

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of:

DOCKET NO. 20190015-EG

COMMISSION REVIEW OF
NUMERIC CONSERVATION GOALS
(FLORIDA POWER & LIGHT
COMPANY).

_____ /

DOCKET NO. 20190016-EG

COMMISSION REVIEW OF
NUMERIC CONSERVATION GOALS
(GULF POWER COMPANY).

_____ /

DOCKET NO. 20190017-EG

COMMISSION REVIEW OF
NUMERIC CONSERVATION GOALS
(FLORIDA PUBLIC UTILITIES
COMPANY).

_____ /

DOCKET NO. 20190018-EG

COMMISSION REVIEW OF
NUMERIC CONSERVATION GOALS
(DUKE ENERGY FLORIDA, LLC).

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DOCKET NO. 20190019-EG

COMMISSION REVIEW OF
NUMERIC CONSERVATION GOALS
(ORLANDO UTILITIES COMMISSION).

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DOCKET NO. 20190020-EG
COMMISSION REVIEW OF
NUMERIC CONSERVATION GOALS
(JEA).

_____/ DOCKET NO. 20190021-EG
COMMISSION REVIEW OF
NUMERIC CONSERVATION GOALS
(TAMPA ELECTRIC COMPANY).
_____/

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: DONALD POLMANN
PREHEARING OFFICER

DATE: Monday , July 29, 2019

TIME: Commenced: 1:30 p.m.
Concluded: 3:42 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
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TALLAHASSEE, FLORIDA
(850) 894-0828

1 APPEARANCES:

2 WILLIAM COX and CHRISTOPHER T. WRIGHT,
3 ESQUIRES, 700 Universe Boulevard, Juno Beach, Florida
4 33408-0420; and CHARLES A. GUYTON, ESQUIRE, Gunster Law
5 Firm, 215 South Monroe Street, Suite 601, Tallahassee,
6 Florida 32301-1839, appearing on behalf of Florida Power
7 and Light Company. [20190015]

8 STEVEN R. GRIFFIN, ESQUIRE, Beggs & Lane, P.O.
9 Box 12950, Pensacola, Florida 32591-2950; and RUSSELL A.
10 BADDERS, ASSOCIATE GENERAL COUNSEL, One Energy Place,
11 Pensacola, Florida 32520-0100, appearing on behalf of
12 Gulf Power Company. [20190016]

13 BETH KEATING, ESQUIRE, Gunster Law Firm, 215
14 South Monroe Street, Suite 601, Tallahassee, Florida
15 32301-1839, appearing on behalf of Florida Public
16 Utilities Company. [20190017]

17 DIANNE M. TRIPLETT, ESQUIRE, 299 First Avenue
18 North, St. Petersburg, Florida 33701; and MATTHEW R.
19 BERNIER, ESQUIRE, 106 East College Avenue, Suite 800,
20 Tallahassee, Florida 32301-7740, appearing on behalf of
21 Duke Energy Florida, LLC. [20190018]

22 ROBERT SCHEFFEL WRIGHT and JOHN T. LAVIA, III,
23 ESQUIRES, Gardner Law Firm, 1300 Thomaswood Drive,
24 Tallahassee, Florida 32308, appearing on behalf of
25 Orlando Utilities Commission. [20190019]

1 APPEARANCES (CONTINUED):

2 GARY V. PERKO and BROOKE E. LEWIS, ESQUIRES,
3 Hopping Green & Sams, P.O. Box 6526, Tallahassee,
4 Florida 32314, appearing on behalf of Jacksonville
5 Electric Authority. [20190020]

6 JAMES D. BEASLEY, J. JEFFRY WAHLEN and MALCOM
7 M. MEANS, ESQUIRES, Ausley & McMullen, Post Office Box
8 391, Tallahassee, Florida 32302, appearing on behalf of
9 Tampa Electric Company. [20190021]

10 J.R. KELLY, PUBLIC COUNSEL; PATRICIA A.
11 CHRISTENSEN, ANNE MARIE FALL-FRY and THOMAS DAVID,
12 ESQUIRES, Office of Public Counsel, c/o the Florida
13 Legislature, 111 W. Madison Street, Room 812,
14 Tallahassee, Florida 32399-1400, appearing on behalf of
15 the Citizens of the State of Florida.

16 Steven Hall, Joan Matthews, Allan Charles and & Brenda
17 Buchan.

18 STEVEN HALL, KELLEY F. CORBARI, JOAN T.
19 MATTHEWS, ALLAN J. CHARLES and BRENDA BUCHAN, ESQUIRES,
20 407 South Calhoun Street, Suite 520, Tallahassee,
21 Florida 32399,
22 appearing on behalf of the Florida Department of
23 Agriculture and Consumer Services.

24 BRADLEY MARSHALL, BONNIE MALLOY and JORDAN
25 LUEBKEMANN, ESQUIRES, 111 South Martin Luther King

1 Boulevard, Tallahassee, Florida 32301; and GEORGE
2 CAVROS, ESQUIRE, 120 East Oakland Park Boulevard, Suite
3 105, Fort Lauderdale, Florida 33334, appearing on behalf
4 of Southern Alliance for Clean Energy and Florida League
5 of United Latin American Citizens.

6 JON C. MOYLE, JR., ESQUIRE, KAREN A. PUTNAL
7 and IAN E. WALDICK, ESQUIRES, Moyle Law Firm, P.A., 118
8 North Gadsden Street, Tallahassee, Florida 32301,
9 appearing on behalf of Florida Industrial Power Users
10 Group.

11 JAMES W. BREW and LAURA A. WYNN, ESQUIRES,
12 Stone Matheis Xenopoulos & Brew PC, 1025 Thomas
13 Jefferson Street, NW, Eighth Floor, West Tower,
14 Washington DC 20007, appearing on behalf of PCS
15 Phosphate - White Springs.

16 MARGO DUVAL and ASHLEY WEISENFELD [20190015,
17 20190019, 20190020]; MARGO DUVAL and RACHAEL DZIECHCIARZ
18 [20190016, 20190021]; MARGO DUVAL, CHARLES MURPHY and
19 ANDREW KING, ESQUIRES, [20190017, 20190018], FPSC
20 General Counsel's Office, 2540 Shumard Oak Boulevard,
21 Tallahassee, Florida 32399-0850, appearing on behalf of
22 the Florida Public Service Commission Staff.

23 KEITH HETRICK GENERAL COUNSEL; MARY ANNE
24 HELTON, DEPUTY GENERAL COUNSEL, Florida Public Service
25 Commission, 2540 Shumard Oak Boulevard, Tallahassee,

1 Florida 32399-0850, adviser to the Florida Public
2 Service Commission.

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

2 COMMISSIONER POLMANN: Today is July 29th, I
3 think, 2019. It's 1:33 on the clock in the back of
4 the room. I will now call this prehearing
5 conference to order and request staff to please
6 read the notice.

7 MS. DUVAL: By notice issued July 12th, 2019,
8 this time and place was set for a prehearing in
9 Docket Nos. 20190015-EG, 20190016-EG, 20190017-EG,
10 20190018-EG, 20190019-EG, 20190020-EG and
11 20190021-EG. The purpose of the hearing is set out
12 in the notice.

13 COMMISSIONER POLMANN: Thank you, Ms. DuVal.
14 Let's move to appearances.

15 MS. DUVAL: And, Commissioner, there are seven
16 dockets to address today in this consolidated
17 proceeding. Staff suggests that all appearances be
18 taken at once. All parties should enter their
19 appearances and declare the dockets that they are
20 entering an appearance for. Then after the parties
21 make their appearances, staff will need to make
22 theirs.

23 And I would also like to note that Wal-Mart,
24 Inc., has been excused from this prehearing
25 conference as to all dockets.

1 COMMISSIONER POLMANN: Thank you.

2 Let's take appearances beginning to my left
3 here. And if you would please identify the docket,
4 we will just go by No. 15, 16, 17, et cetera, if
5 that's okay.

6 MR. COX: Good afternoon, Commissioner
7 Polmann. William Cox on behalf of Florida Power &
8 Light in the Docket No. 20190015, 15, dash EG.
9 Also appearing on behalf of Florida Power & Light
10 in this docket will be Christopher Wright with FPL
11 and Charles Guyton with the Gunster Law Firm.

12 And I would also like to note that Susan
13 Clark, with the Radey Law Firm, filed a notice of
14 appearance today in all of these dockets, including
15 FPL's docket. We will be appearing at the hearing
16 on behalf of each of the respected utilities,
17 including FPL.

18 Thank you.

19 COMMISSIONER POLMANN: Thank you.

20 MR. GRIFFIN: Good afternoon, Commissioner.
21 Steven Griffin with the Beggs & Lane law firm,
22 appearing on behalf of Gulf Power Company in
23 20190016-EG. Also entering an appearance for
24 Russell Badders with Gulf Power company.

25 COMMISSIONER POLMANN: Thank you.

1 MR. BEASLEY: Good afternoon, Commissioner. I
2 am Jim Beasley appearing with Jeff Wahlen and
3 Malcolm Means. All three with the law firm of
4 Ausley McMullen in Tallahassee. We are appearing
5 on behalf of Tampa Electric in the 21 docket.

6 MS. KEATING: With Beth Keating with the
7 Gunster Law Firm here today appearing for Florida
8 Public Utilities in docket 20190017.

9 COMMISSIONER POLMANN: Thank you.

10 MR. WALDICK: Ian Waldick with the Moyle Law
11 Firm, appearing today on behalf of Florida
12 Industrial Power Users Group in the dockets ending
13 in 15, 16, 18 and 21. I would also like to enter
14 an appearance for my two colleagues, Jon Moyle and
15 Karen Putnal.

16 COMMISSIONER POLMANN: Thank you.

17 MR. WRIGHT: Thank you, Commissioner. Robert
18 Scheffel Wright of the Gardner Law Firm. I would
19 also like to enter an appearance for my law
20 partner, John T. Lavia, III. We represent the
21 Orlando Utilities Commission in docket 20190019.

