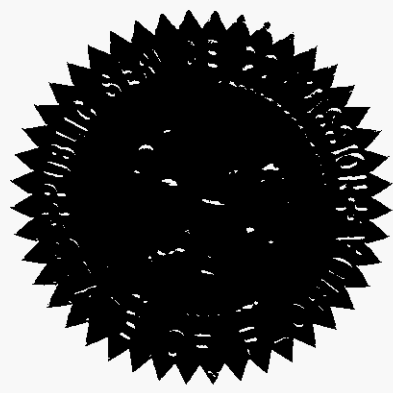


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 080677-EI

In the Matter of:

PETITION FOR INCREASE
IN RATES BY FLORIDA
POWER & LIGHT COMPANY.



13	PROCEEDINGS:	MIAMI SERVICE HEARING
14	COMMISSIONERS	COMMISSIONER LISA POLAK EDGAR
15	PARTICIPATING:	COMMISSIONER KATRINA J. McMURRIAN
16		COMMISSIONER NATHAN A. SKOP
17	DATE:	Thursday, June 25, 2009
18	TIME:	Commenced at 4:00 p.m.
19		Concluded at 8:33 p.m.
20	PLACE:	Miami Science Museum
21		3280 South Miami Avenue
22		Miami, Florida 33129
23	REPORTED BY:	JANE FAUROT, RPR
24		Official FPSC Reporter
25		(850) 413-6732

DOCUMENT NUMBER - DATE

07309 JUL 20 08

FPSC - COMMISSION CLERK

1 APPEARANCES:

2 PATRICK BRYAN, Florida Power & Light Company,
3 700 Universe Boulevard, Juno Beach, Florida 33408-0420,
4 appearing on behalf of Florida Power & Light Company.

5 ROBERT SCHEFFEL WRIGHT, ESQUIRE c/o Young Law
6 Firm, 225 South Adams Street, Suite 200, Tallahassee,
7 Florida 32301, appearing on behalf of Florida Retail
8 Federation.

9 CECILIA BRADLEY, ESQUIRE, Office of Attorney
10 General The Capitol - PL01, Tallahassee, Florida
11 32399-1050,
12 appearing on behalf of the Citizens of the State of
13 Florida.

14 CHARLIE BECK, ESQUIRE, Office of Public
15 Counsel, c/o The Florida Legislature, 111 W. Madison
16 Street, Room 812, Tallahassee, Florida 32399-1400,
17 appearing on behalf of the Citizens of the State of
18 Florida.

19 THOMAS SAPORITO, Post Office Box 8413, Jupiter,
20 Florida 33465-8413, appearing on behalf of himself.

21 ANNA WILLIAMS, ESQUIRE, FPSC General Counsel's
22 Office, 2540 Shumard Oak Boulevard, Tallahassee, Florida
23 32399-0850, appearing on behalf of the Commission Staff.

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PRESENTATIONS BY: PAGE NO.

Patrick Bryan, Florida Power and Light	12
Marlene Santos, Florida Power and Light	14
Charlie Beck, Office of Public Counsel	21
Scheffel Wright, Florida Retail Federation	28
Thomas Saporito, Pro Se	34
Cecilia Bradley, Attorney General's Office	39
Representative Garcia	45
Representative Lopez Cantera	48
Councilman Sochin	49
Commissioner Sorensen	54

WITNESSES

NAME:

Fausto Alvarez	52
Hector Seiglie	53
Leo Roy	58
Patricia Schmidt	61
Raul Iglesias	64
Chris Summers	66

	WITNESSES (Continued):	
	NAME:	PAGE NO.
1		
2		
3	Jose Fundora	67
4	William Alexander	69
5	Unidentified Speaker	69
6	Holly Wiedman	70
7	Ana Martinez	71
8	Alex Domingues	72
9	Monica Calonge	74
10	Robert Delgado	77
11	Delfin Pernas	78
12	Delfin E. Pernas	79
13	Peter England	80
14	Kimmy Woods	82
15	Isbel Ramos Quinones	83
16	Jerry Fernandez	87
17	Mark Oncavage	90
18	Bert Leon	94
19	Nestor Vega	98
20	Suarez Armando	99
21	Barry Johnson	100
22	Charles Ebert	102
23	Bob Ross	105
24		
25		

	WITNESSES (Continued):	PAGE NO.
1		
2	NAME:	
3	Nancy Harter	108
4	Linda Gross	110
5	Philip Stoddard	113
6	Bob Welsh	118
7	Angela Pickitt	124
8	Liz Nolan	127
9	Mario Hernandez-Fumero	127
10	Amado Acosta	130
11	John Breder	134
12	Eliu Moliner	137
13	Barbara Rodriguez	138
14	Jose Hernandez	140
15	Alfredo Sotolongo	141
16	Alex Lopez	145
17	Carlos Trueba	146
18	Rey Melendi	149
19	Jason Killins	151
20	Robert Maland	152
21	Judith Kesskowitz	156
22	Kathy Emery	162
23		
24		
25		

1	WITNESSES (Continued):	PAGE NO.
2	NAME:	
3	Eric Pantaleon	162
4	Mariaho Cruz	168
5	Brian Beasley	173
6	Luis Carbonell	177
7	Elio Jojas	178
8	Edd L. Suddrell	180

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBITS

NUMBER:		ID.	ADMTD.
19	Stoddard Composite Exhibit	118	
20	Bob Welsh Petitions	122	
21	Robert Maland's Appellants Brief	156	

P R O C E E D I N G S

1
2 **COMMISSIONER EDGAR:** Good afternoon. We are
3 going to get started here in just a moment, so I would
4 ask that everybody gather and find a seat. And if you
5 have conversations, if you would take them right outside
6 the doorway. Thank you.

7 Again, good afternoon. My name is Lisa Edgar,
8 and I am a Commissioner with the Florida Public Service
9 Commission. I am standing in, sitting in a little bit
10 for our Chairman, Matthew Carter, Commissioner Matthew
11 Carter, who recently had back surgery and simply is not
12 able to travel yet as part of his recovery. He sends
13 his regrets.

14 Also, another one of our colleagues,
15 Commissioner Nancy Argenziano, recently broke her leg,
16 and also is not able to travel. And they have been
17 calling in at points, but we were not able to work that
18 out with the technology.

19 I know -- I knew it was a dangerous job when I
20 took it. And also, joining us here, he's coming down,
21 so I will wait just a moment. I would like to go ahead
22 and ask my colleagues that are with me today to briefly
23 introduce themselves.

24 Commissioner McMurrian.

25 **COMMISSIONER McMURRIAN:** Hello, everyone. I

1 am Katrina McMurrian. I am very happy to be here with
2 you all tonight, and look forward to hearing your
3 comments about the FPL rate request.

4 **COMMISSIONER EDGAR:** Commissioner Skop.

5 **COMMISSIONER SKOP:** Thank you. Good
6 afternoon. Commissioner Nathan Skop and I'm pleased to
7 be here this evening to hear from all the FPL customers.
8 Thank you.

9 **COMMISSIONER EDGAR:** Thank you. We have a few
10 preliminary things that we need to get through, and then
11 we will move into the brief presentations, and then
12 hearing from those of you who have come to speak to us,
13 which is why we are here, so that we can hear from you.
14 So bear with me for just a little bit. I would to ask
15 our staff to please read the notice.

16 **MS. WILLIAMS:** By notice, this time and place
17 has been set for a customer service hearing in Docket
18 Number 080677-EI, petition for an increase in rates by
19 Florida Power and Light Company.

20 **COMMISSIONER EDGAR:** Thank you. And at this
21 time I would like to ask the attorneys for the parties
22 to this proceeding to please come forward and give their
23 appearances.

24 **MR. BRYAN:** Good afternoon. My name is
25 Patrick Bryan appearing on behalf of Florida Power and

1 Light Company.

2 (Brief interruption.)

3 **MR. BRYAN:** Good afternoon, again. My name is
4 Patrick Bryan and I am appearing on behalf of Florida
5 Power and Light Company.

6 **COMMISSIONER EDGAR:** Thank you.

7 **MR. BECK:** Hello everyone. My name is Charlie
8 Beck. I am with the Office of Public Counsel, and we
9 are appearing in this case on behalf of the customers of
10 Florida Power and Light.

11 **MR. WRIGHT:** Good afternoon. My name is Schef
12 Wright. I am an attorney representing the Florida
13 Retail Federation.

14 **MR. SAPORITO:** Good afternoon. My name is
15 Thomas Saporito. I am intervening on behalf of my
16 myself and my fellow ratepayers here.

17 **COMMISSIONER EDGAR:** Thank you.

18 **MS. BRADLEY:** Good afternoon. I am Cecilia
19 Bradley from the Office of the Attorney General, and we
20 help the Office of Public Counsel represent you in these
21 matters. So we appreciate all of you coming to talk to
22 us about this.

23 **COMMISSIONER EDGAR:** Thank you. And I would
24 also at this time like to recognize Mr. Jack Shreve, who
25 is with us in the front row. Jack, if you would, wave

1 for us. Jack is senior counsel in the Governor's
2 office, senior counsel to Governor Crist in utility
3 related and other matters, and he is here monitoring all
4 of our customer meetings and listening to all of the
5 comments that the customers make to us and to the
6 parties. Jack, thank you for joining us again.

7 **MR. SHREVE:** Thank you.

8 **COMMISSIONER EDGAR:** Real quick, a couple of
9 opening comments. First, I would like to let everyone
10 know that we do have a Spanish language interpreter here
11 today, and I would like to ask her to come forward.
12 Jackie, if you could introduce yourself.

13 **MS. GULDRIS:** Good afternoon. My name is
14 Jackie.

15 **COMMISSIONER EDGAR:** And I'm hoping that she
16 just told you that --

17 **MS. GULDRIS:** I will tell you what I said. I
18 said in Spanish that if you don't speak any English you
19 can come up and pose a question. You can say it in my
20 ear, and I will translate it into English into the mike
21 so that the court reporter can jot it down.

22 **COMMISSIONER EDGAR:** Thank you, Jackie.

23 Okay. Just a few more things. I have been
24 asked to remind all of us, me included, to please put
25 our, your, phones on vibrate and other electronic

1 gadgetry that you may have. That is very helpful to all
2 of us. And, also, as I mentioned before to the counsel,
3 we will mark exhibits, but we will not enter them. That
4 will be taken up as a preliminary matter.

5 I would like to go ahead and draw everybody's
6 attention to these blue sheets that are at the table or
7 the desk area right outside the doorway. They contain
8 some very general information about the Commission, who
9 we are, why we are here, and general information about
10 the issues that are before us. I hope you will find
11 that helpful.

12 I would like to also draw your attention to
13 the very back sheet, which has a place that you could
14 write comments if you are not able to stay through the
15 proceeding today. If you need to leave, but wanted to
16 make sure that we have the opportunity to know your
17 comments, please write them down, and you can hand them
18 to one of our staff who are out at the desk.

19 Also, they are self-addressed already. You
20 can take them home with you, or if you have family,
21 friends, or neighbors who were not able to come today,
22 please take a bunch and share these. They can send
23 those comments in. It is also available on our website
24 that could be pulled up and comments can be submitted in
25 any of those manners, as well. All comments today, and

1 any that we receive in writing through these blue
2 sheets, or otherwise related to this matter will become
3 a part of the public record of this proceeding.

4 So we are hopeful that you will take advantage
5 of this opportunity to speak directly to us, and to have
6 your comments put into the record so that our two
7 colleagues who could not be here also will have that
8 available to them. We have a lot to cover, so I am
9 going to ask, and I will come back to this, that
10 everybody be cognizant that there are many people who
11 have signed up to speak. We want to hear from
12 everybody.

13 We do have some opening presentations from the
14 parties. We would like to share with you their comments
15 and their thoughts on the issues from their perspective.
16 I hope you will find that useful, and I would also ask
17 all of our Commissioners to be cognizant of the fact
18 that we have a lot of people that we want to hear from.

19 And so with that, I would like to move right
20 into it and ask Mr. Bryan to come forward as our first
21 presenter.

22 **MR. BRYAN:** Thank you, Madam Chair and
23 Commissioners. Good afternoon, again. My name is
24 Patrick Bryan. I am an attorney with Florida Power and
25 Light Company.

1 I would like to first thank everybody for
2 coming out to this quality of service hearing this
3 afternoon. We sincerely appreciate your participation.
4 We know your time is valuable. I can assure that the
5 comments that you provide today with respect to the
6 service that FPL provides or with respect to any other
7 matter will be heard and carefully considered by FPL.

8 In a moment, you will hear a short
9 presentation from FPL's Vice President of Customer
10 Service, Marlene Santos. Marlene will talk about our
11 current rate proposal, she will talk about our service,
12 and she will also mention some programs and services
13 that FPL has in place to assist customers in lowering
14 and paying their bills.

15 But before Marlene speaks, I wanted to inform
16 any customers in attendance today that we have several
17 other customer service representatives in the building,
18 as well, and they are available to meet with any
19 customer who has an issue, problem, or concern with his
20 or her electric account or electric service.

21 They have on-line computers and can access
22 your account information in realtime. They are
23 committed to resolving your question or issue today
24 before the conclusion of this hearing. If that is not
25 possible, they will do so as quickly as possible.

1 They are set up outside this room. If you go
2 out to the lobby and turn right, there is a room set up
3 for them, and we have employees in the back of the room
4 who will raise their hands now, and these folks will be
5 more than happy to direct you to the appropriate place.
6 At this time then, I would like to introduce Marlene
7 Santos.

8 **MS. SANTOS:** Thank you, Madam Chair,
9 Commissioners, and most of all, thank you all for being
10 here today.

11 We have very deep roots in the Miami area that
12 go back for decades. And, actually, today we have
13 nearly 4,000 employees that work right here in
14 Miami-Dade County, including me. I have lived here
15 actually most of my life, and my husband and I raised
16 three children in this community.

17 Today, we here at FPL, truly appreciate the
18 comments and the feedback that we will be getting from
19 you, and we understand that in this is very difficult
20 economy you have very high expectations of us. What I
21 would like to do today, and this afternoon actually, I
22 would like to talk to you about what we are doing in
23 order to continue to provide you with affordable,
24 reliable, and clean energy solutions. I would like to
25 begin with affordability.

1 We understand that electricity is a
2 significant expense for our customers. At a time when
3 family budgets are tight, we know we need to work harder
4 than ever to keep our bills low. Think of this analogy.
5 When you improve the efficiency of your home by
6 installing an energy efficient air conditioner, or
7 better insulation, for example, you save money, right,
8 because you use less energy. Similarly, we have worked
9 very hard to improve the efficiency of our power plants.
10 As a result, they use less fuel, which save our
11 customers money.

12 These achievements, combined with lower fuel
13 costs, have allowed us to lower customer bills in
14 January of this year. In September, we will file our
15 fuel costs for 2010, which we project will be even
16 lower. We are committed to keeping customer bills as
17 low as possible.

18 The chart that Pat put up a few minutes ago
19 shows that, in fact, according to the Florida Municipal
20 Electric Association's data as of April, FPL's bills
21 were the lowest of the 54 utilities in Florida. A 1,000
22 kilowatt hour FPL customer bill, as you see there in the
23 blue bar all the way to your left, excuse me -- yes, to
24 your left shows that the customer bills are \$110. The
25 average across Florida is \$135. So what means is that

1 FPL customers are seeing a savings of \$25 a month, or
2 \$300 a year. We have worked extremely hard to keep
3 bills low for our customers.

4 The fact is FPL has not had a general base
5 rate increase since 1985. Yet the cost of many things,
6 as all of you know, have gone up a whole lot in the past
7 quarter century. The fact that FPL customers have had
8 the lowest typical bills in Florida reflects years of
9 aggressive cost management. Our operating expenses per
10 kilowatt hour are already less than half of the
11 industry's average. And between 2008 and 2009, FPL has
12 reduced its capital spending by nearly \$1 billion to
13 account for slower customer growth.

14 In short, we have tightened our belt in
15 response to the downturn of the economy. Our low prices
16 are also the result of the smart investments that we
17 have made. For example, FPL's fossil fuel power plants
18 are the most fuel efficient of large scale utilities in
19 the nation. This has saved our customers \$3 billion in
20 the past six years. And with our proposal, if approved,
21 we can continue to make these types of investments which
22 we project will save our customers \$1 billion every
23 single year beginning in 2014.

24 We understand the customers struggling to make
25 ends meet need more than just low electricity prices.

1 You need help to keep your bills low. That is why we
2 proactively help our customers with a wide range of
3 energy saving solutions. Since the early 1980s, we have
4 been a leader in energy efficiency. We have actually
5 conducted over 2-1/2 million home energy surveys for our
6 customers to help them reduce their costs.

7 We also continue to sponsor programs like Care
8 to Share, which is FPL's payment systems program. Care
9 to Share has helped 55,000 Florida families with
10 \$11 million in aid. Last year, FPL again contributed
11 \$1 million to this essential program. Like all of our
12 charitable contributions, this is funded by our
13 shareholders, not by the rates that you pay. In
14 addition, we have sponsored home energy makeovers in the
15 Miami area to help some of our low income customers
16 improve the energy efficiency of their homes.

17 While we are mindful of today's economy, we
18 are also responsible for ensuring that we are providing
19 you with reliable service. Our rate proposal is a vital
20 part of our plan to make prudent investments in our
21 electrical infrastructure. As a state and as a company,
22 we learned a lot of lessons in the 2004 and 2005
23 hurricane seasons. That is why we are investing more to
24 make our infrastructure stronger every single day,
25 whether there is good weather or bad.

1 In 2009 alone this investment will exceed
2 \$200 million. It includes replacing poles, clearing
3 trees from power lines, and strengthening the services
4 to hospitals and lots of other essential facilities.
5 Right here in Miami it includes Jackson Memorial
6 Hospital, North Shore, Baptist, Mercy, Doctors, and
7 Miami Children's Hospital, as well as many key
8 thoroughfares. These efforts have helped to improve the
9 reliability of our system. In fact, the chart that Pat
10 just showed you shows that according to the Edison
11 Electric Institute, FPL's distribution reliability was
12 47 percent better than the national average in 2008.

13 We are also investing in smart technology that
14 gives our customers more control over their energy
15 consumption. We are introducing what are called smart
16 meters that will allow our customers to go on-line and
17 see your energy consumption, not just by the month, but
18 by the day and by the hour.

19 Miami is actually a focal part of our
20 (inaudible) of our efforts. We have introduced a
21 project called Energy Smart Miami, and it actually has
22 the potential of being the most extensive and in this
23 case smart grid implementation in the country. And we
24 are also investing in cleaner energy to do our part to
25 fight climate change. The three solar power plants that

1 we are building here in Florida will avoid nearly 3-1/2
2 million tons of carbon dioxide emissions.

3 I am very proud that my company according to
4 the National Resources Defense Council was one of the
5 cleanest energy providers in the nation. Most
6 importantly, we can support these kinds of investments
7 even as our customers' bills go down in 2010. As a
8 result of the lower forecasted fuel prices and our
9 success at making our power plants more efficient, fuel
10 costs are expected to decrease by \$17 a month on the
11 typical bill. Our proposal would cost \$15 a month --
12 I'm sorry, \$12 per month, and the net result of that
13 will be a \$5 decrease a month in your bills. In 2011,
14 we are requesting an additional base rate increase of
15 \$2.84.

16 Over the next five years, we need to invest
17 almost \$16 billion. A significant amount of that will
18 come from the capital markets, and our return on equity
19 request is based on what the market requires. In the
20 same way that someone with good credit can get a better
21 mortgage rate, FPL's customers benefit from the
22 company's strong financial position. We are able to
23 obtain better lower cost financing at an overall rate of
24 approximately 8 percent, which is the actual request in
25 our proposal. When we save on financing, our customers

1 save on their bills.

2 In a few minutes you will hear other parties
3 state their views on several of the financial issues in
4 our proposal, such as return on equity and depreciation.
5 We respectfully disagree with their views and the way
6 they characterize those issues. If you would like to
7 know more information, we would be glad to get with you
8 later on and discuss it.

9 So in closing, our rate proposal is all about
10 the long-term. It is about the long-term and investing
11 to make our infrastructure stronger, smarter, cleaner,
12 more efficient, and less reliant on any single source of
13 fuel. With that, we will get energy that is affordable,
14 reliable, and clean.

15 Thank you so much for taking the time to be
16 with us, and we really look forward to hearing your
17 feedback. And most important, we need to hear how we
18 can continue to make our service even better.

19 Madam Chairman, I would like to ask you for
20 permission, I have prepared my comments in Spanish and
21 would just like to ask if there is anyone in the
22 audience that would like them.

23 **COMMISSIONER EDGAR:** Yes, ma'am, absolutely.

24 **THE INTERPRETER:** (Translating in Spanish.)

25 **COMMISSIONER EDGAR:** I believe I saw at least

1 one hand.

2 **THE INTERPRETER:** Okay. Thank you very much.

3 **COMMISSIONER EDGAR:** Yes, sir. Mr. Beck, I
4 apologize. I wasn't sure if you were going to stay here
5 or go forward, but whichever you prefer, please go right
6 ahead.

7 **MR. BECK:** Thank you. Madam Chairman.

8 Good afternoon, everybody, and thank you for
9 coming this afternoon. I am one of the people who
10 Ms. Santos says she disagrees with. Well, I am going to
11 try to give you a little different perspective on the
12 case than Florida Power and Light just did.

13 I would like to recognize Jack Shreve, who was
14 recognized earlier, but Jack is appearing on behalf of
15 Governor Charlie Crist. He was also Public Counsel for
16 25 years. In a prior life he was the head of our
17 office.

18 Also another person is Mike Jenkins who is
19 here with our office, and I am going to ask him to hand
20 out a yellow sheet. We have everything color-coded.
21 The blue sheet is the Public Service Commission's
22 handout, and we have a yellow sheet that sets forth some
23 of the positions we are taking in the case and some of
24 the issues that we are going to be litigating in the
25 case.

1 Let me start off and mention who we are. The
2 Public Counsel's office is completely independent of the
3 Public Service Commission. We receive our funding
4 differently. We do not report to the Commission. They
5 have no control over this, although I think on some
6 occasions I wish they did.

7 We will be presenting a case from the
8 customers' standpoint in opposition to Power and Light's
9 request for a rate increase. Just as they have their
10 attorneys who will represent them in the proceeding
11 before the Commission and they have their expert
12 witnesses; we are an office of five -- we have five
13 attorneys in our office, and we are hiring five expert
14 witnesses who will be testifying in this case in
15 opposition to Florida Power and Light's case.

16 We will cross-examine their witnesses. We
17 will present a brief to the Commission, and then at the
18 end of the evidentiary hearing, which is going to be
19 held in Tallahassee, the Commission will take a decision
20 based on the positions and arguments that all the
21 parties present.

22 This rate request is the largest rate request
23 that has ever been filed by a private utility before the
24 Florida Public Service Commission. Florida Power and
25 Light is seeking to increase your base rates by

1 approximately \$1 billion a year beginning next January,
2 and then by another \$300 million a year in 2011. This
3 is a permanent increase in base rates of about
4 30 percent.

5 Now, what this case is not about, it is not
6 about the fuel. And I think the way Florida Power and
7 Light has presented the case masks what is really going
8 on to some extent. It's an apples and oranges
9 comparison.

10 Let me explain it this way. Your bill, when
11 you get a bill you simply have a pay this amount at the
12 bottom of it, but that bill is comprised of a lot of
13 different things. The base rates is what pays for the
14 company's running of the business and includes an
15 element of profit for their business. That has been in
16 the fundamental rate that pays for their operation, but
17 there is a series of other charges on there that are
18 clauses -- that are pass-through clauses. And when
19 those items go up, the price goes up; and when those
20 items go down, the price goes down. Some of those
21 clauses concern environmental costs, conservation costs,
22 and, importantly, the biggest one is fuel costs.

23 What Florida Power and Light is telling you is
24 don't be too concerned about this case, because they
25 expect fuel costs to go down next January, and that will

1 more than offset the base rate increase. There is a big
2 difference here. Fuel prices go up and they go down.
3 And you know last year we had an increase in fuel prices
4 significantly up. And when they go up, Florida Power
5 and Light will be passing that right through. So we are
6 in a moment in time right now where fuel prices should
7 be coming down.

8 In fact, last week we had two major utilities
9 in the state announced fuel price reductions. Lakeland
10 Electric announced they were taking a \$17.69 reduction
11 over last year in their fuel costs for 1,000 kilowatt
12 hours. Jacksonville Electric is reducing their fuel
13 charges by 25 percent October 1st. Your fuel prices
14 should have been coming down, and they need to be coming
15 down.

16 Florida Power and Light is required to pass
17 through fuel cost reductions. It is not optional on
18 their part. They are required to do that. When they go
19 up they will be in here seeking to increase them, too.
20 So please don't be confused by that. At some point in
21 time fuel prices are going to go up again, and when they
22 do, you will be hit by a combination of that as well as
23 the base rate increase in this case, which is a
24 permanent increase.

