

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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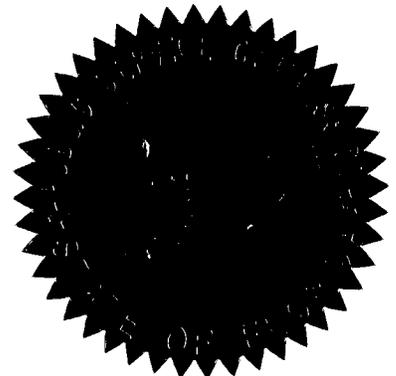
REVIEW OF 2007 ELECTRIC INFRASTRUCTURE DOCKET NO. 070297-EI  
STORM HARDENING PLAN FILED PURSUANT TO  
RULE 25-6.0342, F.A.C., SUBMITTED BY  
TAMPA ELECTRIC COMPANY.

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REVIEW OF 2007 ELECTRIC INFRASTRUCTURE DOCKET NO. 070298-EI  
STORM HARDENING PLAN FILED PURSUANT TO  
RULE 25-6.0342, F.A.C., SUBMITTED BY  
PROGRESS ENERGY FLORIDA, INC.

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REVIEW OF 2007 ELECTRIC INFRASTRUCTURE DOCKET NO. 070299-EI  
STORM HARDENING PLAN FILED PURSUANT TO  
RULE 25-6.0342, F.A.C., SUBMITTED BY  
GULF POWER COMPANY.

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REVIEW OF 2007 ELECTRIC INFRASTRUCTURE DOCKET NO. 070300-EI  
STORM HARDENING PLAN FILED PURSUANT TO  
RULE 25-6.0342, F.A.C., SUBMITTED BY  
FLORIDA PUBLIC UTILITIES COMPANY.

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REVIEW OF 2007 ELECTRIC INFRASTRUCTURE DOCKET NO. 070301-EI  
STORM HARDENING PLAN FILED PURSUANT TO  
RULE 25-6.0342, F.A.C., SUBMITTED BY  
FLORIDA POWER & LIGHT COMPANY.



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PROCEEDINGS:           AGENDA CONFERENCE  
                          ITEM NO. 11

BEFORE:                 CHAIRMAN LISA POLAK EDGAR  
                          COMMISSIONER MATTHEW M. CARTER, II  
                          COMMISSIONER KATRINA J. McMURRIAN  
                          COMMISSIONER NANCY ARGENZIANO  
                          COMMISSIONER NATHAN A. SKOP

DATE:                   Tuesday, June 19, 2007

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

REPORTED BY:           JANE FAUROT, RPR  
                          Official FPSC Reporter  
                          (850) 413-6732

1 PARTICIPATING:

2           ROBERT SCHEFFEL WRIGHT, ESQUIRE, representing  
3 Municipal Underground Utilities Consortium, the Town of Palm  
4 Beach, Florida, the Town of Jupiter Island, Florida, the City  
5 of Panama City Beach, and the Panama City Beach Community  
6 Redevelopment Agency.

7           BETH KEATING, ESQUIRE, Akerman Senterfitt Law Firm,  
8 and MARIA BROWN, ESQUIRE, Davis, Wright, Tremaine Law Firm,  
9 representing FCTA.

10           NORMAN H. HORTON, JR., ESQUIRE, representing Florida  
11 Public Utilities Company.

12           LORENA HOLLEY, ESQUIRE, MICHAEL COOKE, GENERAL  
13 COUNSEL, and TOM BALLINGER, representing the Florida Public  
14 Service Commission Staff.

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

CHAIRMAN EDGAR: We will go back on the record.

Commissioners, we will be on Item 11. And before I ask staff to introduce it, I do understand from Mr. Staden that we have somebody participating by phone, is that correct? Ms. Maria Brown.

Ms. Brown, are you with us?

MS. BROWN: I am with you. Thank you.

CHAIRMAN EDGAR: Okay. Thank you very much.

And I will ask staff to please get us started.

MS. HOLLEY: Thank you.

