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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In re: DOCKET NO. 20260020-EI  
Petition for determination of need for  
Andytown-Oasis transmission lines project in  
Broward and Miami-Dade Counties, by Florida  
Power & Light Company.  
\_\_\_\_\_ /

PROCEEDINGS: PREHEARING CONFERENCE  
COMMISSIONERS  
PARTICIPATING: COMMISSIONER BOBBY PAYNE  
DATE: Tuesday, April 7, 2026  
TIME: Commenced: 11:45 a.m.  
Concluded: 12:40 p.m.  
PLACE: Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida  
REPORTED BY: DEBRA R. KRICK  
Court Reporter

PREMIER REPORTING  
TALLAHASSEE, FLORIDA  
(850) 894-0828

1 APPEARANCES:

2 WILLIAM COX and CHRISTOPHER WRIGHT, ESQUIRES,  
3 700 Universe Boulevard, Juno Beach, FL 33408-0420;  
4 KENNETH A. HOFFMAN, ESQUIRE, 134 West Jefferson Street,  
5 Tallahassee, FL 32301-1713; appearing on behalf of  
6 Florida Power & Light Company (FPL).

7 WALT TRIERWEILER, PUBLIC COUNSEL; CHARLES  
8 REHWINKEL, DEPUTY PUBLIC COUNSEL; PATRICIA A.  
9 CHRISTENSEN, ESQUIRE, OFFICE OF PUBLIC COUNSEL, c/o The  
10 Florida Legislature, 111 West Madison Street, Room 812,  
11 Tallahassee, FL 32399-1400, appearing on behalf of the  
12 Citizens of the State of Florida (OPC).

13 ROBERT SCHEFFEL WRIGHT, JOHN T. LaVIA, III and  
14 TIMOTHY J. PERRY, ESQUIRES, Gardner Bist King & Wood,  
15 1300 Thomaswood Drive, Tallahassee, Florida 32308;  
16 appearing on behalf Environmental Defense Fund (EDF).

17 CARLOS MARQUEZ and SHAW STILLER, ESQUIRES,  
18 FPSC General Counsel's Office, 2540 Shumard Oak  
19 Boulevard, Tallahassee, FL 32399-0850, appearing on  
20 behalf of the Florida Public Service Commission.

21 ADRIA HARPER, GENERAL COUNSEL; MARY ANNE  
22 HELTON, DEPUTY GENERAL COUNSEL, Florida Public Service  
23 Commission, 2540 Shumard Oak Boulevard, Tallahassee,  
24 Florida 32399-0850, Advisor to the Florida Public  
25 Service Commission.

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

2 COMMISSIONER PAYNE: Okay. Good morning,  
3 everyone. Today is April 7th, 2026. I am now  
4 calling the Prehearing Conference to order. Please  
5 sign off your electronic devices if you have not.

6 Mr. Marquez, would you please read the notice?

7 MR. MARQUEZ: Yes, sir.

8 Pursuant to notice published on March 6th,  
9 2026, this time and place was set for a Prehearing  
10 Conference in Docket No. 20260020-EI. The purpose  
11 of the prehearing is set out more fully in the  
12 notice.

13 COMMISSIONER PAYNE: Thank you, Mr. Marquez.

14 Let's take appearances at this time, beginning  
15 with FPL.

16 MR. CHRISTOPHER WRIGHT: Good morning,  
17 Commissioner Payne. Christopher Wright on behalf  
18 of Florida Power & Light. I would also like to  
19 enter an appearance for William Cox.

20 COMMISSIONER PAYNE: Okay. Office of Public  
21 Counsel.

22 MS. CHRISTENSEN: Good morning, Commissioner.  
23 Patty Christensen on behalf of the Office of Public  
24 Counsel. I would also like to put in an appearance  
25 for Walt Trierweiler, the Public Counsel, as well

1 as Charles Rehwinkel, the Deputy Public Counsel.

2 COMMISSIONER PAYNE: Okay. Environmental  
3 Defense Fund.

4 MR. SCHEFF WRIGHT: Thank you, Commissioner.  
5 Robert Scheffel Wright with the law firm of Gardner  
6 Bist King & Wood on behalf of the Environmental  
7 Defense Fund. With me also today is Timothy J.  
8 Perry, a partner in our firm, and I would also like  
9 to enter an appearance for John T. Lavia, III, also  
10 a partner in our firm.

11 Thank you.

12 COMMISSIONER PAYNE: Thank you.

13 Staff.

14 MR. MARQUEZ: On behalf of staff, Commissioner  
15 Payne, we have myself, Carlos Marquez, as well as  
16 Shaw Stiller.

17 COMMISSIONER PAYNE: Okay. Advisor to  
18 Commission.

19 MS. HELTON: Mary Anne Helton, and also with  
20 me today is our General Counsel, Adria Harper.

21 COMMISSIONER PAYNE: Thank you.

22 Staff, are there any preliminary matters we  
23 need to address before we get into the draft  
24 hearing?

25 MR. MARQUEZ: Yes, Commissioner. There is one

1 preliminary matters. Staff believes that EDF  
2 should address the late-filed testimony and  
3 exhibits of witness David Cranston.

4 COMMISSIONER PAYNE: EDF, I would like to hear  
5 from you on the subject.

6 MR. SCHEF WRIGHT: Thank you.

7 Mr. Cranston's testimony was finished, and my  
8 assistant began the upload process before 5:00 p.m.  
9 on the date on which it was due. The upload  
10 process took a bit of time, such that it was  
11 finally received by the Clerk's Office. I did  
12 check with all parties, staff and my friend Will  
13 Cox at FPL, and everyone assured me they had no  
14 problem with that three-minute late receipt.

15 COMMISSIONER PAYNE: Okay. Great. Given the  
16 circumstances, and hearing no objections from the  
17 parties, Mr. Cranston's testimony and exhibits will  
18 not be subject to objection on the basis that they  
19 were filed late. All other objections to his  
20 testimony and exhibits are preserved.

21 Do any of the parties have any different  
22 preliminary matters?

23 Hearing none, let's go to the draft Prehearing  
24 Order. Now I will identify the sections and want  
25 the parties to let me know if there are any

1 corrections or changes to be made, I will go  
2 through them kind of quickly, so let me know, speak  
3 up if you see something.

