be opened up, that sets a definitive end date for
12 additional COVID costs, whereas, when the PAA was
13 first issued, that was unknown. We now have a
14 specific end date.

15 And while, you know, the companies may claim
16 that costs are continuing, and continuing to be
17 updated. We will be having the hearing on
18 June 16th, and we can know the majority, if not all
19 of those costs. And we do understand that there
20 may be a few types of costs, if the Commission
21 determines that it's even appropriate to grant a
22 COVID-19 regulatory asset, that it should be able
23 to be determined what those costs are, and to get
24 projected costs for those types of cost categories
25 given that we are almost at the July 1st date, and

1 it's not unreasonable or un-- unable to be able to
2 be project those costs for a month, or possibly
3 three months, depending on how you project the bad
4 debt type of cost.

5 So we would support that issue remaining in
6 the docket. I think it gives clarity to this type
7 of request as to how much money is actually at
8 issue, and I don't think it needs to be punted down
9 the road for further discussion in a future base
10 rate case.

11 COMMISSIONER FAY: Great. Thank you, Ms.
12 Christensen.

13 I guess before I go back to Gulf, if there is
14 anything to add, I would defer to our staff, just
15 to see if there are any questions or comments on
16 what's been said for the item.

17 MR. STILLER: Thank you, Commissioner.

18 Just with your indulgence, if we could ask a
19 few questions for clarity, that would be helpful.

20 COMMISSIONER FAY: Yes, please do. Thank you.

21 MR. STILLER: And first off, staff did, in the
22 prehearing statement, represent that there was no
23 position. Rebuttal testimony was due that same
24 day. Staff elected to wait and read that rebuttal
25 testimony before taking a firm position. I just

1 want to clarify why that was done, admittedly late
2 in the game.

3 Staff's reason, basic reason for the objection
4 is just perhaps best put as a disagreement with
5 Gulf about what was put at issue in the PAA and the
6 protest. But aside from that, the real questions
7 are what is the importance of this number as the
8 maximum eligible, what importance does Gulf put on
9 that? And then secondly, if a number is fixed in
10 this proceeding and then imported into the base
11 rate proceeding, where there are a number of other
12 parties, what review would Gulf be requiring of
13 that number in the base rate docket?

14 MR. BAKER: Sure. So I will take those one at
15 a time.

16 So the first thing is the number. The reason
17 that we are pushing to add that total cost issue
18 within this docket is that we have evidence
19 presented here within this proceeding as to those
20 total costs. That evidence doesn't exist in the
21 rate case. And we felt that, since it seems to be
22 the most appropriate venue to have those costs
23 addressed was in this proceeding, we submitted
24 evidence, and we provided support, and we served
25 related discovery on that issue and the total

1 costs. So I think that's the why here. And, you
2 know, as I spoke -- as I said earlier, I don't mean
3 to go back into it, but we believe it's been
4 made -- put at issue via OPC's protest petition.

5 So that's the reason why we are seeking the
6 total number here, and we think that that's
7 sensible, and, you know, we don't envision an
8 opportunity other than within the context of this
9 proceeding to put on evidence for that final
10 number. It's about having an opportunity to have
11 that evidence and that record reviewed for the
12 purpose of decision.

13 And as to your second question, I believe it
14 was related to, you know, what happens once the
15 number would be carried into the rate case.

16 At that point, it's largely, of course, to the
17 Commission's discretion. But at that point, we
18 have a number that's backed by evidence, and that's
19 been ruled upon by the Commission.

20 We do have testimony in the rate case that
21 pertains to the outcome of this proceeding. It
22 relates to amortization period, and how we would
23 handle an eventual ruling in this case, but there
24 is nothing more definitive or, you know,
25 explanatory with regard to what the total costs are

1 in a way that's backed by the sort of support and
2 evidence that you are seeing within this docket.

3 So those are the primary reasons. But of
4 course, you know, the Commission always has
5 discretion to review in a manner that's
6 appropriate, you know, the costs, whether they are
7 in this proceeding or the rate case, of course.

