



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

2 CHAIRMAN CLARK: Next is Item No. 7. Tripp  
3 Coston is going to introduce the item for us.

4 MR. COSTON: Good morning, Commissioners.  
5 Item No. 7 is a joint petition by Florida Public  
6 Utility Company, Florida Public Utilities -  
7 Indiantown Division, Florida Public Utilities -  
8 Fort Meade, and Florida Division of Chesapeake  
9 Utilities.

10 They are requesting that the company [sic]  
11 approve a request to provide conditioning services  
12 for the purpose of converting biogas into renewable  
13 natural gas on behalf of the biogas producer.

14 Under the proposal, the company would enter  
15 into a contract with the biogas-producing customer  
16 to construct and operate biogas con- --  
17 conditioning facilities.

18 The resulting renewable natural gas would,  
19 then, be used on-site by the customers or injected  
20 into the utility's distribution system for  
21 transportation and delivery to locations on behalf  
22 of that customer.

23 The proposed tariff requires that all  
24 renewable natural gas be conditioned to meet the  
25 gas quality and heating standards and include

1           safeguards to ensure that the general body of  
2           ratepayers would not subsidize this service.

3           Staff recommends the Commission approve the  
4           proposed tariff. And staff is available to answer  
5           questions, as well as representatives from the  
6           company.

7           CHAIRMAN CLARK: Thank you very much,  
8           Mr. Coston.

9           Ms. Pirrello.

10          MS. PIRRELLO: Good morning, Commissioners.  
11          My name is Anastacia Pirrello, representing the  
12          Office of Public Counsel.

13          While we recognize that this proposal is very  
14          similar to that proposed by Florida City Gas in  
15          Docket 20200216, which was approved by the  
16          Commission without our objection, I'd like to note  
17          one deviation that gives OPC pause and propose a  
18          slight modification to the tariff language to bring  
19          it into conformance with the language approved for  
20          Florida City Gas.

21          We appreciate that FPUC has provided an  
22          additional security option to those proposed by  
23          FCG; however, OPC is always concerned about the  
24          potential for default and that the general body of  
25          ratepayers could be on the hook for these costs.

1           We're particularly concerned in this docket  
2           because the amended language offered by FPUC in  
3           their response to staff's second data request,  
4           Question 2, states that this project shall not  
5           cause any additional costs on the company's other  
6           rate classes unless otherwise approved by the  
7           Commission in a future proceeding.

8           The language about Commission approval in a  
9           future proceeding was not included in the Florida  
10          City Gas tariff, and OPC is concerned that it may  
11          operate as a loophole to push the costs of these  
12          projects onto the general body of ratepayers if the  
13          customer defaults and their security is  
14          insufficient to cover the remaining costs.

15          OPC would not request a hearing on the tariff  
16          if this language is deleted and it's clear that the  
17          general body of ratepayers are not the insurers of  
18          a competitive venture.

19                 Thank you.

20                 CHAIRMAN CLARK: Thank you, Ms. Pirrello.

21                 Ms. Keating.

22                 MS. KEATING: Good morning, Mr. Chairman,  
23                 Commissioners. Beth Keating with the Gunster Law  
24                 Firm here for the FPUC - Chesapeake natural gas  
25                 companies.

1           First of all, I just want to thank staff for  
2           working with us. The companies are excited about  
3           the new opportunities presented by RNG and -- and  
4           look forward to getting into this market.

5           In response to Ms. Pirrello's comments  
6           regarding the amended tariff language, creating a  
7           loophole was certainly not the company's intent.  
8           We specifically wanted to take into account options  
9           and possibilities that the Commission might, in the  
10          future, approve -- for some future reason -- an  
11          opportunity to recover costs for a -- a reason that  
12          hasn't been contemplated yet.

13          But I can defer to Mr. Everngam, with the  
14          company, who may have some additional comments on  
15          this.

16          CHAIRMAN CLARK: Mr. Everngam, are you  
17          available?

18          Am I pronouncing that right? Mr. Evern- --  
19          Everngam, Everngam.

20          MR. EVERNGAM: Hello. Yes, Commissioner, I am  
21          here. I apologize. My audio went -- went blank  
22          while Ms. Keating was speaking, and so, it just  
23          picked back up when you asked for -- if I was  
24          available. I apologize.

25          CHAIRMAN CLARK: No problem. Ms. Keating --

1 MR. EVERNGAM: Would someone be able to --

2 CHAIRMAN CLARK: -- said you might have some  
3 additional input.

4 MR. EVERNGAM: I apologize. Would somebody  
5 be -- one be able to repeat the question that was  
6 posed to me? I apologize. The audio did cut out  
7 while Ms. Keating was speaking.

8 MS. KEATING: Mr. Chairman, it's my  
9 understanding that the company has considered OPC's  
10 suggested revision to the language and they'd be  
11 amenable to making that change.

