

[INAUDIBLE CONVERSATIONS]

>> JUST WAIT A COUPLE MINUTES BEFORE COMING IN AND COMING OUT.

>> EVERYBODY IS SUFFICIENTLY SETTLED DOWN, YOU MAY BEGIN AT ANY TIME.

>> MAY IT PLEASE THE COURT, I'M DIANA SHANK WITH JULIE KAPLAN REPRESENTING SIERRA CLUB.

IN THIS CASE THE FLORIDA PUBLIC SERVICE COMMISSION DISAVOWED ITS STATUTORY DUTY TO REVIEW WHETHER FLORIDA POWER & LIGHT COMPANIES COST PRUDENT AND RECOVERABLE.

THE COMMISSION APPROVED RECOVERY FROM THE PUBLIC FOR THE MOST EXPENSIVE POWER PLANTS EVER BUILT IN FLORIDA WITHOUT THE COMMISSION REVIEWING WHETHER THOSE SPEAKERS WERE PRUDENT.

>> LET'S MAKE SURE WE WERE TALKING ABOUT WHAT WE WERE DISPUTING AND NOT DISPUTING. WE HAVE NO PROBLEM WITH THE FUNDAMENTAL PREMISE THAT THERE IS A NEED FOR EQUIPMENT. AND THERE IS AN EXISTING PROBLEM WITH THE CURRENT GENERATION BECAUSE OF ITS AGE.

THE YOU AGREE ON THAT?

>> WE RESPECTFULLY DO NOT.

>> THERE IS CLEAR EVIDENCE IN THIS RECORD THAT SOME OF THE OLD EQUIPMENT WAS SO OLD THEY COULDN'T GET REPLACEMENT PARTS AND HAD TO REVERSE ENGINEER CERTAIN EQUIPMENT JUST TO KEEP IT ONLINE, THAT IS NOT IN THIS RECORD?

>> THERE IS TESTIMONIAL EVIDENCE FROM THE PARTY ADVOCATING THE RATE INCREASE OF FLORIDA POWER & LIGHT.

POWER STANDS FOR THAT PRINCIPLE, SO DOES FLORIDA.

>> SOMETHING TO REVERSE ENGINEER BECAUSE THEY DO NOT HAVE THE REPLACEABLE AGREEMENT THAT IS NEEDED?

>> AS A GENERAL MATTER, THE

PLANT CITY VERSUS MAYO CASE
STANDS FOR THE PRINCIPLE THAT
WHEN A UTILITY COMES FORWARD,
DOESN'T SUPPORT THAT WITH
DOCUMENTARY EVIDENCE ESPECIALLY
IN THIS CONTEXT, THE PEOPLE WE
ARE TALKING ABOUT WERE THE MOST
--

>> WE ARE NOT ON THAT QUESTION.
WE NEED TO KNOW WHAT WE ARE
DISPUTING TO SEND THAT ON THE
PROBLEM.

YOU ARE DISPUTING THERE IS EVEN
A NEED FOR EQUIPMENT IS WHAT YOU
ARE SAYING.

>> THE ESSENTIAL POINT IS UNDER
350001, THE COMMISSION WAS
CHARGED BY THE LEGISLATURE TO
CARRY OUT ITS DUTY INDEPENDENTLY
AND THAT INVOLVES --

>> UNLESS WE CAN AGREE ON THE
FACT HOW DO WE GET TO THE LAW?
THAT IS WHAT I AM TRYING TO DO,
TO ASSIST US AS A PANEL AND AS
ADVOCATES, TO GET TO THE DECK OF
LAW.

IT SEEMS TO ME THE BASIC FAULT
YOU ARE SAYING IS BY ACCEPTING
THE SETTLEMENT, THE PUBLIC
SERVICE COMMISSION DID NOT
INDEPENDENTLY ISSUE A FINDING
WITH REGARD TO THIS PRUDENCE,
MEANING THE PRUDENT INVESTMENT
OF DOLLARS FROM THIS TYPE OF
EQUIPMENT, ISN'T THAT WHAT THIS
DISPUTE IS ABOUT?

THE FIRST ISSUE?

>> THIS CASE IS ABOUT THE
COMMISSION AUTHORITY AND WHETHER
PROPERLY EXERCISE AUTHORITY IN
THIS CASE.

THE STATUTE IS CLEAR THAT THIS
COMMISSION HAD HAS TO CONSIDER
RELATIVE FACTORS, THE STATUTE
SAYS 36606, PRUDENCE IS A
MANDATORY FACTOR.