22 Thank you.

23 COMMISSIONER POLMANN: Thank you.

24 MR. MARSHALL: Good afternoon, Commissioner.
25 My name is Bradley Marshall, and today I have with

1 me, Jordan Luebke, and we are from
2 Earthjustice. And I would also like to be enter an
3 appearance for our colleague Bonnie Malloy, and we
4 represent the Southern Alliance for Clean Energy in
5 the 15, 16, 18, 19, 20 and 21 dockets. And we also
6 represent the League of United Latin American
7 Citizens in the 15, 18 and 21 docket.

8 And I would also like to enter an appearance
9 on behalf of the Southern Alliance for Clean Energy
10 for George Cavros in the 15, 16, 18, 19, 20 and 21
11 dockets.

12 Thank you.

13 MS. WYNN: Good afternoon, Commissioner. I am
14 Laura Wynn with Stone Matheis Xenopoulos & Brew on
15 behalf of White Springs Agriculture Chemicals, PCS
16 Phosphate. I would also like to make an appearance
17 for James Brew, both of us in the 18 docket.

18 COMMISSIONER POLMANN: Thank you.

19 MS. FALL-FRY: Good afternoon. I am Anne
20 Marie Fall-Fry with the Office of Public Counsel,
21 and we are here in all of the dockets. And I would
22 like to enter an appearance for Patricia
23 Christensen, Tad David and J.R. Kelly, please.

24 Thank you.

25 COMMISSIONER POLMANN: Thank you.

1 MS. CORBARI: Kelley Corbari for the Florida
2 Department of Agriculture & Consumer Services
3 Office of Energy in all -- appearing in all
4 dockets. I would also like to enter an appearance
5 for Steven Hall, Joan Matthews, Allan Charles and &
6 Brenda Buchan.

7 COMMISSIONER POLMANN: Thank you.

8 MR. BERNIER: Good afternoon, Commissioner.
9 Matt Bernier with Duke Energy appearing in the
10 20190018 docket. I would also like to enter an
11 appearance for Dianne Triplett in the same docket.

12 MS. LEWIS: Good afternoon, Commissioner.
13 Brooke Lewis with the law firm of Hopping, Green
14 and Sams appearing on behalf of JEA. I would also
15 like to enter an appearance for my law partner Gary
16 Perko. And we are appearing in the 20190020
17 docket.

18 COMMISSIONER POLMANN: Thank you.

19 Staff.

20 MS. DUVAL: Yes. Margo DuVal on behalf of
21 staff in all dockets. Rachael Dziechciarz in the
22 16 and 21 dockets. Charles Murphy and Andrew King
23 in the 17 and 18 dockets. And Ashley Weisenfeld in
24 the 15, 19 and 20 dockets.

25 MS. HELTON: And, Commissioner, Mary Anne

1 Helton. I am here as your advisor in all of the
2 dockets. I would also like to enter an appearance
3 for your General Counsel, Keith Hetrick.

4 COMMISSIONER POLMANN: Do I have all
5 appearances, all parties identified? Very good.

6 Welcome Ms. Corbari. Welcome back. Nice to
7 see you here.

8 MS. CORBARI: Thank you, Commissioner. It's
9 good to see you, too.

10 COMMISSIONER POLMANN: Preliminary matters,
11 staff, what do we have?

12 MS. DUVAL: At present, there is a
13 disagreement regarding the wording of Issue No. 10
14 as to all the dockets except for FPUC's docket.

15 Further, there is disagreement as to the
16 inclusion of SACE's and FDACS's proposed additional
17 issues. However, staff recommends that we address
18 these matters when we get to Section VIII of the
19 draft prehearing order.

20 Thank you.

21 COMMISSIONER POLMANN: Thank you, Ms. DuVal.
22 I would agree at this point in the proceeding that
23 we take up those issues at Section VIII. And I
24 don't see anybody's hair on fire, so we will
25 proceed in that manner.

1 Ms. DuVal, do we have anything else from
2 staff?

3 MS. DUVAL: No other preliminary matters.

4 COMMISSIONER POLMANN: Okay. No other
5 preliminary matters from staff. Did the parties
6 have any preliminary matters?

7 Seeing none, we will proceed to draft
8 prehearing order.

9 Let me ask at this point -- we have many folks
10 here. Some of you I have seen multiple times,
11 others once or twice, and I think some maybe this
12 is my first introduction to you. And in
13 particular, as a courtesy to the court reporter and
14 for the benefit of to the record, I would ask you
15 please to be sure to identify yourself, either
16 personally by name or by the party that you are
17 representing.

18 There may be a lot of discussion here today
19 and other points of the proceeding we will go very
20 quickly, but please try to identify yourself or the
21 party just so that we are clear on the record in
22 every instance that we are adding to the
23 conversation. So thank you for that.

24 Everyone has a copy of the prehearing order.
25 Let me get mine out here and we will proceed.

1 I will identify the sections, and as I said,
2 some of these will go very quickly. I will
3 typically not identify each of the parties. I have
4 done that on certain occasions, certain other
5 matters and called each party. Because of the
6 number of parties and the material that we have
7 here, I will probably identify the issue and ask if
8 any of the parties have comments or anything they
9 want to add to the conversation, and we will simply
10 pause for a moment and seek your input. So if
11 there is a change or a correction or anything else,
12 don't be bashful.

13 I do not intend to rush. I don't have any
14 place else to go except home. I have been known to
15 stay until one o'clock in the morning. That's not
16 my intention today. They do turn the lights off at
17 1:00, by the way. I have discovered that.

18 So I am on page four of the draft document
19 unless somebody corrects me, I think we are at case
20 background.

21 Section 1 any comments, questions, changes,
22 concerns, something you have heartburn with? And I
23 see none.

24 So Section II, conduct of proceedings.

25 Hearing none, Section III, jurisdiction. I

1 hope there is no problem with that.

2 Section IV, procedure for handling
3 confidential information, Ms. DuVal.

4 MS. DUVAL: Yes. Staff would like to note
5 that when confidential information is used in the
6 hearing, parties must have copies for the
7 Commissioners, necessary staff and the court
8 reporter in red envelopes clearly marked with the
9 nature of the contents.

10 Any party wishing to examine the confidential
11 material that is not subject to an order granting
12 confidentiality shall be provided a copy in the
13 same fashion as provided to the Commissioners
14 subject to execution of any appropriate protective
15 agreement with the owner of the material.

16 COMMISSIONER POLMANN: Do the parties have any
17 comments, questions? Everybody is familiar with
18 this. Very good.

19 Section V, prefiled testimony and exhibits and
20 witnesses.

21 MR. MARSHALL: Yes, Commissioner. Bradley
22 Marshall on behalf of the Southern Alliance for
23 Clean Energy and LULAC. One question and one
24 comment on this section.

25 First our comment, the draft prehearing order

1 states that witness summaries shall be limited to
2 three minutes. Given the complexity of this
3 proceeding and that a the week has been set aside
4 for this hearing, we would request that that be
5 extended to five minutes to help witnesses further
6 explain their -- summarize their testimony to the
7 Commission.

8 And just a clarifying question on exhibits for
9 cross-examination and how many copies we should
10 prepare for the parties and Commission and staff.

11 COMMISSIONER POLMANN: Thank you,
12 Mr. Marshall.

13 What I would like to do first is have
14 Ms. DuVal respond to what our typical procedure has
15 been.

16 Let me talk about the summary testimony first
17 and then come back, you had some additional
18 comments, and see if we are in the right section on
19 that. But I think traditionally, we've -- most
20 recently at least with our sitting Chairman, we
21 have been looking at three minutes.

22 MS. DUVAL: Yes, that's correct, sir.

23 COMMISSIONER POLMANN: Okay. On both direct
24 and rebuttal?

25 MS. DUVAL: Yes, that's correct.

1 And if the parties were -- would be to
2 request -- would be requesting to have a witness'
3 direct and rebuttal testimony taken up together,
4 then we would recommend six minutes, which would
5 essentially still be the three minutes on each of
6 the set of testimonies.

7 COMMISSIONER POLMANN: I will take comments
8 from any other party who feels strongly that
9 witnesses on your behalf would be seeking more than
10 three minutes. Is there any other party that feels
11 strongly about this?

12 I have not had any concern from Commissioners
13 that feel more than three minutes would be to their
14 liking. And those of you who have appeared before
15 the current Chairman, he prefers shorter rather
16 than longer because we have all the written
17 material before us.

18 So given no -- no other comments from the
19 parties, and I know a strong preference from the
20 Chairman who will preside, I think I would be at
21 risk giving you five minutes. So I think what we
22 will do here is have witness summary testimony at
23 three minutes and -- for both direct and rebuttal,
24 and if someone has a witness that will be on both,
25 and everyone agrees that they be taken at the same

1 time, then that would be six minutes combined.

2 So thank you for bringing that forward. I
3 appreciate you raising the issue.

4 Anything else on summary testimony?

5 We have an opportunity here to talk about voir
6 dire, Ms. DuVal.

7 MS. DUVAL: Yes, sir. In its prehearing
8 statement, FIPUG objects to any expert witness not
9 designated as an expert and expressly offered as an
10 expert witness with the areas of the expertise
11 identified.

12 However, Section VI A(8) of the order
13 establishing procedure requires that a party shall
14 identify each witness the party wishes to voir
15 dire, as well as state with specificity the
16 portions of that witness' prefiled testimony by
17 page and line in and/or exhibits by page and line
18 number to which the party objects. If the party
19 fails to identify the portions of the prefiled
20 testimony of exhibits to which it objects in their
21 prehearing statement, the party is not allowed to
22 conduct voir dire at the hearing absent a showing
23 of good cause. And the good cause exemption --
24 exception, excuse me, does not apply to the
25 identification of a witness if a party does not

1 identify the witness it wishes to voir dire, it
2 waives its right.

3 Further, the Florida Supreme Court addressed
4 this issue in an opinion released last month.
5 Specifically, the court held that a party's failure
6 to identify a witness it wishes to voir dire in
7 compliance with the Commission's order establishing
8 procedure results in a waiver of that party's right
9 to voir dire that witness regarding his or her
10 expertise, and to challenge that expertise on
11 appeal.