12 CHAIRMAN CLARK: All right. Ms. Pirrello?

13 MR. EVERNGAM: Yes, I can confirm that. We  
14 would be amenable to the change.

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

17 Ms. Pirrello?

18 MS. PIRRELLO: We would support that as well.

19 CHAIRMAN CLARK: All right. Of course, staff,  
20 anything we need to do to incorporate that?

21 MS. HELTON: May I make sure that we  
22 understand exactly which language it is that we're  
23 talking about? I'm looking at Page 15 of staff's  
24 recommendation, the last paragraph.

25 Are we talking about striking that entire

1 paragraph or are we talking about striking just  
2 that last clause there, "... unless otherwise  
3 approved by the Commission"?

4 MS. PIRRELLO: Just the last clause.

5 CHAIRMAN CLARK: That clause or sentence?

6 MS. PIRRELLO: Clause, "... unless otherwise  
7 approved by the Commission in a future proceeding".

8 MS. HELTON: Well, nor- -- normally,  
9 Mr. Chairman, we can't make modifications to a  
10 tariff. We can accept or deny a tariff, but it  
11 sounds like the company is in agreement with this  
12 change.

13 So -- so, I think someone could make a  
14 recommendation to approve staff's recommendation in  
15 the attached tariff, but striking that last clause,  
16 as referenced by Ms. Pirrello, because the company  
17 is in agreement.

18 CHAIRMAN CLARK: With an understanding they  
19 will file the modified tariff.

20 MS. HELTON: Yes, sir.

21 CHAIRMAN CLARK: Ms. Pirrello --

22 MS. KEATING: Ab- -- absolutely, Mr. Chairman.

23 CHAIRMAN CLARK: -- are you happy with that?

24 MS. PIRRELLO: Yes.

25 CHAIRMAN CLARK: Commissioners, any questions,

1           comments?

2           Commissioner Fay.

3           COMMISSIONER FAY: Thank you, Mr. Chairman.

4           And when I reviewed the recommendation on  
5           this, I had the same question for Tripp and our --  
6           our staff about what a default would look like and  
7           how it would potentially impact the ratepayers.

8           I -- I am -- I'm a little hesitant to close  
9           the door for a future Commission decision just  
10          because I don't know potentially what that would  
11          look like, but I think, since the parties are here  
12          today, trying to work through this to make sure the  
13          language is consistent, then, I'd -- I'd be willing  
14          to support that.

15          Just to be clear, Mr. Chairman, I think, as a  
16          Commission, we would be rejecting the tariff as it  
17          comes before us and the utility would be refiling  
18          it?

19          CHAIRMAN CLARK: Yes, that is my  
20          understanding, that they would file a new tariff  
21          with the corrected language.

22          MS. HELTON: Right, and I'm not sure about the  
23          timing of that because it's been a long time since  
24          I've worked on one.

25          (Discussion off the record.)

1 MS. HELTON: They would need to file the  
2 revised tariff within so many days, as set by you,  
3 and then we would issue the order approving the  
4 revised tariff.

5 CHAIRMAN CLARK: And our -- our approval is  
6 the tariff that is presented to us with the  
7 modification that was discussed. So, I think we're  
8 in agreement there.

9 Ms. Keating, is that -- what's the time line?

10 MS. KEATING: I would anticipate we would  
11 likely be able to file that by the end of the day  
12 today.

13 CHAIRMAN CLARK: That's pretty quick. All  
14 right.

15 COMMISSIONER FAY: Thank you, Mr. Chairman. I  
16 think that -- that would address the issue. The  
17 last thing I want to do is deter a company for  
18 coming forward to make an agreement and a change to  
19 cooperate, and then it's -- it harms them in some  
20 way because they've moved to that change.

21 So, if you're allowed to get that amended  
22 tariff to us, then I think that would allow for  
23 somewhat of an expedited process.

24 Great. Thank you, Mr. Chairman. With that,  
25 I'm happy to move, but my colleagues might...

1 CHAIRMAN CLARK: That's it.

2 COMMISSIONER FAY: So, Mr. Chairman, I would  
3 move for approval of the -- of Issue -- of Item 4  
4 [sic], both issues, with the modification as  
5 stated.

6 CHAIRMAN CLARK: All right. Do I have a  
7 second?

8 COMMISSIONER La ROSA: Second.

9 CHAIRMAN CLARK: I have a second.  
10 Any discussion? Questions?

11 COMMISSIONER FAY: Mr. Chairman, just for  
12 correction, it's Item 7.

13 CHAIRMAN CLARK: Yes, Item 7.

14 COMMISSIONER FAY: Thank you.

15 CHAIRMAN CLARK: No questions. Everybody is  
16 on board.

17 On the motion, all in favor say aye.

18 Any opposed?

19 (Chorus of ayes.)

20 CHAIRMAN CLARK: Motion carries. Thank you  
21 very much.

22 MS. KEATING: Thank you.

23 CHAIRMAN CLARK: All right. That concludes  
24 our agenda today.

25 Anyone have any comments or questions before

1           we adjourn?

2                   All right. We will resume IA in this room in  
3           ten minutes. Ten minutes. Good. Thank you.

4                   We stand adjourned.

5                   (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 22nd day of September, 2021.



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ANDREA KOMARIDIS WRAY  
NOTARY PUBLIC  
COMMISSION #HH 089181  
EXPIRES February 9, 2025