4 Section I is Case Background.

5 MR. SCHEF WRIGHT: Commissioner, just briefly.  
6 If we could make sure that Mr. Perry is added to  
7 the appearances, and Mr. LaVia's name is misspelled  
8 on the appearances.

9 COMMISSIONER PAYNE: Okay. We got that?

10 MR. SCHEF WRIGHT: Thanks.

11 COMMISSIONER PAYNE: Okay.

12 MR. SCHEF WRIGHT: Thank you.

13 COMMISSIONER PAYNE: Anything else?

14 Section II, Conduct of Proceedings.

15 Section III, Jurisdiction.

16 Section IV, Procedure for Handling

17 Confidential Information, staff.

18 MR. MARQUEZ: When confidential information is  
19 used at the hearing, parties must have copies for  
20 the Commissioners, necessary staff and the court  
21 reporter, in red envelopes clearly marked with the  
22 nature of the contents. Any party wishing to  
23 examine the confidential material that is not  
24 subject to an order granting confidentiality shall  
25 be provided a copy in the same fashion as provided

1 to the Commissioners, subject to execution of any  
2 appropriate protective agreement with the owner of  
3 the material.

4 COMMISSIONER PAYNE: Thank you, Mr. Marquez.  
5 Section V, Prefiled Testimony and Exhibits,  
6 Witnesses. Staff.

7 MR. MARQUEZ: Commissioner, staff suggests  
8 that the testimony summary of any witness who is  
9 not excused from the hearing should be limited to  
10 three minutes. However, if a witness has filed  
11 both direct and rebuttal testimonies, staff  
12 recommends that he or she receive three minutes for  
13 direct and two minutes for rebuttal. If both  
14 direct and rebuttal testimonies are taken together,  
15 staff recommends that the witness be given five  
16 minutes in total.

17 COMMISSIONER PAYNE: Parties, are there any  
18 objections?

19 MR. SCHEF WRIGHT: Commissioner, this is a  
20 \$782 million case. I would ask that our witnesses  
21 be allowed five minutes each. That would add a  
22 total of four minutes to the conduct of the  
23 hearing.

24 Thank you.

25 COMMISSIONER PAYNE: Okay. I will allow it.

1 MR. SCHEF WRIGHT: Thank you.

2 COMMISSIONER PAYNE: Order of Witnesses,  
3 staff.

4 MR. MARQUEZ: The anticipated order of  
5 witnesses is reflected in the draft Prehearing  
6 Order, Commissioner Payne. And FPL did indicate  
7 that there was one change to the order by way of  
8 email, which will be reflected in the final version  
9 of the Prehearing Order.

10 COMMISSIONER PAYNE: Okay. Are there any  
11 witnesses that can be stipulated to at this time?

12 MR. MARQUEZ: Commissioner, staff is unaware  
13 of any witnesses that have been stipulated to by  
14 the parties, but the parties may suggest any such  
15 witness at this time.

16 If the parties and staff are willing to excuse  
17 witnesses, staff will confirm with each  
18 Commissioner whether the witness may be excused.

19 If no commissioner on the panel has questions  
20 for a particular witness, then the witness may be  
21 excused from the hearing with his or her testimony  
22 entered into the record as though read and exhibits  
23 admitted.

24 COMMISSIONER PAYNE: Section VII, Basic  
25 Positions. Do the parties have any changes in

1           their basic positions?

2                   MS. CHRISTENSEN: Commissioner, Patty  
3           Christensen with the Office of Public Counsel.

4                   I realize that it's generally the Commission's  
5           practice to require that parties take a more  
6           affirmative position. We have taken a position of  
7           waiting on evidence and the discovery. Given that  
8           this case has a 45-day turnaround time, and we are  
9           under a very compressed timeframe, we would ask for  
10          some leniency to maintain our positions as written  
11          until we get to the final briefing period. If  
12          that's not acceptable to the Commission, then we  
13          would ask for at least until tomorrow at close of  
14          business, and we can provide a red-line more  
15          affirmative position, but we do believe that given  
16          the compressed timeframe, that we should, in  
17          fairness, be allowed to maintain our position as  
18          written currently. And that would be for the basic  
19          position as well as the individual positions.

20                   COMMISSIONER PAYNE: And so you are requesting  
21          how much additional time?

22                   MS. CHRISTENSEN: If the Commissioner rules  
23          that we need to give an affirmative position, five  
24          o'clock tomorrow, and we would provide a red-line  
25          to the Commission staff, as well as the parties.

1           COMMISSIONER PAYNE: Okay. I think that's  
2 acceptable.

3           And where are we, on Section VII?

4           MR. MARQUEZ: I believe that we --

5           COMMISSIONER PAYNE: I am sorry, Section VIII.

6           MR. MARQUEZ: Correct. We are now on Section  
7 VIII.

8           COMMISSIONER PAYNE: Issues and Positions,  
9 staff.

10          MR. MARQUEZ: And just to clarify, Your Honor,  
11 we -- you have given the parties the opportunity to  
12 change basic and issue positions until tomorrow,  
13 April 8th, by close of business.

14          COMMISSIONER PAYNE: That's correct.

15          MR. MARQUEZ: All right. Thank you for the  
16 clarification.

17          MS. CHRISTENSEN: And just for clarification,  
18 the Commissioner is requiring that we take a more  
19 affirmative position?

20          MR. MARQUEZ: That is what I believe OPC  
21 indicated was the reason for the extension, so  
22 staff would recommend that a more definitive  
23 position be taken.

24          MR. CHRISTOPHER WRIGHT: Commissioner Payne,  
25 if I may. For FPL, we certainly have no objection

1 to granting an additional day for folks to revise  
2 or provide a position. We certainly have an  
3 objection to maintaining no position through the  
4 hearing and up to briefing. This shouldn't be  
5 litigation by surprise.

6 The OEP itself, it lays out pretty clearly, if  
7 you fail to raise your position by the prehearing  
8 conference, you have waived it, and you waive the  
9 right to cross. Nobody has stated they are unable  
10 to comply with that requirement of the OEP.

11 We would ask that with this additional grace  
12 of through tomorrow, close of business, that we  
13 continue to honor the requirements of the Order  
14 Establishing Procedure.