Good morning, Madam Chairman, Commissioners. My name is Lorena Holley, Commission Legal Staff.

Item 11 addresses the review of the storm hardening plans filed by the investor-owned utilities pursuant to Rule 25-6.0342, Florida Administrative Code.

In Item 1 of the recommendation, staff is recommending that the Commission schedule the review of FPL, Gulf, Progress, and TECO's plans directly for formal administrative hearings. As part of the hearing process, staff would hold a series of informal workshops with the parties to identify disputed issues and potential issues in areas for stipulation.

Issue 2 of the recommendation addresses FPUC's petition to a temporary waiver of the rule, seeking an

1 additional 60 days to file its plan, which would make its plan  
2 due on or before July 6th.

3 Staff is recommending that the Commission approve  
4 FPUC's petition and is also recommending that if FPUC fails to  
5 submit its plan to the Commission by July 6th that a show cause  
6 proceeding be initiated. There are a number of participants,  
7 interested persons present for this item who may wish to  
8 address the Commission and who are also available to answer  
9 questions from the Commissioners, including a representative of  
10 the Florida Cable Telecommunications Association who is  
11 participating via telephone. In addition, staff is available  
12 to answer any questions.

13 Thank you.

14 CHAIRMAN EDGAR: Mr. Wright.

15 MR. WRIGHT: Thank you, Madam Chairman,  
16 Commissioners. I have the privilege to be here before you in  
17 two of the dockets. In the 070301 docket relating to Florida  
18 Power and Light Company, I represent the Municipal Underground  
19 Utilities Consortium, the town of Palm Beach, Florida, and the  
20 town of Jupiter Island, Florida. In the 070299, the Gulf Power  
21 storm hardening plan docket, I'm here representing the City of  
22 Panama City Beach and the Panama City Beach Community  
23 Redevelopment Agency.

24 I'm here to speak very briefly to you in support of  
25 the staff's recommendation. We appreciated the opportunity to

1 submit comments, which my clients did, and which the staff gave  
2 good attention to, and for which we are grateful. We support  
3 the workshop process, as we indicated we would, and we look  
4 forward to participating in those workshops. And we support  
5 the staff's recommendation to set these dockets for hearings  
6 and look forward to participating therein.

7 Thank you very much.

8 CHAIRMAN EDGAR: Thank you, Mr. Wright.

9 Ms. Keating.

10 MS. KEATING: Good morning, Madam Chair,  
11 Commissioners. Just briefly. Beth Keating, Akerman  
12 Senterfitt, here on behalf of FCTA for Dockets 070298 and  
13 070299.

14 I just wanted to take the opportunity to introduce  
15 Ms. Brown. She is with the Davis, Wright, Tremaine Law Firm,  
16 and she is representing FCTA in all of the identified dockets.

17 Like Mr. Wright, we support the recommendation for  
18 workshops and look forward to participating.

19 CHAIRMAN EDGAR: Thank you.

20 Ms. Brown, would you like to make any comments at  
21 this time?

22 MS. BROWN: Madam Chairman, Commissioner, good  
23 morning.

24 I believe that Beth adequately represented FCTA's  
25 position. We do look forward to further developing the issues

1 at the workshops and hopefully resolving some of the issues  
2 there.

3 CHAIRMAN EDGAR: Thank you.

4 And as Ms. Holley stated, it is my understanding that  
5 we do have representatives from other interested parties that  
6 are available, Commissioners, if there are questions. But, as  
7 we can see, they did not feel the need to make a statement at  
8 this time.

9 So, Commissioners, are there questions on the issue  
10 items that are before us?

11 Commissioner Carter.

12 COMMISSIONER CARTER: Thank you, Madam Chair.

13 I just kind of want to walk with staff for a moment,  
14 Ms. Holley, if you wouldn't mind, on the -- first of all, I  
15 think staff has done a good job in making these  
16 recommendations. I think that they have -- I like the  
17 side-by-sides in term of the perspective here, I like how they  
18 have gone through and looked at our ten-point plan as well as  
19 looking at the various and sundry recommendations for the  
20 hardening program. Just kind of, for a moment here, Madam  
21 Chairman, if I may be recognized for a couple of comments.

