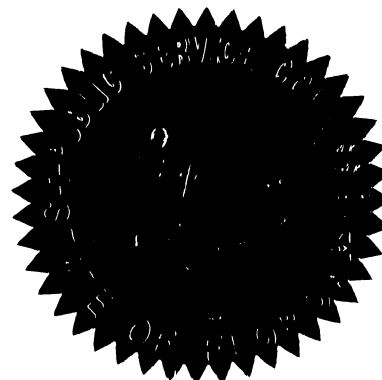


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 080072-GU

In the Matter of:

PETITION FOR APPROVAL OF A RESIDENTIAL
STANDBY GENERATOR RATE SCHEDULE, BY
FLORIDA PUBLIC UTILITIES COMPANY.



PROCEEDINGS:

AGENDA CONFERENCE
ITEM NO. 12

BEFORE:

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

DATE:

Tuesday, September 16, 2008

PLACE:

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

REPORTED BY:

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

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FLORIDA PUBLIC SERVICE COMMISSION

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PARTICIPATING:

NORMAN H. HORTON, JR., ESQUIRE, and MARK SEAGRAVE,
representing Florida Public Utilities Company.

KEINO YOUNG, ESQUIRE, ELIZABETH DRAPER, CHERYL
BULECZA-BANKS, and CONNIE KUMMER, representing the Florida
Public Service Commission Staff.

P R O C E E D I N G S

1
2 **CHAIRMAN CARTER:** Now, Commissioners, we are on
3 Item Number 12. Let's give staff a moment to get set up
4 there.

5 Staff, you are recognized. '

6 **MS. DRAPER:** Commissioners, this is Elizabeth
7 Draper with the Commission staff.

8 Item 12 is FPUC's petition for a gas-fired
9 generator-only rate schedule. Staff is recommending that
10 the proposed rate be approved for new customers only and
11 existing customers be allowed to remain on the residential
12 rate at least until FPUC's next rate case, which will be
13 before you for decision next year.

14 Staff is also recommending that FPUC develop in
15 its rate case a generator-only rate schedule based on cost
16 of service to such customers. Staff is here to answer
17 your questions and so is the company.

18 **CHAIRMAN CARTER:** Commissioner Argenziano.

19 **COMMISSIONER ARGENZIANO:** Thank you.

20 Let's see how I can make it as short as
21 possible. The recommendation that staff has today is to
22 allow the company to charge a base rate to those people
23 who are not using gas on a daily basis from the company,
24 but only those who have a generator in case of
25 emergencies, is that correct?

1 **MS. DRAPER:** Currently customers that have only
2 a generator are taking service under the residential rate.
3 That is the only rate the company has available for those
4 customers.

5 **COMMISSIONER ARGENZIANO:** My question is why
6 would there be a rate at all if they are not using the
7 product?

8 **MS. DRAPER:** Well, there are still costs the
9 company incurs to serve those customers.

10 **COMMISSIONER ARGENZIANO:** And could you break
11 that down for me.

12 **MS. DRAPER:** Well, the costs are mainly -- I
13 mean, the customer -- in a rate case, the cost of service
14 lays out all the costs. The distribution costs, the
15 operation and maintenance costs, the rate of return, those
16 are all costs that are considered in a rate case and the
17 company incurs to serve those customers. The distribution
18 system is there whether the customer uses any gas or not.

19 **COMMISSIONER ARGENZIANO:** But don't the
20 customers who have the generator, aren't they paying for
21 the line from the distribution center to their home?

22 **MS. DRAPER:** They pay for the company to install
23 the line, that's the CIAC they are paying, but that does
24 not recover the company's cost for the rest of the
25 distribution system that is being used for the gas to be

1 delivered to the customer.

2 **COMMISSIONER ARGENZIANO:** All right. Well, then
3 how many consumers have generators that would be charged
4 for a base rate that everybody else pays, I guess? How
5 many? Because I would like to know that the breakdown,
6 the ratio was proper. If you are going charge for a
7 distribution line, then I would think that the customers
8 who are not using gas every day, who I would think the
9 company would like to have as additional customers when
10 the time comes that they do need to use the generators,
11 what is the breakdown? How many customers are there and
12 how many customers have generators? What would the
13 distribution rate be to those? I mean, how does it break
14 down?