8 MS. CRAWFORD: If I may, Commissioner.

9 COMMISSIONER FAY: Yes. Sure. Ms. Crawford,
10 go ahead.

11 MS. CRAWFORD: For the benefit of those who
12 can't see me, it's Jennifer Crawford.

13 I am still not sure I am entirely clear. So
14 when that number, which is going to be final
15 decision of some sort by the Commission, goes to
16 the rate case, the intervenors in this rate case,
17 is that number booked with a prudence
18 determination?

19 MR. BAKER: Well, I think at that point we go
20 to the PAA order, which, you know, as it was
21 issued, it was very explicit that the Commission
22 would continue to have review authority over the
23 amount.

24 What I would point out is -- I mean, our issue
25 should be taken for what it is, and what we are

1 looking for is a determination as to what are the
2 total costs eligible for recovery. Of course that
3 recovery couldn't be initiated or fully approved
4 until done so in a rate case setting.

5 MS. CRAWFORD: And so I guess part of where I
6 am struggling is I kind of see this particular
7 hearing as more about the policy, about what is
8 appropriate should a regulatory asset be approved,
9 and if so, what kinds of COVID-related costs are
10 eligible for recovery. And when I look at the PAA,
11 I don't see anything that talks about a number.

12 So let's say I am an intervenor in the FPL
13 rate case, the Commission does what you are asking
14 them to do in this case, and that number comes over
15 to the rate case, am I able to challenge the costs
16 and the appropriateness of those costs, and whether
17 FPL/Gulf got the number right? Will I have that
18 ability to do that in the rate case?

19 MR. BAKER: I would suspect that the
20 Commission would offer that discretion, reason
21 being is it's been in the Commission's authority to
22 continue to review and review those from those
23 costs that they have claimed.

24 MS. CRAWFORD: So the number that would be
25 approved here does not come, quote, with any

1 prudence determination consistent with the PAA
2 order?

3 MR. BAKER: Certainly not in finality, not
4 until it's been approved for recovery in a rate
5 case proceeding.

6 MS. CRAWFORD: Now, you talked about the
7 evidence being in this docket and not in the rate
8 case. So how is an intervenor meant to do
9 discovery on what those -- what's backing up those
10 numbers?

11 MR. BAKER: Well, certainly OPC has had that
12 opportunity here, but in terms of, you know, what
13 would be made available in the rate case docket,
14 you know, it's something that would perhaps be up
15 to the Commission's discretion in terms of how that
16 particular issue or consideration would want to be
17 considered within the base rate proceeding.

18 MS. CRAWFORD: So OPC is the only party in
19 common between the two dockets, so what if I am not
20 OPC but I am in the rate case, am I able to conduct
21 the discovery to -- I'm probably not being very
22 elegant, but basically trying to test the
23 appropriateness, the validity of how those costs
24 were determined, accounted for, that sort of thing,
25 how you got to those numbers, in other words?

1 MR. BAKER: Yeah, and I think that the best
2 that I can say is it would be, like I said -- and I
3 apologize that I can't give any better, I think it
4 would be in the Commission's discretion to
5 determine how that process would play out.

6 But you are right, I mean, the only party
7 sitting here before us today that's had the
8 opportunity to engage in that sort of discovery,
9 you know, aside from staff, is OPC. So you are
10 certainly correct on that point. And the number
11 that got pulled over, to the extent that there, you
12 know, wasn't any sort of evidentiary support that
13 came along with it, then you are right. I mean, it
14 would depend on the context of what was happening
15 procedurally at the time in the rate case
16 proceeding.

17 It's -- it's -- you know, sitting here today,
18 I have a difficult time explaining full thrust what
19 the review process would be that would be
20 authorized by the Commission. But you are
21 absolutely correct, I mean, in terms of other
22 parties, certainly OPC has had the opportunity, but
23 the other entities and intervenors would not have
24 had similar, now you are right about that.