12 In its prehearing statement, FIPUG has not
13 identified the witnesses that it wishes to voir
14 door, therefore, it appears to have waived the
15 right to do so since it has not complied with the
16 OEP. Since FIPUG has not complied with the OEP,
17 staff recommends that it should not be permitted to
18 challenge the expertise of any witness. And at
19 this time, staff requests that a ruling to that
20 effect be made.

21 COMMISSIONER POLMANN: Thank you, Ms. Duval.

22 Mr. Waldick, representing FIPUG, I have been
23 presented with this essentially similar matter in a
24 prior docket, and you may recall my ruling there.

25 I would be open to hearing argument from FIPUG,

1 however, I am feeling rather similarly deposed --

2 MR. WALDICK: FIPUG -- oh, so sorry.

3 COMMISSIONER POLMANN: -- to kind of rule in a
4 similar manner unless you have some different
5 argument. So how would you be situated?

6 MR. WALDICK: I don't have any different
7 arguments this time, so FIPUG understands the
8 Commission's inclination.

9 COMMISSIONER POLMANN: Okay. Well, thank you.

10 So hearing no different argument, I find that
11 the requirements of the OEP are clear, and
12 therefore, FIPUG is prohibited from conducting voir
13 dire on the expertise of any witnesses identified
14 in this case.

15 So Ms. DuVal, if that's a sufficient statement
16 at this point --

17 MS. DUVAL: Yes, sir.

18 COMMISSIONER POLMANN: -- we will let the
19 ruling be as I stated.

20 MR. WALDICK: Understood.

21 COMMISSIONER POLMANN: Thank you, Mr. Waldick.

22 Okay. We are down to Section VI. Is
23 everybody with me on this? We are proceeding.

24 MR. COX: Commissioner Polmann.

25 COMMISSIONER POLMANN: Yes.

1 MR. COX: This is Will Cox on behalf of
2 Florida Power & Light.

3 We have one change that we would like to make
4 to the order of witnesses, if we could. And we
5 have consulted with the other utilities it
6 involves.

7 Mr. Herndon, who is the first witness listed
8 on the order of witnesses under direct testimony,
9 and he is listed there for all FECA utilities,
10 which is correct, and the issues he is listed for
11 are correct, but we would like him to come after
12 Steven Sim from FPL and before John Floyd. So he
13 would be moved from first to after Steven Sim.

14 COMMISSIONER POLMANN: Can we -- Mr. Cox, can
15 we hold the order for one second?

16 MR. COX: Sure.

17 COMMISSIONER POLMANN: Thank you. I just want
18 to catch up to where you are.

19 Ms. DuVal, do you want to make any
20 introductory remarks at this point, or should we
21 proceed with Mr. Cox?

22 MS. DUVAL: Well, just to note that we are not
23 aware of any of stipulated witnesses at this time.
24 However, such stipulations may be suggested by the
25 parties at this time, either before or after we go

1 through the order.

2 And then staff -- if there are any proposed
3 stipulations, staff will subsequently confirm those
4 with the Commission -- with each Commissioner that
5 any of those identified witnesses could be excused.
6 If the Commissioners do not have any questions of
7 those witnesses, they may be excused from the
8 hearing, and at that point, during the hearing, his
9 or her testimony and exhibits could be entered into
10 the record as though read.

11 COMMISSIONER POLMANN: So in -- thank you,
12 Ms. Duval. In terms of stipulated witnesses, do we
13 have any or do we have none? Anyone wish to
14 comment? Ms. Keating?

15 MS. KEATING: Commissioner, Beth Keating for
16 FPUC.

17 We have proposed to the other parties that
18 FPUC's witnesses Robert Camfield and Scott Ranck
19 might possibly be -- have their testimony entered
20 into the record by stipulation. It's my
21 understanding from the parties to the 017 docket
22 that they would be amenable to that.

23 COMMISSIONER POLMANN: Okay. Parties to the
24 17 docket, Ms. DuVal, can you identify those just
25 for the record here to make sure we are clear?

1 MS. DUVAL: Yes, Commissioner. Those would be
2 the FPUC, of course, the Office Public Counsel,
3 FDACS's and Wal-Mart.

4 COMMISSIONER POLMANN: And the status of
5 Wal-Mart at this point is?

6 MS. DUVAL: It's my understanding that
7 Wal-Mart did not have any objections to stipulating
8 to the witnesses.

9 COMMISSIONER POLMANN: Okay. Ms. Corbari.

10 MS. CORBARI: FDACS has no objection to
11 stipulating to the witnesses.

12 COMMISSIONER POLMANN: Okay. So is that
13 something that we should take and just leave it as
14 it is, or that will come up in the final prehearing
15 order?

16 MS. DUVAL: I believe, at this point, staff
17 actually is the holdout. We do have some questions
18 for the FPUC witnesses, and at this point, we
19 weren't prepared to stipulate to their excusals.

20 COMMISSIONER POLMANN: Okay. So we will leave
21 that as an open issue for now. Very good.

22 Thank you, Ms. Keating.

23 Any other discussion before we -- any other
24 comments on stipulated, potentially stipulated
25 thinking about stipulation you might want to

1 consider, we are entirely open and welcoming any
2 stipulated witnesses. So if y'all want to talk
3 about that another moment and let us know.

4 Order of witnesses, back to FPL. Thank you.

5 MR. COX: Thank you, Mr. Polmann --
6 Commissioner Polmann. Sorry to jump in so fast.

7 COMMISSIONER POLMANN: Oh, no, that was
8 paragraph six. I was just trying to back up, but
9 go ahead, please.

10 MR. COX: So again, the only change we were
11 going to request was to move Mr. Herndon from first
12 on the order of witnesses under direct to directly
13 after Steven Sim and before John Floyd. It is our
14 understanding that the other utilities that are
15 sharing Mr. Herndon, which includes FPL, do not
16 have any objections to that.

17 COMMISSIONER POLMANN: Anything from the
18 parties? Any objection? Just to confirm.

19 Okay. We will go ahead and make that change.

20 MR. COX: Thank you.

21 MS. DUVAL: And, Commissioner, if I could just
22 clarify. Was that only on direct, or was that for
23 both direct and rebuttal?

24 MR. COX: Good question. It was only on
25 direct.

1 MS. DUVAL: Okay. Thank you.

2 COMMISSIONER POLMANN: Any other changes,
3 comments or concerns on Section VI, order of
4 witnesses?

5 Ms. DuVal, do you have anything else on the
6 order of witnesses.

7 MS. DUVAL: No, sir.

8 COMMISSIONER POLMANN: Thank you.

9 And from what it appears, we have no --
10 nothing shown at this point where direct and
11 rebuttal would be taken together, is that correct?
12 All right.

13 So Section VII, basic positions, Ms. DuVal.

14 MS. DUVAL: Yes, before we move through this
15 section, I would just like to make it clear for the
16 record that not all positions apply to every docket
17 as some intervenor parties only requested to
18 intervene in certain dockets instead of all of the
19 dockets to this consolidated proceeding.

20 COMMISSIONER POLMANN: Thank you. So basic
21 positions, before we get into the specific numbered
22 items -- let's see. I am looking at page seven,
23 and the basic positions are many pages.

24 Page seven through 20, any comments, changes,
25 corrections? Anything you want to offer, any of

1 the parties?

2 Seeing none, if there is no comments on the
3 basic positions, we can go into the numbered
4 issues, starting on page 21.

5 Now, as Ms. DuVal indicated, there are --
6 certain parties intervene in certain dockets, so
7 not all the issues in all of the dockets, and I am
8 going to move through here issue by issue rather
9 than party by party. So at any time, feel free to
10 stop me as we go along, and I will try to look at
11 you rather than look at my paper.

12 Okay. And I will entertain some discussion on
13 the issue statement. I am assuming we are not
14 changing issue statements at this point. We are
15 looking at changes in your positions. So let's try
16 to do that.

17 On Issue No. 1, any party having a change in
18 position?

19 MS. WYNN: Commissioner, PCS Phosphate will
20 change from no position at this time to no
21 position.

22 Do you want us, going forward, to note that?

23 COMMISSIONER POLMANN: I am sorry, can you
24 speak in the microphone just a little bit?

25 MS. WYNN: I apologize. Yes.

1 PCS will change from no position at this time
2 to no to position. And going forward, do you like
3 us to note out loud, or just say we will default to
4 no position?

5 COMMISSIONER POLMANN: Okay. So in each --
6 each issue where you have no position at this time,
7 I would appreciate where you would --

8 MS. WYNN: Okay, will do.

9 COMMISSIONER POLMANN: -- state for the
10 record --

11 MS. WYNN: Yes.

12 COMMISSIONER POLMANN: -- where you have
13 charged that, just so we are clear --

14 MS. WYNN: Certainly.

15 COMMISSIONER POLMANN: -- in the transcript --

16 MS. WYNN: Thank you.

17 COMMISSIONER POLMANN: -- that would be good.
18 Thank you.

19 MS. WYNN: Yes.

20 MR. WALDICK: Mr. Commissioner, for FIPUG on
21 Issue 1, we similar -- we change our position to no
22 position.

23 COMMISSIONER POLMANN: Okay. Okay, I have a
24 change for PCS Phosphate and a change for FIPUG,
25 both of those to no position.

1 Any other changes on Issue 1? Any other
2 comments?

3 Go to Issue 2.

4 Okay. Seeing none, we will go to Issue 3.
5 Anything on Issue 3?

6 All right. I see no comments on Issue 3.
7 Let's go to Issue No. 4.

8 MS. WYNN: Commissioner, PCS Phosphate will
9 change from no position at this time to no
10 position.

11 COMMISSIONER POLMANN: Okay. PCS Phosphate,
12 we have no position on Issue 4. Thank you.

13 Anything else on Issue 4?

14 Go to Issue 5. I see no comments.

15 Issue No. 6.

16 MS. WYNN: Commissioner, PCS Phosphate has a
17 slight change.

18 On the first line of our statement, we say:
19 PCS Phosphate supports the use of, and then we
20 would like too insert "participant test and the"
21 before -- after the "the" and before the "rate
22 impact measure."