25 Now, there are a number of issues that we are

1 going to litigate in the case before the Public Service
2 Commission. And when we combine them all, we will be
3 presenting a case that Florida Power and Light is not
4 entitled to any rate increase at all.

5 One of the biggest ones is the return on
6 equity, and that is the profit level on their
7 investment, the amount of their operations that are
8 funded by their profits. They are asking for a
9 12.5 percent after tax return on equity, which is
10 extremely high and extremely unreasonable, and doesn't
11 fit at all in today's market.

12 Now, we had a case earlier this year where the
13 company was asking for a 12 percent return on equity.
14 The Commission on a four-to-one vote with the three
15 Commissioners behind me voting in the majority, voted to
16 give them an 11-1/4 percent return on equity, which is
17 somewhat less than the company asked for, but,
18 nonetheless we believe is far too high.

19 The national average from other commissions
20 around the country is about a full percentage point less
21 than that. We believe it is under 10 percent, and we
22 have retained a full professor of finance from Penn
23 State University that is going to testify in this case
24 and show the Commission why a return of somewhat less
25 than 10 percent is fully reasonable and fully

1 compensatory for the company.

2 And we are concerned with our Commission,
3 because they are granting among the highest profit
4 levels of any state commissions around the country. For
5 every one percent extra that they give Florida Power and
6 Light it is about \$130 million per year out of your
7 pocket into Florida Power and Light's. We are going to
8 try again in this case to convince the Commission that
9 the profit levels they are giving are much too high.

10 And another issue we are going to raise is
11 depreciation, which probably sounds like a real snoozer,
12 but there is a lot of money involved in depreciation.
13 Basically, depreciation pays for the wear and tear on
14 the company's assets over time. And sometimes those
15 calculations that are an estimate are wrong.

16 Florida Power and Light concedes in this case
17 that they have collected 1.25 billion, billion with a B,
18 billion dollars too much. We are going to present a
19 witness that is going to say it is far higher than that.
20 But, nonetheless, it's far too much. So the question
21 will be should that be returned quickly or should it be
22 returned over the next 20 or 30 years to you. And we
23 are going to ask the Commission to flow that excess back
24 in a four-year period, not the 20 to 30 years that
25 Florida Power and Light is going to propose.

1 Affiliate transactions are at issue. Florida
2 Power and Light has a lot of sister companies and parent
3 companies, and some of those costs are charged to the
4 utility company, and they are passed on to you. But
5 then when you see Lew Hay, who is the chairman of the
6 parent company, earning \$11-1/2 last year, 35 percent
7 possibly of those costs are flowed through to the
8 utility, and we are going to have an expert witness on
9 that and discuss whether that is reasonable or not. We
10 don't believe that level of compensation is reasonable.
11 There is a whole slew of other charges that are involved
12 in that, too.

13 We will have a series of accounting issues on
14 top of them. Typically in a case there are over
15 100 issues that are presented by the Commission, so I
16 just wanted to touch lightly on the issues. We have a
17 handout that goes over some of them, and I will be glad
18 to discuss that with anybody during breaks or afterwards
19 if you would like.

20 The bottom line is we don't think Florida
21 Power and Light is entitled to any rate increase in this
22 case, and we are going to present a case to the
23 Commission with five expert witness that proves that to
24 you. Today is one of the most difficult economic times
25 we have all experienced. Unemployment is over

1 10 percent and peoples' savings have been just
2 demolished by the markets. This is no time for Florida
3 Power and Light to be in here asking for just an
4 extremely high profit level. It is the wrong time.
5 They need to tighten their belts just like everybody
6 else and make do with what they have.

7 So thank you again for being here. We look
8 forward to your testimony, and I think there are a few
9 more people who will have some comments, as well.

10 Thank you.

11 **COMMISSIONER EDGAR:** Thank you, Mr. Beck.

12 And just a moment. Mr. Wright, I am going to
13 ask you to help me -- help us manage our time, if you
14 would. And then, Ms. Bradley, I'm going to ask you to
15 bat cleanup for us, and ask Mr. Saporito to go after
16 Mr. Wright, and then I will call upon you.

17 Mr. Wright, please go right ahead.

18 **MR. WRIGHT:** Thank you. Thank you, Madam
19 Chairman. Good afternoon. My name is Schef Wright. I
20 was born up the road at Jackson Memorial Hospital in
21 January of 1950. And other than nine years of grad
22 school and a couple of other jobs, I have lived my whole
23 life in Florida.

24 I have been working in the energy area in
25 Tallahassee for the last 29 years for Governor Graham's

1 Energy Office, then for about seven years on the Public
2 Service Commission staff, and then as a private practice
3 attorney representing consumers, including the Florida
4 Retail Federation, municipalities, and producers of
5 renewable energy.

6 I am proud to represent the Florida Retail
7 Federation. It's a statewide organization of more than
8 9,000 members from the smallest mom and pop commercial
9 establishment to the largest chains of grocery,
10 department, electronics, drug stores and every other
11 retailer you can possibly think of. We are very
12 grateful for you all coming out and grateful for your
13 input tonight.

14 Like your Public Counsel and like other Public
15 Counsels, including Mr. Shreve, to whom you all owe a
16 great debt of gratitude whether you know it or not, we
17 oppose this increase. There might be room for a little
18 one. We are not convinced. We are sure, we are certain
19 that the request of more than a billion dollars a year
20 is unreasonable.

21 FPL makes the point they haven't had a general
22 base rate increase since 1985. Let's talk about that
23 and what has happened since then. In 1985, the bottom
24 line is they didn't need one. In 1985, FPL's total
25 electric revenues were \$3.2 billion. Today, \$11

1 billion. In 1985, FPL's rate base, that is the
2 investment minus depreciation, was \$5.8 billion. Today
3 it is 15. Their plant-in-service, their gross
4 investment in 1985 was \$7 billion. Today, \$28 billion.
5 They haven't had an increase because they haven't needed
6 one. And not only did their revenues go up by more than
7 triple during that time, they had to make one-time base
8 rate refunds in excess of \$200 million through the
9 years.

10 In 1999, led by Mr. Shreve, your Attorney
11 General, the Industrial Power Users, the Retail
12 Federation, and the AARP, they had to agree to settle
13 the case for a \$350 million base rate reduction and then
14 give back additional money based on a revenue sharing
15 formula embodied in that settlement after that.

16 In 2002, they had to agree to a further
17 \$250 million a year base rate reduction. In 2005, they
18 came to the Commission and asked for a \$430 million
19 general base rate increase. Largely through the efforts
20 of the Public Counsel and the Attorney General, the
21 Retail Federation, and the other consumer
22 representatives, we negotiated for a base rate freeze.
23 They asked for \$430 million; they stipulated to a zero
24 base rate increase.

25 I know my time is limited because the

1 important thing is to hear from you all, but I wanted to
2 hit a couple of things. The real issue here is whether
3 FPL needs, not wants, but needs an additional
4 \$1.3 billion a year of your money and my members' money
5 to own, finance, operate, and maintain its system and
6 provide quality, adequate, safe, sufficient, efficient,
7 and reliable service to you. We don't believe they do.
8 Why not? Here are three big dollar reasons right off:
9 Return on equity, this is the profit that they earn that
10 flows back to their shareholders, or at least is
11 available to flow back to their shareholders. They want
12 a 12-1/2 percent after tax return on equity. That is
13 20.3 percent before taxes, folks. That is unreasonable.
14 We categorically reject it.

15 They suggest that if they get a higher return
16 on equity, they can save on interest. Well, we went
17 after that issue in the Tampa Electric case, and we
18 asked Tampa Electric, for instance, can you tell us how
19 much lower it is going to be? No. Can you tell us if
20 your bond rating is going to be any better? No, we
21 really can't guarantee that, either.

22 But even if -- even if you assume that the
23 interest rate would be 1 percent higher on their bonded
24 debt, which is a little less than half of their rate
25 base financing as opposed to a 2-1/2 percent after tax

1 reduction on more than half of their financing, I can't
2 make the arithmetic work where 2-1/2 percent of \$8
3 billion extra for equity return is less than one percent
4 of \$5.4 billion. The math does not add up.

5 They have got a huge depreciation surplus. To
6 translate what Mr. Beck told you, the \$1.25 billion
7 surplus, if you flow that through to rates over four
8 years, which we contend that you do, that is worth \$250
9 million a year to you. Probably the number is bigger.

10 They have asked for an increase in their storm
11 reserve charge built into your rates in addition to the
12 storm surcharge that you are already paying of
13 \$150 million a year. They want to go to a \$650 million
14 a year storm reserve.

15 They asked for the same exact thing in 2006.
16 We, the consumer representatives, advocated a
17 \$200 million reserve. And what is their reserve today?
18 It is right about \$200 million. If we don't have a
19 storm, and God willing I hope we don't, if we don't have
20 a big storm this year, their projections are that it
21 will be \$215 million at the end of the year.

22 The ROE differential is worth around \$300 to
23 \$325 billion. Just add those three up, forget about the
24 higher depreciation number that we think is coming,
25 forget about the other accounting issues, depreciation

1 expense and other issues that we know we will be
2 entitled to some reduction for. That is \$700-plus
3 million off the top that we don't believe they are
4 entitled to.

5 Now, I've got to tell you, that is what we are
6 talking about. We are not talking about, and this is
7 real important, we are not talking about cutting the
8 salaries or the wages of the people in the field who are
9 keeping your lights on. We are not talking about
10 cutting jobs or laying off any of the people who are in
11 the field keeping your lights on.

12 We are not talking about cutting the amount
13 that FPL invests in new power plants. We are talking
14 about how much they earn in profit on that investment.
15 We are not talking about reducing any of that. We are
16 not talking about touching one cent of the amount they
17 spend on their solar projects. We are not talking about
18 touching one cent of the amount they spend on energy
19 conservation.

20 The issue is does FPL need an extra billion
21 dollars a year of your money in addition to the billions
22 of dollars that they already collect through their
23 existing base rates and the billions of dollars that
24 they collect through all the pass-through surcharges
25 that you all are probably more or less familiar with.

1 We don't believe that they do. We believe the answer is
2 no. The evidence will tell, your Public Service
3 Commissioners will decide. Please tell them your views
4 on this very important issue.

5 Thank you again for coming.

6 **COMMISSIONER EDGAR:** Mr. Saporito, you have a
7 few moments -- a few minutes also for comments.

8 **MR. SAPORITO:** Good afternoon. My name is
9 Thomas Saporito, and I am intervening in this proceeding
10 upon behalf of myself and my fellow ratepayers that are
11 here today.

12 In this proceeding you are going to hear a lot
13 of comments, a lot of favorable comments for Florida
14 Power and Light. As you heard, their public service
15 representative telling you that they employ some 4,000
16 people, and that is good for the economy of South
17 Florida. That is a lot of people employed and that
18 creates other jobs (inaudible), so that is a good thing.
19 And you might hear some other people say, you know, NRC
20 fined their Turkey Point nuclear plant over \$300,000 for
21 guards sleeping on the job and taking apart their
22 weapons while on duty. So you are going to get both
23 ends of the spectrum here.

24 I want to address one thing here, the Florida
25 Power and Light representative talked about Florida

1 Power and Light and put a chart up here and said we have
2 the lowest electric rates of all the utilities in
3 Florida. But I have a chart here, this is a government
4 issued chart, and it shows all 51 states in the United
5 States of America. The average -- the average electric
6 rate, which you pay per kilowatt is \$9.83 on here. And
7 the lowest being Wyoming, and is \$5.88, and the highest
8 being Hawaii at \$28.54.

9 Florida Power and Light comes in well above
10 the national average. The national average is \$9.83.
11 FPL is \$11.89 as of June of 2009. So Florida Power and
12 Light is 37th, 37 out of 51. They should be up here at
13 the top, at the top, not near the bottom. So this is
14 more reflective. This is a more true record than the
15 chart that they showed you.

16 And the chart that they showed you, you know,
17 all those utilities are charging other customers in
18 Florida more money because these people sitting behind
19 me, they approved those rates.

20 I have to put my glasses on here. Age has
21 crept up on me. This document that I have here is
22 (inaudible) news release. It is dated May 21st, 2009.
23 It talks about the Cape Wind Association, the private
24 organization out of Nantucket Sound up in the northeast.
25 Their public service commission approved wind

1 generation, offshore wind farms, and they are powering
2 some 400,000 homes up there (inaudible). This is
3 something Florida needs here. We need -- we need to
4 encourage Florida Power and Light to go offshore and
5 build generation wind farms out there. You see the wind
6 forms at these propellers in the air.

7 Well, they now have vertical wind systems.
8 It's much like a squirrel cage, and it rotates this way
9 on permanent magnets. They're call earth magnets. The
10 generators with the prop can power approximately 3 or
11 400 homes, and that is in the megawatts of power. The
12 vertical axis generator are in the 1 to 2 gigawatts.
13 That is many megawatts above the generation capability
14 of any one of Florida Power and Light's power plants,
15 and it is wind generation in the sum total of all of
16 Florida -- of all Florida generation capacity, no matter
17 what utility you are talking about.

18 And we have the energy, the wind energy. I
19 researched it, and I run a company, Saporito Energy
20 Consultants. I have researched it, and we have the wind
21 energy offshore to do that.

22 The other thing I would like to say is that
23 Florida Power and Light, although they come up here and
24 they talk the good talk about, well, let's change your
25 lights out from incandescents to fluorescents and you

1 will save money, and you will. You will save a lot of
2 money. You will save -- a fluorescent bulb will last
3 you 10,000 hours, and it will save you 75 percent of
4 what it would cost you to run the equivalent 100 watt
5 incandescent bulb. And they will. And they will tell
6 you to turn your air conditioner down and turn your
7 ceiling fans. Those are minor things, but the big
8 energy savings is stuff FPL is not here telling about is
9 the stuff that FPL should be telling you about that the
10 Florida Legislature, your legislators recently passed
11 into law several months ago, renewable energy credits.

12 They are saying this means that if can call --
13 if you go to FPL's website, you've got to search around
14 because they have got it hid pretty well on their
15 website. But if you go there, and the law says that if
16 you are a homeowner, for example, you can contract out,
17 and there are thousands of contractors. You go to my
18 website, they are all there.

19 They are licensed contractors and they will
20 put a solar collector system on your roof. They will
21 put a solar hot water system for your home to heat your
22 hot water, and they will put a wind turbine up there.
23 And the combination of these three devices will go
24 through what's called a net meter that FPL is required
25 by law to install in your home. When the net meter goes

1 forward, you pay FPL. When it goes backwards, they pay
2 you. So when you generate more power than you are
3 using, FPL has to pay you six cents a kilowatt. The
4 state of Florida will pay you \$4 per watt for every watt
5 that you put up in renewable energy and the United
6 States Government will credit you 30 percent tax credit
7 on that.

8 And I think, you know, Mr. Shreve is sitting
9 here. He's got the ear to the Governor. You might want
10 to talk him about having our Governor to make it even
11 better -- a better incentive. But this, this is the --
12 this is the future. The Obama administration is pushing
13 energy, repowering America. If you are going to get
14 independent of foreign energy, this is how you do it.
15 It is not by building more power plants.

16 **COMMISSIONER EDGAR:** Mr. Saporito, I am going
17 to have to ask you to wrap up, please.

18 **MR. SAPORITO:** All right. It is not by
19 building more power plants. It's by becoming energy
20 independent by putting a wind generator on your house,
21 putting a solar system on your house. And these costs
22 associated with doing that, your Public Service
23 Commission should order Florida Power and Light to set
24 aside a billion dollars to finance these projects for
25 you. That is the rate -- the increase should be zero,

1 but they should still order them to set aside funds to
2 finance, to help people in this time of need become
3 energy independent.

4 Thank you.

5 **COMMISSIONER EDGAR:** Thank you.

6 Ms. Bradley is our last presenter.

7 **MS. BRADLEY:** Thank you. I have promised the
8 Chairman there that I will be as brief as I can. Of
9 course, I do have to note that those of us in North
10 Florida we don't talk quite as fast, so please bear with
11 me. We do want to hear from all of you, though.

12 These are very important hearings. As I
13 indicated earlier, I work for Attorney General McCollum,
14 and we work with Public Counsel to represent your
15 interests. So it is important that we know what your
16 concerns and your problems are so that we can adequately
17 represent you in these hearings.

18 I heard somebody say these hearings are open
19 to the public, and they are, but it is more than that.
20 These are your hearings. These hearings are designed
21 for you to come in and tell the Public Service
22 Commission what you think about this rate increase. And
23 it is important that they know that.

24 We know that everybody -- nobody actually
25 wants a rate increase on anything, no matter what the

1 goods and services are. What we need to know is how
2 does this really affect you. Not just that it is
3 inconvenient, but does it cause problems for you?

4 Now, there has been a lot of talk about
5 earning profits and needing to make things better. And
6 please don't get frustrated, there may be some people
7 that Florida Power and Light has brought in to talk
8 about their charitable contributions and that type of
9 thing. And that is important. We appreciate the job
10 that Florida Power and Light has done, and they are to
11 be commended for that.

12 I know there is a lot of people that wish they
13 could make charitable contributions, but right now
14 they're having a hard time making ends meet. Somebody
15 said this morning I reached in my pocket and there
16 wasn't anything there except some more hands. And I am
17 afraid that is the way a lot of people are feeling
18 today.

19 We have a lot of concerns about our elderly.
20 We have had a lot of people from AARP come out, and, you
21 know, it is distressing to hear some of their concerns.
22 We had one lady that said she hadn't had an increase in
23 her retirement in 15 years, and it is just not going as
24 far as it used to. And that is the type of thing we
25 need to know if we are going to adequately represent you

1 in these proceedings.

2 Now, as I said, Florida Power and Light, we
3 know that they need to earn a profit. We want
4 companies, especially utilities in Florida to be strong,
5 profitable companies so that they can stay and provide
6 good service for you. But as the Attorney General noted
7 in this case, this is excessive.

8 We also looked at the fact, and we have had --
9 we had somebody from the school system that came and
10 talked this morning, and he pointed out that the schools
11 are in really tough shape. And I know the schools in
12 this area, we've heard from them. They can't -- they
13 don't have sources to go out and ask for more money
14 from. They are already making every cut they can. And
15 we appreciate the efforts that Florida Power and Light
16 has worked with them to try to make them more fuel
17 efficient. But at some point you do all you can. And
18 they are looking at having to make cuts, and the school
19 is the last place we want to see cuts in schools -- you
20 know, in services and what they do.

21 We also heard about some of the storm
22 restoration. Well, you can thank the Public Service
23 Commission for that, because after some of the
24 hurricanes they required Florida Power and Light and the
25 other utilities to look at proactive action to try to

1 keep things from -- power lines from falling down and
2 make sure those poles were strong enough, and try to cut
3 some of the limbs and things that were getting in power
4 lines. And they have required Florida Power and Light
5 and the other utilities to do a better job with that,
6 and we appreciate that.

7 Now, something was said about -- we have heard
8 about Florida Power and Light wants this high rate of
9 increase so that they can provide more benefits for you.
10 And in one of the recent hearings that has been
11 mentioned here today, one of the chief economists, and
12 he also does a lot of stock investment and this type of
13 thing, Tom Herndon came and he had done some
14 calculations. And in that particular case the benefit
15 was going to be 5 million, but it was going to cost the
16 citizens, the consumers 30 million.

17 You know, that is one of the things we are
18 looking at. Sometimes we can't afford this kind of
19 benefit, and that is why we think this return on equity
20 is excessive and the amounts requested are excessive.

21 I mentioned a minute ago the fact of the
22 energy audits and the things that Florida Power and
23 Light is doing, and that is great, but we had several
24 people that commented we can't afford to do that. You
25 know, we can't afford to go out and insulate our home

1 again. We can't afford to go out and buy expensive new
2 energy efficient appliances. We are at the end of our
3 rope. We can't afford to pay any more. And we are very
4 concerned about that.

5 We are also concerned about what I call
6 trickle down. If the utility rates go up, all the
7 businesses that Mr. Wright represents, they get caught
8 in a bind. They are not a monopoly. They have to
9 compete with other businesses. And if their power goes
10 up, in order to make a profit -- and they are not making
11 that kind of 12 percent profit. They would be -- think
12 they had died and gone to heaven if they got that kind
13 of profit. But they are going to have to raise the cost
14 of your goods and services.

15 So not only do you get hit with an increased
16 amount of utility bill, but you also get an increase on
17 a lot of your goods and services because it trickles
18 down into other things. We mentioned schools, it
19 trickles down into the schools. It trickles down into
20 our hospitals, and lot of other important things that we
21 have to have. And that is another concern we have.

22 But I want to thank you all for coming out. I
23 know there are things you much would rather have done on
24 this hot day. A lot of things that would have been a
25 lot more fun, but it is important to us, and we think it

1 is important to you for the Public Service Commission to
2 hear how this is going to affect you. And if you want
3 to say that Florida Power and Light is doing a good job
4 with your service, that is okay. This is not a quality
5 of service hearing. It's not really related to
6 anything. This is a rate case, and we want to know how
7 this rate increase will affect you if it goes through.

8 So, thank you.

9 **COMMISSIONER EDGAR:** Thank you, Ms. Bradley.

10 And that is our last presentation, so we are
11 just about to move into the speakers. As I mentioned
12 when we first started a little while ago, that all of
13 the comments that we hear today, that we will hear from
14 all of you are part of the public testimony portion of
15 the proceeding that goes into the hearing that we will
16 have for the case that FPL has filed.

17 So with that in mind, our court reporter, as I
18 mentioned, is taking all of our comments, and so I need
19 to swear you in as a group. So if everyone who would
20 like to speak to us this afternoon would please stand as
21 a group and raise your right hand with me.

22 (Witnesses sworn.)

23 **COMMISSIONER EDGAR:** Jackie, do we -- Jackie,
24 do we need to do that in Spanish, because I cannot do
25 it. Can you?

1 **THE INTERPRETER:** No, I can do it.

2 (Translating in Spanish.)

3 **COMMISSIONER EDGAR:** Thank you, Jackie.

4 **THE INTERPRETER:** Do you want me to say it
5 anyway?

6 **COMMISSIONER EDGAR:** We will take care of it
7 if somebody comes forward and would like to use your
8 services to speak to us. Thank you, Jackie.

9 **THE INTERPRETER:** Thank you.

10 **COMMISSIONER EDGAR:** Okay. The first person
11 that I would like to recognize at this time is
12 Representative Garcia. Representative Garcia, thank you
13 so much for joining us. Our member of the House of
14 Representatives from District 107.

15 **REPRESENTATIVE LOPEZ-CANTERA:** Thank you,
16 Madam Chair, and welcome to all to District 107. We are
17 standing in District 107 right now. Welcome to my
18 district. And I would like to introduce a colleague and
19 a dear friend, Representative Lopez-Cantera (phonetic)
20 from the district next to mine. So with that said. I
21 thank you for being here.

22 I don't have anything prepared. I will just
23 speak from the heart. I have heard a lot of things,
24 facts and figures, and the whole thing boils down into
25 what Florida Power and Light is requesting that they

1 think they should be earning as a profit margin.

2 In this day and time where we have industries
3 that are collapsing as a whole, just to break even is an
4 accomplishment. Now, for somebody to come out and say
5 that they are entitled to earn 12-1/2 percent regardless
6 of how they spend their money, I think is a problem.
7 You know, then we are talking about deep roots. I have
8 deep roots in this community. I have been in this
9 community for 50 years. I live about 10 blocks away
10 from here, and so I know what deep roots are like. And
11 I know what the cost of electricity used to be and what
12 it is right now and what the economic conditions are
13 right now. And I know how FPL has spent their money.

14 For instance, you know, FPL money -- FPL has
15 become very active in the political arena. I believe
16 about a year and a half ago when we had the paying
17 tax -- I mean, the tax campaign, they donated probably
18 half a million dollars. And I could be wrong, but I
19 think it was a couple of -- a couple of contributions.
20 They contributed to numerous campaigns at every level.
21 And I am very happy to say that I haven't received a
22 penny. They tried to contribute to my campaign and I
23 turned them down.

24 So, you know, when they are contributing to
25 campaigns and when they are contributing to charitable

1 organizations, they are not contributing their money.
2 They are using our money to contribute to it. You know,
3 anybody can get confused that way. You know, and right
4 now I would like to do it, but we can't.

5 In my district, up in Brickell Avenue we have
6 probably more foreclosures per district than any other
7 in the state. People are losing their -- their homes.
8 People are -- are going -- are going with the lower
9 necessities. If you are going to (inaudible) as small
10 as a raise that you could be just so a big company can
11 make a profit that they feel they are entitled to, I'm
12 sorry, I just feel very -- very sorry for that.

13 As far as this hearing, I would love for this
14 hearing to have been conducted in the area of Little
15 Havana. In Representative Lopez-Cantera's district
16 there is a perfect place to conduct this hearing. It
17 would have been Dade County (inaudible). I guarantee
18 you the place would have been overflowing.