15 **MS. DRAPER:** At the end of 2007, the customers
16 (sic) served 432 generator-only customers.

17 **COMMISSIONER ARGENZIANO:** 442?

18 **MS. DRAPER:** 432. Since then, in 2008, the
19 company informed me they added about another
20 20 generator-only customers.

21 **COMMISSIONER ARGENZIANO:** And how many total
22 customers?

23 **MS. DRAPER:** 52,000.

24 **COMMISSIONER ARGENZIANO:** 52,000.

25 **MS. DRAPER:** Yes. It is less than one percent.

1 **COMMISSIONER ARGENZIANO:** So did you figure out
2 what the distribution rate would be to the less than one
3 percent? Shouldn't it be less than the \$18 base rate?

4 **MS. DRAPER:** Well, the company's proposal is to
5 charge those customers what an average residential
6 customer would pay.

7 **COMMISSIONER ARGENZIANO:** Right. That is my
8 objection. They are not an average customer, and I'm
9 trying to figure out why we would charge them an average
10 rate when they are not using the system except for
11 emergencies. And I can understand a fair proportionate
12 share, but I don't see that here.

13 **MS. DRAPER:** And that's why staff is
14 recommending, since we have a rate case coming up, that
15 the company look at the actual cost to serve such a
16 customer as opposed to just taking the average residential
17 usage and develop a cost of service to serve those
18 generator-only customers, which may be different from what
19 it costs them to serve an average residential customer. I
20 think we have an opportunity with the upcoming rate case.

21 **COMMISSIONER ARGENZIANO:** But you are also
22 recommending allowing them to charge that base rate now
23 until then?

24 **MS. DRAPER:** For new customers only, yes. Not
25 for the existing customers.

1 **COMMISSIONER ARGENZIANO:** Even though you don't
2 know the correct proportional rate for distribution?

3 **MS. DRAPER:** Well, staff believes that in
4 between rate cases the company's approach to develop a
5 rate is reasonable. But until the next rate case, then
6 the company will have an opportunity to develop a more
7 accurate and more cost-based rate. But until then, staff
8 believes that the company's proposed rate is reasonable
9 for new customers.

10 **MS. BULECZA-BANKS:** Commissioners, if I could
11 probably add something here.

12 My name is Cheryl Banks on behalf of Commission
13 staff. And everything that Elizabeth said is true, what I
14 have told you, but perhaps I could interject. I worked
15 with the gas utilities for many, many years. Though I
16 don't do so much now, I mean, historically that's where my
17 background has been.

18 When you are serving someone, regardless if they
19 are using gas every day or intermittently, the same costs
20 for the distribution lines and maintaining those or
21 maintaining your service line, they have to still read the
22 meter, they have to do the same things if I'm taking gas
23 or if I'm not. They still have to do leak surveys, and
24 every element that you see that has been costed out
25 historically for residential would be the exact same for a

1 generator-only customer. That's why it makes sense in
2 this intermediary time to use the same rates that are in
3 effect for the residential customers.

4 There is no differentiation in what I have to do
5 to serve that customer. In fact, overall it's a premium
6 service. I have to have gas supply available at a
7 moment's notice, so I have to pay a higher rate for
8 standby fuel because these people may not be on for years,
9 or they may be on four weeks. Those are -- actually rise
10 and make it more costly to serve them.

11 **COMMISSIONER ARGENZIANO:** How much gas does the
12 average customer consume, the non-generator?

13 **MS. BULECZA-BANKS:** About 20 therms a month.
14 Very small.

15 **COMMISSIONER ARGENZIANO:** And the generator
16 customer?

17 **MS. DRAPER:** 2.4 therms per month.

18 **MS. BULECZA-BANKS:** Yes. But the problem is
19 they are not going to consume that daily or monthly. They
20 are going to consume it in a three-week period, or a
21 two-week period, or maybe only a few days period while
22 they are out of electricity. So it's very hard to spread
23 those kind of costs and say, well, I only have to provide
24 you service these few days. I have to be available to
25 provide you service for whatever reason because it may not

1 be just a storm. It may be that your neighborhood had an
2 outage, or somebody knocked down a power pole, and I have
3 to provide service and I decide I want to kick on the
4 generator.