23 So it should read: PCS Phosphate supports the
24 use of the participant test and the rate impact
25 measure test. And I will email that language to

1 Ms. DuVal as well.

2 COMMISSIONER POLMANN: I am sorry, your
3 last --

4 MS. WYNN: I will email that language to
5 Ms. DuVal as well.

6 COMMISSIONER POLMANN: So in Issue 6, PCS
7 Phosphate supports the use of the participant test
8 and the rate impact measure test to evaluate the
9 cost and benefits of specific DSM measures?

10 MS. WYNN: That's correct.

11 COMMISSIONER POLMANN: And you will email that
12 to us?

13 MS. WYNN: Will do. Thank you.

14 COMMISSIONER POLMANN: Thank you.

15 Any other comments or changes to Issue 6 from
16 any other parties?

17 Let's move to Issue 7.

18 MR. WALDICK: Commissioner, for Issue No. 7,
19 FIPUG would like to change its position to simply
20 no position.

21 COMMISSIONER POLMANN: Okay. FIPUG takes --
22 FIPUG takes no position on Issue 7.

23 MS. WYNN: Commissioner, PCS Phosphate would
24 also change its position from no position at this
25 time to no position.

1 COMMISSIONER POLMANN: Okay, PCS Phosphate
2 takes no position on Issue 7.

3 Anything else on Issue 7? Seeing none, we
4 will go to Issue 8.

5 Ms. DuVal, I see a few of these here where
6 Wal-Mart takes no position at this time. Could you
7 advise?

8 MS. DUVAL: Yes, sir.

9 Per the order establishing procedure, parties
10 must take an official position by the time of the
11 prehearing conference. So any positions provided
12 as no position at this time, unless it's amended as
13 the parties are doing right now, would be changed
14 in the final prehearing order to just no position.
15 So since Wal-Mart has been excused from the
16 prehearing, that is what staff would be doing in
17 drafting the final prehearing order.

18 COMMISSIONER POLMANN: Thank you.

19 Any comments or input on Issue 8 from the
20 parties?

21 MS. CORBARI: Commissioner.

22 COMMISSIONER POLMANN: I'm sorry.

23 MS. CORBARI: I apologize. FDACS, at this
24 time, would amend their position to FDACS has no
25 position -- no specific position as to the

1 appropriateness of the summer, winter goals, just
2 removing at this time, keeping the remainder.

3 COMMISSIONER POLMANN: So on FDACS, delete the
4 words "at this time" in the first line?

5 MS. CORBARI: Yes, sir.

6 COMMISSIONER POLMANN: Thank you.

7 Any other comments or changes from any party
8 on Issue 8?

9 Let's move to Issue 9.

10 MS. CORBARI: Commissioner, FDACS has a
11 similar edit to its position on Issue 9. We would
12 change our position to strike "at this time."

13 COMMISSIONER POLMANN: Okay, deleting the
14 three words "at this time" in Issue 9 for the FDACS
15 statement?

16 MS. CORBARI: Yes, sir.

17 COMMISSIONER POLMANN: Any other changes or
18 comments from any other party for Issue 9?

19 Seeing none, we will go to Issue 10,
20 Ms. DuVal.

21 MS. DUVAL: Yes, sir.

22 Staff notes that the wording for Issue No 10
23 for all dockets, except FPUC's, is in dispute.

24 COMMISSIONER POLMANN: Can we deal with issue
25 11 and come back to 10? Would that be acceptable?

1 Does anybody object to that?

2 Ms. DuVal, issue 11.

3 MS. DUVAL: Yes, sir.

4 Issue 11 is the close the docket issue.

5 COMMISSIONER POLMANN: Does any party wish to
6 suggest anything for Issue 11?

7 MS. WYNN: Commissioner, PCS Phosphate would
8 change its position from no position at this time
9 to no position.

10 COMMISSIONER POLMANN: On issue 11, we have no
11 position from PCS Phosphate.

12 MS. WYNN: That's correct.

13 COMMISSIONER POLMANN: Thank you.

14 Mr. Marshall, on Issue 11? SACE indicates not
15 at this time, could you clarify?

16 MR. MARSHALL: Yeah, sorry. Our position is
17 that these dockets should not be closed at this
18 time.

19 COMMISSIONER POLMANN: So is that a no?

20 MR. MARSHALL: So that would be, yes, no, not
21 at this time. Not that we don't have a position,
22 but we don't believe --

23 COMMISSIONER POLMANN: That's what I wanted to
24 clarify. So your position is the dockets should
25 not be closed.

1 MR. MARSHALL: Correct.

2 COMMISSIONER POLMANN: Thank you.

3 Any other comments on Issue No. 11, should
4 these dockets be closed?

5 Okay. Let's go to Issue 10, and we will hear
6 from the parties. I would ask Mr. Marshall, on
7 behalf of SACE, if you would like to introduce the
8 item, state your position, offer arguments you may
9 wish, and then we will look to the other parties to
10 offer whatever response they wish, sir.

11 MR. MARSHALL: Thank you.

12 We believe that the issue as proposed, which
13 includes the language what goals, if any, should be
14 established for increasing the development of
15 demand-side renewable energy systems makes it sound
16 like the establishment of -- whether to establish
17 the goals is a discretionary decision of the
18 Commission.

19 Just like the establishment of energy
20 conservation goals, the statute, Section 366.82,
21 mandates and states that the Commission shall adopt
22 appropriate goals. Therefore, we propose the
23 deletion of the language "if any" to make it clear
24 that the process of establishing those goals is
25 mandatory and is not a discretionary act.

1 And I would just like to note that that would
2 mirror the language for the energy conservation
3 goals as well.

4 COMMISSIONER POLMANN: Okay. Thank you, sir.
5 Opportunity for the parties. We have
6 statements, positions from the parties. I will
7 leave it to your discretion to not read into the
8 record what you provided --

9 MR. COX: I will keep it very brief,
10 Commissioner.

11 COMMISSIONER POLMANN: -- in writing, but I
12 would be happy to hear from you.

13 MR. COX: Thank you. Will Cox on behalf of
14 Florida Power & Light.

15 We -- just at a very high level, we think it's
16 unnecessary and really inappropriate to take it
17 out. And this -- as I understand it, this is the
18 same wording that was used for the same issue in
19 the last goals docket, it's my understanding. But
20 more than that, by including the word "if any," it
21 contemplates that if a measure is not
22 cost-effective -- if the goal is not
23 cost-effective, I should say, that the Commission
24 wouldn't have to -- could set a zero goal. I think
25 that's the purpose of keeping the if any in there.

1 And I think it allows any party to espouse their
2 position on the issue whether they think there is a
3 goal or not above zero that the Commission should
4 adopt.

5 So we think that the issue as worded should
6 stay. It's consistent with what's been done in the
7 past, and it does allow the parties in this
8 proceeding to present their issues in a very
9 accurate way.

10 COMMISSIONER POLMANN: Thank you.

11 MR. BERNIER: I couldn't say it any better
12 than that. Duke Energy agrees.

13 COMMISSIONER POLMANN: Thank you.

14 MR. GRIFFIN: Steve Griffin with Gulf Power,
15 and we concur.

16 MR. BEASLEY: Tampa Electric, Jim Beasley, we
17 concur as well.

18 MS. LEWIS: Brooke Lewis, JEA, we concur as
19 well.

20 COMMISSIONER POLMANN: Thank you.

21 MR. WRIGHT: Schef Wright on behalf of OUC.
22 We concur. We like the staff's wording better.
23 It's the wording that's been used before, and it
24 certainly does not limit SACE or any party from
25 arguing whatever numeric goals they want to argue.

1 Thanks.

2 COMMISSIONER POLMANN: Other parties wish to
3 comment?

4 Okay. Thank you. Seeing no other -- hearing
5 no other comments, Ms. DuVal, would you like to
6 comment at this point?

7 MS. DUVAL: Yes. Thank you, sir.

8 Staff believes that the current language is
9 appropriately broad and encompasses all parties'
10 positions for the hearing, while allowing for
11 acknowledgment that both industrial-owned and
12 municipal utilities are participating in this goal
13 setting proceeding.

14 We note that SACE requested the same
15 modification in the last goal setting proceeding,
16 however, the language of Issue 10 as currently
17 written was found to be appropriate based on the
18 same reasoning that staff has provided today.

19 We further note that SACE is not a party to
20 FPUC's goal setting done docket, and as such, we
21 believe the language in 10 should be retained as
22 currently written in order to maintain consistency
23 across all the dockets to this consolidated
24 proceeding.

25 COMMISSIONER POLMANN: Mr. Marshall, I

1 appreciate your argument. I thank you for bringing
2 this forward and explaining what you have. It's
3 always tricky, in my mind, when the if any or any
4 type of language is presented and interpreting
5 exactly what that means.

6 In this case, it applies in a way that -- in
7 my reading, it specifically talks about demand-side
8 renewable energy systems, and when we look at goals
9 for increasing the development for that particular
10 type of system, I think it does raise some
11 particular questions in whether or not the goals
12 should be set is not immediately clear.

13 So I do take -- I do take to heart Mr. Cox's
14 comment that, you know, given that it's not
15 immediately obvious that you should establish that
16 goal for that particular type of system, I have to
17 question, well, let's hear all the arguments first
18 and then decide if you should set the goal after
19 all the arguments are on the table, because you may
20 not -- you may find that it's -- there really isn't
21 a strong basis once the evidence is out there.

22 So I do think it's appropriate to leave the
23 language as it is, and let's hear it out from both
24 sides and then we can determine what the goals
25 should or shouldn't be. Without hearing everything

1 through, you know, through it, I just don't know.
2 So I think it's appropriate to leave the language
3 as it stands, as staff has recommended. That has
4 been the case in the prior proceeding, and I am
5 inclined to not change the language.