19 You know, you are going to hear a lot of
20 complaints, and I don't want to take -- I don't want to
21 take anybody's time. The only thing I want to say is
22 this pay increase -- I mean, this cost increase is wrong
23 and it is wrong at the wrong time.

24 With that said, I will yield my time to
25 whoever can make a better presentation than I can.

1 **COMMISSIONER EDGAR:** Thank you.

2 And I would also like to recognize, excuse me,
3 Representative Lopez-Cantera. Yes, please, sir, come
4 forward. Our state representative from District 113,
5 who has been very involved in issues that come before
6 the Commission. Thank you for joining us.

7 **REPRESENTATIVE LOPEZ-CANTERA:** Thank you,
8 Madam Chair and Commissioners, for coming here and
9 listening to both Garcia and my -- Representative Garcia
10 and my constituents. It is a very important issue. I
11 want to remind you that you may not be elected, but
12 these are the people that you represent, and I hope that
13 you take their comments to heart. Because these are the
14 people who took time out of their day out of either
15 picking up their kids, or out of being in work to come
16 here and tell you how they feel about this rate
17 increase.

18 Now, I believe in companies making profits.
19 It is what this country is founded on and there is
20 nothing wrong with it. But I do agree with what the
21 Office of Public Counsel's office said earlier, which is
22 that it may be the wrong time. When you have
23 unemployment approaching 11 percent and Florida leading
24 the nation, we are leading the nation in foreclosures,
25 this may not be the time to pay a 20.3 percent profit --

1 pretax profit for a company -- to approve that type of
2 profit for a company. What kind of message will you be
3 sending to the people that you represent?

4 I don't want to take lot of time because there
5 are many people who are here who deserve to speak more
6 than I do, but I wanted to say those few points to you
7 on their behalf, because my constituents could not be
8 here on their behalf today. So thank you again for
9 being here, and I look forward to you accommodating our
10 constituents.

11 Thank you.

12 **COMMISSIONER EDGAR:** Thank you. Thank you
13 both for being here and for your interest.

14 And I would also at this time like to
15 recognize Councilman Ernie Sochin, who is with the Town
16 of Cutler Bay. Councilman, are you -- I think I can see
17 you in the back. The light is right by you. There you
18 are. Would you come forward and make a few comments?

19 **COUNCILMAN SOCHIN:** Thank you, Madam Chairman.
20 And I must say to all of you I have had to deal with the
21 Public Service Commission, and I have found them to be
22 most cooperative and most helpful in everything I have
23 pursued. They can only do so much.

24 I tried to help FP&L. I offered myself as CEO
25 for \$2 million a year, which would be about a hundred

1 million -- they haven't come to me yet, but I am still
2 available.

3 My only complaint is if they want this
4 increase and they want to earn all of this profit is to
5 give us better service. And if you read the newspaper
6 over the past couple of weeks, we have had a few
7 rainstorms, 5,000 people out of electricity, 10,000
8 people -- this is without a major storm. This is just
9 the normal rainstorm.

10 As Commissioner Edgar knows, I have been up to
11 Tallahassee and my big complaint has been, is, and will
12 remain the tree trimming in our area. At one time when
13 I first moved here, the Asplundh trucks used to come
14 around every spring, trim all the trees and it was done.
15 Now, I think they went to a six-year cycle. When I
16 complained about this, they said, oh, well, we are going
17 to look at certain areas, and we are going to try to
18 trim those a little more frequently. I have not seen
19 that happen as yet. Hopefully, they want to do it.

20 For those of you who don't know, FPL has this
21 great big beautiful expensive truck that can drive
22 around with a device on the top. They can actually look
23 at the power lines and tell when the trees are hitting
24 the power lines. It is so sensitive that I was in the
25 truck watching it. They can actual see a little tiny

1 bird on the wire just from the heat generated by the
2 bird. So it is something they can do. They can make a
3 sweep of the area. They can find out where the problems
4 are going to be and eliminate these power outages. As
5 long as they are asking for more money, and who knows,
6 they may get it, I think we are entitled to better
7 service.

8 I thank you for introducing me, and I thank
9 you for your attention, and for your help in the past.

10 Thank you.

11 **COMMISSIONER EDGAR:** Thank you, Councilman.

12 Mr. Beck, we are at that point where I am
13 going to ask you to call names from the list. We are
14 going to go down in the order that you have all signed
15 up. And as we have done, I am going to ask Mr. Beck to
16 call two names at a time.

17 If you are the second name called then know
18 that you are on deck, and you can kind of make your way
19 over to that side of the room to be ready to come
20 forward. As I mentioned earlier, we want to try to hear
21 from everybody. Our time is limited, so I would ask
22 that you keep that in mind when you come forward to
23 speak to us and allow us time so that we can try to hear
24 from everybody. Thank you.

25 Mr. Beck.

1 **MR. BECK:** Thank you, Madam Chairman. We have
2 57 people who have signed up. Our first customer is
3 Fausto Alvarez, and he will be followed by Mr. Seiglie.

4 FAUSTO ALVAREZ

5 appeared as a witness and, swearing to tell the truth,
6 testified as follows:

7 DIRECT STATEMENT

8 **MR. ALVAREZ:** Good evening, Madam Chair,
9 Commissioners. I am reporting the --

10 **COMMISSIONER EDGAR:** Could you pull the
11 microphone a little closer to you. I am having a hard
12 time hearing you.

13 **MR. ALVAREZ:** I am reporting the increase that
14 FPL is requesting. It is important that I see that all
15 the problems that we have today are blamed on FPL,
16 unemployment, foreclosure, and everything. As part of
17 the investing money in existing nuclear power plants and
18 also sources different like solar energy and other type
19 that will help us not depending on foreign sources to
20 obtain energy. I have experience with some hurricanes.
21 We have an excellent service and the restoring of the
22 power was done (inaudible).

23 Thank you.

24 **COMMISSIONER EDGAR:** Thank you.

25 **MR. BECK:** Hector Seiglie to be followed by

1 Leo Roy.

2 HECTOR SEIGLIE

3 appeared as a witness and, swearing to tell the truth,
4 testified as follows:

5 DIRECT STATEMENT

6 **MR. SEIGLIE:** Madam Chairman, Members of the
7 Commission. My name is Hector Seiglie. I am a
8 professional engineer.

9 **COMMISSIONER EDGAR:** I am so sorry. We're
10 trying to get the sound adjusted, because I know I'm
11 hearing some echos. So bear with us, and I'm going to
12 ask you, if you would, to state your name for me again,
13 and then go right ahead.

14 **MR. SEIGLIE:** All right. My name is Hector
15 Seiglie. I am a professional engineer. I have been
16 practicing in the state of Florida since 1963. Over
17 that period of time I have had a vast number of
18 occasions in which I have had to deal with Florida Power
19 and Light. I have always found them to be very
20 service -- very friendly and, you know, excellent
21 service.

22 I know this is -- these are difficult times,
23 and I don't want to have a cost increase any more than
24 anybody else in the room, but I think we also need to be
25 responsible in looking at what is requested, because the

1 technology changes constantly, and we need to keep
2 abreast of it. And it is all very fine to publish data
3 unsubstantiated about how much energy we can save by
4 putting solar heaters on the roof, but the reality is
5 the technical aspects of it are a little bit harder than
6 they appear to be.

7 Thank you very much.

8 **COMMISSIONER EDGAR:** Thank you very much.

9 Thank you. Mr. Beck, before we go on to the
10 next name, I would also like to recognize Commissioner
11 Sorensen, who I believe is here. Commissioner, could
12 you come forward and share your comments with us.

13 **COMMISSIONER SORENSON:** Thank you so much,
14 Madam Chair and Commissioners.

15 First, I want to address the issue of the rate
16 increase and take issue with FP&L's continuing use of
17 fuzzy math to explain their request for a base rate
18 increase. If you only went by the literature provided
19 in the inserts, you would think that the rate increase
20 was a request to cut our electric bills. The utility
21 continues to confuse the public by intentionally
22 inflating base rate charges with fuel charges. And the
23 PSC, I urge you to make the utility accountable for
24 these misleading statements intended to mollify the
25 public.

1 FP&L may have a case that their costs for
2 provision of service have increased, but the PSC has to
3 also take into account all the special assessments and
4 new fees sent to customers that -- such as customers
5 paying ahead of time for increased capacity for Turkey
6 Point. And that is a big charge right now.

7 In this economic downturn, the utility's
8 request for a 12.5 percent return on investment is
9 unreasonable when many households, businesses, and local
10 governments are facing major financial pain.

11 Now, I do want to talk a little bit about
12 transmission lines, because this has been an issue of
13 controversy in our community. FPL recently announced
14 their (inaudible) transmission capacity that ignored
15 input from concerned community members and local elected
16 leaders. Their announcement to create a new high
17 voltage transmission corridor along US-1 was received
18 with dismay from the municipalities that consider this
19 roadway the gateway to their communities.

20 Elected representatives and citizens who have
21 attended meetings held by the utility thought that they
22 had made it clear to FPL that high voltage lines down
23 US-1 was unacceptable unless the lines were buried.
24 Unfortunately, the utility has chosen the one route that
25 had consistent opposition from the communities of south

1 Miami-Dade. Elected officials have attempted to meet
2 with FP&L, and to their credit, representatives from FPL
3 have made themselves available at these meetings. But
4 they haven't provided much of any detail, little to no
5 explanation as to how they reached the choice of their
6 preferred alternative, or what led them to abandon all
7 the other alternatives under consideration.

8 The only assurance that we have been given is
9 that the information we have been asking for would be
10 available when they filed with the PSC. This has led to
11 even greater frustration from the affected communities
12 since we know that the burden will largely be on us to
13 find a better alternative instead of FPL having to prove
14 that they made the best choice.

15 The county has an interest in protecting its
16 future development potential, and we fully understand
17 that additional electricity capacity needs to be part of
18 future growth. Unfortunately, the current choice in
19 place for this high voltage corridor cuts right through
20 an area that the county and several of the affected
21 cities have targeted for mixed use, pedestrian friendly
22 development where high voltage lines will provide a
23 significant obstacle and be completely incompatible.

24 The utility's own criteria for selection says
25 that they should avoid residential areas, hospitals, and

1 schools, yet the chosen route will cut through areas
2 designated for multi-story residential buildings, is
3 adjacent to South Miami Hospital and would become the
4 entry feature for the University of Miami.

5 When asked about the possibility of using
6 other routes that maximize existing FPL's transmission
7 corridors and then follow a major east-west expressway,
8 the utility consultant said that the proximity to Miami
9 International would be an impediment, yet the consultant
10 acknowledged that the utility could go underground for
11 the short distance that would be in conflict with FAA
12 rules.

13 To be fair, he also said this wasn't the only
14 concern that FPL had when evaluating this route, but
15 they were neither ready nor willing to provide anything
16 close to detail that would have been helpful in
17 understanding the reason of rejecting that option.

18 What is also unclear is how comprehensive the
19 utility has been in evaluating these routes. As far as
20 we can tell the only real analysis that has been done is
21 to see which route connects two dots on a map with the
22 least amount of trouble.

23 I hope the PSC will also demand that FPL take
24 the opportunity during the construction of new
25 transmission lines to consolidate and harden against

1 hurricanes the old and less reliable wooden power poles
2 still found along the transmission corridors in
3 Miami-Dade. FPL should assess the existing property
4 during this process and improve the reliable service of
5 electricity for their customers. The only way to meet
6 both objectives is for FPL to use their existing
7 right-of-way for as long as possible. And I thank you
8 so much for your consideration.

9 **COMMISSIONER EDGAR:** Thank you, Commissioner.
10 Mr. Beck.

11 **MR. BECK:** Thank you. The next customer is
12 Leo Roy, and he will be followed by Patricia Schmidt.

13 **COMMISSIONER EDGAR:** And Commissioner Skop has
14 reminded me, for everybody who comes forward, if you
15 would tell us your name. That is helpful to us and to
16 the court reporter, as well.

17 LEO ROY

18 appeared as a witness and, swearing to tell the truth,
19 testified as follows:

20 DIRECT STATEMENT

21 **MR. ROY:** Thank you, Commissioner. My name is
22 Leo Roy. Commissioner, I live at 4506 Northwest 185th
23 Street in Miami, Florida. I am extremely nervous. I
24 have three people living with me and myself, and I'm
25 retired. I live on a fixed income and Social Security,

1 and I have to save every penny I spend and watch my
2 weight. And I have to watch my spending at the grocery
3 store, as well. I have rent to pay every month as well
4 as the electricity bill. Everyone in the house has to
5 pitch in. Everyone, myself. We live next door to the
6 boy downstairs, the lady next -- the lady whom I rent
7 from also. The cost is \$300 a month rent. Okay.

8 Sometimes we have to pay more because of
9 global warming, which is now, today. The cost for air
10 conditioning is astronomical, so high that it hurts me
11 financially when I have to go back (inaudible). I can't
12 even own a car, because it cost more for insurance than
13 it cost -- than it is worth.

14 If I did not have the money for a car -- if I
15 did have the money for car, then I would have to pay
16 insurance, gas, oil, tires, just a few other things that
17 go along with having a vehicle. Everyone here in
18 Florida is hurting because of global warming, everyone.
19 All people -- old people as well can't even get around.
20 They are old and retired, and they are in their
21 seventies and eighties, and they have problems, as well,
22 financially, fixed incomes, Social Security.

23 What about the people in wheelchairs, what
24 about people who are paralyzed, what about them? Those
25 are people who want to watch soap operas, okay. Again,

1 through electricity. They like watching TV, also. I,
2 myself, watch TV with my roommate or watch DVDs to watch
3 at night which also cost electricity, too. And the
4 light bulb.

5 Excuse me. And what about the families who
6 have 30-year mortgages, what about them? And with
7 children, what about them? Okay. This is a small
8 fraction of what is going on in our country. I could
9 tell you more, but I can't. I ask you please don't
10 raise the rate of electricity, because you can hurt a
11 lot of people out there financially, all right. And
12 this is for them, as well.

13 I represent a small group of people who can't
14 even come here because they have to work. Some have --
15 some have two jobs, and some have three jobs, part-time.
16 And some aren't working, they are on welfare. They are
17 on welfare, okay. So, please, I'm asking you as the
18 general public, please keep the rates down.

19 Thank you.

20 **COMMISSIONER EDGAR:** Thank you.

21 **MR. BECK:** Ms. Schmidt, I apologize, I
22 mispronounced your name.

23 Ms. Schmidt will be followed by Raul Iglesias.

24 PATRICIA SCHMIDT

25 appeared as a witness and, swearing to tell the truth,

1 testified as follows:

2 DIRECT STATEMENT

3 **MS. SCHMIDT:** Good afternoon, ladies and
4 gentlemen. My name is Patricia Schmidt, and I am a home
5 health aid caregiver, and I come to represent the
6 disabled person that I take care, and this person lives
7 a month out of less than \$700 a month. And his first
8 couple of bills when he rented the house was \$900 a
9 month without the air conditioner. Now the air
10 conditioner has to be turned on, and the bill came for
11 \$202. And his deposit was \$200, because he didn't have
12 any credit before. So now we just got a bill that they
13 raised his deposit for \$82. He cannot afford to pay \$82
14 a month.

15 Now, his rent is \$400 a month and his
16 disability check is less than \$700 a month. His food
17 stamps are less than \$100 a month. So whatever extra he
18 wants for himself he has to go to the street and beg. I
19 ask you to please consider this, because I am surprised
20 that this room is not ten times bigger to have more
21 people talking like me for them. The parking lot should
22 be bigger and people should be talking more like me.

23 And I am concerned for my neighborhood, Miami
24 Gardens. I have many friends that are concerned about
25 the light bill going up. They didn't come. I talked to

1 them, and they didn't come because they say that you
2 guys will hear them and not do anything about it. And
3 another lady that lives by herself with a big house,
4 four bedrooms, she decided to sell her house because she
5 cannot afford to keep up with her bills. She is alone
6 with no husband, osteoporosis, 65 years old. And
7 instead of her children helping her, the children are
8 asking for her help. She doesn't know what to do. She
9 wants to give up.

10 And, also, I am getting a little bit
11 sentimental. Instead of us getting the news that you
12 guys want to raise the lights, we should be getting the
13 news that the lights is coming down, not up.

14 I used to be a security guard 15 years ago. I
15 used to get \$7 an hour. Today a security guard is
16 getting \$10 an hour. In 15 years they went up \$3. In
17 that time I used to live in an apartment, two bedroom,
18 one bathroom, we paid \$500. I used to get \$7 an hour to
19 be a security guard. Today we pay \$1,200 rent and
20 security guards still earn 10 to \$12 an hour. So how
21 many money came up for this minority people, and you
22 guys are so powerful, are raising billions, not one or
23 two or three dollars.

24 I am concerned with this world. I don't know
25 where we are going to and I can talk only for myself. I

1 wish this place would have been bigger and more people
2 saying more things like I have, but they are not here.
3 I don't know why, but believe me they will complain when
4 their light goes up.

5 And I hope you can hear me. I am talking from
6 the bottom of my heart, and I am concerned of the
7 elderly and the disabled people out there that maybe
8 they are weak, maybe they don't care, maybe they lost
9 their hope to come and speak for their rights. Please
10 put your hand in your heart and don't raise the lights.

11 And I wish we can come up with more things
12 like hydropower with water. We have -- we are
13 surrounded by water. Hydropower, I am looking into it,
14 and like windmills, also, and solar power. Everybody
15 should do that. Everybody should have one in order to
16 learn how to do that.

17 This place would be a better world if we all
18 help one another to lower our costs of everything. And
19 may our (inaudible) be held by God, and God bless us
20 all.

21 Thank you for hearing me.

22 **COMMISSIONER EDGAR:** Thank you.

23 **MR. BECK:** Thank you.

24 **COMMISSIONER EDGAR:** And we are going to take
25 just a moment. And we are still working on the sound,

1 and we are all trying together to see if we can continue
2 to improve it.

3 (Off the record.)

4 **COMMISSIONER EDGAR:** Thank you, gentlemen. We
5 appreciate you continuing to work with us to try to make
6 some improvements.

7 Mr. Beck, let's give it a try.

8 **MR. BECK:** Thank you, Madam Chairman. The
9 next customer is Raul Iglesias to be followed by Chris
10 Summers.

11 RAUL IGLESIOS

12 appeared as a witness and, swearing to tell the truth,
13 testified as follows:

14 DIRECT STATEMENT

15 **MR. IGLESIOS:** Good evening, Commissioners.
16 My name is Raul Iglesias. I have lived in Hialeah
17 Gardens since 1991. I would like to express my thoughts
18 with regards to the proposed petition. I, unlike
19 everybody, would not like to pay any extra for -- for
20 service, but have you traveled throughout Latin America?
21 I get to see a lot of the situation that we have down
22 there, and you get to see all the unsafe, unreliable
23 situations that we have.

24 I am an electrical engineer. I don't
25 travel -- I don't work in that capacity right now, but I

1 do have the technical knowledge to realize when things
2 are not right. And I do believe that we must maintain
3 our power grid. Those of us who have lived in South
4 Florida and throughout all the hurricanes, can only --
5 can only just imagine what it would be like without
6 having FPL come in as soon as they do, coming in to
7 save -- when all the grid is down, when you have a
8 situation that is desperate for most people and within a
9 few days we have millions of people back on. It is
10 impressive, at least to me, being on that side of it.

11 Just for example, we are talking about
12 planning, we are talking about investment in the grid,
13 in the capacity, the power generation capacity. We are
14 looking at places, for instance, in the Dominican
15 Republic, where poor planning led to purchasing -- and
16 that as well as in other places around Central America,
17 buying diesel powered generation barges that were a
18 stopgap measure, and currently they have become
19 permanent fixtures. You see them -- you see them in the
20 harbor right there, and it is expensive to run. It is
21 sitting there. The power is nonconsistent. Most homes
22 have to use generators on a consistent basis.

23 We are talking poor planning across the board,
24 just as well as traveling down -- for instance, Ecuador,
25 you are looking at power poles that look like bird nests

1 with all the wires coming off of them. Unsafe,
2 unreliable, and totally nonconforming to any regulations
3 or anything like that.

4 Investment is necessary. It is -- it is
5 required. In my opinion, a 10 percent increase, a
6 12 percent increase for peace of mind is acceptable and
7 required. Profit is not a bad word. We are all here to
8 make a profit. I won't work if I don't get paid. I
9 understand how that works. As you can tell, I am in
10 favor of the petition.

11 Thank you very much.

12 **COMMISSIONER EDGAR:** Thank you. Mr. Beck.

13 **MR. BECK:** Chris Summers to be followed Jose
14 Fundora.

15 CHRIS SUMMERS

16 appeared as a witness and, swearing to tell the truth,
17 testified as follows:

18 DIRECT STATEMENT

19 **MS. SUMMERS:** My name is Chris Summers, and I
20 am here to speak to the quality of service.

21 I have had two recent experiences with Florida
22 Power and Light, both of which turned out to be
23 positive, and I just wanted to comment on those briefly.

24 One was just an energy conservation survey
25 that I had requested. I felt that they were respectful

1 of my time. They showed up when they were supposed to
2 show up. They called me when they were coming, and they
3 did what they were supposed to do.

4 The other one started out negative. I had a
5 power outage. I wasn't happy about it, but -- and I
6 wasn't happy about having to report it late at night
7 when there was an automated voice mail system that takes
8 your request. I will tell you that having gone through
9 that process, that every time I called to get a status,
10 they already knew where the outage was. They told me
11 what time it would be fixed by, and they beat that time.
12 And I felt that that was respectful of my time, as well.

13 So, thank you.

14 **COMMISSIONER EDGAR:** Thank you.

15 **MR. BECK:** Jose Fundora followed by William
16 Alexander.

17 JOSE FUNDORA

18 appeared as a witness and, swearing to tell the truth,
19 testified as follows:

20 DIRECT STATEMENT

21 **MR. FUNDORA:** Hello. My name is Jose Fundora.
22 I am the facilities manager for a very big company. I
23 just wanted to speak a little bit today about Florida
24 Power and Light's service with us. They have been
25 exemplary with everything related to our company, in

1 helping us lower our bill with rates, with consumption,
2 with power outages. I can't speak enough about all the
3 experiences that we have had with Florida Power and
4 Light and how they have stepped up to the table and
5 provided good service.

6 I know today's agenda is about a rate -- a
7 rate increase. I personally don't know all of those
8 details. I'm sure there is more educated people here
9 about that. It has got to be tough to be in a business
10 when someone else gets to say how much you can make and
11 not make, and, you know, you are kind of dependent on
12 someone else. But FPL is an excellent company, and when
13 you need that power, when you need that electricity to
14 be there to run your business or to be home without air
15 conditioning running, you want it to be there. That's
16 all I have to say.

17 Thank you.

18 **COMMISSIONER EDGAR:** Thank you.

19 **MR. BECK:** William Alexander followed by Holly
20 Wiedman.

21 WILLIAM ALEXANDER

22 appeared as a witness and, swearing to tell the truth,
23 testified as follows:

24 DIRECT STATEMENT

25 **MR. ALEXANDER:** Good evening, Madam Chair,

1 Commissioners.

2 **COMMISSIONER EDGAR:** Good evening.

3 **MR. ALEXANDER:** I am William Alexander. I am
4 the president of the Latin Chamber of Commerce, and I am
5 here today to say that it is good to -- when I go to my
6 home tonight, I am very happy to flip a switch and I
7 have electricity, and I have the light, and I have the
8 TV, and I have everything, not just one. I understand
9 the situation that we have today here is very tough, and
10 especially the situation that we have around the world
11 on the economic side. But we have to protect and
12 support the ones that allow us to have that power.

13 And congratulations for Florida Power and
14 Light when they are doing -- looking for new energy to
15 reduce the costs in the future of our bills. And I
16 would like to introduce my assistant that she may talk
17 better than I in English, please.

18 **UNIDENTIFIED SPEAKER:** Thank you. As the
19 Latin Chairman of Commerce, we are extremely happy they
20 are big partners in the community, and they address all
21 small business concerns. We are very concerned about
22 the cost of energy, but we also support the investment
23 that they do in the community making energy possible so
24 business will run. So we firmly support this proposal.

25 Thank you.

1 **COMMISSIONER EDGAR:** Thank you. Thank you to
2 you both.

3 **MR. BECK:** Holly Wiedman followed by Ana
4 Martinez.

5 HOLLY WIEDMAN

6 appeared as a witness and, swearing to tell the truth,
7 testified as follows:

8 DIRECT STATEMENT

9 **MS. WIEDMAN:** I'm Holly Wiedman. I am
10 executive vice president of Beacon Council. Beacon
11 Council is Miami-Dade County's economic development
12 partnership. It's a public/private partnership --
13 that's better. Our mission is to assist local
14 businesses expand and to bring new business and new jobs
15 and new investment into Miami-Dade County.