5 Those are very hard for a utility to plan for
6 and you really can't. So taking really on an average a
7 month is kind of hard because that is not how the service
8 is provided. Again, I have to go out there every month
9 and read the meter. I still have to issue a bill. I
10 still have to leak test your line and make sure everything
11 is running properly. You still would be served by all the
12 distribution lines that hook up to the pipeline, and I
13 have to make sure I maintain those. So it really is -- if
14 anything, it is no cheaper to serve them. If anything, it
15 is more costly.

16 And when you talk about the fuel, and hopefully
17 when they do the rate case they can start looking at this,
18 because I have to have that standby service available from
19 a producer and I have to pay a premium for having that
20 standby fuel available, when that happens, and I do plug
21 it in, and I have to rely on that standby fuel, my fuel
22 rate goes up. But they are going to pay the same fuel per
23 therm charge that every other customer paid.

24 Now, granted right now you said, you know, it's
25 like 10 percent, it's kind of small. If you get those

1 numbers increasing, it could actually have your other
2 customers who are not generator are actually subsidizing
3 them.

4 **COMMISSIONER ARGENZIANO:** Mr. Chair, if I can?
5 I could look at it two ways. I guess what I was trying to
6 get was what is the cost to these people? Is it different
7 to the average homeowner who uses gas a daily basis, or is
8 it the same cost, and that's what I was trying to get.
9 Give me a basis for your charge, and I didn't get that.
10 And the other thing is it could be a benefit to the
11 company, too, to have more of these consumers on. Because
12 if they are paying the line to get to the company, and
13 those times when there are outages, the company has these
14 extra customers who are going to be using their gas. So
15 there is benefit there, too.

16 I guess really what I am looking for is give me
17 a basis to the charge. If it is say cost for meter
18 reading, what does that add up to per customer? That's
19 what I'm looking for.

20 **MS. BULECZA-BANKS:** And I right now I guess the
21 best rate that you have is the rates that were developed
22 in the last rate case is what they are being paid, because
23 that would have been the best numbers you have as far as
24 all the costs when you do a cost study, and Elizabeth is
25 very -- you know, she is the expert on that, is allocating

1 all the costs by all those different functions and coming
2 out with the rate. So for right now without the current
3 data for the rate case, the best rates you will have to
4 determine the cost to serve would be that of the
5 residential customer that they actually pay right now.

6 **COMMISSIONER ARGENZIANO:** And, Mr. Chair, if I
7 can, because I see it going both ways. I understand what
8 you are saying. I guess if I had a better understanding
9 of the cost per customer. To me it seemed like the
10 customer who uses gas on a daily basis is going to cost
11 the company more, and that's what I was looking for. And
12 the other way to look at it, I guess the way I felt in one
13 respect is I understand the base rate for everybody shares
14 the total cost, but the other way I was looking at it is
15 if you have people who are not using the system but once
16 in a great while, they are kind of held hostage. If you
17 want our gas when you need it, you have to pay this base
18 rate. And I just wanted to make sure that it was the cost
19 to that person, or the legitimate cost, I guess.

20 And that's what I was looking for, if the costs
21 are the same. And I guess you are pointing to the last
22 case, the rate case, and I guess I have to go by that one.
23 I see it working both ways. I see a benefit to the
24 company, too, to have additional customers at the time
25 when, you know, these people wouldn't even be using any

1 fuel, but I also understand there are costs to the company
2 to distribute. But I just have some concern about the
3 distribution to people who hardly ever use the service, if
4 it's equal to those who use it on a daily basis.

5 **MS. BULECZA-BANKS:** I can see where one of the
6 cost elements that possibly would be more on a variable
7 cost basis on your compressor stations that perhaps there
8 may be a very small differential there. Mostly all the
9 fixed costs will be the same regardless of what kind of
10 service, if it is generator-only or residential. You may
11 get a little bit on the variable cost side, and hopefully
12 they'll address that when they file their rate case.

13 **COMMISSIONER ARGENZIANO:** Okay, thank you.

14 **CHAIRMAN CARTER:** Thank you. Commissioner
15 McMurrrian.

