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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20200002-EG

ENERGY CONSERVATION COST
RECOVERY CLAUSE.

_____ /

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: COMMISSIONER ANDREW GILES FAY
PREHEARING OFFICER

DATE: Monday, October 26, 2020

TIME: Commenced: 1:30 p.m.
Concluded: 2:52 p.m.

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

REPORTED BY: ANDREA KOMARIDIS WRAY
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 MARIA JOSE MONCADA, WADE R. LITCHFIELD, and
3 JOEL T. BAKER, ESQUIRES, 700 Universe Boulevard, Juno
4 Beach, Florida 33408-0420, appearing on behalf of
5 Florida Power & Light Company.

6 RUSSELL A. BADDERS, One Energy Place,
7 Pensacola, Florida 32520-0100; and STEVEN R. GRIFFIN,
8 ESQUIRE, Beggs & Lane, Post Office Box 12950, Pensacola,
9 Florida 32591-2950, appearing on behalf of Gulf Power
10 Company.

11 DIANNE M. TRIPLETT, ESQUIRE, 299 First Avenue
12 North, St. Petersburg, Florida 33701; and MATTHEW R.
13 BERNIER, ESQUIRE, 106 East College Avenue, Suite 800,
14 Tallahassee, Florida 32301-7740, appearing on behalf of
15 Duke Energy Florida, LLC.

16 BETH KEATING, ESQUIRE, Gunster, Yoakley &
17 Stewart, P.A., 215 South Monroe Street, Suite 601,
18 Tallahassee, Florida 32301-1839, appearing on behalf of
19 Florida Public Utilities Company.

20 JAMES D. BEASLEY, J. JEFFRY WAHLEN, and
21 MALCOLM N. MEANS, ESQUIRES, Ausley & McMullen, Post
22 Office Box 391, Tallahassee, Florida 32302, appearing on
23 behalf of Tampa Electric Company.

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1 APPEARANCES (CONTINUED):

2 J.R. KELLY, PUBLIC COUNSEL; CHARLES REHWINKEL,
3 DEPUTY PUBLIC COUNSEL; and PATRICIA A. CHRISTENSEN, A.
4 MIREILLE FALL-FRY, and THOMAS (TAD) DAVID, , ESQUIRES,
5 Office of Public Counsel, c/o The Florida Legislature,
6 111 W. Madison Street, Room 812, Tallahassee, Florida
7 32399-1400, appearing on behalf of the Citizens of the
8 State of Florida.

9 JAMES W. BREW and LAURA WYNN BAKER, ESQUIRES,
10 Stone Mattheis Xenopoulos & Brew, PC, 1025 Thomas
11 Jefferson Street, NW, Eighth Floor, West Tower,
12 Washington, DC 20007, appearing on behalf of White
13 Springs Agricultural Chemicals, Inc. d/b/a PCS
14 Phosphate - White Springs.

15 JON C. MOYLE, JR., and KAREN A. PUTNAL,
16 ESQUIRES, Moyle Law Firm, P.A., The Perkins House, 118
17 North Gadsden Street, Tallahassee, Florida 32301,
18 appearing on behalf of Florida Industrial Power Users
19 Group.

20 ASHLEY J. WEISENFELD, ESQUIRE, FPSC General
21 Counsel's Office, 2540 Shumard Oak Boulevard,
22 Tallahassee, Florida 32399-0850, appearing on behalf of
23 the Florida Public Service Commission Staff.

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25

1 APPEARANCES (CONTINUED):

2 KEITH C. HETRICK, GENERAL COUNSEL; MARY ANNE
3 HELTON, DEPUTY GENERAL COUNSEL, Florida Public Service
4 Commission, 2540 Shumard Oak Boulevard, Tallahassee,
5 Florida 32399-0850, Advisor to the Florida Public
6 Service Commission.

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

2 COMMISSIONER FAY: Good afternoon. This is
3 October 26th, exactly 1:00- -- oh, 1:31. And we'll
4 call this prehearing conference to order.