25 COMMISSIONER FAY: Ms. Helton, let me just

1 make sure -- Mr. Hoffman, did you want to add
2 something?

3 MR. HOFFMAN: Commissioner Fay, if you don't
4 mind. Could I just supplement what Mr. Baker had
5 to say in response to staff's questions?

6 COMMISSIONER FAY: Sure. And this is to Ms.
7 Crawford's, the last question?

8 MR. HOFFMAN: Yes.

9 COMMISSIONER FAY: Yeah, go ahead.

10 MR. HOFFMAN: So I think that a snapshot of
11 what Mr. Baker is saying is that the issue that we
12 raised, that FPL raised in this proceeding was
13 limited to an issue of the eligibility of these
14 costs for potential future cost recovery, and it
15 was never intended to be, and doesn't reflect
16 anything more than that.

17 Getting to Ms. Crawford's question, I agree
18 that -- that I think you -- you work -- one works
19 off of the language in the PAA order, where the
20 Commission said, and it's been protested by OPC,
21 that this approval of a regulatory asset does not
22 limit our ability to review the amounts, recovery
23 method, recovery period and other related matters
24 for reasonableness in a future proceeding in which
25 their regulatory asset is included.

1 And so I think that a fair interpretation of
2 the Commission's language is, yes, that in a base
3 rate proceeding, that could include the
4 reasonableness of the costs, the prudence of the
5 costs, because those interest terms that the
6 Commission has traditionally applied when it comes
7 to the issue of cost recovery.

8 COMMISSIONER FAY: Great. Thank you.

9 Ms. Helton, did you want to go ahead and --

10 MS. HELTON: I just want to make sure I
11 understand, because I think we need to make sure we
12 are walking away from this proceeding with some
13 clarity.

14 So are you saying that you -- that Florida
15 Power & Light will not object to the other parties
16 to the rate case conducting discovery on these
17 amounts, and you will not object to the Commission
18 making adjustments to any number if they decide to
19 set a number in this proceeding?

20 MR. HOFFMAN: Mary Anne, I --

21 COMMISSIONER FAY: Yes, Mr. Hoffman, go ahead.

22 MR. HOFFMAN: I think that that's a fair
23 statement, because I think that all that Florida --
24 Gulf, I am sorry -- has asked for from the getgo in
25 this case is for the Commission to determine what

1 costs may make their way through cost recovery.
2 And so the idea that an intervenor in the rate
3 case, let's -- we will just use for purposes of
4 discussion here the number that is reflected
5 through our testimony, the 20 million, the 20.7
6 million number.

7 If an intervenor in the rate case during the
8 hearing wishes to cross-examine and take issue with
9 some of those costs, I think that that is fair game
10 for an intervenor to do in the rate case
11 proceeding, and to serve discovery.

12 COMMISSIONER FAY: Okay. Thank you.

13 And did any other -- I don't want to leave OPC
14 out. Does staff have any questions for OPC as a
15 party? I know most of these were directed toward
16 Issue 6, you might with Issue 7, but with Issue 6,
17 before we move on, I just want to make sure you are
18 given an opportunity to ask them also. No, okay.

19 MR. STILLER: No more questions.

20 COMMISSIONER FAY: Okay. Great.

21 Mr. Baker, if you would like, and/or Mr.
22 Hoffman, I would give you an opportunity to provide
23 really brief rebuttal. You answered a bunch of
24 questions, so you might not be interested in doing
25 that, but I did want to give you that opportunity.

1 MR. BAKER: I don't believe that I have any
2 rebuttal, Commissioner Fay.

3 COMMISSIONER FAY: Okay. So what I would like
4 to do on this issue, there is a lot of input here
5 that I think is relevant, some of it specific to
6 other filings, including the PAA, the objection to
7 the PAA, and some of the other forms of
8 documentation that we have in front of us. So I
9 will take the issue under advisement and then state
10 the ruling in the prehearing order as to if this
11 issue should be included or not.