16 **COMMISSIONER McMURRIAN:** Thank you. I wanted to
17 ask the company how they came up with the \$18.72 customer
18 charge that you propose to use going forward?

19 **MR. SEAGRAVE:** Good morning. My name is Mark
20 Seagrave, I'm with Florida Public Utilities. How we came
21 up with that cost was based upon our 2004 rate case. Our
22 cost of service requirements indicated that we had \$224 in
23 revenue per customer, that divided by 12 months is \$18.72,
24 which is equivalent to our regular every day residential
25 customer. So the revenue requirement was equated to what

1 an average residential customer would provide us. And,
2 you know, within those revenues we're able to maintain
3 systems, paying for operations and maintenance expenses,
4 building a system that has the capacity to be able to
5 serve those customers.

6 **COMMISSIONER McMURRIAN:** So explain to me why --
7 is it because you -- I'm trying to collect my thoughts
8 here. When you started having the hurricanes seasons, you
9 had customers that approached you about having this sort
10 of setup so in case they got into that predicament again.
11 Was it just that, of course, you didn't have an approved
12 rate for that service by the Commission so you just put
13 them on the \$8 customer charge for the average residential
14 customer? Do I understand that right?

15 **MR. SEAGRAVE:** That's correct. The only
16 residential rate that we had available to anyone falling
17 under a residential class is the \$8 a month customer
18 charge and the .48340 cents per therm base rate charge.

19 **COMMISSIONER McMURRIAN:** Okay. So I think what
20 you said about the 2004 cost of service, you said that
21 justifies the \$18.72. So I guess I'm confused, and I will
22 come back to Ms. Banks. If that \$18.72 is based on the
23 cost of service, is it -- I'm trying to think of what my
24 question is. I guess I need help understanding why the
25 recommendation is for new customers only if we think we

1 have got a cost basis for the \$18.72. I mean, I don't
2 like increases for the customers, either. I mean, if I
3 were a customer and had this I would want to pay the \$8
4 charge and not pay the \$18.72, but maybe I'm getting
5 confused about the cost of service issue.

6 **MR. SEAGRAVE:** I think I can answer that for
7 you. One of the things that we can accurately predict
8 with our residential customers that have regular use
9 appliances is consuming 20, 21 therms a month in natural
10 gas on average. With a customer that utilizes a
11 generator-only, that generator, generally speaking, only
12 operates in times of an emergency. So the variable
13 component of our revenue income is not there. So a
14 significant portion of the revenue requirement is not met
15 by these generator-only customers, which, in effect, puts
16 an unfair burden on those who either cannot afford or
17 choose not to install a generator on their home, or
18 existing customers, because they are having to bear the
19 operations and maintenance, depreciation, rate of return
20 expenses. It's kind of unfair to them when a customer
21 that has the -- much to Commissioner Argenziano's point,
22 that they have the luxury of having the fuel when they
23 need it, but yet the company is not receiving the revenue
24 that it needs to be able to sustain the facilities to
25 provide them with reliable service. The other customers,

1 in effect, would have to be subsidizing that revenue
2 requirement so we can provide them with reliable service.

3 **COMMISSIONER McMURRIAN:** Ms. Banks.

4 **MS. BULECZA-BANKS:** And I think that was
5 something that would have to be looked at in the rate case
6 as far as what are the appropriate variable costs that
7 need to be allocated to that particular class to be able
8 to come up with what truly is the appropriate rate for
9 them.

10 **COMMISSIONER McMURRIAN:** So what you're saying
11 is -- I mean, it sounds like the company is saying that
12 the \$8 charge now is not compensatory, given the type of
13 service. That it is not covering the cost of providing
14 that service, or that availability of service that they
15 may use in the storm. I guess I'm still confused as to
16 how the recommendation came to for only new customers
17 given that, but I realize we don't have a new cost of
18 service study. So is it just the fact that those numbers
19 are a little bit out of date and we don't feel comfortable
20 putting in the \$18.72 customer charge now, and we know
21 that the rate case is coming so quickly, so we can wait
22 and get those better numbers? Because it seems a little
23 odd to me to not put in the customer charge that is based
24 on the cost of service information we have now.