5 Staff, (technical interruption).

6 MS. WEISENFELD: Good afternoon, Commissioner.
7 By notice issued on October 7th, 2020, this time
8 and place has been set for prehearing conferences
9 in Docket Nos. 20200001-EI, 20200002-EG,
10 20200003-GU, 20200004-GU, and 20200007-EI.

11 The purpose of these prehearings is set out
12 more fully in the notice.

13 COMMISSIONER FAY: Great. And then we'll take
14 appearances. Ms. Weisenfeld, do you have anything
15 to add before we take appearance?

16 MS. WEISENFELD: Yes, Commissioner. There are
17 five dockets to address today. Staff suggests that
18 all appearances be taken at once. All parties
19 should enter their appearances and declare the
20 dockets that they are entering an appearance for.
21 Several parties will make appearances and, after
22 the parties make their appearances, staff will need
23 to make theirs.

24 COMMISSIONER FAY: Great. And we'll start
25 with appearances. Florida Power & Light -- just

1 real- -- really quick, can you hear me okay? Audio
2 coming in? Better? Thank you.

3 Okay. Florida Power & Light, go ahead.

4 MS. MONCADA: Good afternoon, Commissioner
5 Fay. This is Maria Moncada on behalf of Florida
6 Power & Light Company appearing in the 01, 02, and
7 07 dockets. And I'd like to also enter an
8 appearance for our general counsel, Wade
9 Litchfield. In the 01 and 07 dockets, I'd like to
10 enter an appearance for David Lee; and in the 02
11 docket, for Joel Baker.

12 Commissioner Fay, I'm also here this afternoon
13 on behalf of Gulf Power Company in the 01 and the
14 07 dockets. And, in those two dockets, I would
15 like to also enter the appearance of Russell
16 Badders.

17 Thank you.

18 COMMISSIONER FAY: Okay. Great.

19 Duke Energy.

20 MR. BERNIER: Good afternoon, Commissioner
21 Fay. Matt Bernier for Duke Energy. I'll be making
22 an appearance in the 01, 02, and 07 dockets. I'll
23 also enter an appearance for Dianne Triplett in
24 those same dockets.

25 Thank you.

1 COMMISSIONER FAY: Okay. Great.

2 Florida Public Utilities.

3 MS. KEATING: Good afternoon, Commissioners.

4 This is Beth Keating with the Gunster Law Firm
5 appearing this afternoon for FPUC --

6 COMMISSIONER FAY: We're -- we're having a
7 little trouble hearing you, Beth. Can you try
8 again?

9 MS. KEATING: Yes.

10 COMMISSIONER FAY: Much --

11 MS. KEATING: This is Beth Keating --

12 COMMISSIONER FAY: Much better.

13 MS. KEATING: -- with the Gun- -- Gunster Law
14 Firm appearing this afternoon for FPUC in the 01,
15 02, 03; and for FPUC and Chesapeake consolidated
16 companies in the 04 docket.

17 I'm also appearing on behalf of Florida City
18 Gas in the 03 and the 04 dockets. And for both of
19 those dockets, I'd also like to enter an appearance
20 for Greg Munson with the Gun- -- Gunster Law Firm
21 and Chris Wright of FPL.

22 In addition --

23 COMMISSIONER FAY: I had -- I had Greg Munson
24 and then you were cutting out, Ms. Keating. Can
25 you say that again?

1 MS. KEATING: Sure. I'm also entering an
2 appearance for Greg Munson of the Gunster Law Firm
3 in the 03 and 04 dockets as well as Chris Wright of
4 FPL in the 03 and 04 dockets for Florida City Gas.

5 In addition, I'm also appearing for Sebring
6 Gas System in the 04 docket.

7 COMMISSIONER FAY: Okay. Great. Got it.
8 Peoples Gas.

9 MR. BROWN: This is Andy Brown of the law firm
10 of Macfarlane Ferguson. I'm appearing for Peoples
11 Gas in the 03 and 04 dockets.