15 Thank you.

16 COMMISSIONER PAYNE: Okay. Are we good on  
17 that? All right. Let's move on.

18 We are on Section III, Issues and Positions.

19 MR. MARQUEZ: Yes, sir. Issues and positions  
20 are included in the draft Prehearing Order.

21 For issues in which a party has taken no  
22 position at this time, if that party does not take  
23 a position on those issues, per the Order  
24 Establishing Procedure, their position will be  
25 changed to no position in the Prehearing Order.

1           If a party fails to take a position on an  
2           issue by the time set, or allowed today, then that  
3           party waives its opportunity to conduct  
4           cross-examination on the issue, as well as file a  
5           post-hearing brief on that issue.

6           COMMISSIONER PAYNE: Okay. Thank you, Mr.  
7           Marquez.

8           I would like to address the non-contested  
9           issues first. Do the parties have any changes on  
10          the Issues Nos. 1 through 5?

11          All right. Now we will move on to contested  
12          issues proposed by EDF, beginning with EDF-1. I  
13          will hear each party's position on why these issues  
14          should or should not be included. Contested issues  
15          EDF-1.

16          MR. SCHEF WRIGHT: Thank you, Commissioner.  
17          It may help move the process along if we can  
18          consider 1, 2, 3 and 4 together. We have been in  
19          communication with staff, and I know FPL has at  
20          least been in the email loop on this. They opposed  
21          the -- FPL opposes these issues.

22          Staff has suggested that we consolidate 1, 2,  
23          3 and 4 in the following form. This is the staff's  
24          language first. I have a minor suggestion that I  
25          broached with Mr. Marquez earlier today.

1           Staff's proposal is, first: Is FERC Order No.  
2           1000 relevant to this proceeding and within the  
3           Commission's jurisdiction to address?

4           My simple change to that would be: Is it  
5           within the Commission's jurisdiction to consider,  
6           question mark, and then add a typical boilerplate  
7           follow-up: If so, what action, if any, should the  
8           Commission take? So that would be my suggestion to  
9           address, I think, 1 and 3.

10           And then with respect to 2 and 4, staff have  
11           suggested: Are FERC Order Nos. 1920, 1920-A and  
12           1920-B relevant to this proceeding and within the  
13           Commission's jurisdiction to address, staff's word.  
14           I would ask that that word be changed to consider,  
15           and then add the boilerplate: If so, what action,  
16           if any, should the Commission take?

17           That would be my proposal with respect to 1,  
18           2, 3 and 4. As set forth in multiple places in  
19           what we filed with the Commission, we believe these  
20           considerations are completely appropriate. They  
21           deal with appropriate planning for transmission,  
22           and that's clearly within the Commission's  
23           jurisdiction to consider. That's why we believe  
24           these are appropriate issues.

25           To be clear, we are not asking y'all to issue

1 an order applying Order 1000 or the 1920 orders.  
2 We are asking you to consider the planning  
3 considerations that are articulated in those FERC  
4 orders.

5 COMMISSIONER PAYNE: Any objections to that?  
6 You're good?

7 MR. CHRISTOPHER WRIGHT: Yeah, Commissioner  
8 Payne, we certainly -- I think you have seen  
9 through our motions here, we filed a motion to  
10 strike and motion in limine on these same topics,  
11 and I think it goes to their Issues Nos. 1 through  
12 8 in the contested issues here.

13 I am not going to reargue those here, but, you  
14 know, we feel that those issues are beyond the  
15 scope of this -- the limited nature of this  
16 proceeding, and issues regarding our compliance and  
17 implementation of FERC Regional Transmission  
18 Planning is beyond the scope this Commission's  
19 jurisdiction.

20 So for those reasons, we think that they are  
21 not proper. In the event our motion to strike and  
22 motion in limine is granted on, I believe it's  
23 subparts A and B of our motion, these issues would  
24 obviously become moot and would not need to be  
25 addressed.

1           With respect to the proposed modification that  
2           staff put forward, we stand by our motion to  
3           strike. However, in the event that our motion to  
4           strike is denied with respect to the arguments on  
5           FERC Order 1920 and FERC Order 1000, FPL would be  
6           amenable to allowing staff's proposed amendment --  
7           or two revised issues in lieu of Issues 1 through 8  
8           proposed by EDF to be preliminary issues on the  
9           Commission's jurisdiction that should be decided at  
10          the beginning of to the hearing by the panel that  
11          will here the evidentiary hearing. And I do think  
12          it's important that that decision be made at the  
13          beginning so all parties are aware of the scope of  
14          the hearing.

15                 So I know that's a lot, but I think we oppose  
16          Issues 1 through 8, EDF Issues 1 through 8, trying  
17          to take them all collectively for the reasons in  
18          our motion to strike. However, if that's denied,  
19          FPL is willing to accept staff's proposed two  
20          alternative issues in lieu Issues 1 through 8 to be  
21          decided by the Commission at the beginning.

22                 COMMISSIONER PAYNE: Mr. Marquez, did you  
23          catch all of that?

24                 MR. MARQUEZ: I am catching it, Your Honor. I  
25          just wanted to add that this reference to the

1 proposal by EDF, staff does not have a problem with  
2 replacing the word "address" with "consider".

3 Staff does not agree, though, that the  
4 additional sentence of: "If so, what should be  
5 done"; or: "If not, what can be done", is  
6 necessary or appropriate because that's already  
7 going to be addressed in the normal issues in this  
8 docket, particularly Issue No. 4, regarding what  
9 should the Commission do regarding the relief  
10 that's being requested. So it doesn't need to be  
11 separately addressed in the other two possible  
12 issues.

13 COMMISSIONER PAYNE: Okay. So we are going to  
14 go with Mr. Marquez's suggestion?

15 MR. SCHEF WRIGHT: I'm okay with that as far  
16 as it goes. I do have to point out that I did not  
17 understand staff's proposal as covering all of the  
18 first eight of EDF's issues, and particularly EDF-7  
19 addresses Rule 25-22.076, which is the Contents of  
20 Petition rule that's applicable to this proceeding,  
21 and EDF-8 addresses a separate section of the  
22 Transmission Line Siting Act relative to the  
23 requirement that the Commission -- that the whole  
24 process consider a full balancing of the need with  
25 the broad interests of the public.