16 I am here to speak in support of Florida Power
17 and Light. Florida Power and Light has served as one of
18 our leading partners since our inception in 1984. When
19 we are working with businesses they demand quick
20 follow-up, quick answers to their questions about cost
21 of doing business here in our area, and for over two
22 decades -- I have been working with the Beacon Council
23 since the beginning, so I have been working with Florida
24 Power and Light for two decades. Florida Power and
25 Light has worked hand-in-hand on economic development

1 projects.

2 The follow-up has addressed many issues from
3 energy costs to new facility construction and having
4 companies ask how can we go green and how can we cut
5 costs. Florida Power and Light's response has been
6 tremendous. Also, during Hurricane Wilma, we were
7 charged with helping small businesses recover, and
8 Florida Power and Light helped us get information about
9 recovery out to the community on a day-to-day basis.
10 The fast response and expertise that they have helped us
11 with with companies in Miami has helped companies stay
12 in Miami, has helped companies bring in new investment,
13 and has translated into many jobs. The partnership and
14 FPL's sustainability, their viability is crucial in
15 promoting our area and bringing in many new jobs.

16 Thank you so much.

17 **COMMISSIONER EDGAR:** Thank you.

18 **MR. BECK:** Ana Martinez followed by Alex
19 Dominguez.

20 ANA MARTINEZ

21 appeared as a witness and, swearing to tell the truth,
22 testified as follows:

23 DIRECT STATEMENT

24 **MS. MARTINEZ:** Good afternoon, Madam Chair,
25 Commission members, and distinguished guests, and

1 everyone in the audience. My name is Ana Martinez and I
2 represent United Way.

3 We are proud to be here to talk about the
4 support of Florida Power and Light, and not just as an
5 organization, but as an organization made up of people,
6 people who care and people who support.

7 Yes, it is about charity, but it is beyond
8 that, as well. And, yes, charity does matter and it is
9 a very good thing. It is also about volunteering, about
10 advocacy, about support, about lending a hand, and
11 really, truly caring. And not just at one level, across
12 the entire spectrum. It is with its leadership, it is
13 with its members, its employees, its unions, even
14 (inaudible) of outside the organization itself their
15 partners to support our community. We are very, very
16 proud and thankful to Florida Power and Light.

17 Thank you very much.

18 **COMMISSIONER EDGAR:** Thank you.

19 **MR. BECK:** Alex Dominguez followed by Mercedes
20 Sanchez.

21 ALEX DOMINGUEZ

22 appeared as a witness and, swearing to tell the truth,
23 testified as follows:

24 DIRECT STATEMENT

25 **MR. DOMINGUEZ:** Alex Dominguez. I just came

1 by today to support the price increase. I'm a
2 pharmaceutical rep and I am also a realtor. And I think
3 the service that they provide has been exceptional. As
4 a young person, I don't mind paying the increase.
5 Fortunately, I have a job where I can afford to.

6 As a realtor, I know that there are services
7 that we offer for our new homeowners where they go out
8 and they inspect your house and they give you credits
9 for insulation. There is a lot of programs that people
10 don't know about. And the reason I say that is because
11 when I mention it to them, they can't believe that FP&L
12 actually pays for 80 percent of their insulation.

13 I think their customer service versus other
14 parts of country -- when I work as pharmaceutical rep, I
15 have been to missionary -- I've been to Peru, Ecuador,
16 Colombia. I mean, our electricity is the best in the
17 world. I mean, when I hear people complain about maybe
18 the trees not being trimmed or something like that, you
19 know, in the big picture, if you look at it, we have
20 incredible -- you know, I think FPL does an incredible
21 job.

22 The only complaint that I would have is
23 somebody who has a father who is 72 years old, retired,
24 worked hard all his life, paid his bills on time, I
25 don't think it is fair for them in particular to have

1 their rates increased. So if there is a way that going
2 forward maybe you would exclude elderly, above 65,
3 nursing homes, I think that would be the right
4 responsible thing to do.

5 As a young person, you know, I will continue
6 to pay for the services. I am going to work hard until
7 I retire. But when I retire, just like a lot of people
8 in this room, I don't think it is fair for them to be on
9 a fixed income and then have to pay more for electricity
10 after they have paid for it all of their lives.

11 So I just wanted to say that I do support the
12 price increase, because I think we need to strengthen
13 our infrastructure. What I wouldn't agree with is a hit
14 on the elderly. I think that that would be a travesty,
15 because I see it on a daily basis, and that is pretty
16 much it.

17 Thank you.

18 **COMMISSIONER EDGAR:** Thank you.

19 **MR. BECK:** Mercedes Sanchez followed by Monica
20 Calonge.

21 Mercedes Sanchez.

22 Monica Calonge.

23 **MONICA CALONGE**

24 appeared as a witness and, swearing to tell the truth,
25 testified as follows:

DIRECT STATEMENT

1
2 **MS. CALONGE:** Thank you for the opportunity to
3 speak. My name is Monica Calonge, and I am an
4 administrator of a nursing home here in Miami. I am
5 also a Florida Healthcare Association district president
6 for the area, so I can speak for the nursing homes
7 administrators in the area. And we also have Florida
8 Healthcare for the state of Florida is responsible for
9 almost 80,000 frail and elderly individuals with
10 disabilities.

11 What I wanted to make sure that you were aware
12 of is a lot of the different things that they put in
13 place for us. We are very highly regulated. We protect
14 Florida's elders as well as through the nation, and we
15 are often left behind. However, for the last five years
16 FP&L has stepped forward, taking an active role in
17 helping to keep us, the nursing homes in their service
18 areas, really brought up as fast as we can so that we
19 are not without power, we are not without lines, we are
20 not without oxygen.

21 For the past two years, FP&L has sponsored
22 emergency preparedness table top training exercises for
23 nursing homes. This is invaluable. This is nursing
24 home participants. This is people that work for our
25 elderly going and being trained by Florida Power and

1 Light on steps to be taken before, during, and after
2 hurricanes to help ensure the safety of our residents.

3 Nobody wants what happened in Louisiana to
4 happen here. Florida, thankfully, has been very well
5 trained in preparing for hurricanes, but electricity is
6 a very vital part of that.

7 In addition to emergency preparedness training
8 for nursing homes, FP&L works hard to be sure that they
9 are prepared to restore power to nursing homes after a
10 storm. I can definitely attest to the fact that FP&L
11 works very hard prior and immediately following a storm
12 to restore power in nursing homes.

13 They have now taken the initiative to have a
14 list of all nursing homes, and before a storm, 48 hours
15 to 24 hours before a storm, they will contact us to make
16 sure that we have or they have correct information on
17 us. They get accurate counts of how many people are in
18 our building. They get our phone numbers. They get
19 emergency backup phone numbers, emergency backup faxes
20 and e-mails. So we are in constant communication as far
21 as what our condition is. And if we need extra
22 assistance, they are there for us.

23 In closing, I would like to note that FP&L's
24 commitment to vulnerable elders is unique in the nation.
25 Other states' nursing home associations do not have such

1 a great relationship with their energy provider. So the
2 Florida Healthcare Association is very lucky to have
3 that. We are very appreciative of FP&L's commitment to
4 nursing homes and their keeping residents as safe as
5 possible.

6 Thank you.

7 **COMMISSIONER EDGAR:** Thank you.

8 **MR. BECK:** Jacquelyn Caldwell followed by
9 Robert Delgado.

10 ROBERT DELGADO

11 appeared as a witness and, swearing to tell the truth,
12 testified as follows:

13 DIRECT STATEMENT

14 **MR. DELGADO:** Commissioner, my name is Robert
15 Delgado. I live in southwest Miami. I have to compare
16 Florida Power and their service to the service I have
17 received in other parts of the country. When we have
18 been hit by hurricanes Florida Power has done a very
19 good job for us. I have been living in Miami for 11
20 years now.

21 Now, as far as the rate increase, I don't have
22 much to say. You have the documentation on both sides
23 of the issue. I hope that you read it and analyze it,
24 evaluate it, and then make the proper decision for us.

25 Thank you.

1 **COMMISSIONER EDGAR:** Thank you.

2 **MR. BECK:** Delfin Pernas followed by Delfin E.
3 Pernas.

4 DELFIN PERNAS

5 appeared as a witness and, swearing to tell the truth,
6 testified as follows:

7 DIRECT STATEMENT

8 **MR. PERNAS:** Good afternoon, Madam Chairman,
9 Commissioners. My name is Delfin Pernas and I believe
10 that it is very important that we become energy
11 independent. And I believe that we are behind 30 years
12 in relation to other countries. Like France, China,
13 they are building right now 20 nuclear plants in China,
14 50 -- no, 20 in France, 50 in China. So I agree very
15 much with Florida Power and Light for building two new
16 nuclear plants and improving the existing ones.

17 These two plants, plus the solar energy plants
18 being built, will help us to reduce global warming and
19 combined with nuclear power, solar power, and improving
20 existing fuel facilities, the future will be much better
21 and the result will be cleaner energy and less
22 pollution.

23 Replacing power poles, which is another
24 expense, will diminish problems in hurricanes.
25 Remember, when a hurricane comes and there is no power,

1 production and work stops, and it costs millions of
2 dollars to replace it. And with more people moving to
3 Florida, more demand, so transmission and distribution
4 systems will have to be improved. I understand, too,
5 that new and smart meters will be installed in the
6 future so you can check your energy use in the Internet
7 so you can save some money by seeing what your usage is.

8 So to me all of these improvements are very
9 important, because in the end they will realize savings,
10 and we will not be dependent on one source of fuel. I
11 understand that these will imply new costs, but, like I
12 said at the beginning, we are 30 years too late, and the
13 time to do it is now.

14 Thank you.

15 **COMMISSIONER EDGAR:** Thank you.

16 **MR. BECK:** Delfin E. Pernas followed by Peter
17 England.

18 DELFIN E. PERNAS

19 appeared as a witness and, swearing to tell the truth,
20 testified as follows:

21 DIRECT STATEMENT

22 **MR. DELFIN E. PERNAS:** Good afternoon,
23 Council. I would like to support FPL in their efforts.
24 I do feel we need the rate increase because more and
25 more storms are violent every year, and we need to

1 strengthen the infrastructures that we have that are
2 existing. And I know that these improvements come at a
3 cost, and I feel a base rate increase is needed.

4 In our ever changing world, fuel efficiency
5 and dependence on fossil fuels is becoming a major
6 concern. We need to diversify and find alternative fuel
7 methods to produce energy and provide minimal impact to
8 our environment. The fact that most fossil fuels are
9 found in places where hostile governments reside also
10 makes it imperative that we find alternative fuels.

11 Again, all of this research costs money and
12 putting the plans into action also costs money. A base
13 rate increase is the only way that FPL can help our
14 generation and future generations to have cleaner more
15 efficient and reliable energy. I support FPL.

16 **COMMISSIONER EDGAR:** Thank you.

17 **MR. BECK:** Peter England followed by Kimmy D.
18 Woods.

19 PETER ENGLAND

20 appeared as a witness and, swearing to tell the truth,
21 testified as follows:

22 DIRECT STATEMENT

23 **MR. ENGLAND:** Good afternoon, Madam Chairman,
24 members of the Commission. I am Peter England. I live
25 at Camillus House, 338 -- excuse me, 336 Northwest 5th

1 Street, Miami. By way of background, Camillus House has
2 served the needs of the poor and homeless here in
3 Miami-Dade County for the last 50 years. And during
4 that period of time we have grown from a simple soup
5 kitchen to 16 sites throughout this county from Opalocka
6 to Homestead. Over 900 clients will be under a Camillus
7 House roof tonight who would otherwise be without
8 shelter.

9 I would be remiss if I didn't mention the fact
10 that it is the ongoing philanthropy of FP&L that has
11 enabled the nonprofit community in Miami-Dade County.
12 In general, at Camillus House in particular to continue
13 to offer these critical services in these very difficult
14 economic times, as so many of the speakers tonight have
15 indicated. The demand for our services, particularly
16 food and shelter, have grown dramatically in the recent
17 past.

18 To the subject at hand. The critical nature
19 of the services that we provide, including medical care,
20 require a reliable energy source. I am pleased to
21 report that we enjoy an excellent quality of service
22 from our provider, Florida Power and Light. I have had
23 this conversation with all of the personnel at Camillus
24 House that are responsible for the maintenance and the
25 security of our facilities, and their response has been

1 unanimous, that FPL has been totally responsive to our
2 needs and always responded in a timely manner.

3 Rather than talking in generalities about this
4 response, I would like to talk about something really
5 specific. And I would like to introduce Kimmy Woods,
6 who is a client service coordinator from our housing
7 facility down south at Homestead Air Force Reserve Base.

8 Kimmy.

9 **MS. WOODS:** Thank you.

10 **COMMISSIONER EDGAR:** Ms. Woods.

11 KIMMY WOODS

12 appeared as a witness and, swearing to tell the truth,
13 testified as follows:

14 DIRECT STATEMENT

15 **MS. WOODS:** Welcome. Thank you. My name is
16 Kimmy Woods, and I am a client service coordinator
17 located in Homestead Housing Facility for Camillus
18 House.

19 I want to speak on behalf of Florida Power
20 and Light. On March 10th we had a fire in the back of
21 our site of a wooded area, and it was tremendous. The
22 fire was outrageous, but I want to commend Florida Power
23 and Light for being there on-site. Florida Power and
24 Light had their trucks right there surrounding our area
25 as the fire was burning. They wouldn't allow us to come

1 in until the fire department had got everything under
2 control. Once it was all under control, we didn't lose
3 our power.

4 On the up side of it, we did go down for maybe
5 about an hour, but Florida Power and Light was on the
6 scene to be able to restore power for many families with
7 babies, infants, toddlers, and all. They were there on
8 the scene and on time.

9 Thank you.

10 **COMMISSIONER EDGAR:** Thank you.

11 **MR. BECK:** Isabel Ramos Quinones followed by
12 Jerry Fernandez.

13 ISABEL RAMOS QUINONES

14 appeared as a witness and, swearing to tell the truth,
15 testified as follows:

16 DIRECT STATEMENT

17 **MS. QUINONES:** Good afternoon, Madam Chair,
18 Commissioners. I am here on behalf of myself, my
19 family, my friends, my neighbors who are unable to be
20 here. I live in Little Havana. I have lived here since
21 I was three years old. I am now a senior citizen.

22 This is outrageous that during this difficult
23 period of time that our great nation is enduring that
24 FP&L has the nerve to contemplate increasing the rates.
25 These are hard times for this great nation, and it is

1 like a slap in the face to the community from FP&L to
2 even consider raising the rates.

3 We say no to FP&L. We have to deal with less,
4 and so do you. I had a good job. I was in commercial
5 real estate as an executive secretary. I am now
6 unemployed because of the economic crisis. I went from
7 making \$70,000 a year to now at a poverty level. If I
8 can make it, so can FPL.

9 I must conserve my energy by turning off my
10 air conditioner during the day in order to save myself
11 some money, and FP&L needs to do the same. They need to
12 cut their costs and start by cutting your CEO's
13 salaries. Our President in the White House has done so.
14 So why shouldn't you? As it is, FP&L customers received
15 an \$8 increase last year per household, so now you want
16 more money.

17 There are homes in foreclosure. Our
18 unemployment rate in Florida is at 10.2 percent. You
19 dare to ask for additional increase? There are people
20 living without electric in this community that cannot
21 afford it anymore. How many more will be affected by
22 the increase? The elderly, the low income families, how
23 many old people and families will have to suffer without
24 air conditioning during the summer and without heat in
25 the winter, and you go (inaudible).

1 The fact that I have contacted FP&L on
2 numerous occasions to have energy savings equipment on
3 call service installed to my house for my hot water
4 heater and my AC unit. No one showed up for the
5 appointment. FP&L does not honor its appointments.
6 FP&L does not call a customer back when an appointment
7 is made to confirm or to follow up. On the telephones
8 their representatives have not been helpful and will not
9 cooperate with me.

10 FP&L needs a strong dose in public relations
11 and business etiquette. I am a senior citizen. I am
12 tired of being taken advantage of by the utility
13 companies, and I strongly urge our Public Service
14 Commission and our elected officials not to allow this
15 increase. This will not stop my continued e-mails and
16 letter writing to you regarding this matter. I will
17 continue to fight this rate case and take it to the
18 state capitol steps if necessary.

19 I am an unemployed -- I am unemployed due to
20 the economic crisis affecting this great country. My
21 husband is on Social Security, and I cannot afford a
22 further rate hike. FP&L should not be allowed to
23 increase the rates especially at this time of such great
24 economic suffering from the citizens of this community
25 to our great nation.

1 Thank you very much for your time.

2 **COMMISSIONER EDGAR:** Thank you. Ma'am, could
3 I ask you a question? A quick question. And I thank
4 you for your comments very much, and I know that they
5 are heartfelt.

6 On the one very specific point about the
7 energy audit and not having the employee show up. Did
8 you follow up? Were you able to follow through with
9 that or has that been corrected?

10 **MS. QUINONES:** No, it has not. I was supposed
11 to have an appointment earlier at the beginning of this
12 year, and I have just given up. Okay. I called last
13 year two times, one around September or October. I had
14 an appointment for early December. I had had a
15 hysterectomy and I was at home recovering from my
16 surgery. Nobody showed up for the December appointment.
17 I called again, the representatives were uncooperative
18 and very, very nasty with me.

19 **COMMISSIONER EDGAR:** I am very sorry to hear
20 that, and I do -- I can only imagine your frustration at
21 that. I would ask that you consider maybe talking to
22 the FPL staff that are here to see if an energy audit
23 could be arranged to meet your schedule.

24 **MS. QUINONES:** I have a new hot water heater
25 that I just installed last year, and I called them at

1 the time I installed it, and they never came.

2 **COMMISSIONER EDGAR:** Thank you.

3 **MR. BECK:** Jerry Fernandez followed by Mark
4 Oncavage.

5 JERRY FERNANDEZ

6 appeared as a witness and, swearing to tell the truth,
7 testified as follows:

8 DIRECT STATEMENT

9 **MR. FERNANDEZ:** Good evening, Madam Chair,
10 Commissioners. My name is Jerry Fernandez, President of
11 Fernandez Consulting, a resident of Miami for 48 years.

12 I am here in support of FPL's financial
13 liability so that it may continue its strong leadership
14 with environmental stewardship. And I will cite a
15 couple of examples real quickly and conclude.

16 It is public knowledge that there are plans to
17 build the two nuclear power plants down south, and there
18 is need for additional water, and FPL is working closely
19 with Miami-Dade County Water and Sewer Department to
20 make use of the water that they have to, and are
21 required by the South Florida Water Management District
22 in its 20-year consumptive use permit, to reuse the
23 water. And this is one outlet that the county would
24 have for that reuse water. And I think it shows, I
25 think, extraordinary leadership and environmental

1 stewardship in coming forward and having these
2 discussions with Miami-Dade County.

3 Secondly, and this has already been mentioned,
4 the solar projects and renewable energy. Specifically
5 with solar, even with questionable economic feasibility,
6 still FPL has moved forward and installing significant
7 capacity to the tune of 110 megawatts by next summer,
8 making FPL the number two solar power producer in the
9 United States, and I think that is commendable.

10 And, also, if I may take some personal
11 privilege as a newly vented grandfather, I am -- I
12 was -- I appreciated the op-ed piece that appeared on
13 June 15th in the Miami Herald. It was a joint statement
14 by FPL's CEO and President, Armando Olivera jointly with
15 Eric Craper (phonetic), a good friend and policy
16 director of the Audubon of Florida.

17 I think making that statement and looking at
18 defining the issue of our age, climate change, and
19 exploring in essence talking about the need for the
20 right energy policy in this country and the state and
21 making it jointly with the Audubon, I think it makes a
22 great statement, and I am thankful for that.

23 Thank you for you time.

24 **COMMISSIONER EDGAR:** Thank you.

25 **MR. SAPORITO:** Madam Chairman. May I ask to

1 cross-examine the customer, please.

2 **COMMISSIONER EDGAR:** Mr. Fernandez, if you
3 could let Mr. Saporito ask you a very quick question.

4 **MR. SAPORITO:** Yes, sir. With respect to your
5 testimony about the nuclear plants that FPL may build,
6 you talk about the South Florida Water District
7 supplying reuse water for that, correct?

8 **MR. FERNANDEZ:** Both the company and the
9 county are in negotiations to determine if the water can
10 be used and how much of it will be used.

11 **MR. SAPORITO:** And that will be -- that water
12 that you are talking about will be approximately
13 50 percent of those with two nuclear power requirements,
14 is that not true?

15 **MR. FERNANDEZ:** I'm not an expert to answer
16 that question.

17 **MR. SAPORITO:** Okay. So my question is --

18 **COMMISSIONER EDGAR:** Mr. Saporito, that is
19 enough. Thank you. Thank you for your testimony.
20 Thank you. And the next name.

21 **MR. BECK:** Mark Oncavage followed by Bert
22 Leon.

23 **COMMISSIONER EDGAR:** And if you would tell us
24 your name again, please.

25 MARK ONCAVAGE

1 appeared as a witness and, swearing to tell the truth,
2 testified as follows:

3 DIRECT STATEMENT

4 **MR. ONCAVAGE:** My name is Mark Oncavage. I
5 thank you for coming to listen to what we have to say.
6 I am the energy chair for Sierra Club Miami Group, and I
7 am involved in numerous energy and conservation and
8 Everglades issues.

9 I have put together kind of a worksheet and
10 certainly would like to see some results of this. We
11 know that Florida Power and Light testified before the
12 Public Service Commission that the Turkey Point reactors
13 are going to cost in overnight costs between 12 and
14 \$18 billion. Can you imagine how electric bills are
15 going to explode if 12 to \$18 billion gets put into the
16 base at 12-1/2 percent a year return. That is huge.

17 Now, on overnight costs that is kind of a
18 strange concoction. It means that if you can build the
19 plant overnight, what would it cost? Well, I don't
20 think we can do that, if we have the technology for that
21 one. Also, the overnight costs do not include
22 everything. There is tons of stuff that is left off.

23 Now, I do not have an exact list of what is
24 included and what is not included on overnight costs.
25 It could be that anything past the generators is not

1 counted. It could be that anything past the switchyard
2 is not counted, so I didn't put numbers on the work
3 sheets. I would like to see what numbers Florida Power
4 and Light comes up with to work with on this.

5 We do know that the cost of capital is not
6 included, so if they have to borrow billions of dollars,
7 that is not part of the 12 to 18 billion that Florida
8 Power and Light is talking about.

9 Site preparation. The Turkey Point site is at
10 zero feet sea level. They are going to have to build
11 this plant site up, several hundred acres to 20, 25 feet
12 above sea level just to keep up with rising sea levels
13 and increased hurricanes. So there is going to be
14 tremendous mining costs, tremendous transportation
15 costs, labor costs, administration, legal, insurance,
16 fees, litigation, operations and maintenance, which is
17 O&M, security costs, cost of capital and risk premium.

18 Now, on top of what they charge for lending
19 the money, there is going to be a risk premium because
20 nuclear power plants are risky investments. So there is
21 money on top of money that we are going to have to pay
22 for. A good example is Three Mile Island Number Two,
23 which went from a \$500 million asset to a \$2 billion
24 liability in one afternoon.

25 Florida Power and Light is going to need to

1 construct new roads to Turkey Point. I don't think that
2 is included in the overnight costs. It is going to be
3 the same thing. There is going to be mining,
4 preparation, transportation, labor, administration,
5 legal, insurance, fees, litigation, O&M, security, cost
6 of capital, risk premium. All of these I do not think
7 are involved with the 12 to \$18 billion, and that's
8 going -- and you are asking us and you to decide on the
9 12-1/2 percent return on investment.

10 They are going to have to purchase raw water
11 for their process water. It is going to have to be
12 processed more heavily, because you just can't take tap
13 water and run it through a nuclear reactor. It has to
14 be much, much cleaner. It has to demineralized. I
15 don't think those costs are going to be included.

16 The cooling water. Now, the South Florida
17 Water Management District says the cool water needs to
18 be reused water, but who is going to build the plant? I
19 mean, you are going to have to get tertiary water
20 treatment for 90 million gallons a day, and I don't know
21 if the county can afford this. Maybe Florida Power and
22 Light can afford it, but the last time the county priced
23 out a reuse water treatment plant, it was in the
24 neighborhood of \$1.6 billion.

25 Now, the plant they were talking about was

1 smaller, but it was more expensive in it cleaned up the
2 water a little bit better. We don't know. Again,
3 labor, administration, legal costs. I think lawyers
4 like to get paid. Insurance, fees, litigation, o&M,
5 security, cost of capital, risk premium.

6 Florida Power and Light needs a backup water
7 system in case something goes wrong with the tertiary
8 plant. So they are going to be digging rainy wells,
9 from what I understand. They are kind of secretive on
10 their plans, which are these caverns underneath the bay
11 that water is going drip into and then be pumped out and
12 used as a backup for the plant cooling canals. Excuse
13 me, not the cooling canals. Those are not going to be
14 used. So you are going to have additional costs,
15 engineering, hydrology, construction, administration,
16 legal, insurance, fees, mitigation, O&M.