12 COMMISSIONER FAY: Anybody else appearing?

13 MR. BROWN: No, sir.

14 COMMISSIONER FAY: Okay. St. Joe Natural Gas
15 Company.

16 MR. SHOAF: Yes, Commissioner. This is Stuart
17 Shoaf, president of St. Joe Gas. I'm appearing for
18 Docket 03 and 04.

19 COMMISSIONER FAY: Okay. Thank you.

20 We have Sebring for Ms. Keating.

21 Office of Public Counsel.

22 MR. REHWINKEL: Commissioner, Charles
23 Rehwinkel with the Office of Public Counsel. I am
24 appearing in all dockets. I will let the other
25 counsel in our office make their appearances in

1 specific dockets.

2 MS. CHRISTENSEN: Good -- good afternoon,
3 Commissioner. This is Patti Christensen with the
4 Office of Public Counsel. I'm in -- appearing in
5 the 01, 02, 03, 07 dockets.

6 Thank you.

7 COMMISSIONER FAY: Okay. Others from the
8 Office of Public Counsel?

9 MR. DAVID: Yes, this is Tad David. I'm
10 appearing in the 01, 02, and 07 dockets also.

11 COMMISSIONER FAY: Okay.

12 MS. FALL-FRY: And this is Mireille Fall-Fry.
13 And I'm appearing in all of the dockets as well.

14 COMMISSIONER FAY: Ms. Fry, you're -- you're
15 for all of the dockets -- is that what you said?

16 MS. FALL-FRY: Yes, that's what I said.

17 COMMISSIONER FAY: Okay. Thank you.

18 Anyone else?

19 MR. REHWINKEL: Commissioners, I'd also like
20 to enter an appearance for J.R. Kelly, the Public
21 Counsel.

22 Thank you.

23 COMMISSIONER FAY: Great. Is that it for
24 Office of Public Counsel?

25 Great. Next, we'll move to --

1 MS. CHRISTENSEN: This is --

2 COMMISSIONER FAY: -- Florida Industrial Power
3 Users --

4 MS. CHRISTENSEN: Oh, I'm sorry.

5 COMMISSIONER FAY: Oh, I'm sorry. Go ahead.

6 MS. CHRISTENSEN: Oh, I was going to also put
7 in an appearance for Stephanie Morse in the 01, 02,
8 and 07 dockets.

9 COMMISSIONER FAY: Okay. Got her. Thank you.

10 MR. MOYLE: Good afternoon, Commissioner Fay.
11 Jon Moyle from the Moyle Law Firm on behalf of the
12 Florida Industrial Power Users Group, FIPUG. And
13 I'd also like to enter an appearance for Karen
14 Putnal with our firm.

15 COMMISSIONER FAY: Okay. Gotcha, Mr. Moyle.
16 Thank you.

17 PCS Phosphate.

18 MS. BAKER: Good afternoon, Commissioner.
19 This is Laura Baker on behalf of White Springs
20 Agricultural Chemicals doing business as PCS
21 Phosphate, in the 01, 02, and 07 dockets. I'd also
22 like to enter an appearance on behalf of my
23 partner, James Brew, in the same docket.

24 COMMISSIONER FAY: Okay. Great. We gotcha.
25 Commission staff.

1 MS. WEISENFELD: Commissioner, this is Ashley
2 Weisenfeld. I'd also like to enter appearances for
3 Kurt Schrader in the 03 docket, Gabriella Passidomo
4 in the 04, Charles Murphy in the 07, Suzanne
5 Brownless in the 01.

6 And just before we finish appearances, I want
7 to make sure that we give TECO the chance to say if
8 they're on the line as well.

9 COMMISSIONER FAY: I'm sorry. Say that again,
10 Ms. Weisenfeld, the last part.

11 MS. WEISENFELD: Oh, just before we conclude
12 appearances, I just wanted to make sure that TECO
13 gets the chance to enter their appearances as well,
14 if they're on the line.