1           And our Issue 9 is a separate issue that's not  
2           part of 8, but it does address. Our issue is: Did  
3           the planning processes that FPL utilized comply  
4           with principles of prudent utility practice? Those  
5           are all separate issues from the 1000 and 1920  
6           issues.

7           COMMISSIONER PAYNE: Okay. I am going to  
8           continue to run through each of the issues  
9           singularly, and we are going to have Mr. Marquez  
10          address those as he has given us staff  
11          recommendations. So I will move through those as  
12          we see, and I think we do have some combination of  
13          two of the particular sections. So we will go  
14          to -- we will go back to EDF-2 and discuss EDF-2.

15          So does EDF have --

16          MR. MARQUEZ: So EDF-2, Commissioner, I  
17          believe that EDF sort of addressed that all  
18          together, where they have indicated that staff's  
19          proposal for that one, EDF-2, and I believe also  
20          taking into account EDF-4 would now be our FERC  
21          Order Nos. 120 -- excuse me, are FERC Order Nos.  
22          1920, 1920-A and 1920-B relevant to this proceeding  
23          and within the Commission's jurisdiction to  
24          consider, and that would be the new issue.

25          COMMISSIONER PAYNE: EDF, are you good with

1           that?

2           MR. SCHEF WRIGHT: Yes, sir.

3           COMMISSIONER PAYNE: OPC?

4           MS. CHRISTENSEN: Yes, sir. And my only  
5 request would be whatever issues are approved for  
6 the additional issues, we get a written email with  
7 the wording so that we can provide positions.  
8 Thank you.

9           COMMISSIONER PAYNE: Okay. Will do.

10          MR. SCHEF WRIGHT: On staff's proposed  
11 revision to Issue 2, I just restate what -- with  
12 respect to Issue No. 1, that our motion to strike  
13 is pending, and we certainly have no objection to  
14 that be a preliminary issue in the event our motion  
15 to strike is denied.

16          COMMISSIONER PAYNE: Okay. I am just going to  
17 continue moving through these EDF issues.

18          Staff, do you have any comments there, Mr.  
19 Marquez, on 2?

20          MR. MARQUEZ: As to which issue?

21          COMMISSIONER PAYNE: EDF-2.

22          MR. MARQUEZ: EDF-2, no, nothing else to add.

23          COMMISSIONER PAYNE: I think we've covered it.

24          Okay. Then we will move on to EDF-3.

25          MR. MARQUEZ: EDF-3 and EDF-4 no longer need

1 to be separately addressed based on the new issues  
2 that we just proposed for EDF-1 and EDF-2. So we  
3 can move on to EDF-5.

4 COMMISSIONER PAYNE: Let's move to EDF-5.  
5 Okay. We will move on to EDF-5. I think there  
6 was -- were there staff comments there?

7 MR. MARQUEZ: So for EDF-5, EDF proposed the  
8 language: Did the planning processes that FPL  
9 utilized and employed in planning the facilities  
10 that comprise the Andytown-Oasis Transmission Lines  
11 Project comply with the requirements of FERC Order  
12 No. 1000? If not, what should the Commission do?

13 COMMISSIONER PAYNE: Thank you.  
14 Go ahead, Mr. Wright.

15 MR. SCHEF WRIGHT: This Mr. Wright. Thank  
16 you, Commissioner.

17 I believe that we can address the issue that  
18 we were raising with EDF-5 within the context of  
19 the issues that we have agreed on with the staff  
20 with the word "consider" instead of "address".

21 COMMISSIONER PAYNE: Okay. OPC, are you good?

22 MS. CHRISTENSEN: We have no objection to  
23 dropping the issue and having it considered under  
24 EDF-1.

25 COMMISSIONER PAYNE: Back to you, Mr. Wright.

1 MR. CHRISTOPHER WRIGHT: Same comments apply.

2 Thank you.

3 COMMISSIONER PAYNE: Thank you.

4 MR. SCHEF WRIGHT: With respect -- I am sorry.

5 COMMISSIONER PAYNE: Go ahead.

6 MR. SCHEF WRIGHT: I jumped the gun. I

7 apologize. I was going to move on to 6.

8 COMMISSIONER PAYNE: Okay. Let's move on to

9 6.

10 MR. SCHEF WRIGHT: Okay. I was just going to  
11 say, the first part of 6, I think, is addressed  
12 within the context of the staff's issue, the second  
13 staff issue is a 1920 issue. I just want it clear  
14 that we preserve and reserve our right to present  
15 our evidence, which we have done, and present that  
16 evidence to the Commission, and then to say what we  
17 think the Commission should do based on the  
18 evidence that is now going to be adduced relative  
19 to Issues 1 and 2 per the staff.

20 COMMISSIONER PAYNE: Thank you, sir.

21 MR. SCHEF WRIGHT: Thank you.

22 COMMISSIONER PAYNE: Mr. Marquez, did you have  
23 any opening on that particular EDF Issue 6?

24 MR. MARQUEZ: Uno EDF Issue 6, if I am  
25 understanding EDF correctly, that issue -- a

1 separate issue is no longer needed. It will be  
2 addressed within the context of the alternative  
3 issues proposed, as well as the traditional issues  
4 for these types of dockets, is that right?

5 MR. SCHEF WRIGHT: That's correct. Including  
6 -- just to be completely clear, including what we  
7 think the Commission should do upon consideration  
8 of the relevant information. Thank you.

9 COMMISSIONER PAYNE: Okay. That takes us to  
10 EDF-7.

11 MR. CHRISTOPHER WRIGHT: I'm sorry, Chairman  
12 Payne, I will just note my same comments on EDF  
13 Issue 6.

14 COMMISSIONER PAYNE: I am sorry I didn't call  
15 on you.

16 OPC?

17 MS. CHRISTENSEN: And the same comment as  
18 before.

19 COMMISSIONER PAYNE: Thank you.

20 EDF-7.

21 MR. SCHEF WRIGHT: EDF, as I mentioned a  
22 little bit ago --

23 COMMISSIONER PAYNE: Let me go to staff first  
24 to introduce the discussion on EDF-7.

25 MR. MARQUEZ: If you would like me to read the

1 issue, is that what you are asking?

