

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

FILED 8/14/2018
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FPSC - COMMISSION CLERK

In the Matter of:

DOCKET NO. 20180044-GU

CONSIDERATION OF THE TAX
IMPACTS ASSOCIATED WITH
TAX CUTS AND JOBS ACT OF
2017 FOR PEOPLES GAS
SYSTEM.

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PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: JULIE I. BROWN
PREHEARING OFFICER

DATE: Monday, August 6, 2018

TIME: Commenced: 1:40 p.m.
Concluded: 1:50 p.m.

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

REPORTED BY: DEBRA R. KRICK
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
114 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
(850) 894-0828

1 APPEARANCES:

2 ANSLEY WATSON and ANDREW BROWN, ESQUIRES,
3 McFarlane Law Firm, P.O. BOX 1531, Tampa, Florida,
4 33601-1531, appearing on behalf of Peoples Gas System.

5 J.R. KELLY, PUBLIC COUNSEL; CHARLES
6 REHWINKEL, DEPUTY PUBLIC COUNSEL; and VIRGINIA PONDER,
7 ESQUIRE, Office of Public Counsel, c/o the Florida
8 Legislature, 111 W. Madison Street, Room 812,
9 Tallahassee, Florida 32399-1400, appearing on behalf of
10 the Citizens of the State of Florida.

11 JON C. MOYLE, JR., and KAREN PUTNAL, ESQUIRES,
12 Moyle Law Firm, P.A., 118 North Gadsden Street,
13 Tallahassee, Florida 32301, appearing on behalf of
14 Florida Industrial Power Users Group.

15 WALTER TRIERWEILER and KURT SCHRADER,
16 ESQUIRES, FPSC General Counsel's Office, 2540 Shumard
17 Oak Boulevard, Tallahassee, Florida 32399-0850,
18 appearing on behalf of the Florida Public Service
19 Commission Staff.

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

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

2 COMMISSIONER BROWN: Okay. I would like to
3 open up this Docket No. 2018044-EI. This is the
4 Peoples Gas tax docket. And I will call this
5 prehearing to order.

6 With that, Mr. Trierweiler, will you please
7 read the notice?

8 MR. TRIERWEILER: By notice issued on
9 July 23rd, 2018, this time and place has been set
10 for a prehearing conference in Docket No.
11 20180044-GU. The purpose of the prehearing is set
12 out more fully in the notice.

13 COMMISSIONER BROWN: Thank you.

14 We will take appearances, and I will note that
15 Mr. Ansley Watson is participating telephonically,
16 and Mr. Watson, are you here on the phone?

17 MR. WATSON: I am here, Madam Commissioner.
18 And I am here for Peoples Gas System in this
19 docket. And I would also like to enter an
20 appearance for my partner, Andrew M. Brown.

21 COMMISSIONER BROWN: Thank you, Mr. Watson.

22 All right, FIPUG.

23 MR. MOYLE: Jon Moyle with the Moyle Law Firm
24 on behalf of the Florida Industrial Power Users
25 Group, and Karen Putnal is also representing FIPUG

1 in this proceeding.

2 Thank you.

3 COMMISSIONER BROWN: Thank you.

4 OPC.

5 MS. PONDER: Yes, Virginia Ponder for the
6 Office of Public Counsel. Also make an appearance
7 for Charles Rehwinkel and J.R. Kelly, the Public
8 Counsel.

9 COMMISSIONER BROWN: Thank you.

10 Commission staff.

11 MR. TRIERWEILER: For Commission staff, Walt
12 Trierweiler and Kurt Schrader.

13 COMMISSIONER BROWN: Thank you.

14 MS. HELTON: Mary Anne Helton here as your
15 advisor. I would also like to enter an appearance
16 for your General Counsel, Keith Hetrick.

17 COMMISSIONER BROWN: Thank you.

18 I will note for the record that FIPUG was
19 granted intervention on Friday, August 3rd.

20 And with that, staff, are there any
21 preliminary matters?

22 MR. TRIERWEILER: None at this time.

23 COMMISSIONER BROWN: Do any of the parties
24 have preliminary matters?

25 MS. PONDER: No.

1 MR. WATSON: No, ma'am.

2 COMMISSIONER BROWN: Thank you.

3 We are going to go through the draft
4 prehearing now -- order -- pardon me, draft
5 prehearing order now. I will identify the
6 sections, and please let me know, speak up if you
7 have any changes or corrections that need to be
8 made, starting with Section I, the Case Background,
9 any changes or corrections?