15 COMMISSIONER FAY: Who is it? I -- I
16 apologize -- TECO, oh. Thank you.

17 MS. WEISENFELD: Tampa Electric. We might
18 have skipped them earlier.

19 COMMISSIONER FAY: Yeah, no, thank you.
20 TECO, are you on the line?

21 MR. MEANS: Yes. Good afternoon, Commissioner
22 Fay. This is Malcolm Means with the Ausley
23 McMullen Law Firm appearing on behalf of Tampa
24 Electric in the 01, 02, and 07 dockets. And I'd
25 also like to enter an appearance in those same

1 dockets for Jim Beasley and Jeff Wahlen. And I
2 believe Mr. Beasley is also on the line this
3 afternoon.

4 Thank you.

5 COMMISSIONER FAY: Thank you. And I apologize
6 for that, TECO. I was -- I was up late watching my
7 Rays lose to the Dodgers last night. So, my
8 apology for that miss.

9 MR. GRIFFIN: Commissioner Fay, one more
10 appearance, if I may.

11 COMMISSIONER FAY: Yes.

12 MR. GRIFFIN: This is Steven Griffin with the
13 Beggs & Lane Law Firm appearing for Gulf Power
14 Company in the 02 docket, and also entering an
15 appearance for Russell Badders in the 02 docket.

16 Thank you very much.

17 COMMISSIONER FAY: Okay. Great. Thank you.

18 And then, Mary Anne.

19 MS. HELTON: Mary Anne Helton here today as
20 your advisor along with your general counsel, Keith
21 Hetrick, for all the dockets.

22 COMMISSIONER FAY: Great. Thank you.

23 We will work into preliminary matters.

24 Ms. Weisenfeld?

25 MS. WEISENFELD: Yes, Commissioner. State

1 buildings are currently closed to the public and
2 other restrictions on gatherings remain in place
3 due to COVID-19. Accordingly, this prehearing is
4 being conducted remotely with the parties
5 participating by communications media technology.

6 Members of the public who want to observe or
7 listen to this prehearing may do so by accessing
8 the live video broadcast, which is available from
9 the Commission website. Upon completion of the
10 prehearing, the archived video will also be
11 available.

12 Each person participating today needs to keep
13 their phone or device muted when they are not
14 speaking and only unmute when they are called upon
15 to speak. If they do not keep their phone muted or
16 put their phone on hold, they may be disconnected
17 from the proceeding and will need to call back in.
18 Also, telephonic participants should speak directly
19 into their phone and not use a speaker function.

20 COMMISSIONER FAY: Great. Thank you.

21 And just a little bit of housekeeping here. I
22 know we have a number of dockets, so we'll be
23 taking those up in numerical order, with the
24 exception of the 01 docket, which we will take up
25 last.

1 And for those who do want to speak up as we're
2 going through these dockets, please -- when you do
3 speak up, just acknowledge your -- your name just
4 so the court reporter is able to track who is
5 speaking. I think that's all I have for that.

6 We can move on to Docket 2- -- 20200002.
7 Ms. Weisenfeld, do we have any preliminary matters
8 before we go into the draft prehearing order?

9 MS. WEISENFELD: Yes, Commissioner. All
10 issues have been stipulated in this docket and the
11 parties have agreed to excuse all witnesses and to
12 include all exhibits on the comprehensive exhibit
13 list into the record.

14 COMMISSIONER FAY: Okay. Any parties that --

15 MS. WEISENFELD: Staff has no other
16 preliminary matters.

17 COMMISSIONER FAY: I apologize. Say that last
18 part again?

19 MS. WEISENFELD: Oh, I was just saying that we
20 have no other preliminary matters at this time.
21 That's it.

22 COMMISSIONER FAY: Okay. Great.

23 And any -- any other party have any other
24 preliminaries to take up?

25 MR. REHWINKEL: Commissioner, Charles

1 Rehwinkel with the Office of the Public Counsel.

2 For this docket and all others, with respect
3 to the admission of testimony and exhibits, we
4 would like the record to reflect that we -- we do
5 not object to the entry of the CEL and the
6 testimony and exhibits.