17 Then you have nuclear fuel. You have to
18 purchase that or rent, whatever the current situation is
19 with the Department of Energy. Transportation,
20 security, fees, legal, administration, insurance, these
21 are probably not in the overnight costs that were
22 quoted. And there is wastewater disposal.

23 **COMMISSIONER EDGAR:** Mr. Oncavage. Mr.
24 Oncavage.

25 **MR. ONCAVAGE:** Yes.

1 **COMMISSIONER EDGAR:** I am going to have to
2 ask -- because we do have so many people that are still
3 waiting, if you could kind of bring this around to a
4 concluding thought for us, please.

5 **MR. ONCAVAGE:** Okay.

6 **COMMISSIONER SKOP:** Thank you.

7 **MR. ONCAVAGE:** The Westinghouse AP-1000
8 reactors, they haven't been built yet. It's an
9 experimental design. We don't even know if it is going
10 to last very long. So, since our costs are kind of
11 written out for you, would you kindly get some people to
12 put down what they think the costs are going to be? I
13 mean, we are not going to know until ten years later
14 when these things are built and the bill gets paid, but
15 it looks terrible right now.

16 Thank you.

17 **COMMISSIONER EDGAR:** Thank you.

18 **MR. BECK:** Bert Leon followed by Nestor Vega.

19 BERT LEON

20 appeared as a witness and, swearing to tell the truth,
21 testified as follows:

22 DIRECT STATEMENT

23 **MR. LEON:** Good evening, Madam Chairman and
24 Commissioners. My name is Bert Leon. I have been
25 living in Miami and the Kendall area for over 45 years.

1 I am also a local architect, a member of the U.S. Green
2 Building Council, and a lead certified professional.

3 It has been very educational listening to both
4 sides of the argument. There are very qualified and
5 intelligent individuals here. As an individual private
6 citizen, I would hope that this decision doesn't become
7 a political decision for either side of the aisle. I
8 see this as a two and two equals four, and four is the
9 right answer.

10 No matter how many meetings we have, that is
11 still the right answer. So I would hope that there is
12 solid accounting practices, and controls, and auditing
13 that would determine what the just and fair increase
14 should be so that we can continue to get the service
15 that we need and they can continue to stay in business
16 as a company that provides for the long-term.

17 I just want to also add in terms of individual
18 experience, in my neighborhood we had some outages after
19 a storm, and it is about 150 homes. They organized and
20 called for a meeting, and those gentlemen who actually
21 chaired the meeting for FPL was (inaudible). It was the
22 first time I ever met him, and about 50 people showed up
23 to this meeting. And we were having power outages and I
24 thought at one point that this man was going to be
25 decapitated there. But he basically heard our concerns

1 and told us what he was going to do. And I just
2 listened, and I said sure. And I just want to say that
3 it happened. He went out there, they went out there,
4 everything was resolved. And we, fortunately, haven't
5 had those outages anymore.

6 As a professional, any time we get involved in
7 a new project now, we create a partnership with FPL.
8 The first person that we meet is, number one, to find
9 what type of services are out there; and, number two, to
10 get suggestions and ideas on what we can do with this
11 individual building to make it more energy efficient and
12 find out what rebates are available.

13 And I have been fortunate because everybody
14 talks about FPL, but FPL is a company composed of
15 individuals. And depending on your experience from the
16 individual that you deal with, I guess that is the
17 experience that you feel that you have had with the
18 company.

19 I have been fortunate in dealing with
20 individuals like Mr. Solanos (phonetic) and Mr. John
21 Nates (phonetic), who actually has been to meetings
22 during his vacation time addressing the issues of energy
23 and stuff like that.

24 So I just want to in closing ask you a
25 question. Do you -- I mean, somebody showed a list of

1 different companies in the -- in the state of Florida
2 with different rates. Are there any incentives for
3 those companies that provide the lower rates?

4 **COMMISSIONER EDGAR:** Mr. Willis.

5 **MR. WILLIS:** I'm sorry, what's the question?

6 **COMMISSIONER EDGAR:** Okay. Would you pose the
7 question again.

8 **MR. LEON:** The question is I don't know --
9 there was a list of companies that provide energy in the
10 state of Florida, and they have different rates. And I
11 think FPL showed where they were in that list. I think
12 another one on the other side compared to other states.
13 My question is do we provide any incentives to companies
14 that provide the lower rates in the state of Florida?

15 **MR. WILLIS:** The Commission has many
16 incentives that we use. One would be rate of return.
17 The Commission has goal incentives for a company to use
18 its best energy efficiency, keep from building power
19 plants, and there are many, many incentives depending on
20 what the Commission desires a company to do in Florida.
21 It really depends on what these incentives are to
22 accomplish.

23 **MR. LEON:** Thank you very much.

24 **COMMISSIONER EDGAR:** Thank you.

25 **MR. BECK:** Nestor Vega followed by Suarez

1 Armando.

2 NESTOR VEGA

3 appeared as a witness and, swearing to tell the truth,
4 testified as follows:

5 DIRECT STATEMENT

6 **MR. VEGA:** Good afternoon. My name is Nestor
7 Vega. I have been a resident in Dade County for 40
8 years, and I would like to take this opportunity to
9 express my appreciation for the services that FPL
10 provides in the community and more specific to my own
11 experience in two fronts.

12 First, at the personal level for the
13 assistance and direction to the construction of my
14 residence by the engineering management down to their
15 staff in FPL's power distribution division.

16 Second, on the professional level, I was an
17 architect for over 20 years providing the same
18 professional support and guidance during the design
19 phase and through the construction of projects for our
20 firm and our clients involving our community. And as
21 well as for the prompt response efforts made after major
22 storms that we all have experienced in South Florida.

23 Thank you very much.

24 **COMMISSIONER EDGAR:** Thank you.

25 **MR. BECK:** Suarez Armando followed by Barry

1 Johnson.

2 SUAREZ ARMANDO

3 appeared as a witness and, swearing to tell the truth,
4 testified as follows:

5 DIRECT STATEMENT

6 **MR. ARMANDO:** Good afternoon. I just came to
7 say that as a homeowner and a southwest resident, I have
8 always had very good experience with Florida Power and
9 Light. As a business owner, I was very -- they guided
10 me through the process of me doing certain things in my
11 buildings which created a very, very substantial amount
12 of savings when it came to, you know, what I was
13 spending as a business owner.

14 I had an experience about three or four or
15 five months ago in which I had properties that were --
16 they were vandalized, and I called, and the same day
17 they call me back. They told me, Mr. Suarez, we will,
18 you know, get somebody out there. They got somebody out
19 there and the next day by one or two o'clock everything
20 was fixed.

21 Now, I know that everybody is hurting. We are
22 all hurting. Nobody wants an increase of anything,
23 especially me, and most of the people the same thing.
24 But, you have to be -- you know, it comes like the
25 gentleman just left here or sat down, that, you know,

1 you are our eyes, you know, you have to be able to
2 figure out the two between the fork and not the fork,
3 and this and that. Everybody has a fork. Everybody has
4 fork, you know, that is everything. So it just comes
5 down.

6 Their service up to now, to me, they are
7 excellent. Now, do we want to cut down and, you know,
8 get worse, you know, being in a scenario that we don't
9 have what we are paying for? That is what it comes down
10 to. And I am going to at least pray to God tonight that
11 he gives you the wisdom to make the right decision for
12 the public.

13 Thank you.

14 **COMMISSIONER EDGAR:** Thank you.

15 **MR. BECK:** Barry Johnson followed by Charles
16 Ebert.

17 BARRY JOHNSON

18 appeared as a witness and, swearing to tell the truth,
19 testified as follows:

20 DIRECT STATEMENT

21 **MR. JOHNSON:** Good evening. My name is Barry
22 Johnson, and I have the pleasure of serving as President
23 and CEO of the Greater Miami Chamber of Commerce.

24 Florida Power and Light has been a member of
25 our chamber since 1943, providing not only being a

1 member of our chamber, but a lot of volunteers and
2 public leadership to make this community a better place
3 to live, work, and play.

4 We are actually blessed, quite frankly, to
5 have a company like Florida Power and Light providing
6 our energy here in South Florida. They are certainly
7 world class, and because of that we continue to attract
8 businesses from around the world who want to do business
9 in South Florida because they know they have the
10 resources and the infrastructure to allow them to look
11 to the future and to grow.

12 We all take energy for granted and it
13 certainly is a necessity of life, and every day there is
14 more electronic gadgets, and so forth, that require us
15 to have the power that we need to live the life that we
16 like to enjoy and live.

17 I retired from the telecom business after 25
18 years of service and I certainly spent a great deal of
19 time in rate cases. They are absolutely no fun, and I
20 don't know -- no company wants to get into them unless
21 it is absolutely necessary. But the responsibility of
22 each utility is to ensure that they have the proper plan
23 for the future to meet the needs of their customers, not
24 only today, but in the future. And it is like anything
25 else, you have got to start early and you have got to

1 plan. And they have put together a good plan, and we
2 really look forward to your consideration of that,
3 because we think we need to maintain a world class
4 company here in South Florida to look after our
5 customers, our families, and those that are not yet
6 here.

7 We thank you for your time. Have a good
8 evening.

9 **COMMISSIONER EDGAR:** Thank you.

10 **MR. BECK:** Charles Ebert followed by Bob Ross.

11 CHARLES EBERT

12 appeared as a witness and, swearing to tell the truth,
13 testified as follows:

14 DIRECT STATEMENT

15 **MR. EBERT:** My name is Charles Ebert. I
16 hadn't anticipated speaking to you today.

17 In the document that says FPL is requesting a
18 base rate increase to earn a fair rate of return on its
19 investment and to recover increasing operating costs.
20 I'm sorry, I don't know the specifics, but whatever is
21 being done, the question, I believe, that should be
22 addressed is what will be the affect upon the consumers
23 who have to pay this?

24 Curiously, where we were to sign up was one of
25 the documents provided by FPL that said simply simple

1 ways to reduce energy consumption. It proceeds to state
2 that to maximize control over your electric bill, follow
3 the tips in bold, and it starts out with to use less air
4 conditioning. It says adjust your thermostat. Set the
5 thermostat to 78 to 80 degrees while you are home. Set
6 the thermostat to 80 to 80 (sic) degrees while you are
7 sleeping.

8 I remember when persons used to set it to 72,
9 and then it was 75, and now, as asked by FPL, 78. And
10 now I see in the document 82 degrees. And why is this
11 being done? Because FPL doesn't have the generating
12 capacity or because people can't afford to pay the FPL
13 bill each and every month.

14 The persons today -- everybody has a finite
15 income. If you are a retired individual, it may be
16 Social Security. If you work, it is what you are
17 currently earning, as long as you have a job. If you
18 are like myself, you are laid off two months, that is
19 significantly less. But you have a finite amount of
20 income. And of that income it is divided to somebody.
21 It may be FPL, it may be your health insurance, it may
22 be your food, but what is being given to somebody like
23 FPL is going to come at the cost of somebody else.

24 And the question is whatever you do what will
25 be the cost to the individuals, whether they be

1 businesses, whether they be individuals. A business may
2 just pass it along as the cost of doing business,
3 increasing the rates, or the cost of the goods that are
4 being sold, or services provided, or they may simply
5 have less of a profit. And for the individual it means
6 they have got less disposable income to pay to somebody
7 else. I don't begrudge FPL covering their costs, but
8 exactly what are their costs and are there more
9 efficient ways to actually generate and produce power.

10 And I close by asking one question, does
11 anybody on the PSC more or less look at the operating
12 practices of any utility, or is it just basically these
13 are our costs, we expect you to cover our costs. And by
14 way of an example, I know that FP&L refused to clear the
15 trees from my lines. Persons came out, looked at it,
16 said there was no problem. A couple of months later,
17 the lines were down in the yard.

18 Instead of having a tree crew come out and
19 clear the lines, now I have a tree crew coming out in
20 the middle of the night to clear the lines along with a
21 line crew that was needed to restore the power. As I
22 said, what are the costs? It would have been so much
23 cheaper had somebody just cleared the lines in the first
24 place as opposed to having to do it perhaps in overtime,
25 and then to have to restore the service. As I said, you

1 may be looking at numbers, but I hope somebody would
2 also look at management practices.

3 Thank you very much.

4 **COMMISSIONER EDGAR:** Thank you. Thank you for
5 your time.

6 **MR. BECK:** Bob Ross followed by Nancy Harter.

7 BOB ROSS

8 appeared as a witness and, swearing to tell the truth,
9 testified as follows:

10 DIRECT STATEMENT

11 **MR. ROSS:** Hi. Thank you for this opportunity
12 and for your stamina in proceeding without a bathroom
13 break.

14 My name is Bob Ross and I am a member of the
15 Pinecrest Village Council. I hadn't planned this part
16 of the remarks, but you remember the gentleman from
17 Camillus House that had such wonderful things to say
18 about FPL. What he didn't tell you is he spent ten or
19 20 years as a senior marketing executive with FPL.

20 I am concerned that if you grate the -- if you
21 granted the proposed rate increase, the additional
22 income, a lot of it would simply flow as dividends to
23 FPL shareholders, while leaving two interests -- two
24 issues important to Pinecrest residents unaddressed.

25 Katy Sorenson, our county commissioner,

1 touched on one of them, and I don't want to go into too
2 much detail, because she did a pretty good job. But FPL
3 has made it abundantly clear that putting the line
4 underground is off the table, not an option, leaving a
5 lot of us to wonder if it is not on -- where that line
6 is going to go. And I am speaking as well as a former
7 president of a group called TREEmendous Miami.

8 If you walked out of this building and go over
9 to US-1, where it starts on I-95, and you go for two to
10 three miles, most of those trees were put in with
11 volunteer labor, and I personally have some sweat equity
12 in holding a shovel and digging the holes. They meet
13 several times a year. They do the maintenance of it.
14 It doesn't cost the taxpayers anything. And there has
15 been a lot of civic and public participation of 30, 40,
16 60 people come out every time -- this has been going on
17 for ten years -- to put those trees in.

18 The thought of putting 80 to 100-foot tall
19 lines above them, around them, to me is visual blight,
20 and it is not respectful of the community and the effort
21 that has gone into doing this. So, if FPL customers pay
22 more for their service through a rate increase, they
23 should see some benefit. And for hundreds of thousands
24 of people who use the US-1 corridor, undergrounding the
25 transmission line would be a great place to start.

1 Another place to start would be to reconsider
2 your 2006 policy which allows FPL to trim trees in
3 neighborhoods once every six years, instead of once
4 every three years, as your staff had recommended.
5 Anyone with the slightest interest in horticulture knows
6 that trimming trees once every six years is not nearly
7 enough, particularly here in Miami where plants grow
8 fast and furiously.

9 The other day I spoke to an FPL tree trimmer
10 as he was going down Southwest 62nd Avenue, and we had a
11 little discussion. He told me that he was instructed to
12 trim to create 25 feet of clearance between the top of
13 the tree and the line. And maybe this is an unintended
14 consequence of trying to restore -- to provide
15 continuously good power to residents, but if, indeed,
16 you went back to a three-year trim cycle, you would have
17 to see those trees to recognize how terrible it looks
18 and a lot of our residents are really upset by it.

19 What you have got is trees with a grotesque
20 flattop appearance that just look unnatural. They just
21 look terrible. And in as much as the Village of
22 Pinecrest in over six years spent a quarter of a million
23 dollars a year planting 10,000 trees, it is really
24 painful to see some of our effort go down the tubes.

25 We all know that when it comes to paying for

1 utility service there is no free lunch, but unless the
2 public derives some of the benefit of an increase and
3 solves some of the problems that I have to face as an
4 elected official, I respectfully ask you to deny it.

5 Thank you.

6 **COMMISSIONER EDGAR:** Thank you.

7 **MR. BECK:** Nancy Harter followed by Linda
8 Gross.

9 NANCY HARTER

10 appeared as a witness and, swearing to tell the truth,
11 testified as follows:

12 DIRECT STATEMENT

13 **MS. HARTER:** Good evening. I come to you with
14 three hats. I'm a residential customer, I'm a business
15 customer, and I am an elected official.

16 As a residential customer, I have tried to
17 incorporate energy saving appliances, insulation, and
18 energy conservation in our home lifestyle. I cannot say
19 that the results of these efforts have shown up very
20 significantly in my electrical bill.

21 As a business customer with 200 employees
22 locally where electrical power is critical to the
23 operations of our business, we have not been able to
24 raise prices in the last few years, and we are not going
25 to be able to raise prices in the foreseeable future.

1 Our return on equity last year was dismal. We
2 had to do a lot of cost cutting, laying off people to be
3 able to stay in the black. And this year we will be
4 marginally in the black. An increase to 12-1/2 percent
5 return on equity for FPL at this time is economically
6 backwards.

7 We are not looking for economic stimulus help.
8 We are hoping to avoid being shot in the back by
9 electrical rate increases. And I'm sure, as a business,
10 we are not the only ones that are in that position.

11 As an elected official, I'm from the Village
12 of Pinecrest, like Bob Ross, and I have to echo what
13 Katie Sorenson and Bob possible told you about the power
14 lines coming down US-1. We are one of the
15 municipalities that is extremely affected by this power
16 line transmission proposal, and I think that it is
17 something that we need to have people seriously look at
18 and understand and hear the municipal elected officials
19 that are affected by this.

20 Thank you very much.

21 **COMMISSIONER EDGAR:** Thank you.

22 **MR. BECK:** Linda Gross followed by Philip
23 Stoddard.

24 LINDA GROSS

25 appeared as a witness and, swearing to tell the truth,

1 testified as follows:

2 DIRECT STATEMENT

3 **MS. GROSS:** Yes. My name is Linda Gross, and
4 I reside in Miami Beach. I am a former homeowners
5 president and was very involved, and continue to be
6 involved with my community.

7 I would like to start out by acknowledging you
8 at the PSC for holding this hearing, because I remember
9 a time when I started to get involved, and the PSC was
10 not as accessible as you all are, and I greatly
11 appreciate and so does everybody here of the new
12 transparency.

13 With that being said, I would also like to
14 acknowledge members of FPL that are in the room.
15 Although, Lord knows they are not perfect, they have
16 been trying. And we have been seeing a lot of
17 improvements where I live, which is the Venetian
18 Islands. We use to suffer many power outages, and at
19 this point in time due to working together in a
20 collaboration, the lines are much stronger. There is
21 also room for improvements, as we all know.

22 But I am here tonight to discuss the situation
23 at hand, which is really very grave and crucial, not
24 only to me as a homeowner and a resident, long-time
25 resident, but to all the people in this room and to all

1 of the people in our state. We have never seen or lived
2 in times such as these. This is, in fact, an
3 unprecedented tsunami in an economy that we have all
4 been hit with. And to not acknowledge it, even though
5 it has come up several times this evening, it is the
6 800-pound gorilla in the room. And you must keep this
7 at the forefront, you, as our representatives.

8 I take issue with some of the things that were
9 said earlier saying, you know, we are going to give this
10 to you because you are our eyes and ears. No, that's
11 not a democracy, and that is not what we as a people
12 believe in.

13 You are our appointed officials, and I am here
14 to remind you, you are the Public Service Commission.
15 You serve the public, and that is why that is your job.
16 And my job as a resident is to bring to the forefront
17 the importance of this issue, and the timeliness of this
18 request is just totally, for lack of a better word,
19 absurd.

20 With employment as high as it is, and with
21 houses in foreclosure, with the foreclosure rate among
22 the highest in the nation, with people struggling making
23 decisions about gas and food, I just don't know how FPL
24 could ask for a rate increase at this time.

25 Besides that there are numbers -- there are

1 numbers here that would show, and I am going to tell you
2 what they are, that FPL has been an extremely profitable
3 corporation. They don't need this increase at this
4 time. FPL has earnings of \$1.6 billion, a profit of
5 \$1.6 billion last year. The utility portion, known as
6 Florida Power and Light, had a profit of \$780 million
7 last year. This company is not by any means hurting,
8 but the people of our state are hurting, and this is
9 what you need to keep at the forefront.

10 One other -- one other little important
11 tidbit. While people in our state and, you know, people
12 are going without jobs and without health care, I just
13 think that it should also be known that the executives
14 of FP&L continue to get 10 percent rate increases. They
15 even fly to see personal physicians on private jets.

16 At a time of economic bailouts, at a time when
17 money has been handed over hand over fist to what I
18 would consider to be the wrong entities, I think that
19 this is a very serious calling for you all to keep in
20 mind. The American people are watching, and this is our
21 money.

22 And I don't agree with -- when FPL has people
23 come up here talking about philanthropy. This is not
24 the time or the place. We are not here to discuss their
25 philanthropy. We are not here to discuss other things.

1 This meeting was called about a rate increase and how it
2 affects the people of Florida. And I think that it
3 would serve the people well if we would stay focused on
4 those issues.

5 I thank you so much for your time, and I thank
6 everybody who is here this evening. Thank you so much.

7 **COMMISSIONER EDGAR:** Thank you.

8 **MR. BECK:** Philip Stoddard followed by Bob
9 Welsh.

10 PHILIP STODDARD

11 appeared as a witness and, swearing to tell the truth,
12 testified as follows:

13 DIRECT STATEMENT

14 **MR. STODDARD:** Good evening. I come here
15 wearing at least four hats, maybe five this evening. I
16 am a professor of biological science at Florida
17 International University. I am a member of the board of
18 the South Miami Homeowners Association. I am a resident
19 of south Miami. I am also a dad. You saw my little
20 adopted daughter scampering around here earlier. She
21 couldn't stand it. She had to leave.

22 I could talk about all of these things, but I
23 am going to focus on the 230,000-volt transmission line
24 that FPL has planned to put up US-1. These are -- turn
25 this down. That's better. The fact that we have a lot

1 of hot air, I can handle it.

2 These reactors are to take power from Turkey
3 Point --

4 **COMMISSIONER EDGAR:** Mr. Stoddard, I'm sorry.
5 I do need for the court reporter to be able to catch you
6 on tape. So we will ask our technical communications
7 people out there to try to get it right. Thank you.

8 **MR. STODDARD:** These reactors take power from
9 Turkey Point up to North Florida. We don't need them
10 locally. An op-ed in the Herald, a representative of
11 FPL said that being on the edge of their power easement
12 was as safe as being six inches from a microwave oven.
13 And I would like to ask all of you who are parents and
14 even you, Ms. Santos, would you put your child to bed
15 sitting on top of a microwave oven? No. No parent
16 would do such a thing. Why does this matter? This
17 matters because of leukemia and lymphoma.

18 And I gave all of you a handout. This
19 contains primary literature in my summary on the front
20 of the most recent of it, but there are three studies in
21 particular that I call your attention to. There is a
22 study of 2007, epidemiological study showing an
23 elevation in lymphoma and leukemia risk five-fold for
24 people raised within 1,000 feet of a high voltage
25 transmission line. A thousand feet. Other studies as

1 well backing this up. This is not an isolated study.
2 These studies are published in peer reviewed medical
3 journals.

4 Now, I have heard FPL representatives say the
5 data are inconclusive, and I think at that point that is
6 a BS justification. The data are profoundly disturbing.
7 The international psychic community is aware of this.
8 The medical community is aware of this. It is time that
9 the Public Service Commission be aware of it. You are
10 never going to get this out of FPL.

11 So what is in within 1,000 feet of US-1? I
12 have counted five schools. I've counted the South Miami
13 Hospital. We have got thousands of residents and a
14 whole lot of businesses. Now, you know, why am I
15 concerned about businesses? Well, businesses, of
16 course, are going to have to pay increased liability
17 insurance when their insurers find out. And the proof
18 may be different for a lawsuit versus -- versus
19 liability insurance. You know, insurers are very
20 conservative.

21 But speaking as a dad, I am going to have a
22 daughter in one of those schools, and how do I feel
23 about my daughter being exposed to cancer causing
24 effects of these power lines. Now, we don't know
25 the mechanisms.

1 **UNIDENTIFIED SPEAKER:** This is about a rate
2 increase. You are at the wrong meeting.

3 **MR. STODDARD:** No. No, I think Katie Sorenson
4 invited me to come here and speak about power
5 transmission lines, as well.

6 **COMMISSIONER EDGAR:** Mr. Stoddard, I would ask
7 you to speak to the Commission. And I am glad for all
8 of the interest, but you have about two minutes to give
9 us your concluding thoughts.

10 **MR. STODDARD:** Two minutes is very easy. It
11 doesn't take that long.

12 All the residents of south Miami that I have
13 spoken to oppose this. We had 100 people come to the
14 workshop and oppose the transmission line. FPL received
15 over 45,000 comments on this, which they by their own
16 admission, never categorized or read.

17 There are alternate routes. We have got to
18 see this thing buried, and I think FPL has sufficient
19 profits to pay for it.

20 Thank you very much.

21 **COMMISSIONER EDGAR:** Thank you.