10 Hearing none. Section II, the Conduct of
11 Proceedings?

12 Hearing none. Section III, Jurisdiction.

13 Hearing none. So we will move to Section IV,
14 which is the Procedure for Handling Confidential
15 Information. Mr. Trierweiler.

16 MR. TRIERWEILER: If you intend to use
17 confidential material at the hearing, please have
18 copies for Commissioners, necessary staff and the
19 court reporter in red envelopes clearly marked with
20 the nature of the contents.

21 Any party wishing to examine the confidential
22 material that is not subject to an order granting
23 confidentiality shall be provided a copy in the
24 same fashion as provided to the commissioners
25 subject to execution of any appropriate protective

1 agreement with the owner of the material.

2 COMMISSIONER BROWN: Thank you.

3 Section V is the Prefiled Testimony and
4 Exhibits and Witnesses. Staff.

5 MR. TRIERWEILER: Staff would like to call
6 attention to the fact that the prehearing order
7 states that witness summaries are limited to three
8 minutes.

9 COMMISSIONER BROWN: All right. Moving on to
10 Section VI, the Order of Witnesses. Are there any
11 witnesses -- I know we have four listed. Are there
12 any witnesses that can be stipulated at this time?

13 MR. TRIERWEILER: Yes, Commissioner. So far
14 we have an offer of stipulating to testimony as
15 to -- from OPC and Peoples Gas as to the first two
16 witnesses, Witnesses Felsenthal and Strickland. We
17 are not sure FIPUG is onboard yet.

18 COMMISSIONER BROWN: Mr. Moyle.

19 MR. MOYLE: We don't have any objection to
20 that stipulation of those two witnesses.

21 COMMISSIONER BROWN: Thank you.

22 MR. TRIERWEILER: Excellent.

23 COMMISSIONER BROWN: Okay. So there is just
24 two witnesses left so far for the hearing to
25 testify.

1 MR. TRIERWEILER: In accordance with our
2 procedures, prior to the hearing, staff will
3 confirm with each Commissioner that any identified
4 witness can be excused. If Commissioners don't
5 have any questions for these witnesses, the
6 witnesses may be excused from the hearing and his
7 or her testimony and exhibits entered into the
8 record at the hearing as though read.

9 COMMISSIONER BROWN: Thank you,
10 Mr. Trierweiler.

11 All right, Section VII, Basic Positions. Do
12 any of the parties have changes or corrections to
13 their basic positions?

14 MR. MOYLE: Madam Chair, if possible, FIPUG --

15 COMMISSIONER BROWN: Just one second.

16 Mr. Watson, was that a no? Was that a no?

17 MR. WATSON: That was not a no from me.

18 COMMISSIONER BROWN: Okay.

19 MR. WATSON: We don't have any change in our
20 basic position at this time. I can advise the
21 Commission that we are in ongoing discussions with
22 the Office of Public Counsel and FIPUG regarding a
23 settlement or stipulation on the only open issues
24 that we have, which are 6, 7, 18 and 20. And if we
25 are able to resolve those, there could be a slight

1 change in the basic position of Peoples as set
2 forth in the draft prehearing order.

3 COMMISSIONER BROWN: Mr. Moyle, just a second.
4 Staff, what would you -- how do you suggest
5 that we proceed if there are changes to the basic
6 progression prior to the hearing?

7 MR. TRIERWEILER: In accordance with the OEP,
8 if parties have changes to their basic position,
9 then they should have those changes to us by noon
10 Wednesday, August 8th. However, if it's a
11 settlement, then -- then it's a settlement, and
12 that's really for the parties to work out. But the
13 stipulation to the issues is much cleaner for us if
14 they can stipulate the issues, and if they need to
15 adjust them, then adjust them by noon, Wednesday,
16 August 8th, would be -- would be ideal.

17 COMMISSIONER BROWN: I'm going to make that
18 close of business on Wednesday, August 8th, if
19 that's acceptable to the parties.

20 MR. WATSON: It's acceptable to Peoples.

21 COMMISSIONER BROWN: Okay.

22 MS. PONDER: It's acceptable to OPC.

23 COMMISSIONER BROWN: Okay. Now, Mr. Moyle.

24 MR. MOYLE: Thanks. And that's acceptable to
25 FIPUG.

1 I was just going to, for the basic
2 positions -- and we appreciate Peoples not
3 objecting to FIPUG's intervention, and appreciate
4 the order granting intervention in this case.