7 COMMISSIONER FAY: Okay.

8 MR. REHWINKEL: Thank you.

9 COMMISSIONER FAY: Thank you.

10 We will move through the --

11 MR. MOYLE: And --

12 COMMISSIONER FAY: Oh, go ahead. Is there
13 somebody else?

14 MR. MOYLE: I -- I would just add that -- that
15 that would be the same for FIPUG. I don't feel a
16 need to repeat that for the 01, 02, and 07
17 document -- doc- -- dockets, but just because we've
18 entered a Type 2 stipulation, that couldn't --
19 shouldn't be construed as saying, oh, we've
20 stipulated affirmatively to anything. So, same
21 point. I just wanted to me-too it.

22 COMMISSIONER FAY: Okay. And it -- if
23 there -- I think just translating what both you and
24 the Office of Public Counsel said, if there's
25 anything specific in the -- the language regarding

1 the "no position," that's something that would be
2 submitted for the final prehearing order. So, I
3 appreciate that.

4 We're going to move through the prehearing
5 order fairly quickly because of all the
6 stipulations. If there is something that is, I
7 guess, by your definition either incorrect or
8 something that we've missed to that draft
9 prehearing order, please feel free to object and we
10 will acknowledge you and then let you speak on that
11 item.

12 With that said, I'll move through Section I,
13 case background.

14 Section II, conduct of proceedings.

15 And Section III, jurisdiction.

16 Section IV, procedure for handling
17 confidential information.

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

20 MS. WEISENFELD: Commissioner, staff
21 suggests --

22 COMMISSIONER FAY: Oh, go ahead.

23 MS. WEISENFELD: -- for any witness who is not
24 excused -- sorry, Commissioner. This is Ashley
25 Weisenfeld.

1 Staff suggests, for any witness who is not
2 excused, that the summary of their testimony be no
3 longer than three minutes.

4 COMMISSIONER FAY: All right. Thank you.

5 And I know this is pretty standard with most
6 dockets, but in the 01 docket, there is some
7 language about the -- the standard operation of
8 witness testimony. And I've asked staff to make
9 sure that that's included in these various dockets.

10 I know, with different dockets -- different
11 clauses being brought together and different
12 dockets running continuously, it can be sort of
13 fairly complex to keep up with all of these. And I
14 just want to ensure that there's standard language
15 throughout those prehearing orders.

16 With that, I'll move on to the order of
17 witnesses.

18 MS. HELTON: Commissioner --

19 COMMISSIONER FAY: Mary Anne, did you have
20 something? I apologize.

21 MS. HELTON: I just wanted to confirm and
22 clarify and make sure that I understand, so that it
23 can be included appropriately in the order, that
24 the parties have agreed to stipulate and enter into
25 the record the testimony and the exhibits, and

1 we're waiting to here from Commissioners -- and
2 that will actually happen by the -- with the
3 Chairman's doing so at the pre- -- at the hearing,
4 if everyone is in agreement.

5 COMMISSIONER FAY: So -- so, that is accurate.
6 The prehearing order that would be finalized by the
7 end of business tomorrow would state the intent of
8 that, but Commissioners have the opportunity to
9 object (technical interruption). Does that clarify
10 it for you?

11 MS. HELTON: Yes, sir.

12 COMMISSIONER FAY: Thank you.

13 Let's see here. Move on to the order of
14 witnesses. Staff?

15 MS. MONCADA: Commissioner Fay, this is Maria
16 Moncada.

17 COMMISSIONER FAY: Yes, Maria. Go ahead.

18 MS. MONCADA: Thank you. Just one correction
19 in the order of witnesses. For Witness Renee B.
20 Deaton, the issue numbers for her should be one
21 through three, five through seven, and ten.

22 MS. WEISENFELD: Maria, this is Ashley. I've
23 got that change made. Thank you.

24 MS. MONCADA: Thank you, Ashley.

25 COMMISSIONER FAY: Great. Thank you.

1 Any other issues with the order of witnesses?

2 MS. WEISENFELD: Yes, Commissioner. We will
3 confirm with each Commissioner that the witnesses
4 can be excused. If no Commissioner has any
5 questions of those witnesses, the witnesses may be
6 excused from the hearing and his or her testimony
7 and exhibits may be entered into the record as
8 though read.