22 Commissioner Skop.

23 **COMMISSIONER SKOP:** Thank you, Madam Chair.
24 Just a quick follow-up question on the study that was
25 provided. I believe looking at Page 16 of the study

1 results that the control group and the patients live in
2 Tasmania, which, I believe, is outside the United
3 States. Is that your understanding of the study?

4 **MR. STODDARD:** Absolutely.

5 **COMMISSIONER SKOP:** Okay. So in response, if
6 FPL, just in the interest of fairness, is there a
7 minimum set off distance for high voltage transmission
8 lines and is that greater than 1,000 feet?

9 **MR. BRYAN:** Commissioner Skop, Patrick Bryan.
10 The DEP has established and promulgated rules for
11 distance from transmission facilities and rights-of-way.
12 As I stand here today, I can't tell you the distance. I
13 would have to refer to the rule, but we can get that for
14 you, sir.

15 **COMMISSIONER SKOP:** Thank you.

16 **MR. STODDARD:** I have that information, I
17 believe. We were told by FPL at the workshop in south
18 Miami the distance was 12 feet. They were required to
19 have a set back of 12 feet.

20 **COMMISSIONER EDGAR:** Thank you, Mr. Stoddard.

21 Just a moment, gentlemen. I would like to go
22 ahead, Ms. Williams, if you will help me. We are going
23 to mark the documents that Mr. Stoddard has provided.
24 Mark it as Exhibit Number 19, Witness Philip Stoddard,
25 and we will call it Stoddard Composite Exhibit.

1 And let me just -- Jane, how are you? How are
2 you doing? You okay? Okay. We are going to go a
3 little while longer, and then we will probably take a
4 short break. And you are recognized.

5 (Exhibit 19 marked for identification.)

6 BOB WELSH

7 appeared as a witness and, swearing to tell the truth,
8 testified as follows:

9 DIRECT STATEMENT

10 **MR. WELSH:** Yes, ma'am. Bob Welsh. I live in
11 south Miami. As far as the health effects of
12 electromagnetic radiation, an anecdote is my wife works
13 for the (inaudible) in Alachua, Florida. They have a
14 24-year-old receptionist who is in stage four breast
15 cancer, and she told me that when she first got
16 diagnosed one of the first questions that her oncologist
17 asked was do you live close to power lines?

18 Anyway, I have got a question as to the
19 philanthropy that FPL gives out. Does the money that
20 they give out come out of their profits, or is it, you
21 know, before the 12 percent that they are going to give
22 the stockholders?

23 **COMMISSIONER EDGAR:** Mr. Willis, if you would
24 respond, please.

25 **MR. WILLIS:** Yes, Commissioner. All

1 charitable contributions come from the stockholders.
2 The Commission has had a long-standing policy that
3 charitable contributions are not passed through to
4 ratepayers as an expense.

5 **MR. WELSH:** Thank you.

6 Something that was talked about, the
7 depreciation and part of the expense that FPL gets to
8 write off is depreciation. I have seen a lot of FPL
9 trucks go down my street, and I haven't seen any old
10 ones. They are all brand new. And if you bought a car,
11 you know that you pay the most depreciation right as you
12 drive the car out of the showroom. The only old piece
13 of equipment that FPL drives around are the trailers
14 that haul the long wooden power poles. Other than that,
15 they have got brand new equipment.

16 The Public Service Commission is required to
17 provide power to new construction wherever it is placed,
18 or utilities are required to by one of the Public
19 Service Commission's laws, or (inaudible) that says if
20 in downtown Miami they build 20,000 new high-rises that
21 FPL is required to bring power to them.

22 Unfortunately, for municipalities like
23 Pinecrest, Cutler Bay, Palmetto Bay, South Miami, and
24 some at Coral Gables, we have had responsible growth.
25 We have not let our, you know, high-rise problem get out

1 of control like in downtown Miami. But if downtown
2 Miami has many, many high-rises, then somebody has got
3 to increase the transmission to bring the power to them
4 at the cost, or at the aesthetic cost to those
5 municipalities that have had responsible growth over the
6 years. And, you know, that puts us in South Miami at a
7 disadvantage to downtown Miami, which has had so much
8 uncontrolled growth and has zoning at present to permit
9 2-1/2 million more inhabitants to be located in the city
10 of Miami.

11 I think that is irresponsible growth. And,
12 you know, why punish Pinecrest, South Miami, and
13 Palmetto Bay for what the city of Miami zoning and the
14 building department can give out in building permits.

15 In South Miami, I live eight houses from the
16 US-1 corridor, and I have passed out and collected two
17 pages of petition signatures against the US-1 power
18 route. I was informed that there was a meeting that
19 Katie Sorenson held at chamber south, in which a lady
20 from FPL got up and said that the Manor Lane
21 neighborhood, the neighborhood closest to the US-1
22 proposed power line route, had no opposition to the
23 power lines. Well, yes, we do. Floating somewhere out
24 in FPL's files are four solid pages of signatures, and I
25 bring the fifth one to you guys.

1 I don't know where Ramone Fajeus (phonetic), a
2 compatriot from FPL, you know, got her information from,
3 but she evidently didn't read our four pages and now
4 five pages of petition signatures. So, you know --

5 **COMMISSIONER EDGAR:** Mr. Welsh, do you have a
6 concluding thought for us?

7 **MR. WELSH:** Yes, ma'am. If FPL wants to build
8 nuclear reactors, put them north of the I-4 corridor
9 where there is all the water in the state, or where most
10 of the water in the state is, not in South Florida
11 where, you know, every April or every May we are facing
12 severe drought.

13 Thank you very much.

14 **COMMISSIONER EDGAR:** Thank you.

15 **MR. WELSH:** May I give this to you?

16 **COMMISSIONER EDGAR:** Yes.

17 Ms. Williams, will you take that, and we will
18 make sure that -- that it is distributed as appropriate.

19 **MR. WELSH:** Please mail a copy of this back to
20 me. My address is on the back.

21 **COMMISSIONER EDGAR:** Ms. Williams, we will go
22 ahead and mark this 20, which will help us keep track,
23 and since you have it in front of you, could you give me
24 a title that we can use to identify.

25 **MS. WILLIAMS:** Bob Welsh Petition.

1 **COMMISSIONER EDGAR:** Okay. And you do have
2 the return address there on the back.

3 **MR. WELSH:** Yes.

4 **COMMISSIONER EDGAR:** Thank you. Ms. Williams
5 will see to that. Thank you very much.

6 (Exhibit Number 20 marked for identification.)

7 **COMMISSIONER EDGAR:** Commissioner, did you
8 have a comment?

9 **COMMISSIONER SKOP:** Yes, Madam Chair. Thank
10 you. And just to Mr. Welsh, just a brief comment that
11 this may be beneficial to the audience at large. I am
12 aware of the issue. I was contacted by the vice mayor
13 of the city of South Miami with respect to the concerns,
14 so I am aware of them. It is also my understanding,
15 however, that the Commission does not have any
16 jurisdiction with respect to the routing selected by FPL
17 with respect to local transmission. And I would ask our
18 staff just to confirm that. So, again, Mr. Willis, I
19 look to you.

20 **MR. WILLIS:** That is correct, Commissioner.
21 We only -- we only have authority to deal with the end
22 points, where it starts and where it ends. We don't
23 have any authority to deal with how it is routed.

24 **COMMISSIONER SKOP:** Thank you. Hopefully,
25 that will, perhaps, provide some clarification, but I am

1 aware of the issue. Thank you.

2 **COMMISSIONER EDGAR:** Okay. And Jane is being
3 a trooper, but it is about that time.

4 Mr. Beck, I suggest that we take a short
5 break. Does that work for you?

6 **MR. BECK:** Yes, ma'am.

7 **COMMISSIONER EDGAR:** Okay. We do not have the
8 clock, but according to my clock it is about a quarter
9 to, so we will come back just a few minutes before the
10 hour. We will pick up -- we are on short recess. We
11 will pick up with Mr. Beck's list when we return. And
12 we are still anxious to hear from everyone who would
13 like to speak to us. Just give us a little while to
14 take a short break and refresh, and we will be back
15 shortly. We are on break.

16 (Recess.)

17 **COMMISSIONER EDGAR:** Okay. We are going to go
18 back on the record, and let me begin -- before I turn to
19 Mr. Beck, we are going to lose the services of our
20 translator. Jackie has been wonderful, but we are going
21 to lose her for the rest of our time that we are
22 gathered together. So I would like to go slightly out
23 of order for that reason and just ask, and then ask
24 Jackie to ask and translate for me if there is anybody
25 that is here this evening that maybe didn't come in at

1 the beginning and that would like to speak to us and use
2 the services of our translator.

3 **THE INTERPRETER:** (Translating in Spanish.)

4 **COMMISSIONER EDGAR:** Thank you.

5 **THE INTERPRETER:** My pleasure. I will see you
6 tomorrow.

7 **COMMISSIONER EDGAR:** Okay. Mr. Beck.

8 **MR. BECK:** Thank you, Madam Chairman. And
9 just so everybody knows, we're now at the spot which was
10 Number 33. We have, unfortunately, had a number of
11 people leave, so there will be some spots. But we have
12 a total of 71 people in total. So we have quite a few
13 people to go yet.

14 **COMMISSIONER EDGAR:** I'm ready if you are.

15 **MR. BECK:** The next customer is Angela
16 Pickitt, to be followed by L. Nolan, followed by Mario
17 Hernandez-Fumero.

18 ANGELA PICKITT

19 appeared as a witness and, swearing to tell the truth,
20 testified as follows:

21 DIRECT STATEMENT

22 **MS. PICKITT:** My name is Angela Pickitt. Good
23 evening and thank you for being here today. I am a
24 senior citizen. I have been retired for 20 years, and I
25 should admit to you right at the beginning that 20 years

1 ago when I retired it took me a long time to say my name
2 is Angie Pickitt, not Angie Pickitt, Florida Power and
3 Light, because I had been there for 43 years, and, as I
4 say, I have been gone for 20.

5 And I know that increases in anything are very
6 difficult right now. There are many things that you
7 didn't plan on when you retired 20 years ago, like home
8 insurance tripling in six years. But Florida Power and
9 Light has not done that, and they have always been a
10 very responsible company. I have watched them grow from
11 the company that went on the radio in the winter and
12 said please turn your ovens off. We do not have
13 electricity for warming your home and we will never
14 have. Well, they did.

15 We studied when the air conditioning load
16 would meet the heating load, and, as you know, we have
17 provided that. It is very difficult for all of us to
18 see these things happen. But I know that the power
19 company does not take on a rate case just because they
20 want to take on a rate case. It is a very difficult
21 thing and there is much taken into consideration. We
22 live in a very long state. We must have power where we
23 have the load. It can't just all be up the other side
24 of I-4.

25 So those things we all have to take into

1 consideration and realize that the power company has a
2 mandate. They must provide power. And they are not
3 providing just for today, they have got to provide for
4 those people that we don't know yet are coming in the
5 next few years. And one of the great things when I
6 worked there for the man that projected all of the
7 growth and development of the state, he was so proud of
8 the fact in the talks that he would give that no one
9 ever had to stay in their home overnight in the years
10 when we were growing so quickly that did not have
11 electricity. And we did this when we didn't have
12 computers and all of that kind of thing, but we decided
13 what was going to happen.

14 The forecast that the company has made over
15 the years, as you all know, have been very accurate. I
16 am very proud that I was there for the period of time
17 that I was. And I know they are still the same
18 responsible company, responsible in every community that
19 they serve, and responsible to their employees and to
20 their customers. I hope you will do what is right for
21 them.

22 Thank you.

23 **COMMISSIONER EDGAR:** Thank you.

24 **MR. BECK:** L. Nolan followed by Mario
25 Hernandez-Fumero.

1 LIZ NOLAN

2 appeared as a witness and, swearing to tell the truth,
3 testified as follows:

4 DIRECT STATEMENT

5 **MS. NOLAN:** Good evening. My name is Liz
6 Nolan. And our purpose tonight is to basically make a
7 decision whether this money is need or greed. That is
8 the bottom line. It is not about aesthetics, it is not
9 about technical, it is not about philosophy, it is not
10 about environment. It is not about personal or past or
11 current history. Is the cost that is being asked need
12 or greed from the people that it is being asked from.
13 And you are not the business service council, you are
14 the public service council, and so I ask you to oppose
15 this pay rate.

16 Thank you.

17 **COMMISSIONER EDGAR:** Thank you.

18 **MR. BECK:** Mario Hernandez-Fumero followed by
19 Pura Beba Sosa.

20 MARIO HERNANDEZ-FUMERO

21 appeared as a witness and, swearing to tell the truth,
22 testified as follows:

23 DIRECT STATEMENT

24 **MR. HERNANDEZ-FUMERO:** Good evening and thank
25 you for being here. I am going to be brief. I am going

1 to read what I wrote, so that I let all the people talk.
2 It is going to be a long night otherwise.

3 My name is Mario Hernandez-Fumero and I live
4 at 7525 Southwest 72nd Court in Miami. Like others, I
5 have said I am also glad that this Commission is here
6 today to listen to the consumers, because I believe that
7 all points of view have to be heard.

8 I can see people here that are opposed to
9 granting FPL any type of rate relief, but I want this
10 Commission to consider that many of us think that the
11 power company provides good service to consumers for a
12 reasonable price.

13 I am in the insurance business, and I am aware
14 of the costs related to damage caused by natural
15 disasters. I am also aware that FPL is doing whatever
16 they need to prevent damage to their facilities during
17 the storms. Specifically, I will tell you they are
18 trying hard to perform preventative maintenance to avoid
19 damages and down time during storms, in particular
20 trimming trees that are either in contact with the lines
21 or that represent a danger to the system.

22 I personally had a pleasant experience with
23 FPL and was able to see the high quality of work that
24 they do. I had an old tree located near my property,
25 which was dead and presented a danger to the electric

1 system that serves my neighborhood as well as to my
2 property. I contacted FPL and within a few days the
3 tree was removed. FPL does not plant these trees, they
4 do not own the trees, but they have to spend a lot of
5 money maintaining the lines, and they need to continue
6 doing that. Excuse me. I am a little under the
7 weather.

8 I presently work a lot out of my home and
9 reliable service is important to me. I know everyone
10 wants to have the service available, but nobody wants to
11 pay the cost for good service. I believe that FPL is a
12 responsible and well-managed organization that is also
13 safety minded and promotes energy conservation.

14 They recently announced that they plan to
15 install smart meters, and they are planning to build
16 nuclear and solar facilities to reduce global warming.
17 These plans are not cheap. We all want clean power, but
18 we have to understand that we need to pay for it. I do
19 not know about anybody else, but I cannot operate my
20 business without electricity. And if it comes from more
21 efficient sources and is available when I need it, I do
22 not mind paying a reasonable price.

23 Thank you very much.

24 **COMMISSIONER EDGAR:** Thank you.

25 **MR. BECK:** Pura Beba Sosa, followed by Amado

1 Acosta, followed by John Breder.

2 AMADO J. ACOSTA

3 appeared as a witness and, swearing to tell the truth,
4 testified as follows:

5 DIRECT STATEMENT

6 **MR. ACOSTA:** Good afternoon, Madam Chairman.

7 Thank you for the opportunity, and members of the
8 Commission and staff. My name is Amado Acosta. I have
9 lived in Miami since 1965. I am a registered
10 professional engineer in the state of Florida and a
11 Florida certified electrical contractor. I own a
12 business called Megatran, Inc. We are contractors to
13 Florida Power and Light.

14 I did work for Florida Power and Light for 18
15 years. When I was 42 years old, I had this urge to go
16 on my own and take the big plunge and I did under very
17 dire conditions. It wasn't easy, and I almost went
18 under several times in the 23 years since my company,
19 together with my two sons and my wife, have been
20 providing underground high voltage electrical
21 construction for Florida Power and Light and the other
22 utilities throughout Florida.

23 I also had the honor of serving the state of
24 Florida in the Florida Board of Professional Engineers
25 for eight years, and in the Miami-Dade County Board of

1 Rules and Appeals to the Building Code for four years.
2 So I know the seriousness with which you are approaching
3 your job tonight. Every time those boards have public
4 hearings, each one of the board members, whether it was
5 engineers or the construction board, took it very
6 seriously and took all the notes. And later on we had
7 workshops, and we compared. So we know that you are
8 taking, and we thank you for coming to Miami.

9 One other thing that I can tell you is that I
10 have in my company worked for three of the four
11 investor-owned utilities in Florida. We have also
12 worked for the almost 19 rural electrical co-ops
13 throughout Florida, and I would say maybe 18 of the 26
14 municipalities. Now, as I understand it, the PSC does
15 not regulate the municipals or the electric co-op. Is
16 that right?

17 **COMMISSIONER EDGAR:** Not the rates in the same
18 way that we do the IOUs.

19 **MR. ACOSTA:** Right. But I can give you this
20 message. All the years that I have worked for all of
21 those fine companies, as well as the years that I have
22 worked with my children and my wife and other associates
23 in the business for Florida Power and Light, I have
24 never found a company so intense in leading its business
25 correctly all the time and in planning and in execution.

1 I have been able to compare by working for those other
2 companies throughout Florida.

3 And one thing is to talk about a rate increase
4 which, obviously, no one wants. But, also, another
5 thing is to plan for the future, which as I understand
6 is your major job, not only the present rates, but also
7 that the utilities can carry its work effectively in the
8 future.

9 Well, we all know about the phenomenal
10 downturn in the economy in the U.S. and in the world,
11 and we know the catastrophic affect that it has had in
12 Florida, right? All the tens of thousands of
13 condominiums and homes that are in foreclosure. But
14 guess what, all of those tens of thousands of
15 condominiums and homes in foreclosure had electrical
16 facilities built for which investments were made which
17 FPL and the other utilities are not recovering now.
18 They are not getting any meters to turn. So that
19 investment has to be somehow accounted for going
20 forward.

21 Now, I don't know what the formula would be
22 and that will be your job with the expert testimony that
23 you will get. But I can tell you right now that even
24 during these dire times and the construction is so much
25 down, this smart company, FPL, is doing a lot of work on

1 the maintenance and the reliability side. So how can
2 they do that, because the revenue is not coming like it
3 was. Well, because they are strong financially, because
4 they make a decent profit regulated by you and
5 determined by you, and because they are strong
6 financially, then they can invest in repairing and
7 upgrading their system when the construction is down.

8 And thank God they are doing that, because
9 that means that the over 70 employees and families that
10 depend on my business, and all the other several dozen
11 subcontractors and suppliers that we have can still have
12 some kind of business. And business is way down, but we
13 still have work.

14 And we are only one of many contractors they
15 have throughout Florida. They probably have hundreds of
16 contractors throughout Florida. That means that to the
17 4,000 employees that were mentioned locally here in
18 Miami, there are actually other perhaps hundreds of
19 employees, quote, unquote, through the contractors.

20 Because FPL is financially strong, they can
21 get the money when they need to raise it in Wall Street
22 or wherever. And because they can do that, then they
23 can plan for the future and build the facilities that
24 are needed for the future. It is painful. Yes, it is
25 painful for this process. It is painful for my business

1 to pay for more in electricity and for my home to pay
2 more in electricity. But, remember, Florida was always
3 number three or number four in the country in growth,
4 sometimes number two. Unless that growth comes back to
5 Florida, Florida is not going to make it, again, because
6 our revenue base in Florida is not based -- it doesn't
7 have the tax system to support it that way. So we need
8 a financially strong, capable, smart company like FPL to
9 provide what is needed.

10 And it is a painful decision for you to make,
11 and I know the process that you are going to go through,
12 but all I'm saying is that everything has to be taken in
13 perspective.

14 And I thank you for this opportunity.

15 **COMMISSIONER EDGAR:** Thank you.

16 **MR. BECK:** John Breder followed by Eliu
17 Moliner.

18 JOHN BREDER

19 appeared as a witness and, swearing to tell the truth,
20 testified as follows:

21 DIRECT STATEMENT

22 **MR. BREDER:** Thank you. Madam Chair and
23 respected Commission members and staff, I appreciate
24 your time here tonight. Welcome to South Florida.
25 Indeed, my name is John Breder. I reside in Palmetto

1 Bay, just south of here, and I am going to try to just
2 touch on a couple of things that I don't think have been
3 touched on so that I don't appear redundant of what you
4 have already heard and test your patience further
5 tonight.

6 I think the issue here is about reliability of
7 service and investment in infrastructure. Indeed, these
8 are bad, bad times economically for all of us, and when
9 I reach in my pocket I am in the red. So to pay a rate
10 increase is just deeper in the red for me at this point
11 in time.

12 I have a wide-reaching relationship with FP&L
13 at a lot of different levels because of my business that
14 I won't bore you with here tonight. But I do, indeed,
15 think that what this is is an investment in the future.
16 Is the timing bad? Incredibly bad. Is that FP&L's
17 fault? No, I don't think they brought on this economic
18 recession that we are in, but it is poor timing and it
19 does hurt.

20 I think, however, that the light switch is
21 something that all of us take for granted. I think
22 probably FPL or any electric provider is probably the
23 epitome of being taken for granted. And if you don't
24 think so, get home from work one night and find your
25 lights are not on, it just throws everything into a

1 tailspin.

2 And take back one thing, and I promise I will
3 keep this brief. As someone who grew up here and who
4 endured Hurricane Andrew, I talked to one of my
5 neighbors who said they lost their roof. No, they
6 didn't, they lost their shingles. I lost my trusses.
7 This isn't about me. Three days later I didn't have a
8 roof or any trusses, but, darn it, I had electricity.
9 They were back in full swing. And I am hoping that
10 there is nobody here from the building department that
11 knew that my house was lit up with no roof.

12 Anyway, I understand the difference between
13 base rate and the fuel charge that we see and that,
14 indeed, they are separate and apart from each other.
15 But the investment made here to infrastructure and to
16 better fuel efficiencies should realize returns in great
17 numbers in terms of fuel efficiency. So, to me, I don't
18 care how much of it is going in the base rate or how
19 much it is in the fuel charge. It doesn't matter to me.
20 It is how much is the total bill. If we can bring down
21 the fuel charge by making this, I am going to say minor
22 investment, that helps me get through this hard time.

23 Again, I appreciate your time. I hope you
24 enjoy your stay here in South Florida. I'm in favor of
25 the right hike.

1 Thank you for your time.

2 **COMMISSIONER EDGAR:** Thank you.

3 **MR. BECK:** Eliu Moliner followed by Barbara
4 Rodriguez and Jason Biondi.

5 ELIU MOLINER

6 appeared as a witness and, swearing to tell the truth,
7 testified as follows:

8 DIRECT STATEMENT

9 **MR. MOLINER:** Yes. My name is Eliu Moliner,
10 and I am an owner of several properties in Dade County,
11 including the one that I put there, Marbella Apartments.
12 And I just want to talk today about FPL since I have
13 been working with FPL. They have given me service for
14 all of these many years, they always have been there for
15 me (inaudible) to the service.

16 Since the last storm, I had some power lines
17 in my buildings. They came and they fix it, and I
18 really think that, you know, I support them for this
19 increase.

20 Thank you.

21 **COMMISSIONER EDGAR:** Thank you.

22 BARBARA RODRIGUEZ

23 appeared as a witness and, swearing to tell the truth,
24 testified as follows:

25 DIRECT STATEMENT

1 **MR. RODRIGUIZ:** Good evening, Chairman and
2 members of the Commission and staff. My name is Barbara
3 Rodriguez. I have been enjoying electricity since I was
4 conceived, so I frankly enjoy it quite a bit. I have
5 had to, unfortunately, call FP&L with power outages,
6 because mother nature interrupted it. They were due to
7 hurricanes. I think what we seem to not understand is
8 that this is a company which is running by man, so they
9 can only do so much with what they are given.

10 I specifically recall about three years ago or
11 four years ago when South Florida was hit with three
12 hurricanes back to back. If anybody passed by Tropical
13 Park, we had electricity companies from South Carolina
14 and Atlanta helping us. So to say that FP&L is not
15 doing their job, yes, they do. They are concerned
16 whether we have electricity or not.

17 Unfortunately, the majority of the homes in
18 South Florida do not have gas. So we are dependent on
19 our electric stove to cook and feed our children, our
20 grandparents, or our parents.

21 A rate increase isn't fun. I'm not going to
22 say I'm going to jump up and down for it, but it is a
23 necessary evil. This is not the only rate increase that
24 we are facing. There is, obviously, a budget shortfall
25 in our county, a 300 million to 400 million budget

1 shortfall, the reality that our millage is going to
2 increase, and we are going to pay more for our property
3 taxes is true. And that's a reality. Do we enjoy that?
4 No. Do we think that maybe our Commission or our local
5 governments could cut down the budget a little more and
6 make more sacrifices? Yes. But when we are talking
7 about an increase of our electricity, it is a necessary
8 evil. To be quite honest with you, I have panic attacks
9 in the heat.

10 The other day it was about 100 degrees in
11 Miami-Dade County. If we didn't have electricity, we
12 would have I don't know how many reported deaths, and
13 that is reality. We need to keep our food cold, our
14 freezers cold, we need to, you know, cool our homes, and
15 perhaps this rate increase will force many of us to use
16 less.