22 I'm looking here on this Page 8, it says staff  
23 believes -- and I just want to make a couple of comments and  
24 then I will ask my question.

25 CHAIRMAN EDGAR: Okay.

1           COMMISSIONER CARTER: On Page 8 it says, this is the  
2 first full paragraph, the second sentence, third sentence in  
3 there, it says, "Staff believes FPL's plan is limited in scope  
4 and relies on a, quote, trial by experience, unquote, approach  
5 because FPL's plan does not address a comprehensive proactive  
6 effort to assess options to mitigate flood and storm surge  
7 issues that impact underground electric infrastructure."

8           And then to Page 12 -- Madam Chairman, this is going  
9 to be a little bit laborious, but I beg your indulgence.

10           On Page 12, the first full paragraph on Page 12 in  
11 regards to Progress Energy, the second sentence in that  
12 paragraph, "Nevertheless, it is also possible to test the  
13 elements of Progress Energy's planned activities through  
14 simulated extreme weather events, and thereby avoiding the  
15 complete reliance on a trial by experience approach." It says,  
16 "In general, certain aspects of verifying the consumer benefits  
17 depend on future storm experiences."

18           On Page 14, under the heading cost-effective  
19 reduction of storm damage costs and outages, second full  
20 paragraph, I believe this would probably be -- I want to read  
21 the second and third sentence, Madam Chairman. It says,  
22 "Nevertheless, it is also possible to test the elements of  
23 TECO's planned activities through simulated extreme weather  
24 events, and thereby avoiding a complete reliance on a, quote,  
25 trial-by-experience approach that staff believes TECO's plan

1 does not adequately discuss a general feedback mechanism that  
2 ensures the overarching goals of lower storm restoration costs  
3 and fewer storm outages are achieved economically."

4           And then, finally, Madam Chairman, on this issue,  
5 Page 16, as it relates to Gulf Power, under the heading extreme  
6 wind load criteria, that first full paragraph, this last two  
7 sentences, "Staff believes this apparent trial-by-experience  
8 approach is not proactive. Staff also believes Gulf's approach  
9 does not materially reduce future storm restoration costs and  
10 outages that may occur within the next three years."

11           It seems to me, and I just kind of wanted to set that  
12 out to lay my question, is it seems to me from what staff is  
13 saying is that that may be a wait-and-see approach which may  
14 not be the best perspective to take in how we are evaluating  
15 whether or not the companies are meeting their requirements and  
16 even their plans for the different conditions.

17           Am I reading that correctly?

18           MR. BALLINGER: I think you are. And, again, this is  
19 a preliminary assessment going through the plans pretty quickly  
20 to get you something ahead of time. The key in this is the  
21 feedback mechanism. We don't really know for certain if  
22 hardening will reduce storm restoration costs or avoid storm  
23 damages. We have a feeling it will, we are pretty sure it  
24 will, but we are not absolutely sure. And a lot of utilities  
25 had a kind of wait and see, didn't even take estimates at it.

1           So we are looking at something in the plans that  
2 since we don't know for sure, is there a feedback mechanism on  
3 some of these projects that they are going to undertake to get  
4 that data back, to say, you know, how well is this working and  
5 can we move forward to move off of zero or just trial by fire  
6 kind of thing.

7           COMMISSIONER CARTER: If I may, Madam Chairman.

8           CHAIRMAN EDGAR: Yes, sir.

9           COMMISSIONER CARTER: I'll try to be a little more  
10 succinct this time, but I do have, in the context of  
11 cost-effectiveness, I think on FPL it is on Page 8. Under the  
12 heading cost-effective reduction of storm damage costs and  
13 outages, it says FPL's report does not include an estimate of  
14 storm restoration cost reduction and an estimate of reduced  
15 storm cost outages. The last sentence in that paragraph,  
16 "Therefore, staff believes excluding an estimated benefit data  
17 does not appear to be reasonable because FPL has the  
18 opportunity and the resources to make estimates of reduced  
19 storm reduction costs and outages."