12 With that, I plan to move on it Issue 7.

13 Ms. Christensen.

14 MS. CHRISTENSEN: Yes. Good afternoon,
15 Commissioner Fay.

16 We have requested that this issue be included
17 discussing what criteria the Commission is applying
18 in determining whether to establish the COVID-19
19 regulatory asset, because we believe that it is
20 important to identify the criteria that the
21 Commission is using to determine whether or not the
22 cost and the cost categories that have been
23 requested in here are appropriate for regulatory
24 recovery.

25 And it's also been OPC's position that when a

1 regulatory asset is established, that by the action
2 of establishing that regulatory asset, and
3 approving cost and cost types to be included in
4 that regulatory asset, essentially, under
5 accounting standards, the Commission is essentially
6 agreeing that those costs and the majority of those
7 costs are going to be recoverable in a future rate
8 case.

9 And so for those reasons, we believe that it's
10 appropriate to identify what accounting standards
11 the Commission is going to be looking at, what past
12 precedent the Commission has established in looking
13 to establish and then permit regulatory assets need
14 to be identified and discussed as part of the case.

15 While we recognize that the Commission, if
16 they have a policy, can change the policy going
17 forward, they have to specifically identify why
18 they are enacting that policy change going forward.
19 So we need to understand what the established
20 policy of the Commission has been in past cases in
21 establishing regulatory assets. And if there is
22 going to be a deviation from that policy, that
23 needs to be clearly identified as well. And we
24 think the best way to do that is to have a separate
25 identifiable issue, essentially stating what is the

1 legal standard that the Commission, and specific
2 criteria that the Commission is utilizing to make
3 that determination. And to subsume it into Issue
4 1, I think, would allude the necessary and required
5 issue. And, you know, Issue 1 also presumes the
6 idea that the Commission should, under these
7 circumstances, go ahead and establish a regulatory
8 asset and defer and track and record those costs.
9 We think it's appropriate to take a look at, you
10 know, what those criteria should be going forward.

11 And I don't know if my colleague Ms. Morse has
12 any additional argument to make, but I think that's
13 where I will end it. Thank you.

14 COMMISSIONER FAY: Okay. Great. That was
15 only two minutes.

16 MS. MORSE: I do.

17 COMMISSIONER FAY: Ms. Morse, if you would
18 like to supplement Ms. Christensen's comments,
19 please go ahead.

20 MS. MORSE: I would. Thank you, Commissioner
21 Fay.

22 Just to follow up what Patty indicated, you
23 know, the Commission's -- the grant of -- the broad
24 grant of discretion and authority to the Commission
25 is tempered by the statutory requirements, and

1 particularly those outlined in Florida Statute
2 120.687, which requires a review in court to remand
3 the case if the agency's exercise of discretion is
4 inconsistent with the agency policy or their prior
5 agency practice, you know, if that -- if any
6 deviation from there is not explained by the
7 agency.

8 So again, we feel like the inclusion of
9 criteria, it's a necessary element for review in
10 court to be able to determine, you know, what the
11 policy is, how it was applied, or how any deviation
12 might be explained.

13 So, you know, the refusal to even acknowledge
14 that some criteria should apply or be followed or
15 enumerated just opens up, you know, in our view,
16 you know, a number of issues, and, you know, the
17 precedent dictates that the Commission has an
18 obligation to avoid arbitrary action or decisions.
19 The refusal to apply any particular standard or
20 criteria for a proceeding of this import, you know,
21 we think would be an error.

22 So just to close, you know, we just think
23 basically the statutes require it. Thank you,
24 Commissioner.

25 COMMISSIONER FAY: Okay. Great. Thank you.

1 I will start with Gulf, if you would like to
2 respond, and then FPUC.

3 MR. BAKER: Sure. Thank you. Thank you,
4 Commissioner Fay.

5 I will start off by noting a typographical
6 error on Gulf's response to Issue 7. It's
7 referencing in the second line, Issue 2. That
8 should be in Issue 1. And with that, we continue
9 to believe that the issue would be subsumed within
10 Issue No. 1. Just looking at language of Issue 1,
11 we have an indication at the outset that says,
12 should the Commission approve. You know, within
13 that language, there is enough room or bandwidth
14 for OPC to make the arguments that it's seeing go
15 to raise here, we think.