17 I recently purchased a tankless water heater,
18 by far the best invention in the world. I turn up my
19 thermostat when I leave my home. I've installed ceiling
20 fans in my home. I try to unplug, you know, my cell
21 phone charger when I am not using it because it is
22 consuming energy, and I don't think that is what people
23 understand.

24 Consumption isn't just when your lights are
25 on; it's when things are still plugged in. So perhaps

1 another angle with FPL is maybe a more -- a bigger PR
2 push to explain to the consumer how much they really pay
3 when certain things are not being used, but they are
4 still plugged in.

5 I have called Bob to analyze my home. You
6 laugh. I purchased blackout curtains which, you know,
7 block the sun. I have closed half of my shutters where
8 the sun directly hits it, so that I can avoid that --
9 that massive heat. And just I think it is education.
10 You know, we are not -- we don't live in a county that
11 is used to recycling or doing things like California
12 does, because they do it enough, you know. I support a
13 rate increase. I thoroughly enjoy my electricity, and I
14 would pay anything for my electricity.

15 Thank you.

16 **COMMISSIONER EDGAR:** Thank you.

17 **MR. BECK:** Jason Biondi followed by Plando
18 Yanes. Are either of those people here?

19 Angel F. Fajardo, F-A-J-A-R-D-O.

20 Josie Hernandez.

21 JOSIE HERNANDEZ

22 appeared as a witness and, swearing to tell the truth,
23 testified as follows:

24 DIRECT STATEMENT

25 **MS. HERNANDEZ:** Thank you. My name is Josie

1 Hernandez, and I am a realtor, full-time realtor, and I
2 have lived in Miami for about 40-plus years.

3 As a consumer, I do not want to pay more for
4 electricity. Nobody does. However, I am very, very
5 satisfied with the services of FP&L. Whenever I have
6 called them to reinstall the lights for properties for
7 inspections, they were there. When there is an outage,
8 you call them, and they are there. They will tell you
9 it is within so many minutes, hours, whatever.

10 So, in the reality, I do not want -- I don't
11 want as a consumer to -- I do want, as a consumer, to
12 continue hardening of the poles just in case of another
13 hurricane, and to continue to have efficient plants to
14 help conserve energy.

15 Thank you.

16 **COMMISSIONER EDGAR:** Thank you.

17 **MR. BECK:** Alfredo Sotolongo followed by Rene
18 Armos.

19 ALFREDO SOTOLONGO

20 appeared as a witness and, swearing to tell the truth,
21 testified as follows:

22 DIRECT STATEMENT

23 **MR. SOTOLONGO:** Good evening. Just for the
24 record, I was supposed to be at a baseball game, and
25 these seats don't help any, by the way.

1 First of all, 12 percent, I look at that
2 nowadays, and I don't think it is all that much. I
3 think we have been pretty lucky as -- I can't speak for
4 the state, but I can speak for Miami and southeast
5 Florida compared to the rest of the major cities in the
6 nation.

7 I'm not going to (inaudible) on behalf of my
8 business, but we do business in Latin America, and
9 usually when that comes up in the U.S., people say, yes,
10 but that is Latin America, we can't compare. But I can
11 compare to the U.S. and maybe the major cities.

12 Our company, what we do, is we're manufacturer
13 representatives of energy efficient products. And what
14 is our challenge? Our challenge is to promote products
15 that offer a payback or a return on investment to the
16 consumer. So when I meet at these national meetings
17 with these other people -- with these other
18 representatives from parts of the country that represent
19 the same energy efficient products that I sell, they
20 were a lot more successful in the past than I was in the
21 sense of getting a return investment for the consumer.
22 Why? Because their utility rates were a lot higher.

23 So we have had it pretty good for a long time,
24 and we are going to continue to have it good even if
25 there is an increase coming. I honestly feel that way

1 compared to the feedback I get from all the other major
2 city businesses that do what we do here in South
3 Florida.

4 Now, having said that, how has my business
5 been successful and how has FPL been a part of that?
6 Well, I can't offer a return on investment based on
7 utility costs, which I do in Latin America, but over
8 here I can offer a return investment based on the rebate
9 programs that FPL offers, and there is quite a bit of
10 rebate programs that FPL offers.

11 And I've got to tell you being part of the
12 industry, I am a past president of the ASHRAE Miami
13 Chapter, which is the American Society of Heating,
14 Refrigeration, Air Conditioning Engineers, and air
15 conditioning is a big chunk of the consumption of
16 energy. And our focus in our company has been energy
17 efficiency. Ever since we have been active in ASHRAE,
18 FPL has always had a representative active in ASHRAE
19 promoting energy efficiency, promoting rebates. It is
20 either thermal energy storage -- now lately we are
21 talking more about energy recovery ventilation. So
22 finding ways for consumers to save energy and put money
23 back in their pockets through rebates. That has
24 helped -- that has helped our business. You know, we
25 have been fortunate about that.

1 They have also had activities in order to
2 train their account representatives. They call this a
3 vendor expo, which their account reps from FPL are there
4 and they hear multiple sessions of different
5 manufacturers explaining their energy efficient products
6 so they can be trained and go out into the field and
7 explain to consumers this is what we can do for you,
8 this is where your rebates will come from. And it is
9 not just smoke and mirrors. The money is there.

10 We recently had a round table. Our company
11 hosted a round table sustainability meeting, and there
12 was architects and mechanical engineers present, and,
13 again, we used a representative from FPL to serve as a
14 facilitator. We wanted to show there was no bias as to
15 what was going to be spoken about, sustainability. We
16 talked about clean energy programs, we talked about
17 their rebate programs. So all I have heard from the FPL
18 side ever since I have been involved in the HVAC
19 business, which is a large consumer of energy, is energy
20 efficiency and ways of promoting that and interesting
21 the public in it is offering these rebates that they
22 aggressively offer.

23 Other than the vendor expo and that
24 sustainability round table that we had, we are also
25 planning on doing an energy recovery ventilation

1 seminar. And, again, targeting architects and engineers
2 and end users. And FPL is also coming in to speak about
3 their energy recovery ventilation rebate program and how
4 it helps the end users in saving money.

5 So looking at the overall picture, yes, of
6 course, I support the increase. I think we have had it
7 pretty good. I think it is still going to be good, even
8 if there is an increase. But it is true, nobody likes
9 to pay more, but it is not really that much more when
10 you compare it to all the other major cities in the
11 United States.

12 Thank you.

13 **COMMISSIONER EDGAR:** Thank you.

14 **MR. BECK:** Rene Armos followed by Luis
15 Lopez-Blazquez, followed by Alex Lopez.

16 ALEX LOPEZ

17 appeared as a witness and, swearing to tell the truth,
18 testified as follows:

19 DIRECT STATEMENT

20 **MR. LOPEZ:** Good afternoon. I would just like
21 to speak about my experiences about FPL, and the only
22 thing I can come to mind, the only thing that comes to
23 anybody's mind is restoration after a major hurricane.

24 **MR. BECK:** Could you state your name, please?

25 **MR. LOPEZ:** Alex Lopez.

1 **MR. BECK:** Thank you.

2 **MR. LOPEZ:** And based on my experiences, FP&L
3 has provided excellent service during those hard times.
4 I have been here -- I have grown up in Miami ever since
5 I was young. And I have dealt with very many storms,
6 and FP&L has provided excellent service throughout all
7 of those storms. Restoration has taken in major
8 catastrophic circumstances within probably a week, and I
9 think that is very, very great service. And that's all
10 I have to say.

11 Thank you.

12 **COMMISSIONER EDGAR:** Thank you.

13 **MR. BECK:** Juan Gonzalez followed by Jane
14 Gilbert. Are either of those two people here?

15 Azalia Fajardo followed by Carlos Trueba.

16 CARLOS TRUEBA

17 appeared as a witness and, swearing to tell the truth,
18 testified as follows:

19 DIRECT STATEMENT

20 **MR. TRUEBA:** Good evening, Madam Chairman,
21 Commissioners. I had -- I had a speech planned for --

22 **MR. BECK:** Could you state your name, please?

23 **MR. TRUEBA:** Oh, I apologize. My name is
24 Carlos Trueba. I am a resident of Kendall in the area
25 known as The Falls. I am a CPA by trade, and I have a

1 firm in the city of Doral (phonetic). I had a -- I had
2 a brief statement prepared. But I have heard -- I've
3 heard from a lot of people, and it has changed my
4 thoughts. I assume that it has changed yours. I have
5 gained a totally new respect for what you do, having --
6 having gone through one of these entirely.

7 I think you have heard that FPL is an
8 outstanding corporate citizen, certainly for us folks in
9 South Florida, and I think that you have heard
10 (inaudible). You have certainly heard about the fact
11 that there are poor people and they are people going
12 through difficult times, and they are having a tough
13 time meeting their needs.

14 You have heard the presentation from the
15 Office of Public Counsel and the other consumer groups.
16 Thank you so much for what they do in advocating a
17 position different. I started to think why would FP&L
18 would -- would do this at this time, because that was
19 brought up. And -- and it is their plan. It came to me
20 in the last -- after the break. They are -- they are an
21 outstanding planning-driven organization. And I think
22 that this is -- their plan is to do -- is to make this
23 request now, because -- because in the next ten, the
24 next 15 years, this is the proper time that they need
25 to seek these funds.

1 A company needs profits to invest. It can't
2 survive if it has no profits. I have a business. If I
3 don't make -- if I don't make a profit, it is not -- I
4 might as well go work for somebody else. And if I don't
5 take part of those profits and invest them in future
6 technologies and future programs, research tools, things
7 that will allow me to cut my costs, then I cannot pass
8 on any savings.

9 I am a totally for profit business. I am not
10 regulated. FP&L is a regulated business. You regulate
11 how much money they make and you regulate how much money
12 they have made in the past. So you need to keep into
13 account that they don't have the reserves that they
14 would have if they were purely market driven, because
15 they are limited in how much they make and probably how
16 much they pay their shareholders to some extent.

17 Having said that, I support the rate increase.
18 I don't envy your job. I think you will hear a lot of
19 testimony from a lot of experts. At the end of the day,
20 the finance and accounting people should come to some
21 conclusion as to what kind of rate is needed. I ask you
22 to listen to my colleagues very carefully when they come
23 up and present their testimony, and I thank you so much
24 for your time and for what you do.

25 **COMMISSIONER EDGAR:** Thank you.

1 **MR. BECK:** Rey Melendi followed by Exel
2 Lopetegui. I am massacring these names.

3 REY MELENDI

4 appeared as a witness and, swearing to tell the truth,
5 testified as follows:

6 DIRECT STATEMENT

7 **MR. MELENDI:** Good evening. Rey Melendi. I
8 am the Southeast Florida Land Division president for
9 Lennar Homes and the immediate pass president for the
10 Builders Association of South Florida. I want that
11 refrigeration guy and FPL to get together and put air
12 conditioning in my dog house, because that is where I am
13 going to be tonight.

14 You know, I am here on a different -- kind of
15 to cover -- you know, I want to express my experiences
16 with FPL as it relates to service and their commitment
17 to service. Not just a commitment to service, but
18 commitment to service in this community.

19 The viability of our business community is
20 very important. I think FPL has taken great strides to
21 try to meet the demands and keep this community both in
22 a growth stage and at the same time service its
23 community as both a leader in the business world and at
24 the same time they are also residents and constituents
25 of this community.

1 I can tell you that their commitment, although
2 they are not perfect, they are clearly committed. They
3 work very hard at trying to satisfy the needs. The
4 storms we deal with here, obviously, throughout the
5 whole state are tough to deal with, and they create an
6 enormous strain on their overhead in trying to maintain
7 that ability to service in those dire emergencies.

8 On a national level, as a national builder, we
9 are also very much involved with research and
10 development, and environmental issues and energy
11 efficiency is a huge factor. And I can tell you that we
12 are constantly either contacting them or FPL is
13 contacting us and trying to trade ideas to figure out
14 what are the best things that can be done at reasonable,
15 financial feasible methods. So this isn't something you
16 hear a lot on the service side, but I thought it was
17 important to hear it.

18 Thank you very much.

19 **COMMISSIONER EDGAR:** Thank you.

20 **MR. BECK:** Exel Lopetergui.

21 Aurea Leonan.

22 Jason Killins.

23 JASON KILLINS

24 appeared as a witness and, swearing to tell the truth,
25 testified as follows:

DIRECT STATEMENT

1
2 **MR. KILLINS:** My name is Jason Killins. Good
3 afternoon. I just wanted to talk a little bit about the
4 service that I have received from FPL. I recently
5 moved -- I'm originally from Miami, and I have been
6 living in Tallahassee for a couple of years, and I
7 recently moved back a couple of months ago. And I'm not
8 really familiar as far as the rate increase. I'm trying
9 to read a little bit more, so I can get a little bit
10 better educated. But I can say so far the prices of
11 South Florida lights are a little cheaper than North
12 Florida, which is surprising.

13 And I had an energy audit in my house
14 recently. They came through and the energy management
15 consultant let me know a couple of things that were
16 going on in my home that I really wasn't aware of. And
17 I think it is commendable that they helped me put a
18 little bit -- a little bit more money back in my pocket,
19 especially a company of such size and scale as FPL. And
20 I appreciate anything that helps me save a little bit of
21 money. I just wanted to speak on that.

22 Thank you.

23 **COMMISSIONER EDGAR:** Thank you.

24 **MR. BECK:** Robert Maland.

25 ROBERT MALAND

1 appeared as a witness and, swearing to tell the truth,
2 testified as follows:

3 DIRECT STATEMENT

4 **MR. MALAND:** Can I raise this?

5 **COMMISSIONER EDGAR:** Yes, absolutely.

6 **MR. MALAND:** Good evening. I am Robert
7 Maland. I was born and raised in Miami, and except for
8 the seven years I lived in Gainesville going to college
9 and law school, I have lived in Miami my whole life, so
10 I am pretty familiar with FP&L.

11 I'm not here to comment on their charitable
12 activities or their services. I am here to comment on
13 the issue at hand, which is whether it is fair to allow
14 them the significant rate increase. And I am here to
15 speak out against it.

16 The main reason I am here to speak out against
17 it is because on March 15th, 2006, the New York Times
18 published an explosive exposé entitled "Many Utilities
19 Collect for Taxes They Never Pay." Excuse me, I have a
20 bad voice. And I am going to give you the citation to
21 that article, but the quote that caught my eye is that
22 many electric utility companies across the nation are
23 collecting billions of dollars from their customers for
24 corporate income taxes then keeping the money rather
25 than sending it to the government.

1 And the article which, as I said, was an
2 exposé in the New York Times, cited FP&L and its parent
3 corporation as major offenders in this scam. And here
4 is how it works, because they are legal monopolies,
5 utilities must charge rates set by state regulators,
6 yourselves. The rates cover all costs, from buying fuel
7 to building new power plants to a virtually guaranteed
8 profit and paying the taxes on that profit.

9 In other words, when you set the rates, you
10 are getting statistics and figures by FP&L as to what it
11 anticipates its corporate tax to be, and that is
12 included in the money out of every dollar that a
13 customer pays until the next rates are set.

14 In recent years, many utilities have expanded
15 into unregulated businesses, like energy trading, and
16 aircraft leasing, while others have been acquired by
17 companies that own other businesses. Those other
18 businesses lose money that create artificial losses, and
19 through tax planning, those losses offset income earned
20 by the utilities.

21 In other words, as a result, the parent
22 companies, here Florida Power and Light Group, owe less
23 in taxes than their customers pay. So sometimes the
24 monies that FP&L collects are not ever remitted to Uncle
25 Sam. And moreover, what is remitted is refunded back to

1 its parent corporation, FP&L Group.

2 It is my point that so long as FP&L is
3 operating at a very significant profit under its current
4 rates, and so long as it is doing all of these wonderful
5 things that we have heard about for the past five or six
6 hours, however long it has been, all the charitable
7 things, all the things they do in the community, as long
8 as they are able to do all of that at the rates they
9 have been charging for these many years, and they are
10 able to collect monies for taxes and never have to pay
11 it to the federal government, or worse yet have a refund
12 generated to their parent corporation which they never
13 pass back down to the consumer who actually paid it,
14 it's outrageous that they would have the audacity to
15 come before this body and ask for more money. Let me
16 repeat, it is absolutely outrageous that they are here
17 now asking for more money.

18 So, it is not a matter of whether it is a good
19 company, or it's a charitable company, or if it is a
20 philanthropic company, or if it is responsible. It may
21 be all of those things. The issue before you is is it
22 fair and reasonable to give them a rate increase when
23 they are extremely profitable now. All of this stuff
24 about planning for the future, come on, let's call it
25 the way it is. It is a corporation that will go out

1 into the public finance sector and raise corporate bonds
2 for infrastructure improvements. If they need to build
3 a nuclear power plant, it's not coming out of the rates.
4 It is going out and they are going to raise money in
5 bonds. They are going to borrow the money just like
6 every other corporation does in America that is building
7 infrastructure.

8 So it is a false argument to say they need
9 this money for future growth and future infrastructure.
10 They are going to go out and borrow that money. It is a
11 false argument to suggest that they are not profitable.
12 They are highly profitable. It is a false argument to
13 suggest that they need more money. They don't. What
14 they need to be doing and what you guys need to be
15 investigating is what are they doing with all of this
16 money they are collecting for corporate income taxes if
17 they are not paying it to Uncle Sam when we need it or
18 not passing back the refunds that should be passed back
19 to consumers. So I am against this, and I think you
20 should be, too.

21 Thank you.

22 **COMMISSIONER EDGAR:** Thank you. Just a
23 moment, Mr. Maland.

24 **MR. MALAND:** That is the citation to the
25 article that I quoted in the New York Times, and you can

1 go talk to the reporter. Thank you.

2 **COMMISSIONER EDGAR:** Thank you.

3 Ms. Williams, a label and -- number is what I
4 mean.

5 **MS. WILLIAMS:** Yes. Commissioner Edgar, I
6 believe we are on Number 21, and I would mark it as
7 Robert Maland's Appellate Brief.

8 **COMMISSIONER EDGAR:** Okay. One more time.

9 **MS. WILLIAMS:** Robert Maland's Appellate
10 Brief.

11 **COMMISSIONER EDGAR:** And, again, numbered for
12 identification as 21. Thank you.

13 (Exhibit Number 21 marked for identification.)

14 **COMMISSIONER EDGAR:** Mr. Beck.

15 **MR. BECK:** Vianca Stubbs followed by Judith
16 Hesskowitz.

17 Vianca Stubbs.

18 Judith Hesskowitz.

19 Kathy Emery.

20 JUDITH HESSKOWITZ

21 appeared as a witness and, swearing to tell the truth,
22 testified as follows:

23 DIRECT STATEMENT

24 **MS. HESSKOWITZ:** Hello. My name is Judy
25 Hesskowitz, and I live in Miami Beach. I have been

1 living here for about -- at least 25 years.

2 (Simultaneous conversation.)

3 **MS. HESSKOWITZ:** I am a consumer, and I'm
4 concerned about, you know, all of these increases that
5 come about. We are getting -- we are going to be
6 getting a property tax increase, because -- not because
7 of the value of the property is increasing, but the
8 opposite, because it is decreasing. And we got a water
9 bill that has increased. Everything is just being
10 increased, and people are getting less money, and people
11 are losing jobs. Today it is in the papers that another
12 627,000 people lost their jobs. The unemployment rate
13 in Florida is 9 percent.

14 Now, the people -- I was listening, and I
15 don't -- I got this, you know, sort of addressed, you
16 know, what was said before. And the people who are for
17 the increase, it is obvious that they are lobbyists for
18 Florida Power or light or they derive their income by
19 working with Florida Power and Light. It is the benefit
20 of their business to get an increase, or as the other
21 gentleman was talking about -- was about efficiency
22 products that are efficient, which means that people
23 have to go raise -- raise the price so that they can
24 sell more of this efficiency products. But what is not
25 considered is that where are people going to take -- get

1 the money to put in an efficient air conditioning
2 system?

3 I had a change. It cost \$10,000. How many
4 people have \$10,000 when especially -- I did it in
5 better times -- to change it. You have to change in a
6 house the, what do you call it, the compressor and then
7 there is something on the inside. You have to really --
8 if you want more efficient you have to change
9 everything.

10 I don't see that people have \$10,000 to buy
11 efficiency equipment or to buy a new refrigerator for 3
12 or \$4,000. I mean, this is wonderful for somebody who
13 is in business, you know, who sells this product and
14 makes a profit on it, but I don't see how people can
15 afford it.

16 So there were two kinds of people here
17 speaking for it. One was obviously the lobbyists. They
18 were planted here by Florida Power and Light, and the
19 business people, you know, who make -- whose business
20 depends on this.

21 Now, it seems, you know, that it is too bad
22 that the public has to pay for this incredible building
23 boom that went on in Florida. I just read in the Miami
24 Herald that one person lives on the whole floor. So
25 there is no question about it, they've got to keep the

1 lights, they have got to keep everything, but don't put
2 it on the people, you know, who are innocent, and they
3 made no money on this business boom. So, of course,
4 Florida Power and Light obviously has to put in their
5 infrastructure, but it was unconscionable, you know, to
6 build all of these buildings here. We can't afford to
7 support these people who put up all of these buildings
8 because the electricity, you know, they have to provide
9 all of this.

10 I got nothing on the street where I live. I
11 have -- I live on a street. It is a nice neighborhood
12 of Miami Beach. And I have a pole, and I discussed it
13 with some of the Florida Power and Light people. I have
14 a pole in front of my house that has to be strong, you
15 know, with some kind of wire that goes down in the
16 ground and bars me from even driving through my
17 driveway. I said, why do you have to have it? Well,
18 obviously, it is an old pole, and it has to be
19 supported. So I'm not getting anything out of this, and
20 I don't see there are any plans of changing it.

21 Now, another thing is why does -- why do we
22 only have one company, Florida Power and Light,
23 servicing us? At one time, you know, we had only one
24 cable company which is -- I don't even know what the
25 name was. They are out of business already. And then

1 came another company that took over. Then I get all
2 kinds of calls from Dish, from the Hindus in India, you
3 know, to put it in. Then I get another call from AT&T.
4 Then I -- I mean, there is such competition now, you
5 know, for the television service and for the Internet,
6 and we still only have one Florida Power and Light
7 Company.

8 Another thing, look what they are doing in
9 California. They have solar power. They give you a tax
10 credit. Florida Power and Light doesn't even want you
11 to put up solar power. They don't give you any kind of
12 tax credit. They want to keep it a monopoly. And my
13 question is why is Florida Power and Light a monopoly in
14 our area?

15 And another thing is that they just don't want
16 the increase for building for future. I don't
17 understand what this building for future is. I mean,
18 how many more condominiums can you put up? I mean, what
19 kind of future are they talking about? And I don't
20 understand, you know, where they need all of this extra
21 money for and why they have to have additional income.
22 And this is a public utility, and the CEOs can get
23 millions of dollars, you know, pay. And they have to
24 get -- we have to increase it.

25 I read that City Group wants to increase their

1 salaries 50 percent when they borrowed 45 billion from,
2 you know, from the government. And there is this idea
3 that certain people must maintain their lifestyle, and I
4 read it in the New York Times what that lifestyle is. I
5 mean, going to parties with \$50,000 for a dress for the
6 lady. And we are not living in that age anymore of this
7 conspicuous consumption. I mean, people cannot
8 afford -- I mean, this is almost like the French
9 Revolution where the people wanted to live off of the
10 backs of the poor people.

11 **COMMISSIONER EDGAR:** Thank you. Do you have a
12 closing comment?

13 **MS. HESSKOWITZ:** Pardon me?

14 **COMMISSIONER EDGAR:** Do you have a closing
15 comment?

16 **MS. HESSKOWITZ:** Yes. Well, I don't have
17 the -- yes, the stock, you know, as I understand, their
18 stock is selling now for \$57 a share. And, okay, so
19 maybe it went up in, you know, the booms times to 65 and
20 \$75. I don't know what the highest was. Honestly, I
21 haven't checked it out. But the average price of this
22 stock before this boom time was about 35, 40, \$45. So
23 it has to be recognized that we are not living in the
24 boom times.

25 Thank you.

1 **MR. BECK:** Kathy Emery.

2 KATHY EMERY

3 appeared as a witness and, swearing to tell the truth,
4 testified as follows:

5 DIRECT STATEMENT

6 **MS. EMERY:** Okay. I'm pretty tired tonight,
7 because I have had a about a year of confrontation with
8 Florida Power and Light. I'm one of those 10 percent of
9 the people who are unemployed. I am one of the 10
10 percent of the people -- I am one of the 100 percent of
11 the people that has had their retirement decimated.

12 I've worked since I was 14 years old. I
13 invested in property. The property values are down to
14 60 percent losses in property values, entire losses of
15 your retirement. People just don't have any money, and
16 I am one of them, and I have worked since I was 14.