20           In addition, going to the next -- I beg your  
21 indulgence, Madam Chair -- in addition, picking up on the next  
22 paragraph, FPL does not fully explain the process how it will  
23 monitor the various programs and activities to ensure that the  
24 overarching goals of lower storm restoration costs and fewer  
25 storm outages are achieved economically.

1           And as for Progress, that would be on Pages 11 and  
2 12, the last heading says cost-effective reduction of storm  
3 damage costs and outages. It says the cost-effectiveness of  
4 Progress Energy's proposed storm hardening plan is not fully  
5 supported because Progress Energy's costs per customer are  
6 higher than other utilities and it's EWL criterion is lower  
7 than other utilities. Skipping to the next sentence,  
8 nevertheless, Progress Energy's cost estimates on a per  
9 customer basis of \$56 exceed that of FPL between 34 and \$46 and  
10 TECO at \$37. Therefore, it appears that Progress Energy may be  
11 proposing higher cost programs to achieve a less robust  
12 electric infrastructure system compared to other utilities.

13           TECO would be on Page 14 under the cost-effectiveness  
14 reduction of storm damage costs and outages. The first  
15 sentence in that, estimates of reduced storm restoration costs  
16 and outages are not quantified. Staff believes TECO has the  
17 skills, expertise, and data to make these estimates of  
18 potential reduction of storm restoration costs and outages that  
19 may occur in response to increases in various storm hardening  
20 options. And I think, I don't know if I went to Gulf before,  
21 but if I didn't, I did have Gulf also on my prior statement,  
22 but let me just go to Page 17 under the heading cost-effective  
23 reduction of storm damage costs and outages, Page 17 under that  
24 heading. That paragraph says staff believes the  
25 cost-effectiveness of Gulf's proposed plan is not fully

1 supported because, one, Gulf has not estimated reductions in  
2 storm restoration costs and outages, and, two, Gulf has not  
3 implemented a process to assess new projects, relocations, or  
4 major rebuild projects for storm hardening options.

5 I don't know if I did it on my first section when I  
6 was talking about the cost, Madam Chairman, for Gulf.

7 Sometimes I have one of my over-fifty moments, but if I did not  
8 do so on the first portion before Mr. Ballinger responded, was  
9 Gulf would have been on Page 16, about the -- that was under  
10 the extreme wind load criteria, and it says under that heading,  
11 that first sentence that Gulf did not provide substantive  
12 support for a 60 mile-per-hour high wind speed loadings  
13 criteria to distribution facilities. The last couple of  
14 sentences in that paragraph says staff believes this apparent  
15 trial-by-experience approach is not proactive. Staff also  
16 believes Gulf's approach does not materially reduce future  
17 storm restoration costs and outages that may occur within the  
18 next three years.

19 And I said that, Madam Chairman, just to say that  
20 while I looked at staff's recommendation, and I think that  
21 staff is correct in the conclusion that they arrived at, and at  
22 the appropriate time I will be prepared to make a motion, but I  
23 wanted to just kind of set that out, Madam Chairman, because it  
24 kind of laid the floor of where I think we need to be on this  
25 issue. And thank you for your indulgence.

1 CHAIRMAN EDGAR: Commissioner Argenziano.

2 COMMISSIONER ARGENZIANO: Just a question to staff.  
3 When we talk about trial by experience, I mean, if you are a  
4 company that has been in business for a while, you already have  
5 experience. Is there anything that is being incorporated in  
6 the company's history during storms that better helps either  
7 get power back on-line, cost-effectiveness, is there anything  
8 we are including from them as far as their history is  
9 concerned?