6 So I would rule that the modification that was
7 proposed is not necessary. I would -- I do think
8 that we do not change the language for Issue No.
9 10, but I appreciate you bringing it forward and
10 giving us an opportunity to think through it, so
11 thank you very much.

12 MR. MARSHALL: Thank you.

13 COMMISSIONER POLMANN: I believe that covers
14 Issue No. 10.

15 MS. DUVAL: Yes, sir.

16 COMMISSIONER POLMANN: We have some additional
17 items here, Ms. DuVal? I think there is a proposed
18 new issue, is that --

19 MS. DUVAL: Well, going back to issue 10,
20 unless any of the parties have any other changes to
21 their positions filed in their prehearing
22 statements, I believe we can move on, unless you
23 all would like to do that.

24 MR. WALDICK: Mr. Commissioner, FIPUG would
25 like to make a quick amendment to its position to

1 simply read no position.

2 COMMISSIONER POLMANN: Okay.

3 MR. MARSHALL: SACE and LULAC would amend
4 their position as the second paragraph is an
5 argument for the wording of the issue itself. And
6 given your ruling, I don't think that's necessary
7 anymore. It would be sort of strange to refer to
8 the other framing of the issue as the better
9 framing, so we would remove that sentence from our
10 position.

11 MS. WYNN: Commissioner, PCS Phosphate would
12 also amend its position from no position at this
13 time to no position.

14 COMMISSIONER POLMANN: So on issue -- I am
15 sorry. Time out. You know, I warned you this was
16 going to happen.

17 Okay, Issue 10. Mr. Waldick, you are changing
18 FIPUG's position to no position? I am sorry.

19 MR. WALDICK: Yes, Mr. Commissioner, on Issue
20 No. 10, we are changing FIPUG's position from no
21 position at this time to simply read no position.

22 MS. WYNN: And the same for PCS Phosphate.

23 COMMISSIONER POLMANN: Thank you.

24 MS. WYNN: Thank you.

25 COMMISSIONER POLMANN: And, Mr. Marshall,

1 please restate.

2 MR. MARSHALL: Yes, we would be changing our
3 position to delete the second paragraph. This
4 would be on the top of page 47, where we state that
5 the SACE proposed framing of this issue below
6 better comports with the wording in the applicable
7 statutory provision for the reasons explained
8 below. Given your ruling, that is no longer
9 necessary.

10 COMMISSIONER POLMANN: So delete that
11 paragraph?

12 MR. MARSHALL: Delete that paragraph, but keep
13 the first paragraph in our position.

14 COMMISSIONER POLMANN: Thank you.

15 That's what I was looking for. I couldn't
16 find that paragraph. I am sorry.

17 Any other comments on Issue 10?

18 MS. KEATING: Commissioner, Beth Keating for
19 FPUC. Apologies, I actually see an error in our
20 position. The last word of our position on Issue
21 10 should not be "goals". It should be "plan". I
22 should have caught that earlier.

23 COMMISSIONER POLMANN: So we are changing one
24 word, "goals" to "plans", plural?

25 MS. KEATING: Just "plan".

1 COMMISSIONER POLMANN: "Plan", singular?

2 MS. KEATING: Yes, sir.

3 COMMISSIONER POLMANN: Thank you.

4 One more time, anything else on Issue 10?

5 So we dealt with Issue 11. Do we have new
6 issues?

7 Mr. Marshall. You have a new issue?

8 MR. MARSHALL: Yes, well, it's --

9 COMMISSIONER POLMANN: Would you like to
10 propose a new issue?

11 MR. MARSHALL: Yes. We proposed an issue as
12 part of our prehearing order -- as part of our
13 prehearing statement, asking whether should
14 distinct goals for low income customers be
15 established, and if so, what should those goals be?

16 COMMISSIONER POLMANN: So we have prehearing
17 statements from all the parties, and -- or the
18 parties wished to provide those. So the simple
19 question is, is this a new issue, or is it covered
20 elsewhere? How should it be handled? Would you
21 like to introduce the item here for discussion?

22 MR. MARSHALL: Sure. Thank you, Commissioner.

23 To date, all the utilities, to varying
24 degrees, have had programs to address the specific
25 needs of low income customers who are a subset of

1 the residential class. In the 2014 FECA
2 proceedings, this commission expressed the
3 importance of making sure that those customers'
4 needs are specifically addressed.

5 Setting specific goals for low income
6 customers as a subset of the residential goals in
7 this proceeding would ensure that there are
8 benchmarks and specific goals for those communities
9 in order to ensure that the needs of those
10 communities are addressed in a way that is similar
11 throughout the state, and is not at the voluntary
12 discretion of each individual utility that those
13 customers happen to fall under. We believe this
14 would be a way of bringing uniformity and ensuring
15 that the needs of low income customers throughout
16 the state are met.

17 COMMISSIONER POLMANN: Thank you.

18 MR. MARSHALL: Thank you.

19 COMMISSIONER POLMANN: I would like to hear
20 from other -- from the parties who have an interest
21 here. We will start over here on the left,
22 Mr. Cox.

23 MR. COX: Thank you, Commissioner Polmann.
24 Will Cox on behalf of FPL, and I won't repeat
25 everything that we put in our statement. I will

1 just make a few of the key points, I think.

2 The proposed goal for low income customers by
3 SACE is not something that's currently contemplated
4 under the Commission's rule that establishes goals.
5 25-17.0021 clearly sets the goal that the
6 Commission is to set for residential summer kW,
7 winter kW, annual kilowatt hours, and then the same
8 on the commercial/industrial side. A separate
9 goal, therefore, is not included, and it's really
10 not necessary.

11 In the past, as the Commission has recognized
12 that this group of customers, low income customers,
13 is something that should be addressed in utilities'
14 DSM plans, and the Commission has directed the
15 utilities to address it in the context of the DSM
16 plan after the goals have been set.

17 That is, again, what the Commission adhered to
18 in 2014, and it is what, in the proposed issue by
19 Florida Department of Agriculture and Consumer
20 Services, FDACS, their proposed to Issue 7A,
21 addresses exactly this point that I'm making, that,
22 you know, the appropriate place is to have the
23 Commission require the utilities to consider and
24 address, as appropriate, programs for low income
25 customers in the context of the DSM plan.

1 FPL continues to have a desire to support this
2 group of customers, and we fully plan to do so, but
3 we believe the DSM plan proceeding is the
4 appropriate place to address it before the
5 Commission.

6 Thank you.

7 COMMISSIONER POLMANN: Thank you, Mr. Cox.

8 MR. BERNIER: Duke Energy did not previously
9 address this when it was brought up, but we would
10 join in the position that FPL has just enunciated.

11 Thanks.

12 COMMISSIONER POLMANN: Thank you.

13 MR. GRIFFIN: The same is true for Gulf Power
14 Company?

15 COMMISSIONER POLMANN: Thank you, sir.

16 MR. BEASLEY: Jim Beasley for Tampa Electric.
17 We adopt Mr. Cox's comments and agree with them.

18 MS. LEWIS: Brooke Lewis, JEA. We adopt Mr.
19 Cox's comments and agree with those as well.

20 COMMISSIONER POLMANN: Thank you.

21 MR. WRIGHT: Commissioner Polmann, Schef
22 Wright for OUC. We agree with the comments of Mr.
23 Cox, and agree with my colleagues down the table.

24 This is not in a rule. It's not in the
25 statute. We, OUC, are keenly interested in

1 protecting the interest of our customers. We have
2 scores -- not scores, but lots and lots of low
3 income outreach programs. And what we fear is that
4 SACE is trying to persuade the Commission to impose
5 low income gorgeous -- low income conservation
6 goals that would not pass RIM. No measures past
7 RIM for OUC.

8 And from our perspective, when you are looking
9 at programs that have relatively low participation
10 rates in the first place, that means you have high
11 nonparticipation rates, and that means that the low
12 income nonparticipating customers' bills would go
13 up.

14 We think along the lines of what Mr. Cox said,
15 we believe that the appropriate place to address
16 this is in the plan along the lines of the issue
17 proposed by FDACS in Issue 7A, which we will
18 discuss in a little bit.

19 Thank you.

20 COMMISSIONER POLMANN: Thank you, Mr. Wright.

21 Other comments? Ms. Christensen.

22 MS. CHRISTENSEN: Yes. We would -- this is
23 Patty Christensen with the Office of Public
24 Counsel.

25 We would support SACE's issue because, at this

1 point, all of the utilities have identified that
2 they do have some low income programs. I think it
3 would be appropriate to identify the megawatts of
4 savings, or that savings that should be produced by
5 these programs and account for them within the
6 goals. And we think that the separate issue is the
7 best way to do that, specifically since a lot of
8 the utilities are advocating for RIM only on the
9 DSM goals.

10 And as I already noted, some of these lower
11 income programs don't pass RIM, but yet they are
12 still providing these low income programs that are
13 saving megawatts. So we think that a separate
14 issue specifically for those income programs is
15 appropriate.

16 Thank you.

17 COMMISSIONER POLMANN: Thank you, Ms.
18 Christensen.

19 Other comments? Ms. Corbari.

20 MS. CORBARI: Commissioner, FDACS acknowledges
21 this class of customers have -- there are needs
22 that could be met. However, FDACS agrees that the
23 best appropriate place to put this would be address
24 it is in the DSM program phase. There is a balance
25 to the entire impact on all the ratepayers that the

1 Commission needs to take into account.

2 COMMISSIONER POLMANN: Thank you.

3 MR. MARSHALL: May I respond?

4 COMMISSIONER POLMANN: Sure.

5 MR. MARSHALL: Thank you.

6 The idea of waiting -- the issue with waiting
7 for the DSM program phase is that many of the
8 utilities have proposed goals of zero, or close to
9 zero. Like Florida Power & Light specifically has
10 proposed a goal of about one gigawatt hour over the
11 next 10 years. Mr. Koch, in his testimony,
12 specifically said that they plan to have low income
13 programs trying to reach over 30 gigawatt hours
14 over the next 10 years. And so if we wait for the
15 DSM planning stage, and the goal is one gigawatt
16 hour, or zero gigawatt hours from any of the
17 utilities, then there is no way for the Commission
18 to actually ensure that these low income programs
19 are continued as the goal, over all goal, would be
20 zero or close to zero.