2 COMMISSIONER PAYNE: Yes, go ahead, please.

3 MR. MARQUEZ: Okay. The issue -- the proposed  
4 issue here is: Did the planning processes that  
5 Florida Power & Light Company utilized and employed  
6 in planning the facilities that comprise the  
7 Andytown-Oasis Transmission Lines Project comply  
8 with Rule 25-22.076, Florida Administrative Code,  
9 Contents of Petition, that applies to transmission  
10 line need determination proceedings?

11 COMMISSIONER PAYNE: Okay. Now, Schef?

12 MR. SCHEF WRIGHT: Thank you again,  
13 Commissioner.

14 For clarity, Issue 7 addresses compliance with  
15 22 -- 25 -- rule, your Rule 25-22.076. It's our  
16 contention that FPL did not comply with the rule,  
17 they should have and they should have considered  
18 all the factors set forth in that rule. That is  
19 the substance of what we intend to address in our  
20 proposed Issue 7.

21 COMMISSIONER PAYNE: Understood.

22 OPC.

23 MS. CHRISTENSEN: We believe that the rule is  
24 relevant.

25 COMMISSIONER PAYNE: Okay. And, Mr. Wright,

1 FPL, same comment?

2 MR. CHRISTOPHER WRIGHT: No, thank you,  
3 Commissioner Payne, so -- and I do apologize. My  
4 comments earlier, I guess the EDF issues got  
5 slightly renumbered from the prior version I saw,  
6 but with respect to EDF Issue 7, so this rule goes  
7 to the content of the petition, that is the subject  
8 of a very recently filed motion to alter that was  
9 submitted by EDF last night. We have filed a  
10 response, I think just moments ago, in response to  
11 that.

12 This is not an appropriate issue. I mean,  
13 this is really -- this goes to the sufficiency of  
14 the pleadings, which is really a motion to dismiss,  
15 you know, that's -- it's untimely. That should  
16 have been filed already if they want to dismiss on  
17 lack, you know, the pleading is insufficient on its  
18 face.

19 But importantly, this is not an issue for the  
20 Commission to decide after the hearing at an Agenda  
21 Conference. It's not appropriate. You know, the  
22 timing of when this would occur, we are going to go  
23 to hearing, we are going to put in our evidence,  
24 the Commission is going to -- we are going to brief  
25 it, and then the Commission is going to come back

1 and make a decision on whether the pleading was  
2 sufficient on its face. I submit that's untimely,  
3 and it's very inconsistent with the strict timeline  
4 and requirements under the TLISA.

5 We just do not think this is an appropriate  
6 issue for the Commission to take up after the  
7 hearing and vote in an Agenda Conference. But  
8 again, I think that this issue will become moot  
9 based on the Commission's disposition of this  
10 late-filed motion to alter and dismiss that was  
11 submitted by EDF last night.

12 COMMISSIONER PAYNE: Okay. Let me take two  
13 minutes here just to have discussion with staff  
14 here.

15 (Discussion off the record.)

16 COMMISSIONER PAYNE: Okay. We are back.

17 Mr. Wright, we will take that under  
18 advisement. We will see that -- I think, since it  
19 was just filed, we have got to get through that, so  
20 we will take that under advisement to reflect and  
21 reserve judgment on it.

22 MR. SCHEF WRIGHT: Commissioner?

23 COMMISSIONER PAYNE: Yes.

24 MR. SCHEF WRIGHT: I need to clarify  
25 something. This issue was raised some time ago.

1 This issue addresses whether FPL's petition  
2 complied with the requirements of the rule to  
3 address major transmission improvements available  
4 as an alternative to a proposed line. That is a  
5 different issue than the issue that we addressed in  
6 our motion filed yesterday. The motion we filed  
7 yesterday was based on information that we only  
8 learned Friday afternoon at the deposition of FPL's  
9 witness.

10 And as far as taking it under advisement, of  
11 course, that's your call.

12 COMMISSIONER PAYNE: So we will reserve  
13 judgment on that, okay?

14 MR. SCHEF WRIGHT: Yes, sir.

15 COMMISSIONER PAYNE: All right.

16 MR. SCHEF WRIGHT: Thank you.

17 COMMISSIONER PAYNE: Where are we EDF?

18 MR. MARQUEZ: 8.

19 COMMISSIONER PAYNE: -- 8 still? Okay.

20 MR. MARQUEZ: I believe we were just  
21 addressing EDF-7, and so now we should be moving on  
22 to EDF-8.

23 COMMISSIONER PAYNE: EDF-8, yes, sir, Mr.  
24 Marquez. Thank you.

25 MR. MARQUEZ: Okay. Would you like me to read

1 this issue as well?

2 COMMISSIONER PAYNE: Yes.

3 MR. MARQUEZ: Okay. The issue as proposed for  
4 EDF-8 is as follows: Did the planning processes  
5 that Florida Power & Light Company utilized and  
6 employed in planning the facilities that comprise  
7 the Andytown-Oasis Transmission Lines Project  
8 comply with Section 403.521, Florida Statutes,  
9 which declares that it is the intent of the  
10 Transmission Line Siting Act to fully balance the  
11 need for transmission lines with the broad  
12 interests of the public in order to effect a  
13 reasonable balance between the need for the  
14 facility as a means of providing reliable,  
15 economical and efficient electric energy and the  
16 impact on the public and the environment?

17 COMMISSIONER PAYNE: Okay. EDF, comments?

18 MR. SCHEF WRIGHT: Thank you. Briefly,  
19 Commissioner.

20 This issue addresses another statute that's  
21 within the Commission's jurisdiction to consider  
22 403.521, it bears directly on the criterion in  
23 403.537 that the Commission and the utility must  
24 consider -- the utility must demonstrate and the  
25 Commission must consider the need for abundant

1 low-cost electrical energy to assure the economic  
2 well-being of the residents of the state.

3 COMMISSIONER PAYNE: Understood.

4 OPC?

5 MS. CHRISTENSEN: Our position is that the  
6 statute cited is relevant to the proceeding.

7 COMMISSIONER PAYNE: Mr. Wright?

8 MR. CHRISTOPHER WRIGHT: Thank you,  
9 Commissioner.

10 We certainly don't disagree that the statute  
11 is relevant. However, Section 403.52 is the  
12 legislative intent for why the TLSA was adopted.  
13 This is the policy behind the TLSA, not the  
14 criteria the Commission must consider in  
15 determining whether there is a need for a project,  
16 which is specifically laid out in 403.537(c).