10 MR. BALLINGER: There may be. To be quite honest  
11 with you, I'm not 100 percent sure on that question. They have  
12 had a lot of experience with storm restoration and stuff like  
13 this. This is the first time we are looking into hardening,  
14 and upgrading the system to more stringent standards, more  
15 stringent construction standards, other techniques. Will that  
16 prevent storm damage? We don't really know yet. We haven't  
17 had that kind of experience. So that's where we are estimating  
18 will it really help.

19 COMMISSIONER ARGENZIANO: And, Madam Chair, what I  
20 mean is they have that experience, I'm pretty sure. When you  
21 are in business, I would hope that one would want to harden on  
22 their own, as much as they could, and then what we are asking  
23 them to do in addition to that. But anything that they have  
24 come back and said, look, this is what we have done in the  
25 past, this works the best, and history shows that maybe what

1 you're asking here may be not as cost-effective as doing it a  
2 different way.

3 MR. BALLINGER: And I think you see that when you  
4 compare the utilities. You have FPL who is using an extreme  
5 windloading standard, where Progress is not. And they're  
6 saying on our experience, we don't need to go to the higher  
7 construction grades, because it's not going to do anything. So  
8 that's the kind of stuff that we're going to talk about at the  
9 workshops to see where do we fall down.

10 COMMISSIONER ARGENZIANO: Right.

11 And, Madam Chair, I guess that makes a lot of sense.  
12 Because if one company has been hit a certain way, and another  
13 company has been hit a different way, we may be able to use  
14 that history from both of them.

15 Thank you.

16 CHAIRMAN EDGAR: Thank you.

17 As a follow-up, Commissioners, to both of your  
18 comments, you know, this is a continuation of a multi-step  
19 phase initiative that this Commission started back in January  
20 or February of last year. And one thing that I have always  
21 said, and I know staff is working very diligently to help us  
22 do, is to have data, both experiential data and hard data to  
23 help us make -- and for the companies as well, of course -- to  
24 help make decisions with cost/benefit information.

25 As a Commission, we certainly don't want to direct

1 companies to spend money in a way that is not cost-effective.  
2 Sometimes some of it is intuitive, some of it is experiential,  
3 and sometimes there is data. But what we have found as we have  
4 looked at this over the past year and a half is that there did  
5 seem to be some data gaps, and so we are trying to move forward  
6 thoughtfully as we work through all of that.

7           Commissioners, any further questions?

8           Commissioner Carter.

9           COMMISSIONER CARTER: I don't want to, kind of,  
10 dominate, Madam Chairman, but there is one other thing that I  
11 noticed throughout these perspective, both for all of the  
12 companies, FPL, Progress, TECO, Gulf, is that one of the  
13 things, one of the recurring themes in here, and that is what I  
14 was looking for, is these recurring themes, is that staff  
15 suggests that the 90-day period set by rule may have limited  
16 the level of dialogue between the utilities and the affected  
17 parties.

18           I was kind of unclear about why that was. You know,  
19 if you know you have got 90 days, and you take the 90 days, but  
20 that was just -- it seemed like it was kind of hanging out  
21 there on each one of the perspectives for each one of the  
22 companies. And I was wondering, maybe I could ask staff why  
23 did they think that was such a problem?

24           MR. BALLINGER: I don't know that it was a problem.  
25 It came about, and we really learned that these dialogues are

1 on-going. So even having the 90 days in there, really,  
2 probably doesn't need to be in there, because they are engaged  
3 in dialogue on an on-going basis, and it's not going to end  
4 just because these plans get approved, or whatever. So it was  
5 just a comment, if you are out there, it was maybe an  
6 unintended limitation on it.

7           It may have stopped some things, but they are  
8 continuing, going. So it is really not a big deal from what we  
9 found out.

10           COMMISSIONER CARTER: Thank you.

11           CHAIRMAN EDGAR: Commissioners, further comments or  
12 questions?

13           I would also like to take the opportunity to thank  
14 our staff and all of the interest groups; the municipalities,  
15 the IOUs, and the third-party attachers, and I'm sure I'm  
16 leaving out some. Because as I said, this is something that we  
17 have been working on for over a year. And I do believe, and I  
18 think staff will agree, that we have had a lot of cooperation.