5 COMMISSIONER BROWN: Thank you.

6 MR. MOYLE: So thank you for that. And we
7 would, for efficiency sake, just adopt the position
8 of OPC on all the issues, and the record can
9 reflect that.

10 COMMISSIONER BROWN: Okay. Thank you. The
11 record will reflect that.

12 All right. We are going to move on to Section
13 VIII, which is the Issues and Positions, if nobody
14 has any other matters to address under Basic
15 Positions.

16 Do the parties have any changes to the
17 positions or corrections on Issues 1 through 21? I
18 know Mr. Beasley pointed out that there are only a
19 few issues remaining that have not been stipulated.
20 No? Seeing no.

21 All right. Moving on to Section IX, which is
22 the Exhibit List. Staff.

23 MR. TRIERWEILER: Staff has prepared a
24 comprehensive exhibit list, which lists all
25 prefiled exhibits and those exhibits staff wishes

1 to include in the record. The draft list was given
2 to the parties to see if there were any changes or
3 objections to the CEL or to the introduction of any
4 of staff's exhibits being entered into the record.

5 At this time, we have no objections to the
6 CEL. We would like to see if there are any changes
7 that need to be made to the parties' exhibits, and
8 if there are any objections to the entry of staff's
9 proposed exhibits into the record.

10 COMMISSIONER BROWN: Well, we are not going to
11 enter the proposed exhibits at this time into the
12 record, but are there any changes to the exhibit
13 list?

14 MS. PONDER: None.

15 MR. MOYLE: No.

16 COMMISSIONER BROWN: Okay. I assume, Mr.
17 Beasley, that's a no, too.

18 Section X, approved proposed stipulations as
19 earlier noted.

20 MR. TRIERWEILER: As stated by counsel for the
21 utility, there are proposed stipulations on Issues
22 1 through 5, 8 through 17, 19 and 21, which would
23 leave Issues 6, 7, 18 and 20 as not stipulated.
24 OPC and Peoples Gas have accepted the written
25 stipulation to these issues by a separate document.

1 COMMISSIONER BROWN: Mr. Moyle.

2 MR. MOYLE: FIPUG has no objection to those
3 stipulations.

4 COMMISSIONER BROWN: Okay. Are you joining?

5 MR. MOYLE: Probably just no objection would
6 be better.

7 COMMISSIONER BROWN: Okay. Thank you.

8 Moving on to Section XI, Pending Matters --
9 pardon me, Pending Motions. There are none at this
10 time, is that correct?

11 MR. TRIERWEILER: That's correct.

12 COMMISSIONER BROWN: Okay. Thank you.

13 And Section XII, it looks like there are no
14 pending confidentiality motions as well, so moving
15 on to Section XIII, Post-Hearing Procedures.

16 MR. TRIERWEILER: Staff recommends that
17 post-hearing briefs be limited to 40 pages.

18 COMMISSIONER BROWN: Okay.

19 MR. TRIERWEILER: Staff also recommends that a
20 summary of each position, set off with asterisks,
21 should be included in each post-hearing statement;
22 and briefs, if any, will be due on September 21st,
23 2018.

24 COMMISSIONER BROWN: Do any of the parties
25 have any objections to those timeframes? Seeing

1 none.

2 MR. MOYLE: No.

3 COMMISSIONER BROWN: Okay. We are moving to
4 Section XIV, Rulings.

5 MR. TRIERWEILER: Staff recommends opening
6 statements be limited to five minutes per party
7 unless that party chooses to waive its opening
8 statement.

9 COMMISSIONER BROWN: All right. Thank you.
10 So are there any other matters that need to be
11 addressed, staff?

12 MR. TRIERWEILER: Staff is aware of no other
13 matters at this time.

14 COMMISSIONER BROWN: Thank you.

15 Do any of the parties have any other matters?
16 Seeing none.

17 MR. MOYLE: No.

18 COMMISSIONER BROWN: Thank you.

19 All right. This prehearing conference is
20 adjourned.

21 Thank you, safe travels, or see you tomorrow.

22 (Whereupon, the proceedings concluded at 1:50
23 p.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, DEBRA KRICK, Court Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 14th day of August, 2018.



DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #GG015952
EXPIRES JULY 27, 2020