25 **MS. DRAPER:** Commissioner, if I may. I agree,

1 and staff was weighing both options. I think one reason
2 is that we did receive some customer comments that
3 objected to the increase. In light of those comment
4 customers -- staff felt like those comments should be
5 considered. And, second, the rate case is right around
6 the corner. So if there was no rate case coming, staff
7 would probably have considered putting all customers on
8 the new rate, existing and new customers. But there is no
9 right or wrong. I mean, you could really go either way,
10 it's just staff felt like given the comments received and
11 that the rate case is coming up.

12 **MS. KUMMER:** This is Connie Kummer. If I could
13 jump in.

14 **CHAIRMAN CARTER:** One second.

15 Commissioner Argenziano.

16 **COMMISSIONER ARGENZIANO:** If I recall, we had
17 something similar to this, and the reason not to do that
18 to the current customers was because they had no ability
19 to make a decision prior. They did not know that they
20 would be charged. So they may have had the ability -- so
21 it does make a difference. They may have had the ability
22 to say, well, you know what, I don't want to pay that
23 money every month, and I will use a different type. I'll
24 go to some other type of mechanism to support my
25 generator.

1 So I think there is a very good reason why that
2 took place. And only adding the newer customers actually
3 gives me less heartburn than doing that to the people who
4 had no clue that would be coming at them and didn't have
5 the ability to make a decision before buying their
6 generator.

7 **CHAIRMAN CARTER:** Thank you.

8 Ms. Kummer and then I will come back to you,
9 Commissioner McMurrian.

10 **MS. KUMMER:** Commissioner Argenziano made
11 exactly the point that I was going to add, was that this
12 program was sold to the existing customers at the existing
13 residential rate, and we didn't really believe it was fair
14 to raise their rate because had they known that in the
15 beginning, they may have made a different choice.

16 **CHAIRMAN CARTER:** Thank you.

17 Commissioner McMurrian.

18 **COMMISSIONER McMURRIAN:** Thank you. That
19 helped.

20 And thank you, Commissioner Argenziano, because
21 I hadn't taken that into account. Because I was sort of
22 stuck in the quagmire of having that statutory
23 responsibility for compensatory rates and the company
24 based on the cost of service study that we have now. But
25 I agree with you that whenever they were faced with that

1 decision I guess they were told that it would be an \$8
2 customer charge, and they made the decision based on that.
3 And perhaps the decision would have been different if they
4 had known it was the \$18.72.

5 I do have one more question for staff, and it's
6 about the statement on Page 6. It is the second full
7 paragraph, and it says currently generator-only customers
8 may avoid paying the monthly customer charge by
9 disconnecting service and then requesting reconnection.
10 And, of course, you know that there could be an issue with
11 not getting it quickly enough if they waited to do that.
12 But you say that currently they can do that. Even as the
13 tariff changes and we get the cost of service information,
14 will the customer still be able to disconnect and
15 reconnect? And is there a -- and maybe I should ask the
16 company this -- is there a reconnection charge for doing
17 that?

18 **MR. SEAGRAVE:** We view the rate as being a
19 12-month rate. One of the things that we don't want to
20 see is that if we, in a sense, are going to be recouping
21 the appropriate revenue from these customers via an \$18.72
22 per month charge, we would want to discourage somebody
23 from just on a whim disconnecting and reconnecting, and
24 disconnecting and reconnecting, putting an undue burden on
25 the company in terms of meeting the customers'

1 expectations of getting their service reactivated when a
2 storm is approaching and we are trying to prepare for the
3 storm. So we are trying to discourage customers from
4 doing that unless they are moving out, or somebody passes
5 away, or something like that and they are no longer going
6 to use natural gas.

7 **COMMISSIONER McMURRIAN:** So under your proposal
8 they would have to sign up for a year at a time, is that
9 right, under the tariff?

10 **MR. SEAGRAVE:** That's right.

11 **COMMISSIONER McMURRIAN:** Thank you.

12 **CHAIRMAN CARTER:** Commissioner Argenziano.

13 **COMMISSIONER ARGENZIANO:** Thank you.

14 What is to stop a customer, if I'm in your
15 community saying, okay, maybe there is a storm that is
16 going to come around once every four years, hopefully not.
17 What's going to stop me from just -- you know, I know the
18 storm is coming, I don't sign up for the year because I
19 only have a generator, and I say, well, you know, right
20 before the storm comes I think I will call up and say,
21 okay. And at that point then signing up, I guess, for the
22 year.