19           It is something, though, that I am very much  
20 expecting that we will continue to move forward with  
21 cooperation, that we will move, again, efficiently and  
22 effectively. And I'm hopeful that the workshops that are  
23 proposed and staff is working on will help to continue to  
24 refine the issues, to narrow down the issues. And I'm hopeful  
25 that we can have continued and real constructive progress and

1 decision-making on this by the end of the year.

2 Commissioner Carter.

3 COMMISSIONER CARTER: Madam Chairman, just before --  
4 and at the appropriate time I would like to make the motion --  
5 but just before we vote I wanted to say this, is that in all of  
6 the companies, the ten-point plan that we proposed by this  
7 Commission, all of the companies met those terms and conditions  
8 and they are following along those. And I think that is a --  
9 the Commission has stepped up and provided leadership for this,  
10 because particularly after the '04 and '05 storm season, you  
11 know, what we gained from that experientially has provided us a  
12 foundation to say these should some minimum standards, both  
13 from the wind, the storm surge, et cetera.

14 But I was really pleased to see how staff had gone  
15 through with each one of the companies and saw how they were  
16 responding to our ten-point plan. And it just gives me great  
17 encouragement to see that some would want to go above and  
18 beyond what we were asking, and I think that's a tremendous  
19 commitment by the companies in Florida to protect the  
20 customers, to get the power restored as soon as possible, to  
21 make sure that the public safety is preserved by, you know, any  
22 kind of impediments out there through traffic, or downed lines,  
23 and live lines, and all like that, but that we can save lives.  
24 I was really encouraged by seeing that, Madam Chairman, so I  
25 just wanted to make sure that I didn't omit that point.

1 Thank you.

2 CHAIRMAN EDGAR: Thank you.

3 Commissioners, further comments or questions?

4 Before we go further then, I guess I would like to  
5 draw our attention for just a moment to Issue 2, or Item  
6 2 within this issue, which, of course, deals with only one of  
7 the IOUs, with FPUC. As you know, and as is very clearly  
8 discussed in the item before us, they have requested some  
9 additional time to submit their plan.

10 I know that FPUC has participated and worked with our  
11 staff over, again, the past year or so on this. We do fully  
12 recognize that they are situated in many ways differently from  
13 the other four IOUs in this state. However, their customers  
14 certainly deserve and they are, of course, regulated by this  
15 Commission, and I fully expect for them to comply with the  
16 directives and the orders.

17 I was somewhat dismayed at the customer meeting that  
18 we had in Fernandina Beach on May 2nd at which customers told  
19 us that they had requested storm hardening plans from FPUC, and  
20 that they had been told that they were not available, which  
21 caused me, as I have said earlier, some dismay since I knew  
22 that they were due to us on May 7th. So to hear on May 2nd  
23 that customers were being told that there wasn't a plan was not  
24 an ideal situation.

25 However, I do recognize that FPUC has said that they

1 need some additional time, and if they need additional time  
2 they need additional time. But I do note that the staff  
3 recommendation does say that if they do not meet the deadline  
4 at this time that our staff recommends that we move to show  
5 cause, and I take that very, very seriously.

6           Commissioners, other thoughts?

7           Commissioner Carter.

8           COMMISSIONER CARTER: Madam Chairman, I agree with  
9 you, because from my reading of staff's recommendation is that  
10 even with the extension, the time that this report is due is  
11 July 6th of 2007, so that's a couple of weeks from now. So  
12 even with that it is there.

13           The other thing that you said which I agree with is  
14 the added protection is that failure to meet this deadline then  
15 we would be in a show cause proceeding for this company, and I  
16 just think that in two weeks we will have the necessary  
17 information to move forward on this issue.