16 And OPC separate issue, Issue 7, in the
17 prehearing order seems to indicate that there is a
18 single or established or previously unstated
19 standard that needs to be made applicable to this
20 case. You know, I note that the Commission has
21 broad authority under statute and we continue to
22 think that, you know, a ruling in the manner that
23 the Commission feels is appropriate, based on the
24 circumstances of the case and all that's happened,
25 you know, given the unexpected and unanticipated

1 nature of the pandemic, that the Commission is
2 within its realm and within its right to make the
3 ruling that it feels is appropriate here.

4 COMMISSIONER FAY: Great. Thank you.

5 Ms. Keating.

6 MS. KEATING: Thank you, Commissioner.

7 Commissioner, the FPUC companies agree with
8 Gulf Power with regard to this issue. This issue
9 is largely redundant of Issue 1. Just from a
10 practical perspective, thinking through how we
11 would brief this issue as compared to Issue 1, I
12 mean, it would be largely the same arguments.
13 There is really just no need for this issue.

14 But the other thing I wanted to add was
15 listening to Ms. Christensen and Public Counsel and
16 talk about the need for the criteria, and just
17 looking at the way this issue is worded, it gives
18 me pause to think that this really sounds like it
19 should be something considered more in the context
20 of a rule-making, because this could potentially
21 apply beyond the scope of the two parties that are
22 in this consolidated proceeding. What they are
23 about is establishing specific criteria for the
24 Commission, on a going-forward basis, to consider
25 the establishment of regulatory assets. So I think

1 those are our reasons for objecting to the
2 inclusion of this issue.

3 COMMISSIONER FAY: Okay. Great. Thank you.

4 I will give staff an opportunity to ask
5 questions of either Ms. Christensen or other
6 parties.

7 MR. STILLER: Excuse me, Commissioner, I don't
8 think we have any questions of the parties. I
9 would just point out a couple of things real quick.

10 Staff agrees that this issue is subsumed in
11 Issue 1 and Issue 3 about the types of costs.
12 Keeping in mind that establishing hard criteria by
13 which the Commission would approve or disapprove
14 regulatory assets would, itself, be a shift. There
15 are no such hard and fast criteria in past
16 Commission orders. Staff believes that arises from
17 the fact that regulatory assets are typically in
18 response to extraordinary situations, 9/11, a
19 pandemic. Such things do not lend themselves to
20 uniform treatment through rules which may have to
21 be amended the next time an extraordinary event
22 comes around.

23 There are -- there is one circumstance that
24 did lend itself to rule-making on this issue, and
25 the Commission adopted a rule for post retirement

1 pension benefits in regulatory assets, but when
2 talking about these extraordinary events, staff
3 does not believe that, by rule or by decision, it
4 would be advisable for the Commission to establish
5 those, and to the -- every argument -- in closing,
6 every argument presented by OPC here this morning
7 would be subsumed -- or this afternoon would be
8 subsumed in Issue 1.

9 Thank you, Commissioner Fay.

10 COMMISSIONER FAY: Okay. Great.

11 Anything, Ms. Crawford or Ms. Helton?

12 OPC, I will give you the opportunity to close
13 on this.

14 I did want to ask both Gulf and FPUC, I know
15 the discussion of consistency in rule-making comes
16 up when the Commission makes these types of
17 decisions, but outside of that, when I look at the
18 language that's presented in Issue 7, it speaks to
19 the COVID-19 regulatory assets. Is there some
20 benefit of having some criteria knowing what might
21 potentially come forward in the future?

22 Sure, Ms. Keating, go ahead.

23 MS. KEATING: I teed it up, so I figured I
24 might as well respond.

25 So I still think that staff's assessment of

1 this is correct. I mean, the way the Commission
2 has traditionally looked at regulatory assets has
3 been extraordinary circumstances, and on a
4 case-by-case basis.