17 EDF's proposed issue is trying to add a new  
18 criteria for the need determination that is not in  
19 the statute. That's a job for the Legislature.  
20 Not EDF. Not the Commission.

21 To the extent that EDF believes that the  
22 Andytown-Oasis project is contrary to the intent of  
23 the TSLA as set forth in Section 403.52, EDF can  
24 and, frankly, should address that position under  
25 staff's original Issues No. 1 and 2.

1 COMMISSIONER PAYNE: Thank you.

2 Staff?

3 MR. MARQUEZ: Staff understands that different  
4 government agencies each play a unique role in the  
5 overall Transmission Line Siting Act process. The  
6 factors that the Legislature wanted the Commission  
7 to consider within that overall framework are  
8 expressly mentioned within Section 403.537, Florida  
9 Statutes, and contained within the issues already  
10 proposed by staff.

11 Environmental concerns, for example, are  
12 irrelevant here and beyond the scope of a need  
13 determination. Therefore, staff does not believe  
14 that this proposed issue should be included.

15 COMMISSIONER PAYNE: Thank you.

16 Okay. Moving on to EDF-9.

17 MR. MARQUEZ: The proposed issue is as  
18 follows: Did the planning processes that Florida  
19 Power & Light Company utilized and employed in  
20 planning the facilities that comprise the  
21 Andytown-Oasis Transmission Lines Project comply  
22 with principles of prudent utility practice?

23 COMMISSIONER PAYNE: EDF?

24 MR. SCHEF WRIGHT: The issue is  
25 straightforward, and we believe it's completely

1 relevant to the consideration of the factors  
2 enumerated in 403.537, as well as being facially  
3 within the Commission's jurisdiction, which is the  
4 third category of subjects that the Commission is  
5 authorized to consider in a transmission line need  
6 determination proceeding within 403.537.

7 COMMISSIONER PAYNE: OPC?

8 MS. CHRISTENSEN: Again, we do believe that  
9 prudent utility practice is always an issue in  
10 determining whether or not the action that the  
11 utility is proposing should go forward.

12 COMMISSIONER PAYNE: FPL?

13 MR. CHRISTOPHER WRIGHT: Commissioner, we  
14 believe this is subsumed and can be addressed under  
15 staff's Issues 1 and 2.

16 COMMISSIONER PAYNE: Mr. Marquez?

17 MR. MARQUEZ: Staff agrees with FPL on this  
18 particular issue.

19 COMMISSIONER PAYNE: We will move on to  
20 EDF-10.

21 MR. MARQUEZ: We do have the final proposed  
22 issue, Commissioner. However, it is my  
23 understanding that given that all parties attended  
24 an issue ID meeting on April 1st, EDF indicated  
25 that it would withdraw that issue from

1 consideration at hearing, given that it had filed a  
2 separate motion.

3 COMMISSIONER PAYNE: Parties, is that correct?

4 MR. SCHEF WRIGHT: That's correct. This issue  
5 can, itself, be dropped. We will withdraw it. It  
6 is specifically addressed by our first March 31st,  
7 that is our March 31st motion to alter, which is  
8 separate from the motion we filed yesterday. Thank  
9 you.

10 COMMISSIONER PAYNE: Okay. Having heard all  
11 the arguments, my decision will be reflected in the  
12 final Prehearing Order when it's issued.

13 Let's go to Section IX, Exhibit List,  
14 Commissioner. Staff.

15 MR. MARQUEZ: Staff is in the process of  
16 preparing a Comprehensive Exhibit List that  
17 includes -- or that will include all prefiled  
18 exhibits, and also would include all those exhibits  
19 that staff wishes to introduce into the record.

20 Staff will circulate a draft list and check  
21 with the parties prior to hearing to determine if  
22 there are any objections to the Comprehensive  
23 Exhibit List or to any of staff's exhibits being  
24 entered into the record.

25 All parties must refer to the CEL Exhibit

1           Number when referencing an exhibit during  
2           cross-examination at the hearing.

3           COMMISSIONER PAYNE: Thank you.  
4           Proposed stipulations. Staff.

5           MR. MARQUEZ: There are no stipulations at  
6           this time that staff is aware of.

7           COMMISSIONER PAYNE: Okay. We are on Section  
8           XI, Pending Motions. Staff.

9           MR. MARQUEZ: There are two pending motions --  
10          excuse me, there are three, possibly three pending  
11          motions, Commissioner. The first is EDF's motion  
12          to alter schedule, which FPL filed a response in  
13          opposition to.

14          COMMISSIONER PAYNE: Okay. I have read the  
15          motion and response. I find the information  
16          presented is sufficient for me to make an informed  
17          decision and, thus, do not require oral arguments.  
18          I am denying EDF's motion to alter schedule with my  
19          rationale reflected in the written order. The  
20          parties should comport themselves accordingly.

21          MR. MARQUEZ: Commissioner Payne, the second  
22          pending motion is FPL's Motion in Limine and to  
23          Strike Certain Portions of the Testimonies and  
24          Exhibits of the EDF Witness Cranston and Thomas.  
25          EDF recently filed a written response, I believe.

1           MR. PERRY: Yes, as well as a request for oral  
2 argument. Those were filed just before noon, and  
3 served as well.

4           COMMISSIONER PAYNE: Okay. So I have read the  
5 motion and response, and feel the oral argument may  
6 assist in better understanding and evaluating the  
7 issues to be decided.

8           MR. PERRY: Yes, that's correct. And with  
9 respect to oral argument, you know, given that the  
10 motion was filed a week ago, our deadline to  
11 respond was not until the end of the day today, and  
12 we just served our response. I think, in fairness  
13 to FPL, they probably want to have a chance to  
14 review our response, and I think probably the  
15 Commission as well.

16           We would suggest that the most appropriate way  
17 to take up FPL's Motion in Limine would be for --  
18 at the time the witnesses are called, FPL can  
19 conduct voir dire of the witnesses and at that time  
20 bring up their motion in limine if they still think  
21 it's necessary, and we can hear oral argument on  
22 whether or not the witnesses can be admitted at  
23 that time, along with their exhibits.

24           Alternatively, we would suggest that the  
25 motion might be better heard if we set a special

1           time to hear the motion before the hearing. We  
2           would suggest that 10 minutes for each side would  
3           be an appropriate timeframe.

