

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

2 CHAIRMAN FAY: Next we will move into Item No.
3 3 for discussion. Mr. Sunshine, I will give you
4 the opportunity to present this item.

5 MR. SUNSHINE: Thank you, Mr. Chairman.

6 Doug Sunshine with the Commission Legal Staff.
7 Good morning, Commissioners.

8 Item 3 addresses a joint petition by Florida
9 Public Utilities Company and the Florida Division
10 of Chesapeake Utilities Corporation for a variance
11 from Rule 25-7.039 subsection (1), Florida
12 Administrative Code, which pertains to the general
13 filing requirements for an adjustment of rates for
14 investor-owned natural gas utilities. The joint
15 petitioners request a variance to allow them to
16 provide the required data in the minimum filing
17 requirements in the manner set forth in the
18 company's joint petition.

19 Staff believes the companies have demonstrated
20 the requirements for a rule variance under Section
21 120.542, and is recommending the joint petition for
22 variance be granted subject to discovery and
23 cross-examining -- cross-examination procedures
24 remaining intact.

25 Ms. Patty Christensen from the Office of

1 Public Counsel has requested to read a statement
2 into the record. And Ms. Beth Keating,
3 representing joint petitioners, is available if you
4 have any questions. And staff is available to
5 answer any questions as well.

6 CHAIRMAN FAY: Great. Thank you for that.
7 Summary of the item, Mr. Sunshine.

8 Ms. Christensen, I will allow you to put your
9 statement in the record, and then if FPUC has any
10 comment they would like to make, they will do so.

11 MS. CHRISTENSEN: Thank you.

12 Good morning, Commissioners. Patty
13 Christensen with the Office of Public Counsel.

14 We are here today on FPUC's request to waive
15 certain filing requirements for their MFRs in their
16 next base rate case due to their contemplation of
17 consolidating rates for all of their natural gas
18 business units.

19 Like when FPL made a similar request prior to
20 its rate case consolidating its rates, OPC reached
21 out to FPUC to reach an understanding regarding the
22 effect of granting the variance for the future base
23 rate case.

24 On January 25th, 2022, this statement was
25 filed which reads as follows:

1 OPC does not object to the relief sought as
2 long as the substantive effect of the relief is
3 limited to ensuring that if the schedules at issue
4 in the petition are populated as proposed in the
5 petition, that FPUC's MFRs will not be deemed
6 deficient for purposes compliance with the rule.

7 The OPC support for this relief is premised on
8 the future understanding that FPUC will not assert
9 that the Commission's grant -- the Commission's
10 order granting relief in this docket provides any
11 basis for FPUC to object to, or the Commission to
12 deny, discovery served by OPC in any FPUC base rate
13 case.

14 The OPC acknowledges that the forbearance by
15 FPUC will not preclude FPUC from objecting to
16 discovery sought by opposed, or others, related to
17 the MFR schedules on the ground that such
18 information is, in fact, not available or otherwise
19 subject to other appropriate objections to
20 discovery.

21 With these understandings, the FPUC
22 acknowledges and concurs in the -- and which FPUC
23 acknowledges and it concurs in, the OPC does not
24 object to the relief sought by FPUC.

25 As we said, with these understandings, and as

1 indicated in our statement, OPC does not object to
2 the request for variance from certain MFR
3 requirements of Rule 25-7.039 sub (1), FAC, and
4 staff's recommendation to grant the variance.

5 Thank you for granting me the time to address
6 this.

7 CHAIRMAN FAY: Thank you, Ms. Christensen.

8 FPUC, Ms. Keating, you are happy to address
9 that or not. Up to you.

10 MS. KEATING: Good morning, Mr. Chairman,
11 Commissioners. Beth Keating with the Gunster Law
12 Firm, here today for FPUC and the Chesapeake
13 companies.

14 First I want to thank staff for working with
15 us, as well as OPC, and we appreciate your
16 consideration.

17 CHAIRMAN FAY: Okay. Thank you.

18 Commissioners, with that, you have heard a
19 description on this. Either questions or
20 discussion or a motion on the item?

21 With that, I will entertain a motion.

22 COMMISSIONER GRAHAM: Mr. Chairman, I move
23 staff recommendation on all issues on Item No. 3.

24 COMMISSIONER CLARK: Second.

25 CHAIRMAN FAY: Great.

1 With that, we have a motion and a second.

2 All that approve say aye.

3 (Chorus of ayes.)

4 CHAIRMAN FAY: None opposed. With that, Item
5 3 passes.

6 Thank you.

7 (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 16th day of February, 2022.



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