17 Florida Power and Light professes to be this
18 big corporate citizen, but my experience with Florida
19 Power and Light hasn't really been that good. They say
20 your power is out and that matters to us. Well, two
21 nights ago we had a storm in northeast Dade where I live
22 and I came home, and I had fluctuating electric power.
23 I had just spent \$3,000 on a new compressor for an air
24 conditioner, and I came home and it was humming. It was
25 not turning, the air conditioner wasn't working. The

1 oven was off. Many of my big expensive utilities -- big
2 expensive appliances were grinding away because I had
3 low voltage.

4 The lights were flickering on and off. So I
5 was panicked, and I called FPL and said I need service.
6 None of my other neighbors have this problem. And I
7 called an electrician, and the electrician said it was
8 at the pole. And I was concerned of these financial
9 losses that I was going to have. My refrigerator, the
10 ice was melting. It was defrosting. There was water on
11 the floor. I slipped on the floor. And what I got when
12 I called FPL was they looked at my account, and they
13 said your account is not active, so we can't give you
14 any service.

15 I said how can you say it is not active? I
16 have been paying my bills. My electricity is on. I
17 have lights. But they professed that it was not active,
18 and they wouldn't come out and restore my electricity.
19 I threatened with a legal suit and everything under the
20 sun. And, finally, the next morning, a nice woman from
21 FPL called me up and tried to resolve the issue, and she
22 restored my electricity. But that was after I lost my
23 stove, my oven, my dryer, all the contents of my
24 refrigerator. It's hundreds of dollars it cost me, and
25 I was told my account was not active. That is not the

1 end of the nightmare.

2 The beginning of the nightmare was when I
3 had -- I have five pieces of property that I invested in
4 years ago not to flip and make a huge profit, but to
5 provide affordable housing for people to live in. I had
6 one piece of property that was not occupied for seven
7 months, and FPL talks about conservation. Well, one, I
8 did conserve, and I was forced to conserve because some
9 of these five pieces of property were unoccupied. I had
10 no tenants. I couldn't sell them. They were
11 unoccupied.

12 So what happened to me, I had a property that
13 was unoccupied for seven months. And, apparently FPL
14 knew that there was a defective meter at that property
15 for over a year. They never came out and repaired the
16 meter. And one day shortly after we had somebody living
17 in the property, about three months after, FPL sent me a
18 bill for \$3,000 on top of my regular bill, and demanded
19 it be paid immediately or they would take the
20 electricity away.

21 And they claimed that the meter was defective,
22 and so they were going to estimate the bill. And when I
23 objected to the amount of the \$3,000 bill, they told me
24 that the Public Service Commission required them to do
25 this, to estimate this bill in this way. And I said,

1 but the property wasn't even occupied, how can you do
2 that?

3 That is not the end of the story. A second
4 piece of property I had in the same neighborhood that I
5 bought from an older woman who had died. And she,
6 apparently, had used electricity over the years. But
7 after I bought it, I tore the entire kitchen out. There
8 were no appliances. There was no air conditioning
9 running. There was nothing being drawn from that.

10 Well, FPL must have a computer program where
11 they looked and said, wow, the consumption has dropped.
12 It must be a broken meter again. So they came out and
13 took the meter out. One month after I got that \$3,000
14 bill, I got a \$1,000 bill saying that it was a defective
15 meter and that I owed this money because the Public
16 Service Commission requires that they go back in and
17 recoup this revenue.

18 Nobody was in the house. After months they
19 finally took that bill away. I found out last night six
20 or eight months after it happened that that bill has
21 been credited. And I'm not sure if it has, but --

22 And then two nights ago -- oh, the first
23 house, we objected to the bill. My partner, who is not
24 as confrontational as I am said, well, we will pay you
25 \$1,000, and \$100 a month, but we want to have some kind

1 of a mediation or some kind of dispute resolution.
2 Don't you have something at FPL like that. And a woman,
3 Ms. Perez (phonetic), said, no, this is it. You are
4 going to pay what we have. It is authorized by the
5 Public Service Commission and you are going to pay it.

6 And she -- you know, she tried to negotiate a
7 little bit and Combs (phonetic) agreed to pay \$1,000 of
8 the disputed bill, and \$100 monthly. So, he paid that.
9 And one month he was two weeks late on the entire
10 electric bill, and he realized he was late, so he sent
11 it in. Not only did he send it in, he sent a double
12 payment in.

13 Two weeks later, FPL turned the electricity on
14 that house, which I happened to be living in. The same
15 one they wouldn't come and repair last night. At that
16 time when they turned off the electricity, I lost all
17 the contents of my refrigerator again to the tune of
18 about \$500. My laminate floor in the kitchen, which I
19 had put in recently was totally destroyed. Last
20 night -- two nights ago my laminate floor was destroyed
21 again. So --

22 **COMMISSIONER EDGAR:** Ms. Emery, I am going to
23 have to ask you to come to a close.

24 **MS. EMERY:** Okay. As Judy said, the people
25 here are lobbyists, business people. They are not the

1 average citizen. If we held these meetings in Liberty
2 City, Overtown, Little Haiti, Miami Shores, Elvertel
3 (phonetic), you would get an entirety different
4 response. So I want you to consider the general public
5 and -- and FPL does provide great services, but they
6 don't wear the white hat that everybody here has said
7 they do.

8 **COMMISSIONER EDGAR:** Thank you.

9 **MS. EMERY:** And, thanks.

10 **MR. BECK:** Eric Pantaleon.

11 ERIC PANTALEON

12 appeared as a witness and, swearing to tell the truth,
13 testified as follows:

14 DIRECT STATEMENT

15 **MR. PANTALEON:** Good evening, Your Honor. My
16 name is Eric Pantaleon. I make a decision. I am a
17 citizen. I am -- the only thing I would really ask is
18 for the Commission to really look into is this a fair
19 raise. Everything has gone up, food, my children's
20 school, gas, the price of a car. I just want to make
21 sure that you guys go over the numbers. Otherwise, I
22 have no objection whatsoever to the service I have
23 received throughout the years.

24 I have lived in South Florida since 1993, when
25 I came from New Jersey. And before that, I used to live

1 in the Third World. You go see there where the power is
2 two to three times more expensive, and you can go for
3 many days without it. And there is no one to -- you
4 know, responsible for anything, as usual. So I am
5 always very satisfied. I do understand that some things
6 happen -- that everything goes up.

7 From a business point of view, I am the
8 director of an urgent care center. And when you look at
9 the utility bill, you know, it is not exactly what has
10 gone up the most in the past few years. So I just want
11 to make sure that you guys go over the numbers, and it
12 is a fair number that, you know, an increase.

13 Thank you and have a good night.

14 **COMMISSIONER EDGAR:** Thank you.

15 Mr. Kelly, you're up.

16 **MR. KELLY:** Mario Cruz.

17 **MR. CRUZ:** No, Mariaho. Not Mario, Mariaho.

18 **MR. KELLY:** I apologize.

19 MARIAHO CRUZ

20 appeared as a witness and, swearing to tell the truth,
21 testified as follows:

22 DIRECT STATEMENT

23 **MR. CRUZ:** You are working overtime, long
24 time.

25 **COMMISSIONER EDGAR:** Every night this week.

1 **MR. CRUZ:** Thank you. My name is Mariaho
2 Cruz, 1227 Northwest 26th Street, Miami, Florida 33142.
3 I happen to be Vice Chairman of APPA Business
4 (inaudible) is a neighborhood that is bigger, larger
5 than Leon County where you come from, because I have a
6 daughter that live in Tallahassee. I have children
7 going to FSU. So I know how to go there, to Leon
8 County.

9 And I'm not going to -- I'm going to say good
10 things, first of all, of FPL (inaudible) the First
11 Amendment gives you the right to ask (inaudible). I am
12 a member of the ACLU. Also, APPA helps a lot of people,
13 businesses, the community. For instance, we help
14 restaurants, car wash, and everything and we never have
15 any problem. We never have any problem with FPL. The
16 most problem we had is with the county, with the water
17 and sewer department.

18 Those people there, they decide, oh, you need
19 a new line, \$50,000. For that increase you building
20 20 townhouses, that is an increase in price of \$4,500
21 right there. You have to pay that for the water,
22 because they decide whatever it is, and it's the only
23 water company. But FPL, you know, we never have any
24 complaints with them. They do what they are supposed to
25 do.

1 But, you know, in this system, the company,
2 FPL, somebody told me years ago when you do investment,
3 invest in utility companies, Consolidated Edison, FPL,
4 because (inaudible). Somebody said it before they have
5 got to have a profit. And that's is fine. You don't
6 make so much money, but your investment is sure.

7 I lost a lot of money in a 401-K. It made
8 some money before, but you know what happened to
9 everybody here. I tell the people because we do that
10 people are losing housing now with the foreclosing.
11 Greed, greed, greed, both ways, the people and the banks
12 and everybody, you know, greed.

13 You can be ambitious. FPL is ambitious. I
14 like FPL because they get the Demings award. Some time
15 ago they get the Deming. You know, when you get the
16 Deming you solve the problems before they happen. And
17 the Japanese wait. Don't you wait until the cars are
18 built and then you got million cars recalled. That is a
19 problem (inaudible). No, the Japanese say that means --
20 that means cars they have to build. So we solve the
21 problem before it happens.

22 Quality control, that is the way. That is the
23 way it goes. Well, you know, I am from France. You
24 know what, my wife is French from Dejon. She is French.
25 She lived in France, and in France most of the comes

1 from nuclear plants. And you see the cows there by the
2 nuclear plant. Right there, right there in the pasture.
3 Nobody complains because electricity is cheaper and they
4 are not so much dependent in the Middle East. Now you
5 get the speculator in Wall Street raising the price of
6 crude oil. That is what they are doing. They don't see
7 any danger. They get on their computer, bam, bam, bam,
8 the price goes up \$10 a barrel. And that's the way, and
9 we have to pay at the pump, and you see the price
10 increasing. Why do we have to pay here three dollars,
11 and they in the West Coast, there in California it is
12 only -- not even two a dollars a gallon.

13 And that is the way it is going on, because I
14 am an electrical engineer by training, okay,
15 specializing in high power voltage from the power plant
16 to the substation. The other day when there was problem
17 here, the blackout, it was a grid problem. That is a
18 problem. That is a problem. (Inaudible). The
19 computer, the chips, all of that. Unless we devise a
20 super, super conductor that would translate the voltage
21 without dropping that we are able -- we are not able to,
22 not yet. (Inaudible). You know, I can go on and on
23 doing things, but one thing I tell the people, go back.
24 We have fun. It wasn't fun there in Cuba. The
25 electricity was (inaudible) for the lights only. Our

1 refrigerator was a kerosene refrigerator. Cooking was
2 gas, coal, other thing, but no electricity because it
3 cost so much money to put a line a few miles to the farm
4 that it was prohibited. Everybody, they don't want the
5 nuclear plant. (Inaudible).

6 **COMMISSIONER EDGAR:** Did you -- I'm sorry,
7 sir. Did you say that you had a concern --

8 **MR. PANTALEON:** Right. My concern, my
9 grievance is I get the reading from the meter, well, how
10 do I know the meter is working right. Watt, what is
11 watt? A Joule is a unit (inaudible). But how do I know
12 that the meter is working? Okay. If I want to buy at
13 the gasoline pump, there is a seal that it has been
14 inspected. If I want to buy at Publix or a market,
15 there is a seal that that scale has been inspected.
16 But, how do I know about that meter that is charging me
17 so much for so many things.

18 I don't complaint about it, but that meter
19 could be off five percent. Five percent of \$2,400 bill
20 at the end of the year is \$120 up or down. So how do
21 you go about checking the end, the end, the consumer,
22 the meter? I don't know. The electrical meter, I can't
23 even touch it. It is against the law to touch the meter
24 there. So that is my only -- my only thing. I have got
25 no complaints about FPL. They are doing real fine with

1 me.

2 **COMMISSIONER EDGAR:** Thank you very much.

3 Mr. Beck.

4 **MR. BECK:** Vice Mayor Beasley.

5 **COMMISSIONER EDGAR:** Mayor Beasley.

6 BRIAN BEASLEY

7 appeared as a witness and, swearing to tell the truth,
8 testified as follows:

9 DIRECT STATEMENT

10 **MR. BEASLEY:** I wasn't going to speak at the
11 beginning, because I -- I didn't want to read or repeat
12 anything that Katie Sorenson said earlier, so I wasn't
13 going to really speak on it. But then as I was sitting
14 back here and listening and thinking about it, I said,
15 you know what, I have to go out there, because honestly
16 right now we need help here. And that is basically why
17 we have all the people come to us right now asking about
18 the US-1 corridor. But let me not go into that one
19 first. Let me go into the rate increase first, the rate
20 issue first, and tell you a little bit about myself.

21 I also -- I actually worked at Florida Power
22 and Light in the transmission department at Florida
23 Power and Light. And I worked there during the 1989
24 year when Florida Power and Light received a Deming
25 award, an award called the Deming award for their

1 customer service. And you know what, I was very proud
2 of FPL because of receiving of that award to show -- and
3 I know that FPL is going to take all of these comments
4 that people are making, as far as the little old lady
5 and the customers and make sure that we are being
6 customer friendly. I'm sure they are going to take all
7 of those into account, because I know FPL is a
8 customer-related company, and they hear what the
9 customers are saying. So that is one of the reasons why
10 I wanted to come up here and just encourage them to
11 remember we are customer-related. We have to remember
12 to hear what the customers are saying.

13 One of my concerns as far as the rate goes,
14 you know, grocery stores, prices going up; gas, prices
15 are going up. Everything is going up right now, and I
16 have -- I have constituents in my community right now --
17 forget about turning your temperature to 78 degrees
18 instead of 72, no, they turn their ACs off. They turn
19 their lights off. They turn everything off because they
20 cannot afford to have these things running at all
21 whatsoever.

22 And so it troubles me when I sit back and I
23 say to myself -- so it is not really about me. It is
24 about the little old person out there who does not have
25 a job and is on a limited income. And this is really

1 going to hurt them even more, because they are cutting
2 everything back to a -- to a minimum as it is right now.
3 What more can we ask them to cut, you know? So we have
4 to think in those terms, as well.

5 Now, I have to go into my second issue. I
6 have to, because of the fact that I really need your
7 help. I need your guidance. We don't know where to go.
8 We have the US-1 corridor. They want to run the FPL
9 line up the US-1 corridor directly adjacent to South
10 Miami Hospital in my -- in my jurisdiction, in my
11 municipality, as well as residential homes, as well as
12 businesses, as well as -- you know, and we really just
13 don't know where to turn. And I know you all said that
14 you are not the board to speak to, but if you are not,
15 basically, please someone tell us who is. And that is,
16 you know, that is where we are stuck at. We don't know.

17 We have had -- we have had transmission
18 meetings where we have had Pinecrest, the Village of
19 Pinecrest, Cutler Bay Estates, South Miami, Palmetto
20 Bay, we all sat there in the meetings there, and we all
21 have issues with this right here, or in that meeting we
22 had issues with it, and we just don't know where to
23 turn.

24 And so if someone could please contact me and
25 let me know where to turn, give me some kind of

1 guidance, and I can pass it on to everyone else or
2 whomever. Give us some guidance. That is all we are
3 asking for is help, you know.

4 **COMMISSIONER EDGAR:** Thank you. I appreciate
5 your comments. And I will say, as you obviously already
6 knew, I don't know the answer to that question. I do
7 know it is not us, but I don't know -- I just cannot
8 answer that, but I know our staff is taking down the
9 question that you have asked, and somebody will get in
10 touch with you. And I will assure you that we will.
11 And if there is any way that we can be helpful, we will
12 be glad to do so.

13 **MR. BEASLEY:** And customer service-wise, I
14 don't have a problem with FPL's customer service. You
15 know, so I don't have a problem there. When I worked
16 there it was a very good company. I had no problems
17 working there. I loved the company. I still love the
18 company now years later, but it is just a matter -- I
19 have to work for my constituents, not for me, it is for
20 my constituents.

21 Thank you.

22 **COMMISSIONER EDGAR:** Thank you.

23 **MR. BECK:** Luis Carbonell.

24 LUIS CARBONELL

25 appeared as a witness and, swearing to tell the truth,

1 testified as follows:

2 DIRECT STATEMENT

3 **MR. CARBONELL:** Commissioners, members of the
4 board, audience, good evening.

5 **COMMISSIONER EDGAR:** Good evening.

6 **MR. CARBONELL:** My name is Luis Carbonell. I
7 am the Director of Construction and principal of Cogent
8 Consulting Engineering Construction, and formerly a
9 director of construction and land development for a
10 large local developer. I have been involved in many new
11 development projects both by the private and the public
12 sector. I have worked hand-in-hand with FPL in the
13 coordination of the infrastructure for these projects,
14 and as a GC, a general contractor, I am currently in
15 pursuit of my Leed accredited certification in the
16 construction industry. Therefore, I have learned
17 firsthand of the short-term sacrifices and the long-term
18 benefits of pushing the envelope on new, leading, and
19 more efficient technologies in every trade of the
20 industry. Thus, I would hereby like to express my
21 support on the increase.

22 Now, with regards to the actual rate, I can
23 only hope that the proper audits and monitoring for the
24 necessary checks and balances to understand the actual
25 use of such rates towards the research and development

1 of these technologies are properly implemented.

2 Thank you for your time. Have a good evening.

3 **COMMISSIONER EDGAR:** Thank you.

4 **MR. BECK:** Joseph Gomez followed by Elio
5 Rojas.

6 ELIO ROJAS

7 appeared as a witness and, swearing to tell the truth,
8 testified as follows:

9 DIRECT STATEMENT

10 **MR. ROJAS:** Good evening.

11 **COMMISSIONER EDGAR:** Good evening.

12 **MR. ROJAS:** My name is Elio Rojas, and I am a
13 resident of Miami-Dade county, and I feel a little
14 frustrated about so many comments against FPL. If we
15 are looking for service, which is a complaint we give
16 the (inaudible). I am frustrated in this way because
17 they don't feel like I am feeling. I have been in New
18 York City in 1964, when the blackout -- we have a
19 blackout in the city, in New York City for 18 hours. No
20 elevators, no traffic signal light, no refrigerators.
21 Okay? Let me tell you, it was a very bad thing thinking
22 about it. I am very -- I'm very concerned, because I
23 have children and grandchildren. I have many friends,
24 sister and brother, and you have them, everybody. What
25 would happened right now if it was a blackout in here

1 because we don't give the service at this project. We
2 have to leave it alone. We have to work along these
3 people for FPL. And I am very concerned. I tell you,
4 don't give them the opportunity to these people to come
5 make comments, political comments, because they feel
6 like they -- FPL looking for more profit or looking for
7 most convenience to serve. I think of it as a service,
8 a public service. State people, a state company, FPL,
9 police department, and fire department, I'm very
10 concerned for those people, too, because if something
11 happen to this county. So, please do the public
12 service. Everything is in your hands.

13 Thank you.

14 **COMMISSIONER EDGAR:** Thank you. Thank you for
15 your comments.

16 Mr. Beck.

17 **MR. BECK:** Thank you. Rafael Rodriguez
18 followed by Edd Suddrell. Mr. Suddrell.

19 Madam Chair, Mr. Suddrell is the last person
20 on the list.

21 **COMMISSIONER EDGAR:** All right. Thank you.

22 EDD L. SUDDRELL

23 appeared as a witness and, swearing to tell the truth,
24 testified as follows:

25 DIRECT STATEMENT

1 **MR. SUDDRELL:** Good evening. My name is Edd
2 L. Suddrell. I am a resident of the Galopallo
3 (phonetic) section of Liberty City of Miami, Florida. I
4 have been in Miami since 1999. Before that I was a
5 resident of the city of Philadelphia, Pennsylvania. I
6 want to thank you for this opportunity to express my
7 concerns with this rate increase.

8 I am well aware of the many things that
9 Florida Power and Light does in the community and the
10 state of Florida, and in particular South Florida.
11 However, I will strongly express my opposition to a rate
12 increase at this particular time and on behalf of a
13 large population of elderly and disabled people in this
14 area.

15 Citizens, disabled veterans, people living on
16 a fixed income make up a large demographic of the
17 population of South Florida. And, indeed, the present
18 economic circumstances mandate that this rate increase
19 be delayed, postponed, or be denied at this particular
20 time for the particular reason that it is going to push
21 a downward pressure on the economic situation in the
22 area as a whole, including the annual rates of profit of
23 Florida Power and Light.

24 The Commission should take into consideration
25 the rate of profit of Florida Power and Light over the

1 years when the boom existed as opposed to the present
2 time when the boom does not exist, its capital
3 expenditures, and include in its observations the median
4 mean income of the level of fixed income population
5 demographics. It is the economic circumstances in these
6 times that must be taken into consideration and the
7 large number of middle to low income personnel in South
8 Florida. And that number is increasing with the
9 economic times.

10 In addition to that, we add to the level or
11 decreasing rate of wages, of give backs, losses of
12 401-Ks, and all of these compounded together is going to
13 impact a situation which is going to cause a more larger
14 economic problem than a reduction. This rate increase
15 will continue the downward pressure on the middle and
16 low income families of this area.

17 And with regard to my own personal
18 circumstances, I am a disabled Vietnam veteran. I live
19 on Social Security disability and injury compensation
20 vis-a-vis, the U.S. Department of Veterans Affairs. I
21 have had in the past and continue to have a problem with
22 the billing practices of FPL, and sometimes the
23 double-billing practices, and a problem with the
24 so-called rebate that was for certain people ready to be
25 senior citizens.

1 There seems to be a level in which a certain
2 group of the population, even though they will be rated
3 below the median level of the national population as far
4 as being poverty level, their income is such that the
5 median income required for survival in the Miami area
6 and the level of income of the fixed income level of
7 people such as elderly people that are members of the
8 AARP, disabled veterans, and that level and the retiring
9 area as a demographic which draws people into this area
10 as retirees is going to increase this downward spiral in
11 the economic situation. For this reason, I am opposed
12 to this rate increase at this time.

13 I do feel that the paying customer should not
14 be required to forever absorb the R&D costs of a free
15 enterprise business. The free enterprise business when
16 making a profit should save its profits such that when
17 it needs to make increases in the development of its
18 technology to better serve the customer that it can
19 either do one or two things, request that its investors
20 reinvest their purchased bonds into the company, and the
21 rate of the citizens, the customers, the large
22 demographic of customers should not be required to
23 absorb the losses of a free enterprise system.

24 **COMMISSIONER EDGAR:** Thank you, Mr. Suddrell.
25 I am going to have to ask you to give us your closing

1 comment.

2 **MR. SUDDRELL:** The desire to place a heavier
3 burden on the largest population group, that is the
4 lower and middle income population who make up the
5 largest population in this area, these demographics do
6 not support a rate increase at this time.

7 I thank you.

8 **COMMISSIONER EDGAR:** Thank you.

9 Mr. Beck.

10 **MR. BECK:** He was our final witness that has
11 signed up at this time.

12 **COMMISSIONER EDGAR:** Okay. Thank you to
13 everyone. We are way over time again. But, again, it
14 has been a good use of time. Thank you.

15 Commissioner Skop.

16 **COMMISSIONER SKOP:** Thank you, Madam Chairman.
17 Just a quick question to our legal staff. I believe all
18 the hearings I believe we have taken up the
19 notifications of publication, and I was wondering
20 (inaudible). I apologize.

21 **COMMISSIONER EDGAR:** No, that's okay.

22 **MR. WILLIS:** Commissioner Skop, I think that
23 what we were going to is do them all at the very end --

24 **COMMISSIONER SKOP:** Thank you.

25 **MS. WILLIAMS:** -- in our last hearing day,

1 tomorrow.

2 **COMMISSIONER SKOP:** Thank you.

3 **COMMISSIONER EDGAR:** Okay. My thanks to all
4 of our participants, parties, witnesses, observers.
5 Thank you all for your patience. Thank you for working
6 with all of us through our technical difficulties, and
7 we are adjourned.

8 (The service hearing concluded at 8:33 p.m.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25


1 STATE OF FLORIDA)
2 : CERTIFICATE OF REPORTER
3 COUNTY OF LEON)
4

5 I, JANE FAUROT, RPR, Chief, Hearing Reporter
6 Services Section, FPSC Division of Commission Clerk,
do hereby certify that the foregoing proceeding was heard
7 at the time and place herein stated.

8 IT IS FURTHER CERTIFIED that I stenographically
9 reported the said proceedings; that the same has been
transcribed under my direct supervision; and that this
10 transcript constitutes a true transcription of my notes of
said proceedings.

11 I FURTHER CERTIFY that I am not a relative,
employee, attorney or counsel of any of the parties, nor
12 am I a relative or employee of any of the parties'
attorney or counsel connected with the action, nor am I
13 financially interested in the action.

14 DATED THIS 20th day of July, 2009.

15 
16 _____
JANE FAUROT, RPR
17 Official FPSC Hearings Reporter
(850) 413-6732
18
19
20
21
22
23
24
25