4                    COMMISSIONER PAYNE: FPL?

5                    MR. CHRISTOPHER WRIGHT: I am going to get it  
6           right here. FPL's motion is about keeping the  
7           hearing focused on the actual statutory question  
8           and jurisdiction. I think having that decision  
9           before the hearing is important. It's going to  
10          help the parties. It's going to help the  
11          Commissioners. It's going to help their staff  
12          understand what is fair play, what evidence is  
13          going to come in. It will help with an organized  
14          orderly hearing.

15                   That being said, we have not seen -- I  
16          personally have not seen EDF's response to our  
17          motion. I am prepared, if you so desire, to argue  
18          our motion here before you today.

19                   Alternatively, if you are inclined, we  
20          certainly would welcome the alternative of taking  
21          it up at the beginning of the hearing, again, to  
22          make sure that we have some guardrails and  
23          boundaries on what's fair play.

24                   I do not think that's the same thing as we  
25          must do voir dire of their witnesses. I think that

1 is a separate and distinct issue unrelated to the  
2 motion to strike. I think the motion to strike and  
3 motion in limine can be ruled independently of that  
4 question on voir dire. In fact, it may reduce the  
5 amount of voir dire necessary.

6 COMMISSIONER PAYNE: We are not going to do  
7 the oral arguments today, so we will move on from  
8 there.

9 As far as setting a date certain, a time  
10 certain, I will work with staff to establish that.  
11 Did you get that, Mr. Marquez?

12 MR. MARQUEZ: Yes, I did. I will look into a  
13 date that can best accommodate everyone's schedule  
14 for the parties, as well as Your Honor's schedule.

15 COMMISSIONER PAYNE: Okay. And I think you  
16 had a third issue today. Was there a third issue  
17 on pending motions today?

18 MR. MARQUEZ: I am -- excuse me, Commissioner.  
19 So EDF did file a motion, I believe late yesterday,  
20 and that is a second motion to alter procedural  
21 schedule but on a different basis.

22 COMMISSIONER PAYNE: Okay.

23 MR. MARQUEZ: I am not sure if FPL has filed a  
24 written at this point yet.

25 MR. CHRISTOPHER WRIGHT: Yes, FPL did submit a

1 written response. I am happy to provide a summary  
2 of that to the extent, Commissioner, you have not  
3 had an opportunity to see that. We, obviously,  
4 received EDF's motion last night and prepared a  
5 response this morning, and it was submitted earlier  
6 today.

7 COMMISSIONER PAYNE: Is that something you can  
8 summarize in two minutes?

9 MR. CHRISTOPHER WRIGHT: I certainly can do my  
10 best.

11 The basis of EDF's motion is they are asking  
12 for two things, one, to delay this proceeding, and,  
13 two, to dismiss the petition for failure -- of  
14 insufficiency of the petition, failure to comply  
15 with the pleading requirements of Rule 25-22.076.

16 As explained in our response, the issue is  
17 whether or not the pleading included the load flow  
18 analysis required by that rule. And as detailed in  
19 our response, that information was provided.

20 Specifically Appendix A shows the load flow  
21 diagrams that illustrate the project's capability  
22 to address the reliability issues. That's further  
23 explained on pages 10 and 11 of Exhibit 58 to FPL's  
24 petition.

25 Appendix B shows the load flow diagrams to

1 illustrate the project's capability to maintain  
2 transmission reliability, as further explained on  
3 pages 11 and 12 of Exhibit A to FPL's petition.

4 Appendix C shows the load flow diagrams that  
5 illustrate the project's increased power transfer  
6 capability as explained on page 12 of Exhibit A of  
7 FPL's petition.

8 Further, Confidential Attachment 7 to the  
9 Exhibit A provides the 2025 transmission planning  
10 assessment in table format, and a separate table  
11 with the transfer analysis load flow results for  
12 the four assessments. This was done for all four.  
13 So the base case without the project, with the  
14 proposed project, and then two alternatives.

15 Finally, confidential Exhibit MAY-4, which was  
16 submitted with the direct testimony of FPL Witness  
17 Yanes, reflects the facilities that would violate  
18 the NERC Reliability standards as a result of the  
19 load flow analysis.

20 This information reflected in Attachment 7 and  
21 Appendices A, B and C, as well as Exhibit MAY-4,  
22 reflect the load flow studies on a combination of  
23 Peninsular Florida, Gulf Power, or the FPL  
24 Northwest, and complete the load flow analysis and  
25 supporting documentation required by the rule. I

1 note that we, FPL, have provided this same analysis  
2 in prior need determinations approved by this  
3 commission.

4 In addition, FPL has provided the underlying  
5 data in a discovery response in its native format  
6 that was used to prepare those analyses. Again,  
7 that was done for all four of the different views.

8 EDF's complaint is not the load flow study and  
9 analysis do not exist. Its complaint is that EDF  
10 would prefer a different packaging or additional  
11 native source files at the outset. That's not  
12 required by the rule. We are not required to  
13 submit it in EDF's preferred format. The fact of  
14 the matter is that FPL has provided the required  
15 load flow studies similar with prior filings  
16 approved by this commission.

17 And finally, with respect to the request that  
18 the petition be dismissed for insufficiency and  
19 failure to comply with the rule, you will see in  
20 our response that we believe that is untimely. You  
21 know, at its core, that's what they are asking,  
22 that this petition be dismissed.

23 COMMISSIONER PAYNE: Okay. Let's move on.

24 Mr. Wright, do you have a comment on that?

25 MR. SCHEF WRIGHT: Yes, and I will be as brief

1 as I can, which is pretty brief.

2 COMMISSIONER PAYNE: Two minutes.

3 MR. SCHEF WRIGHT: Thank you.

4 The rule is explicit. FPL did not comply with  
5 the rule. The rule says: One copy of the complete  
6 load flow analysis, including supporting  
7 documentation, shall be filed with the Commission.  
8 The preface to the rule says: Petitions submitted  
9 to commence a determination of need proceeding  
10 shall comply with the other requirements of Chapter  
11 25-22, and shall contain the following information.

12 FPL provided a bunch of different stuff. They  
13 provided some electrical diagrams, the Attachment 7  
14 to which Mr., my friend Mr. Wright referred is one  
15 page that has two tables on it. This is not  
16 complete load flow analysis.