18           CHAIRMAN EDGAR: Thank you.

19           Commissioner McMurrin.

20           COMMISSIONER McMURRIAN: I do have one quick question  
21 after Commissioner Carter pointed that out that it was due  
22 July 6th. Do we know if Florida Public Utilities has already  
23 submitted a copy of its proposed plan to AT&T Florida as was  
24 laid out in the first paragraph of the staff analysis?

25           MS. HOLLEY: I do know that there are representatives

1 from FPUC here today who may prefer to speak to this. But from  
2 the information we have been provided, they are endeavoring to  
3 complete their plan and have it provided by July 6th. Part of  
4 the requirement of the rule is that they make a good faith  
5 effort to work with third-party attachers, and that will be one  
6 of the criteria in approving their plan, if FPUC and the other  
7 companies, as well, were working pursuant to that rule. So we  
8 are hopeful and optimistic that they are in compliance with the  
9 rule. Again, there may be a representative from FPUC that who  
10 would rather speak to that specifically.

11 CHAIRMAN EDGAR: And I do see Mr. Horton is  
12 approaching the front of room, so we will give him a moment to  
13 come forward.

14 MR. HORTON: I wouldn't say approaching rapidly.

15 Yes, ma'am, we are proceeding and, so far as I know,  
16 we have not yet submitted that to AT&T or any of the other  
17 parties, but we are fully intending to comply with the  
18 requirements of the rule. I know we had some discussions with  
19 some of the interested parties, but we do intend to comply with  
20 the Commission rule.

21 COMMISSIONER McMURRIAN: I guess that leads me to a  
22 follow-up. If it was due 30 days before the filing deadline,  
23 does that mean -- is that part of -- remind me, is that part of  
24 our rule requirement, 30 days, or is that just what AT&T  
25 requests?

1 MS. HOLLEY: That is what AT&T requests. The rule  
2 does not require any time period. The rule just specifically  
3 says a good faith effort.

4 COMMISSIONER McMURRIAN: Okay. Thank you.

5 CHAIRMAN EDGAR: Commissioners, other questions?  
6 Seeing none. Commissioner Carter.

7 COMMISSIONER CARTER: Madam Chairman, I want to move  
8 the staff recommendation in both of these matters, particularly  
9 in the first matter because as part of the hearing process  
10 staff should conduct a series -- I wanted to put that in, a  
11 series of informal workshops to allow the parties and staff to  
12 identify disputed issues and potential areas for stipulation so  
13 they can do that. I wanted to put that in there.  
14 Additionally, the second item, as it relates to the 30 day with  
15 the recognition that failure to comply with the July 6th date  
16 they will be in a show cause position.

17 CHAIRMAN EDGAR: Thank you.

18 Commissioners, we have a motion in support of the  
19 staff recommendation for Issues 1, 2, and 3.

20 Mr. Cooke, do you have a question?

21 MR. COOKE: Just a technicality. There is a third  
22 issue if we want to do these all at one time, which is to keep  
23 the record open, keep the docket open.

24 CHAIRMAN EDGAR: For Commissioner Carter, it was my  
25 understanding that that was included in your motion, is that

1 correct?

2 COMMISSIONER CARTER: Yes, ma'am.

3 CHAIRMAN EDGAR: Okay.

4 Thank you, Mr. Cooke, for the clarification.

5 Commissioners, we have a motion in support of the  
6 staff recommendation for Issues 1, 2, and 3 on Item 11.

7 Is there a second?

8 COMMISSIONER SKOP: Second.

9 CHAIRMAN EDGAR: All in favor of the motion say aye.

10 (Unanimous affirmative vote.)

11 CHAIRMAN EDGAR: Opposed?

12 Show it adopted.

13 Thank you very much.

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STATE OF FLORIDA     )  
  
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COUNTY OF LEON     )

CERTIFICATE OF REPORTER

I, JANE FAUROT, RPR, Chief, Hearing Reporter Services Section, FPSC Division of Commission Clerk, 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 25th day of June, 2007.



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JANE FAUROT, RPR  
Official FPSC Hearings Reporter  
(850) 413-6732