5 And, yes, the issue is worded specific to a
6 COVID-19 asset, but I think, you know, going
7 forward, that this would be looked at as precedent
8 for other cases involving any regulatory asset,
9 particularly, God forbid, any situation that
10 involved, you know, future pandemic.

11 So I think, you know, I would agree
12 wholeheartedly with staff's assessment that, you
13 know, there is really not a value in setting
14 specific standards even for these specific types of
15 assets.

16 COMMISSIONER FAY: Okay. Thank you.

17 Mr. Baker, if you want to add anything, you
18 are welcome to.

19 MR. BAKER: No, nothing to add from Gulf. We
20 agree with the assessment from Ms. Keating, as well
21 as from staff.

22 COMMISSIONER FAY: Okay. Great.

23 Ms. Christensen, go ahead.

24 MS. CHRISTENSEN: Yeah. First I would point
25 out, Commissioner Fay, you were correct. This

1 issue, as worded, is significantly reduced just to
2 the COVID-19 regulatory asset, which is this unique
3 circumstances.

4 As to the issue of whether or not this is
5 essentially rule-making under another design, I
6 think that that's incorrect, an incorrect
7 assessment of what this issue is. I think the
8 Commission has had past Commission practice and
9 policy developed over years of approving regulatory
10 assets under various case specific circumstances
11 that can be utilized to color what the Commission's
12 decision is in this case.

13 So that, shall we say, horse is already out of
14 the barn. Those have already been established in
15 prior commission orders. We are just asking the
16 Commission to identify what prior Commission orders
17 they are going to rely on in making its decision in
18 this case. As Ms. Morse correctly pointed out, the
19 Commission needs to identify what its past practice
20 and policies have been, and identify how they are
21 utilizing them in this case, and if not, how they
22 are deviating from that past practice or policy,
23 and the rationale for why that policy is being
24 deviated from.

25 Regarding the subsuming of this in Issue 1;

1 one, the issue itself distinctly is a legal issue,
2 but as we had proposed to the other parties, we had
3 also suggested adding on to the language of Issue
4 1, in what legal -- or I am sorry, in what criteria
5 should the Commission apply in establishing the
6 COVID-19 regulatory asset as part of Issue 1, so it
7 was clear to the Commission, as they are ruling and
8 deciding on Issue 1, that they are not only looking
9 whether or not a regulatory asset should be
10 applied, but what legal standard they should be
11 looking at to make that determination.

12 So we have no objection in combining the Issue
13 7 with Issue 1, if that's what the parties'
14 preference is; but we do believe, one way or the
15 other, either as a separate legal issue, or as
16 distinctly stated as part of Issue 1, the criteria,
17 and the Commission needs to be made aware in an
18 issue that the criteria that it's going to be used
19 to establish the COVID-19 regulatory asset needs to
20 be identified.

21 COMMISSIONER FAY: Okay. Great. Thank you,
22 Ms. Christensen.

23 With this issue, too, I really do appreciate
24 legal counsel from both sides being here to
25 articulate some of this. I think it's an important

1 decision.

2 I am going to take this issue under advisement
3 also, spend a little bit of time making sure I have
4 digested everything that's presented to us here
5 today, but that decision would be included in the
6 prehearing order when it is published.

7 With that, I think that addresses the issues.
8 Me move on, Mr. Stiller, I think we move on to the
9 comprehensive exhibit list next correct, is that
10 correct?

11 MR. STILLER: That is correct.

12 Staff has prepared a comprehensive exhibit
13 list which lists all prefiled exhibits and those
14 exhibits staff wishes to include in the record.
15 The draft list was provided to the parties to see
16 if there were any changes or objections to the CEL,
17 or to the introduction of any of staff's exhibits
18 being entered into the record.