23 And I guess the other thing I'm concerned with
24 is -- and I guess it comes up when the rate case is filed,
25 or when we deal with that, but is the proper amount.

1 Because if those same customers all say, well, you know
2 what, we don't want to pay this amount for a generator.
3 We are going to go out and get a generator that runs and
4 operates on something else. Then does that mean that your
5 current users, daily users' rates would go up because
6 those people are not on your system anymore?

7 **MR. SEAGRAVE:** I guess, theoretically, if you
8 have to maintain a system that has the capacity to serve
9 all of those that are connected with the equipment that
10 they have connected, then, theoretically, yes. You know,
11 those costs have to be borne by somebody in order for us
12 to maintain that system.

13 To your other question is what would preclude
14 somebody from turning off their service and kind of
15 gauging, based upon some prediction of the storm, you
16 know, the number of storms or something, they would say,
17 well, this is going to be a frequent season, so I'm going
18 to go ahead and reactivate my service.

19 This may sound a little hokey, but I think it is
20 kind of like, you know, if you have a boat and you don't
21 start that motor every once in a while it is not going to
22 run. And most of these generators when they are
23 installed, the consumer has a considerable investment
24 there, and a lot of these generators come on on an
25 exercise cycle to make sure that they will run when they

1 need it. And I think that the manufacturer's instructions
2 and everything that the consumer is being told about
3 taking care of the maintenance of those generators would
4 preclude them from doing that. I don't think you would
5 want to invest 25,000 and then not run it and it not work
6 when you needed it.

7 **COMMISSIONER ARGENZIANO:** That's true. And
8 that's a good point. And that is probably very, very
9 accurate.

10 I had one other question. Let's see if I lost
11 it. Okay. Have there been -- let's see, you have 432 or
12 62 generator-only customers now. Have there been
13 substantial -- just out of curiosity, not for today's
14 decision, have there been substantial upgrades to
15 accommodate for those 432, or did your existing plant --

16 **MR. SEAGRAVE:** Are you speaking about our
17 investment in our distribution systems?

18 **COMMISSIONER ARGENZIANO:** Yes.

19 **MR. SEAGRAVE:** We have had to make adjustments
20 in certain areas where -- actually, I will give an
21 example. In the Town of Palm Beach, which is an area that
22 we started serving back when we were manufacturing gas in
23 the 1920s. Some of those areas have older gas
24 distribution lines. Some of them are smaller than what we
25 would put in nowadays. We found some areas that were

1 constrained and we had to go in and make adjustments. And
2 in some cases actually go in and replace some of that
3 system in order to have the capacity.

4 There was an outage actually in Palm Beach they
5 experienced and we had some low pressure areas that were
6 discovered as a result of that outage, and which caused us
7 to make those adjustments. So the answer to your question
8 is absolutely.

9 **COMMISSIONER ARGENZIANO:** Thank you.

10 **CHAIRMAN CARTER:** Thank you. Commissioners,
11 anything further? Hearing none, we're open for
12 disposition on this matter.

13 Commissioner McMurrin.

14 **COMMISSIONER McMURRIAN:** I move the staff
15 recommendation on all issues.

16 **COMMISSIONER SKOP:** Second.

17 **CHAIRMAN CARTER:** It has been moved and properly
18 seconded that we go with the staff recommendation on all
19 issues in Item 12. Commissioners, any further discussion
20 or debate? Hearing none, all those in favor let it be
21 known by the sign of aye.

22 (Simultaneous affirmative vote.)

23 **CHAIRMAN CARTER:** All those opposed, like sign?
24 Show it done.

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STATE OF FLORIDA)

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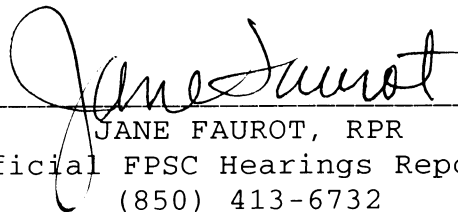
COUNTY OF LEON)

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 September, 2008.



JANE FAUROT, RPR
Official FPSC Hearings Reporter
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