21 Thank you.

22 COMMISSIONER POLMANN: I appreciate your
23 remarks. Thanks.

24 Any other comments?

25 MS. CORBARI: Commissioner, this might be a

1 little premature. FDACS has also proposed an
2 issue.

3 COMMISSIONER POLMANN: Yeah, let's hold that.

4 MS. CORBARI: Okay.

5 COMMISSIONER POLMANN: Thank you. We are
6 going to get that next.

7 Okay. I have heard Mr. Marshall's
8 introduction and remarks on behalf of SACE and on
9 behalf of low income communities, and remarks from
10 the utilities, or from FPL and support from the
11 others and from other parties. I appreciate the
12 efforts from Mr. Marshall on behalf of low income
13 individuals and families.

14 The notion of a distinct goal and what should
15 those goals be is a difficult one, in my mind, how
16 to establish those. And the notion that having a
17 goal for a utility, that that would help with
18 uniformity and a broad base for application, and so
19 forth, just unclear to me that that's the best way
20 to go. I believe there exists within programs that
21 can be implemented through plans, and so forth, an
22 existing mechanism.

23 In thinking through the goal setting process,
24 and then trying to imagine how a low income goal
25 might be implemented, it raises significant

1 questions in my mind that having that distinct goal
2 separate from the other goals -- the other goals,
3 it's just not clear to me sitting here at this
4 moment how that is beneficial or necessary.

5 So I am going to have to give this a little
6 bit more thought and take all of this under
7 advisement and hold off ruling on it today. We are
8 going to make a ruling on this in the prehearing
9 order, but I am just struggling how and why this
10 needs to be a separate and distinct goal. I
11 just -- thinking down the road, I am having some
12 difficulty how that becomes a benefit when we look
13 at the geographic area, the demographics across a
14 utility territory and so many distinct different
15 aspects to that, implementation of a distinct goal
16 across that population seems to be very, very
17 difficult. Putting it inside a program, or keeping
18 it within a program as it exists now, maybe --
19 maybe it's not optimal. That is something that
20 maybe could be worked out and argued effectively
21 through the hearing. I just need to give that some
22 more thought. But I appreciate you bringing this
23 forward. Thank you, I will rule on it in the final
24 prehearing order.

25 So let's put that aside for the moment and

1 let's go on to --

2 MS. WYNN: Commissioner, one second.

3 COMMISSIONER POLMANN: Yes.

4 MS. WYNN: I apologize. If you do accept this
5 issue, PCS has -- currently has its position listed
6 as no position at this time. Our position would be
7 no position if this issue were, you know, accepted.

8 COMMISSIONER POLMANN: Okay. So if we are to
9 accept this as a new issue -- that's a good point.
10 Thank you.

11 Ms. DuVal, how should we -- what is it that we
12 do? Right now, we have -- where do we stand with
13 positions on the issue if it becomes an issue?

14 MS. DUVAL: Commissioner, I believe a couple
15 of the parties didn't provide any specific
16 positions on this proposed issue within their
17 prehearing statement, so I believe if it were to be
18 accepted, we might give them an opportunity to
19 revise those. PCS had a no position at this time,
20 so that was simple fix. I just don't know if the
21 other parties might want to elaborate a little bit
22 more, so I think that would be the appropriate
23 course of action.

24 MR. WRIGHT: Commissioner.

25 COMMISSIONER POLMANN: Mr. Wright.

1 MR. WRIGHT: Thank you.

2 Obviously, it would really help everyone, I
3 think, if you could make a ruling earlier and then
4 give the parties an opportunity, if you keep the
5 issue, to say what their position is. Most of us
6 on the utility side of the table have taken the
7 position that -- in fact, I think all of us have
8 objected to the issue period.

9 COMMISSIONER POLMANN: Understood.

10 MR. WRIGHT: If it is to be kept as an issue,
11 I expect that our position will be zero, and then
12 that will be that, and no, the Commission
13 shouldn't, if the Commission considers this issue
14 at all, then the goals should be zero as suggested.
15 It would help us a lot if we could do that before
16 the prehearing order comes out.

17 COMMISSIONER POLMANN: Understood.

18 MR. WRIGHT: Thanks.

19 COMMISSIONER POLMANN: Ms. DuVal, what is --
20 well, we haven't established a deadline other than
21 today here now for final positions. Hold the
22 thought on -- pending question on how to take a
23 position on what I have not ruled on, but y'all
24 work on that between now and when we close the
25 prehearing. I tell you what we are going to do,

1 let's take a 10-minute recess. Let's come back at
2 10 minutes before the hour.

3 (Brief recess.)

4 COMMISSIONER POLMANN: Okay. We are back on
5 the record after a brief recess.

6 On Issue No. 10, I will endeavor to issue --
7 to conclude my review and issue a ruling tomorrow.
8 You will be notified -- all parties will be
9 notified in an appropriate manner.

10 And then Ms. DuVal, what is the turnaround
11 time for all the information that you will need to
12 compile a final order, something like 48 hours or
13 something -- I don't want to guess for you, but
14 just chime in.

15 MS. DUVAL: Yes, I believe 48 hours would be
16 appropriate. But just one point, I believe you
17 said Issue 10, but the ruling on Issue 10 has
18 already been made, so we are talking about SACE's
19 new proposed issue.

20 COMMISSIONER POLMANN: Oh, I am sorry. I lost
21 count, the new proposed issues. Thank you.

22 Okay. We have one other proposed -- well, one
23 that I know of, unless you guys come up with
24 something else here in the next few minutes.

25 Let's move on to DACS's proposed new issue,

1 Ms. Corbari.

2 MS. CORBARI: Thank you, Commissioner.

3 Actually, at this time, FDACS and the
4 utilities, and I believe OPC, have come to a
5 stipulation on a revised worded proposed 7A.

6 COMMISSIONER POLMANN: So you have something
7 previously put forward that you want to move under
8 7 as a new 7A?

9 MS. CORBARI: Yes, Commissioner.

10 COMMISSIONER POLMANN: Amend it from what you
11 previously provided?

12 MS. CORBARI: Yes, sir.

13 FDACS, as a proposed 7A, was attempting to
14 address low income customers, and measures, and
15 programs, and education targeted to that customer
16 class that the Commission specifically looked at
17 and encouraged the utilities to continue to develop
18 in the 2014 goals proceeding. In the 2014 goals
19 proceeding, in the Commission Order No.
20 PSC-14-0696-FOF-EU, the Commission addressed the
21 low income customer class, and programs, and
22 education measures under the free rider Issue 7,
23 which is why FDACS is proposing it as a sub-issue.

24 COMMISSIONER POLMANN: Okay.

25 MS. CORBARI: And FPL objected to FDACS's --

1 the wording of FDACS's issue, and we've come to an
2 agreement on some revised language.

3 COMMISSIONER POLMANN: And why don't you read
4 that proposed revised language you have to offer
5 today and you are suggesting that is Sub-Issue 7A,
6 can you read that --

7 MS. CORBARI: Yes, Commissioner.

8 COMMISSIONER POLMANN: -- for the record
9 today, please?

10 MS. CORBARI: The language is: Should the
11 company be required to consider and, if
12 appropriate, develop customer education and
13 measures targeted to low income customers during
14 the DSM program proceeding consistent with
15 Commission Order No. PSC-14-0696-FOF-EU?

16 COMMISSIONER POLMANN: Okay. Thank you.

17 Now, let me get confirmation from the utility
18 companies that you find this agreeable as a new
19 Sub-Issue 7A.

20 MR. COX: FPL supports the proposed wording
21 that FDACS just read to you. Thank you.

22 COMMISSIONER POLMANN: Thanks.

23 MR. BERNIER: As does Duke Energy.

24 MR. GRIFFIN: As does Gulf Power.

25 MR. BEASLEY: As does Tampa Electric.

1 MS. KEATING: As does Tampa Electric Company.

2 MS. LEWIS: As does JEA.

3 MR. WRIGHT: As does OUC. Thank you.

4 COMMISSIONER POLMANN: Okay. So we have
5 concurrence from those named utility companies that
6 are parties to the dockets here.

7 And Office of Public Counsel?

8 MS. FALL-FRY: We support it as well.

9 COMMISSIONER POLMANN: Okay.

10 Now, I don't know that we've heard from SACE,
11 LULAC, FIPUG, PCS Phosphate, and nor have we heard
12 from Wal-Mart. So do we have involvement to any
13 position from those parties?

14 MS. WYNN: Commissioner, PCS Phosphate would
15 take no position.

16 COMMISSIONER POLMANN: Okay. Thank you.

17 MR. MARSHALL: We have no objection to the
18 proposed wording, and we would just ask for the
19 opportunity to provide a position to the issue
20 should it be accepted.

21 COMMISSIONER POLMANN: Thank you.

22 MR. WALDICK: FIPUG has no objection to the
23 wording, and takes no position.

24 COMMISSIONER POLMANN: Thank you.

25 Okay. Staff, I assume you will let Wal-Mart

1 be aware and see if they have a position or no
2 position in line with however we close this out.

3 MS. DUVAL: Yes, sir. I believe they are
4 aware of the new proposed language and were given
5 an opportunity to provide a comment as well.

6 COMMISSIONER POLMANN: Okay. Thank you. So
7 we've covered all the parties, I believe. Anybody
8 who is not here, please raise your hand.

9 All right. Ms. Corbari, do you have anything
10 else to add?

11 MS. CORBARI: No, Commissioner, other than,
12 again, FDACS proposed it as Issue 7A as that's
13 where the Commission addressed the issue in the
14 2014 proceeding. If the Commission believes it's
15 better suited under Issue 8, which is the
16 residential goals, FDACS has no problem with that.

17 COMMISSIONER POLMANN: Okay.

18 MS. DUVAL: And, sir, just to be clear for the
19 record, it may be helpful for Ms. Corbari to
20 provide us with the position that FDACS and the
21 companies have all come to an agreement on. We got
22 the issue language, but not the position language.