THE COMMISSION DIDN'T GRAPPLE
WITH THE RESOLVE THESE ISSUES.
IF YOU LOOK AT THE ORDER ON
REVIEWING VOLUME 32 OF THE

RECORD, THERE IS A ONE PARAGRAPH DECISION THAT SITES FIVE FACTORS NONE OF WHICH GRAPPLE WITH OR RESOLVE THE COST OF THE PETERS OR COST OF THE SETTLEMENT AS A WHOLE AND WE KNOW FROM CASE LAW TO RESOLVE THE ISSUE THE COMMISSION HAS TO MAKE IT AN INQUIRY, WHETHER IT ACHIEVED BETTER OPTIONS FOR THE PUBLIC. THIS IS NOT AN AUDITOR, TO CHECK WHETHER THERE WERE ANY COUNTING ERRORS IN THE BOOKS OF THESE POWER COMPANIES.

IN THIS CASE THE COMMISSION HAD INDEPENDENT DUTY.

IT DOESN'T EVEN MENTION A COST THIS SIGNIFICANT FPL CITED AS ONE OF THE MAJOR FACTORS WITH A RATE INCREASE IN THE FIRST PLACE.

>> LET'S GO TO JUSTICE LEWIS'S POINT.

WHAT THEIR ENGINES FOR THESE GAS TURBINES IN THE RECORD INDICATED THEY WERE ORIGINALLY DESIGNED FOR A BOEING 707 AIRCRAFT IN 1958.

>> THERE IS TESTIMONIAL EVIDENCE ON THAT.

HAD DIFFICULTY FINDING PARTS TO RUN THESE THINGS.

>> THERE IS TESTIMONY THAT ONE TIME, ONE PART OUT OF 48 MACHINES BROKE AND THEY RETAINED FOUR THE ORIGINAL PETERS BECAUSE THEY ARE SUPERIOR TO THE NEW SPEAKERS THE COST \$1 BILLION TO BUILD AND TO MAKE SURE THE POINT IS CLEAR, ONCE THE SETTLEMENT PROPOSED AND COMMISSION ACCEPTED THAT THE SPEAKER POWER PLANTS WOULD COMING TO RATES, THE PUBLIC WOULD BE PAYING FOR THEM, THAT OPENED THE DOOR FOR A HOST OF ADDITIONAL COSTS TO BE PASSED THROUGH DOLLAR FOR DOLLAR ON TO THE PUBLIC.

THIS COURT HAS HAD MULTIPLE FUEL CARS CASES IN RECENT YEARS THAT

HIGHLIGHT THE ATTENDANT RISKS ASSOCIATED WITH BUILDING GAS POWER PLANTS THE ISSUE IN THIS CASE.

>> A FEW CASES ARE QUESTIONS OF INCREASED RATES OF FUEL SHORTAGES AND MAKING SURE FUEL IS AVAILABLE.

>> AN ESSENTIAL QUESTION IN A BASE RATE PROCEEDING IS COST RECOVERY.

WE KNOW THE COMMISSION DID NOT GRAPPLE WITH THE ISSUE BECAUSE IF YOU LOOK AT THE ORDER THEY SITES FIVE FACTORS, FPL'S RATE HISTORY, WHO SETTLED WITH PL, THE FACT THERE WAS A REDUCTION COMPARED TO WHAT FPL ORIGINALLY PROPOSED, SUPPOSE AND RATE STABILITY OF A 10% RATE HIKE, FPL FINANCIAL INTEGRITY, NONE OF THESE FACTORS, THE COMMISSION DIDN'T CONSIDER THE RELEVANT FACTORS AND THE STATUTE SAID PRUDENCE IS THE MANDATORY FACTOR, THE OTHER FACTORS ARE DISCRETIONARY AND 36606, THE LEGISLATURE WAS CLEAR.

IF I MAY GIVE THE COURT COMFORT WITH SIMILAR ISN'T IT IS BETWEEN FPL AT LAST CASE AND THIS ONE, THERE YOU HAD A RATE A SETTLEMENT OR THE COURT AFFIRMED THERE IS A SETTLEMENT, ESSENTIAL LEGAL REQUIREMENTS DO NOT CHANGE, 366 APPLIES, THE APA APPLIES, JUDICIAL REVIEW APPLIES AND THERE YOU HAD AN ORDER ON REVIEW THAT DELINEATED THAT THE COMMISSION DID GRAPPLE WITH AND EXPLAIN THIS ISSUE OF NEW POWER PLANT COSTS COMING INTO RATE BASE AND THE COMMISSION RELIED ON THE FACT THAT IT MADE A DETERMINATION THOSE POWER PLANTS WERE THE LEAST COST ALTERNATIVE.

WE DO NOT HAVE THAT HERE. NOTHING IN THE ORDER SAYS THE COMMISSION PASSED OVER THIS

ISSUE OR SETTLEMENT AS A WHOLE DIDN'T LOOK AT BETTER OPTIONS THAT WERE AVAILABLE TO THE PUBLIC AND THAT IS WHERE THE COMMISSION WAS SET UP FOR THE LEGISLATURE TO DO.