19 At this time, I would like to see if there are
20 any known changes that need to be made to the
21 parties' prefiled exhibits, and if there are any
22 known objections to the entry of any of staff's
23 proposed exhibits into the record.

24 Staff will continue to working with the
25 parties toward stipulating to the exhibit list

1 prior to hearing.

2 COMMISSIONER FAY: Great. Thank you, Mr.
3 Stiller.

4 Any changes to the prefiled exhibits from any
5 parties?

6 And then I don't know if we have
7 cross-examination exhibits at this time, but any
8 stipulations to that if we have those?

9 MR. STILLER: I am sorry, there are no
10 cross-examination exhibits on the CEL.

11 COMMISSIONER FAY: Okay. Great. Thank you.

12 We will move on to Section X, stipulations --
13 proposed stipulations. Any comments on those?

14 Section XI, pending motions.

15 MR. STILLER: There are no pending motions.

16 COMMISSIONER FAY: That you.

17 Section XII.

18 MR. STILLER: There are no pending
19 confidentiality motions at this time.

20 COMMISSIONER FAY: And Section XIII,
21 post-hearing procedures.

22 MR. STILLER: Staff recommends that
23 post-hearing briefs be limited to 40 pages, should
24 briefs be necessary. Staff recommends that a
25 summary of each position of 50 words, set off with

1 asterisks, to should be included in each
2 post-hearing statement.

3 If a bench decision is not made, post-hearing
4 briefs will be due on July 9, 2021.

5 COMMISSIONER FAY: Okay. Any objection from
6 the parties?

7 Mr. Baker.

8 MS. MORSE: Commissioner Fay.

9 COMMISSIONER FAY: One second, Ms. Morse.
10 Mr. Baker, go ahead.

11 MR. BAKER: Not an objection. I would propose
12 potentially expediting briefing, not by a
13 significant margin, but perhaps in the nature of
14 Wednesday, June 30th. The reason for that being
15 that we've gone off -- on at length about Gulf's
16 proposed issue. Obviously, there is some base rate
17 proceeding considerations that Gulf has, and what
18 we would like to do, if we can, move the dates to
19 June 30th, which would allow staff a bit more time
20 to develop their recommendation and, you know, with
21 the goal being that we can arrive at a August 3rd
22 Agenda. So I wanted to make that proposal here to
23 see if that could be done.

24 COMMISSIONER FAY: Okay. I will take that and
25 get with staff on it to get their feedback. I know

1 it's a give-and-take as far as when those would be
2 due from the parties, and then how much time they
3 would have to get a recommendation out, so I
4 appreciate the comment.

5 Ms. Christensen, and then I believe there is
6 someone on the phone also.

7 MS. CHRISTENSEN: Correct. Ms. Morse, I think
8 she wanted to speak to the briefing limit.

9 I just want to briefly respond to Gulf's
10 proposal to shorten the briefing date. OPC would
11 vociferously object to that. We have intervenor
12 testimony that will be due to be filed in that rate
13 case on the 21st of June, we have some comments due
14 in the workshop on the 28th. There is no way OPC,
15 with our limited personnel and resources, can make
16 a June 30th deadline for briefing in this matter.
17 Plus, we don't know how quickly the turnaround on
18 the transcripts will be, so we would object to any
19 limitation or shortening of the briefing time.

20 COMMISSIONER FAY: Okay. Objection noted.

21 And did Ms. Morse have something else to add,
22 or were you speaking for --

23 MS. CHRISTENSEN: Ms. Morse did you want to --

24 MS. MORSE: I did have -- yes, I am sorry,
25 Commissioner. I did have something to add --

1 COMMISSIONER FAY: Go ahead, Ms. Morse.

2 MS. MORSE: -- about the page limit and the
3 words for the position, we have not decided whether
4 to file a consolidated brief or two separate
5 briefs, but, you know, to the extent we file a
6 post-hearing, just the one post-hearing statement
7 or brief, we would request respectfully a
8 modification of the 50-word limit to say 100, and
9 modification of the page limit if we are to address
10 the two -- two different utilities in detail as to
11 the specific issues in one brief.