23 MS. CORBARI: My apologies. It's, yes, the
24 companies should be required.

25 COMMISSIONER POLMANN: Okay. Ms. Corbari, you

1 want to read that, your statement into the record
2 for us? Do you have a written --

3 MS. CORBARI: The position or the issue again?

4 COMMISSIONER POLMANN: The position.

5 MS. CORBARI: Yes. Yes, the companies should
6 be required to consider and, if appropriate,
7 develop customer education and measures targeted to
8 low income customers during the DSM program
9 proceeding consistent with Commission Order No.
10 PSC-14-0696-FOF-EU.

11 COMMISSIONER POLMANN: Okay. Thank you.

12 So we have, from FDACS, language that was
13 previously proposed as a new issue. At this point,
14 it is suggested as a Sub-Issue 7A. We've heard
15 from the parties.

16 I will take all of this also under advisement
17 and rule on this tomorrow. You will be notified of
18 the outcome of that. Certainly, if this is not
19 allowed as a separate Sub-Issue 7A that the subject
20 matter here is something that will certainly -- the
21 parties can address within the other issues such as
22 8, as has already been mentioned. So if it becomes
23 a separate sub-issue, then you will have an
24 opportunity to take a position formally and respond
25 to staff in a turnaround time that's similar to

1 what we just discussed for Issue 11, if that's an
2 issue, which we will rule on tomorrow -- I am
3 sorry, the new issue, whatever number that is, not
4 11. 11 is the other issue.

5 MS. DUVAL: And also, Commissioner, if staff
6 could just have a moment to address some of the
7 language that's been provided in the -- for this
8 revised termed sub-issue -- sub 7A. We feel as
9 though if this is the language that's going to be
10 considered, that there may be a few tweaks that
11 maybe the parties would consider.

12 COMMISSIONER POLMANN: Would you like a break,
13 or do you want to just have a minute?

14 MS. DUVAL: No, I think actually Mr. Ballinger
15 is prepared to address those.

16 MR. BALLINGER: Over here. Thank you,
17 Commissioner.

18 Tom Ballinger, Commissioner staff.

19 If I understand the position as read, it said
20 the parties agreed that they should be required to
21 do this. But if it's a stipulation, to me, it's
22 the parties are agreeing to do this on their own
23 volition. That's what I heard, and it may be some
24 clarification, some minor wordsmithing on that to
25 make it more of a voluntary admission, if you will,

1 or stipulation by the parties that they agree that
2 they will go do this on their volition, not be
3 required to do it.

4 MR. COX: FPL would just be willing just to
5 make it a stipulation and not have it as a separate
6 issue.

7 MR. BEASLEY: As would Tampa Electric Company.

8 MR. GRIFFIN: As would Gulf.

9 MR. BERNIER: Duke Energy can agree with that.

10 MS. KEATING: FPUC would agree would that as
11 well.

12 MS. LEWIS: JEA also would agree with that.

13 MR. WRIGHT: OUC will also agree, and we will
14 agree with Mr. Ballinger's suggestion as well.
15 Thank you.

16 MS. CORBARI: FDACS would be amenable to that
17 provided that language makes it into the
18 Commission's final order.

19 MR. BALLINGER: The way I see it is a
20 stipulation between the parties, it would show up
21 in the stipulated issues and positions as a
22 stipulated language. So you have the issue as
23 FDACS has proposed it, but the stipulated position
24 would be slightly different than what was read
25 today. And I think that the group needs to work on

1 that to then propose it as a stipulation. Is that
2 making sense? Okay.

3 MR. MARSHALL: Commissioner Polmann --

4 COMMISSIONER POLMANN: Go ahead.

5 MR. MARSHALL: Bradley Marshall on behalf of
6 SACE and LULAC.

7 I would just note for the record that although
8 we don't object to the are wording of the issue as
9 phrased, we -- I don't believe we would be able to
10 stipulate to FDACS's position as phrased because we
11 certainly do believe that it is appropriate to
12 develop customer education and measures targeted to
13 low income customers and don't just believe that
14 it's an if.

15 MR. BALLINGER: Commissioner, maybe we should
16 take five minutes.

17 COMMISSIONER POLMANN: I think you might need
18 10. Let's take another recess and come back at
19 3:15.

20 (Brief recess.)

21 COMMISSIONER POLMANN: Okay. I think we are
22 back on the record.

23 We've had a brief recess. We are back on the
24 record, and we are looking at the FDACS proposed
25 new issue with possibility of a Sub-Issue 7A. Ms.

1 Corbari, you have had some discussion with the
2 parties, staff, and so forth. Has there been
3 any -- is there any revision to the proposed
4 Sub-Issue 7A language that you read into the
5 record?

6 MS. CORBARI: No, Commissioner. All the
7 parties have agreed to the language of the issue.

8 COMMISSIONER POLMANN: Okay. And you also
9 read FDACS's position into the record, has that
10 changed or --

11 MS. CORBARI: FDACS's position would be, yes,
12 the companies shall consider and, if appropriate,
13 develop customer education and measures targeted to
14 the low income customers during the DSM program
15 proceeding consistent with the Commission order.
16 At this time, I believe all the utilities are in
17 agreement with FDACS's position, however, the
18 intervenors would like some time to consider the
19 position.

20 COMMISSIONER POLMANN: Okay. So you have some
21 slight modification to what you read earlier,
22 but --

23 MS. CORBARI: To the position.

24 COMMISSIONER POLMANN: Yes, to your position.

25 This is, as I am sitting here today, a fairly

1 complex discussion, and I am not prepared to rule
2 sitting here at this moment, so I am going to take
3 all of this under advisement a couple of options,
4 alternatives that I see to allow this to move
5 forward as a Sub-Issue 7A. I don't foresee this
6 being an entirely separate issue, so don't
7 anticipate that as an outcome.

8 In the alternative, I could find this not
9 rising as a separate or sub-issue, but rather you
10 will have an opportunity, of course, to make
11 argument on the subject matter within other issues,
12 such as 7 and 8, but I will have to consider all
13 the facts and all of the arguments here.

14 I will make that ruling tomorrow as well,
15 along with the other items that remain before me,
16 and then the parties will have an opportunity
17 within the next couple of days, the 48-hour
18 turnaround, to offer your positions if, in fact,
19 this becomes Sub-Issue 7A.

20 I will tell you, it's not entirely obvious to
21 me that it's a separate issue, but I will certainly
22 consider -- I will review my notes and review with
23 my advisor. We have plenty to talk about. So I am
24 certainly -- I haven't made up my mind on this by
25 any means.

1 MS. CORBARI: Commissioner, if I may, a point
2 of clarification. If the proposed sub-issue is
3 determined not to rise to the level of a separate
4 sub-issue, will the parties be able to modify their
5 position to Issue 7 to include the language on that
6 issue if necessary?

7 COMMISSIONER POLMANN: My understanding is
8 that we allow some period of time after today to
9 take final corrections or edits on positions, but
10 we are going to come to that here in a second. So
11 I will give legal staff a minute to write down all
12 of the turnaround deadlines and then we will close
13 that up here in a second, but thank you for that
14 question.

15 MS. CORBARI: Thank you.

16 COMMISSIONER POLMANN: Hopefully there are no
17 other new issues, so I am not even going to ask
18 that question.

19 Are we down to a comprehensive exhibit list by
20 any chance, or do we have something else?

21 MS. DUVAL: Yes, just briefly, to discuss the
22 parties who took no position at this time in their
23 prehearing statements, as I said before, the order
24 establishing procedure requires that a party take a
25 position by or at the prehearing. And I believe

1 that everybody -- all parties have changed those
2 positions with the exception of Wal-Mart. And at
3 that point, we usually provide the parties by close
4 of business tomorrow, which would be July 30th, to
5 make any additional changes to those positions.
6 And I believe with the rulings that are coming out
7 tomorrow, this would be the appropriate time to
8 inform everybody again that after those decisions
9 are made, that the parties will be given 48 hours
10 to amend their positions on either the proposed
11 issues, if they are accepted, or any of the -- I
12 guess they would be fallout issues, like Ms.
13 Corbari referring to, if a proposed issue has not
14 been taken and that then changes a party's position
15 on one of the set issues, then that would be the
16 appropriate time for the parties to make those
17 changes.

18 COMMISSIONER POLMANN: Do you want to identify
19 or limit the fallout issues, or are we just going
20 to go on faith that we won't be hearing changes to
21 other random issues?

22 MS. DUVAL: I think it would be okay to trust
23 them this time. I believe it will probably be
24 primarily under Issues 7, 8 and/or 9. I don't know
25 that we would be going very far beyond those.

1 COMMISSIONER POLMANN: Do the parties
2 anticipate -- we are going -- I am going to be
3 ruling on the new proposed two items. We've
4 covered everything else, is that correct?

5 MS. DUVAL: That's correct.

6 COMMISSIONER POLMANN: So we are going to
7 rule -- I am going to rule, they are going to issue
8 tomorrow on two new issues, or two non-issues, we
9 are going to decide something, and you will have 48
10 hours to respond with positions on those and the
11 fallout issues, which I would like to hear from the
12 parties as to what you think those are, clearly 7
13 and 9, and maybe 9. So 7, 8 and 9, do you
14 anticipate -- and I will give you a couple of
15 minutes to think about that.

16 MS. CORBARI: Commissioner, it --

17 COMMISSIONER POLMANN: Yes.

18 MS. CORBARI: I believe 9 is industrial goals.
19 So would it be 7, 8 and maybe 10? Or am I
20 miscounting the numbers?

21 MR. WRIGHT: Commissioner, I thought 8 was
22 residential and 9 was commercial/industrial, 10 was
23 DSRE.

24 COMMISSIONER POLMANN: I know you are looking
25 at me, but I am waiting for y'all.

1 MR. WRIGHT: What I am expecting to hear from
2 you on is SACE's proposed issue in 7A. That's what
3 I am expecting to hear from you on.