17 When I asked their witness on Friday at his  
18 deposition what they had, he explained to me that  
19 there were four cases prepared using a software  
20 known as PSSC evaluating four different scenarios.  
21 And I said -- I asked him: Is that the totality of  
22 the cost of the load flow analyses that you did?  
23 He answered affirmatively. I think he just said  
24 yes, but regardless, he answered affirmatively.  
25 They, FPL, did not comply with the rule.

1           Additionally, nowhere in our motion -- well,  
2           nowhere in our request for relief in any of that do  
3           we ask that the Commission dismiss their petition.  
4           We ask the Commission to alter the schedule,  
5           require them to make the required filing as  
6           required by 25-22076 and set a new schedule  
7           starting from the date on which they make the  
8           required filing.

9           COMMISSIONER PAYNE: Okay. We got it. I  
10          opened this can of worms, so I am going to close  
11          it.

12          MR. SCHEF WRIGHT: Thank you.

13          COMMISSIONER PAYNE: OPC, do you have any  
14          comments?

15          MS. CHRISTENSEN: No, we do not.

16          COMMISSIONER PAYNE: Okay. So we will give  
17          staff the opportunity to review those that came in,  
18          and we will reserve judgment until that time.

19          Okay. Pending confidential matters.

20          MR. MARQUEZ: The pending confidential  
21          requests are listed in the draft Prehearing Order.

22          COMMISSIONER PAYNE: Okay. Section XIII,  
23          Objections to Witness is Qualifications as an  
24          Expert.

25          MR. MARQUEZ: Of FPL challenges EDF Witness

1 Cranston's expertise on certain matters contained  
2 in his direct testimony as reflected in the draft  
3 Prehearing Order, and reserves the right to voir  
4 dire that witness, Commissioner.

5 COMMISSIONER PAYNE: Section XIV, Requests for  
6 Sequestration of Witnesses.

7 MR. MARQUEZ: Commissioner, there are no  
8 requests to sequester a witness. And because of  
9 this, staff recommends removing this section from  
10 the Prehearing Order as it is not needed.

11 COMMISSIONER PAYNE: Okay. And Section XV,  
12 Post-Hearing Procedures. Staff.

13 MR. MARQUEZ: If the panel makes a bench  
14 decision in this matter, there will be no need for  
15 a post-hearing brief.

16 If there are issues to be briefed, then staff  
17 recommends post-hearing briefs be no longer than 40  
18 pages. Briefs are due April 29th, 2026.

19 COMMISSIONER PAYNE: Parties in agreement?

20 Yes, FPL, Mr. Wright.

21 MR. CHRISTOPHER WRIGHT: Commissioner Payne, I  
22 am just a little worried that given some of the  
23 recent direction from the Florida Supreme Court on,  
24 you know, more robust explanations in Commission  
25 orders, that 40 pages could be a little short given

1           some of the issues. It's hard for me to know.  
2           Some of this may play out on somehow some of the  
3           motions that are pending are ruled upon, if they  
4           kind of remain in play, I am just worried 40 pages  
5           might cut us just a little bit short. I would  
6           request that we increase that limit to 75,  
7           obviously, with making a best effort to keep it as  
8           brief and concise as possible.

9           MR. SCHEF WRIGHT: Commissioner, we would  
10          support that. Thank you.

11          Just for clarity and preservation, I do want  
12          to say with respect to Mr. Cranston's testimony,  
13          FPL is certainly welcome to voir dire Mr. Cranston,  
14          and we will proffer his testimony and exhibits at  
15          every appropriate opportunity.

16          Thank you.

17          COMMISSIONER PAYNE: OPC, do you have any  
18          comments?

19          MS. CHRISTENSEN: No objection to the 75-page  
20          limit.

21          COMMISSIONER PAYNE: How about staff?

22          MR. MARQUEZ: Are you asking for our opinion?

23          COMMISSIONER PAYNE: I am asking for your  
24          opinion.

25          MR. MARQUEZ: I will just note that in

1 previous dockets, we traditionally only allowed 20  
2 pages. Staff thought that the doubling that for  
3 today, given the disputed additional issues, would  
4 have been sufficient, but if the parties all agree  
5 that 75 is needed, staff is not going to object to  
6 that.

7 COMMISSIONER PAYNE: Do all parties agree to  
8 75?

9 MR. SCHEF WRIGHT: Yes, sir.

10 COMMISSIONER PAYNE: Okay. Let's go to 75  
11 pages. Sounds a little excessive to me, but we  
12 will go there.

13 And the briefs due by April 29th?

14 MR. MARQUEZ: Yes, sir.

15 COMMISSIONER PAYNE: All right. Section XVI,  
16 Rulings.

17 MR. MARQUEZ: Staff recommends that Your Honor  
18 make a ruling that opening statements, if any,  
19 should not exceed five minutes per party.

20 COMMISSIONER PAYNE: The parties agree on  
21 that?

22 MR. SCHEF WRIGHT: Yes, sir.

23 COMMISSIONER PAYNE: Hearing no objection,  
24 then five minutes will be the openings.

25 And let's see, we are now on other matters,

1 Mr. Marquez. Are there any other matters to  
2 address in the Prehearing Conference?

3 MR. MARQUEZ: Not that staff is aware of,  
4 Commissioner.

5 COMMISSIONER PAYNE: Does anyone have anything  
6 further to address before we adjourn?

7 MR. SCHEF WRIGHT: No, sir.

8 COMMISSIONER PAYNE: Thank you all for your  
9 comments today, your civility, to some degree. And  
10 hearing none, this concludes the Prehearing  
11 Conference in Docket No. 20260020-EI. We are  
12 adjourned.

13 (Proceedings concluded.)

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CERTIFICATE OF REPORTER

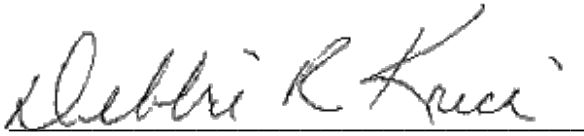
STATE OF FLORIDA )  
COUNTY OF LEON )

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 21st day of April, 2026.



DEBRA R. KRICK  
NOTARY PUBLIC  
COMMISSION #HH575054  
EXPIRES AUGUST 13, 2028