12 COMMISSIONER FAY: Okay. Ms. Morse, I -- you
13 know, I read the challenges to the PAAs, and I am
14 not sure how many distinctions there really are in
15 the different parties, but do you have a page limit
16 in mind that you are requesting to extend beyond
17 40?

18 MS. MORSE: Yes, we do. And frankly, we were
19 thinking 80, but somewhere between, you know, 70 to
20 80 if we are to address, again, issues distinct to
21 each utility. If each utility gets 40 pages for
22 itself, that's, you know, what we would
23 respectfully request for each utility that our
24 expert is going to address.

25 And, you know, as you can see from the

1 testimony, there are some specific issues, in fact,
2 as to, and likely specific testimony as to each
3 different utility. Their circumstances aren't
4 exactly the same, so those briefs will not be
5 identical.

6 COMMISSIONER FAY: Okay. We'll take that
7 under advisement with some of the other issues and
8 make sure we include clarity as to how many pages
9 OPC would be asking for related to these dockets.

10 MS. MORSE: Thank you, Commissioner.

11 COMMISSIONER FAY: Okay. Moving on into
12 rulings, Mr. Stiller.

13 MR. STILLER: Staff recommends that the
14 Prehearing Officer make a ruling that all parties
15 be provided five minutes for opening statements,
16 and confidential and nonconfidential exhibits that
17 a party intends to use at the hearing must be
18 provided to the Commission Clerk by the close of
19 business June 9th, 2021, in accordance with
20 Attachment A to the Draft Prehearing Order.

21 COMMISSIONER FAY: Great. Thank you.

22 Section -- let's see, yeah, I guess our last
23 section, any other matters to be addressed by the
24 parties?

25 MR. STILLER: Staff is not aware of any other

1 matters.

2 COMMISSIONER FAY: Great. I think I heard Mr.
3 Rehwinkel.

4 MR. REHWINKEL: Yeah, just briefly.

5 I would just ask that my -- the spelling on my
6 name be -- be corrected. It's just something I
7 have always struggled with. It's usually been
8 pretty well handled, but it got offtrack this time.

9 COMMISSIONER FAY: Okay. We will --

10 MS. MORSE: I did have one matter.

11 COMMISSIONER FAY: Ms. Morse, is your name
12 spelled okay too?

13 MS. MORSE: Yes, it is. Thank you.

14 I am sorry, I forgot to -- I thought you were
15 going to call out Section XIV there, and I forgot
16 to raise a point there that I wanted to ask about.

17 COMMISSIONER FAY: Okay. Under the rulings?

18 MS. MORSE: Yes. Yes.

19 COMMISSIONER FAY: Go ahead, Ms. Morse.

20 MS. MORSE: Our previous discussions about,
21 you know, the time limits that each party receives,
22 and again similar to the testimony summaries and
23 the other issues. If each of the parties gets five
24 minutes, like the utilities get five minutes, we
25 would also appreciate an extension of our time in

1 terms of OPC not being required to fit all of its
2 opening into five minutes.

3 COMMISSIONER FAY: Okay. I am guessing you
4 are officially requesting 10 minutes?

5 MS. MORSE: Yes -- yes, Mr. Commissioner.

6 COMMISSIONER FAY: Okay. Anything else, Ms.
7 Morse?

8 MS. MORSE: No thank you.

9 COMMISSIONER FAY: Okay. Great.
10 Any other issues from the parties? Okay.
11 Great.

12 I appreciate the parties being here today for
13 the information. I know we are transitioning back
14 to some in person hearings. I think this went
15 fairly well. I know the parties also continue to
16 have dialogue on all of these issues all the way up
17 to the hearing, so as always, I encourage that.

18 Seeing no other matters from staff, this
19 hearing is adjourned, thank you.

20 (Proceedings concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

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

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

I FURTHER CERTIFY that I am not a relative,
employee, attorney or counsel of any of the parties, nor
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 15th day of June, 2021.



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