9 COMMISSIONER FAY: Great. Thank you.

10 Move on to Section VII, basic positions. Any
11 parties have any issues with their basic positions?

12 Ms. Weisenfeld, did you want to clarify
13 anything here?

14 MS. WEISENFELD: I could just note here that,
15 if there were changes to these positions, those
16 changes should be submitted in writing by close of
17 business tomorrow, October 27th.

18 COMMISSIONER FAY: Great. Thank you. That --
19 correct.

20 Section VIII, issues and positions. Staff?

21 MS. WEISENFELD: Issues and positions --
22 issues and positions are included in the draft
23 prehearing order and staff notes that there are
24 Type 2 stipulations on all issues.

25 COMMISSIONER FAY: And with those Type 2

1 stipulations, (technical interruption) feel
2 comfortable moving forward, unless any party has
3 any specific issue or stipulation that they would
4 want to address here.

5 With that, we'll move on to Section IX,
6 exhibit list. Ms. Weisenfeld.

7 MS. WEISENFELD: Staff has prepared a
8 comprehensive exhibit list that includes all
9 prefiled exhibits and all -- also all exhibits that
10 staff wishes to include in the record.

11 Staff's understanding is that the parties have
12 agreed to include the comprehensive exhibit list in
13 the record at the hearing.

14 COMMISSIONER FAY: Great.

15 Section X, proposed stipulations.

16 MS. WEISENFELD: The proposed stipulations for
17 all issues are set forth in Section X of the draft
18 prehearing order. The stipulations include the
19 excusal of witnesses and the inclusion of testimony
20 and exhibits in the record.

21 COMMISSIONER FAY: Okay. Thank you.

22 And then, Section XI, pending motions; Section
23 XII, pending confidentiality motions.

24 MS. WEISENFELD: There are none.

25 COMMISSIONER FAY: Thank you.

1 Section XIV [sic], post-hearing procedures.

2 Ms. Weisenfeld.

3 MS. WEISENFELD: A bench decision may be
4 possible in this docket; however, if there is no
5 bench decision, staff recommends that post-hearing
6 briefs be no longer than 40 pages.

7 COMMISSIONER FAY: Great. Thank you.

8 Any parties have any issue with that?

9 Great. Thank you.

10 Section XIV, rulings. Ms. Weisenfeld.

11 MS. WEISENFELD: We recommend that a ruling be
12 made that opening statements, if any, should not
13 exceed five minutes per party unless any party
14 chooses to waive its opening statement.

15 Because this case has been stipulated and the
16 parties have agreed to excuse the witnesses, no
17 cross-examination is anticipated; however, should
18 cross-examination exhibits be needed, all cross
19 exhibits that a party intends to use at the hearing
20 must be provided to the Commission clerk by the
21 close of business on October 27th, 2020, in order
22 to be processed and made available digitally.

23 Attachment A to the draft prehearing order
24 explains the process for the parties to follow when
25 providing cross-examination exhibits to the clerk.

1 The exhibits that are prefiled and designated as
2 cross-examination or impeachment exhibits shall not
3 be viewed by opposing witnesses or opposing counsel
4 or otherwise have their contents or identity
5 communicated to such witnesses or counsel.

6 COMMISSIONER FAY: Great. Thank you.

7 Any parties have issue with that?

8 All right. I think -- staff, are there any
9 other matters that we need to address for the
10 prehearing conference?

11 MS. WEISENFELD: Just that any edits to the
12 draft prehearing order will be circulated to the
13 parties for review before the order is issued. The
14 comprehensive exhibit list has already been
15 circulated.

16 COMMISSIONER FAY: Great. Thank you.

17 And just last opportunity for any of the
18 parties, if there's any additional matters that
19 need to be addressed?

20 Great. Thank you. With that, I will conclude
21 the 02 docket and move on to the 03 docket.

22 (Docket concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, ANDREA KOMARIDIS WRAY, 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 6th day of November, 2020.



ANDREA KOMARIDIS WRAY
NOTARY PUBLIC
COMMISSION #GG365545
EXPIRES February 9, 2021