4 COMMISSIONER POLMANN: Okay.

5 MR. COX: I agree with that for FPL, those two
6 issues.

7 COMMISSIONER POLMANN: 7 and 8?

8 MR. COX: No, 7A and SACE's proposed issue,
9 that's what we expected a ruling on.

10 MR. BERNIER: I agree with that.

11 MR. COX: And then we would amend any
12 positions accordingly within 48 hours. If --

13 COMMISSIONER POLMANN: What we are asking for
14 is what are the -- what of the existing issues
15 could be impacted by my ruling on SACE and 7A?

16 MR. COX: So, for example, if you decide not
17 to include one of the proposed issues and people
18 want to amend their position on an existing
19 issue --

20 COMMISSIONER POLMANN: To cover that subject
21 matter?

22 MR. COX: That is what I thought you were
23 saying.

24 COMMISSIONER POLMANN: Yeah. So we've gone
25 this far with some belief, presumption, wishful

1 thinking that 7A and/or the SACE issue is going to
2 be included or not. So you have had something in
3 your mind that it's either in or it's out. So you
4 have taken some position on 7 and/or 8 accordingly.
5 So I have made a decision it's in or it's out, you
6 may change your thinking on 7 or 8, and you want to
7 reflect that.

8 MR. COX: Yeah. We would certainly consider
9 that. But at this point, my thinking was more of
10 if it was an issue where we just entered an
11 objection and didn't develop a position and you
12 decided to allow that in, and then I would develop
13 a position as opposed to an objection.

14 COMMISSIONER POLMANN: Right. Right. So we
15 are opening the door for any party to amend their
16 position on 7 and 8 if it's impacted by my ruling
17 on 7A and the SACE item.

18 MR. COX: Understood. Thanks for the
19 clarification.

20 COMMISSIONER POLMANN: Are there any other
21 items other than 7 or 8 that you believe there is a
22 consequence to given what I will decide tomorrow,
23 up or down? I just don't want comments on No. 5,
24 hypothetically, because, you know, we are done with
25 that.

1 Okay. Ms. DuVal, we are going to receive, by
2 close of business on Thursday, 5:00 p.m.,
3 everything we expect to hear. Is that your
4 expectation?

5 MS. DUVAL: That is my expectation. Thank
6 you.

7 COMMISSIONER POLMANN: Is everybody clear on
8 this?

9 MR. BERNIER: Yes, sir.

10 COMMISSIONER POLMANN: You are going to hear
11 from me through legal staff by tomorrow, by some
12 means of magical communication. It may or hey not
13 be the final written document, but you will know
14 the answer. I will leave it up to them as to how
15 they communicate that, by email or something. They
16 will do it the right way. You will find out
17 carrier pigeon, I don't know.

18 Exhibits. Unless you tell me we are someplace
19 else, please proceed.

20 MS. DUVAL: We are on to exhibit. Thank you.

21 Staff notes that it has prepared a
22 comprehensive exhibit list, which includes all
23 prefiled exhibits and also includes those exhibits
24 staff wishes to include into the record.

25 Staff will recirculate the draft list and

1 check with the parties prior to the hearing to
2 determine if there are any objections to the
3 comprehensive exhibit list or any of staff's
4 exhibits being entered into the record.

5 COMMISSIONER POLMANN: Any comments on the
6 exhibit list from the parties, anybody?

7 MR. MARSHALL: Commissioner Polmann, Bradley
8 Marshall on behalf of SACE and LULAC.

9 Just a clarification on exhibits for
10 cross-examination on new ones on how many copies we
11 should prepare.

12 COMMISSIONER POLMANN: Good question.

13 MS. DUVAL: Sure. We were going to handle
14 that a little bit later, but we can cover that now
15 if you would like.

16 COMMISSIONER POLMANN: Your choice. We can
17 handle it later --

18 MS. DUVAL: Sure.

19 COMMISSIONER POLMANN: -- when we deal with
20 all of the paperwork.

21 Anything else on the exhibit list?

22 We will move on to proposed stipulations,
23 which apparently there may not be any yet.

24 MS. DUVAL: At this point, staff is not aware
25 of any.

1 COMMISSIONER POLMANN: I said yet, so I
2 encourage there to be some somewhere, somehow to
3 save time. So if y'all can work on that, our
4 chairman would appreciate it.

5 Pending motions, Ms. DuVal.

6 MS. DUVAL: There are no pending motions.

7 COMMISSIONER POLMANN: Confidentiality
8 motions.

9 MS. DUVAL: The pending confidentiality
10 requests are listed in the draft prehearing order.

11 MS. LEWIS: Commissioner, we also filed an
12 additional request for confidentiality on Friday
13 after this prehearing order -- well, after our
14 comments in the prehearing orders came in, and
15 that's on behalf of JEA, a request for confidential
16 classification on information provided in response
17 to staff's 12th set of interrogatories, numbers 88
18 through 94.

19 MR. WRIGHT: And, Commissioner?

20 COMMISSIONER POLMANN: Mr. Wright.

21 MR. WRIGHT: Thank you, Commissioner. Schef
22 Wright on behalf of OUC.

23 We will be filing a similar request for
24 confidential classification for similar information
25 as the other utilities have. Given the hour, it

1 looks like it's going to be tomorrow. We were
2 shooting for today, but I don't think it's going to
3 happen today. Thank you.

4 COMMISSIONER POLMANN: Yes, sir. Thank you.
5 Anything else on confidentiality?

6 MR. BERNIER: Commissioner Polmann, Matt
7 Bernier for Duke Energy. I believe we will be
8 filing one as well. I believe we filed a notice of
9 intent Friday, but we will get that in ASAP.

10 COMMISSIONER POLMANN: Thank you, sir.

11 MR. BERNIER: Thank you.

12 COMMISSIONER POLMANN: Anybody else?

13 Y'all play musical chairs. I wish we had
14 another chair, but then you wouldn't have a
15 microphone.

16 Post-hearing procedures, Section XIII.

17 MS. DUVAL: If any certain issues are
18 stipulated and the parties agree to waive briefs on
19 those issues, the Commission may make a bench
20 decision for those portions of the proceeding on
21 those issues.

22 If there are any issues to be briefed, staff
23 recommends post-hearing briefs be no longer than 50
24 pages, inclusive of attachments.

25 COMMISSIONER POLMANN: So we have post-hearing

1 briefs 50 pages, including attachments. So that's
2 the whole package. Any comments? Anybody want to
3 agree to less than 50 pages? Does everybody want
4 less than 50 pages? Does anybody need -- no, you
5 are not getting any more than that. Okay, so 50
6 pages.

7 Briefs will be due when?

8 MS. DUVAL: September 20th, 2019.

9 COMMISSIONER POLMANN: Everybody good with
10 that? Just say yes. Yes, you are good with that,
11 because that's the answer. We are understood.
12 Very good. Thank you.

13 Section XIV, rulings, Ms. DuVal.

14 MS. DUVAL: At this time, staff recommends
15 that the prehearing officer make a ruling that
16 opening statements, if any, should not exceed five
17 minutes per party unless any party chooses to waive
18 its opening statement. Because SACE and LULAC
19 share the same representative and are submitting
20 joint filings, staff recommends that they be given
21 five minutes to share.

22 COMMISSIONER POLMANN: How are you feeling
23 about that, Mr. Marshall?

24 MR. MARSHALL: SACE and LULAC are perfectly
25 fine with sharing time, however, given the number

1 of utilities that we have to address, we would
2 request seven minutes for opening statements.

3 COMMISSIONER POLMANN: Do you think you can
4 borrow those two minutes from somebody else?

5 MR. MARSHALL: If a party would be willing to
6 let us borrow them.

7 COMMISSIONER POLMANN: I guess the initial
8 thinking was that you have many -- many of the
9 issues for both parties are essentially the same.
10 So was there a different thinking on your part that
11 you had a lot of issues because you were addressing
12 many utilities, or that they had different issues?

13 MR. MARSHALL: No. The issues for the parties
14 are the same. I think that's right. It's that
15 we've intervened in almost all the utilities'
16 dockets, so there is a lot of utilities to address,
17 and so there are specific issues to each utility.

18 COMMISSIONER POLMANN: Okay. So there are
19 different issues among the different utilities?

20 MR. MARSHALL: Yes.

21 COMMISSIONER POLMANN: Okay. Well, I think
22 seven minutes is probably reasonable, but you will
23 be timed.

24 MR. MARSHALL: Understood. Thank you.

25 COMMISSIONER POLMANN: And it won't be my

1 fault if the Chairman scolds you. I will be
2 scolded as soon as he sees this, but I will agree.

3 And any party who wants to waive their opening
4 statements, as unlikely as that is, I am sure that
5 will be great too, but proceeding. Each party will
6 be given five minutes for opening, and counsel for
7 SACE and LULAC will have an additional two minutes
8 because I am feeling generous. And I think I
9 didn't agree with one of your other requests, so
10 there you go.

11 Ms. DuVal, do we have any other matters?

12 MS. DUVAL: Yes, we are going to get to the
13 hearing exhibits now.

14 Given the amount of participants we have in
15 this consolidated proceeding, staff would be
16 requesting the parties bring 40 copies of any
17 exhibits they wish to introduce into evidence at
18 the hearing.

19 COMMISSIONER POLMANN: Could you repeat that?

20 MS. DUVAL: Yes. Four, zero, 40.

21 COMMISSIONER POLMANN: That's what I thought
22 you said.

23 Any other matters from the parties?

24 Okay. Before we leave, I would like to thank
25 everybody for being here, for being patient, for

1 participating. I appreciate your timeliness, and
2 it's going to be complicated procedurally. I think
3 there will be some challenges for all of us to
4 follow along, but I am looking forward to it.

5 We have a lot of business to take care of this
6 week. I will do my best to be clear in the order
7 and look forward to getting your responses here so
8 we can keep this thing moving.

9 Thank you very much. Have a good afternoon.
10 Safe travels, and we are adjourned at 3:42.

11 (Proceedings concluded at 3:42 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 7th day of August, 2019.



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