>> I AM STILL STRUGGLING WITH JUSTICE LEWIS'S QUESTION. YOU ARE FAMILIAR WITH THE CONCEPT THAT TO RAISE AN ISSUE ON APPEAL YOU MAKE THE ARGUMENT IN YOUR INITIAL BRIEF, AND WHERE YOU CHALLENGED THE REASONABLENESS AND PRUDENCE OF THE DECISION TO REPLACE THE OLD GAS TURBINE ENGINES.

>> THAT IS PRECISELY WHAT WE CHALLENGED.

>> YOU SEEM TO CHALLENGE THAT YOU THOUGHT THERE WERE ALTERNATIVES THAT WERE BETTER, THERE'S BRIEFED THOROUGHLY, YOU THOUGHT SOLAR WOULD BE A BETTER OPTION, BATTERIES WOULD BE A BETTER OPTION, DEMAND-SIDE MANAGEMENT, CAN YOU POINT ME TO WEAR YOUR BRIEF I MISSED THAT?

>> THERE WAS A FOOTNOTE WHERE WE EXPLAINED THE NEED AND PRUDENCE TESTS ARE INTERRELATED. GULF POWER SAYS THE SAME.

>> EVIDENCE DIDN'T ESTABLISH THE REASONABLENESS AND PRUDENCE OF THE DECISION TO REPLACE THE AGING GAS TURBINE UNITS.

>> LET ME POINT YOU TO A FEW PARTS OF THE INITIAL BRIEF AND THE RECORD.

WE HAVE FPL SAYING, THE CHAIRMAN SAYING --

>> YOU DID NOT MAKE THAT ARGUMENT, THAT IS NOT AN ISSUE YOU RAISED IN YOUR BRIEF.

>> DELAY AND INCREMENTALISM SHOULD HAVE BEEN CONSIDERED. WE SAY THAT THROUGHOUT THE BRIEF IN THE INTRODUCTORY PART AND THE ARGUMENT, WE EXPLAIN THIS COMMISSION HAS ROUTINELY REVIEWED PROPOSED COSTS THAT ARE

SUGGESTED TO COME INTO THE PUBLIC RATES FOR WHETHER THERE WERE BETTER OPTIONS AVAILABLE IN THE COMMISSION DID THAT.

>> FOCUSING ON BETTER OPTIONS, I AM TALKING ABOUT THE ARGUMENT YOU ARE MAKING HERE THESE UNITS NEEDED TO BE REPLACED.

>> THE ANSWER TO YOUR QUESTION IS WE HAVE AN ADMISSION THAT THE ORIGINAL HEARING BY FPL THE ONLY ANALYSIS THEY DID FOR SPEAKER PROJECTS, \$1 BILLION CAPITAL COST PROJECT WAS TO PUT THEM IN ALL AT ONCE, DIDN'T SAY THEY HAVE TO DO IT ALL AT ONCE. THE WITNESS WHO WAS THE PERSON IN CHARGE OF THESE MACHINES DIDN'T SAY THAT WAS IMPOSSIBLE OR A REALISTIC OPTION BUT SIMPLY THAT WAS NOT SOMETHING FPL CONSIDERED.

THEY DON'T EVEN HAVE EVIDENCE THEY CONSIDERED AND REJECTED IN THIS CASE, THAT IS HOW NARROW AND SELECTIVE THE ANALYSIS IS. MORE IMPORTANTLY, THE COMMISSION HAS AN INDEPENDENT DUTY, AND TO VERIFY BETTER OR CHEAPER OPTIONS FOR THE PUBLIC.

>> LET ME ASK YOU TO ADDRESS SOMETHING ELSE.

WHAT I DIDN'T SEE IN YOUR INITIAL BRIEF WAS ANY ARGUMENT THAT UNDER THIS COURT'S STANDARDS SET FORTH IN THIS COURT'S OPINION IN 2014 THE CITIZENS CASE FOR ACCEPTANCE OF A SETTLEMENT AGREEMENT, YOU DIDN'T ARGUE UNDER THAT STANDARD THE COMMISSION'S DECISION WAS INCORRECT.

>> THE MATERIAL COMPONENTS, THE RECORD IS CLEAR THE PETERS WERE PART OF THE SETTLEMENT, THE COMMISSION DID NOT PASS ON THE ISSUE, THE CENTRAL ISSUE OF COSTS RECOVERY, IT DID NOT DETERMINE IF AS A WHOLE THE DEAL WAS GOOD FOR THE PUBLIC, IT DID

NOT GRAPPLE WITH OR RESOLVE THIS ESSENTIAL ISSUE AND ON APPEAL THE COMMISSION ARGUING THEY DIDN'T HAVE TO DO THE REVIEW BECAUSE THERE WAS A SETTLEMENT BUT AS THE COURT AFFIRMED IN THE 2014 CITIZENS CASE, IT STILL APPLIES AND AMONG THE FACTORS THAT APPLY TO A RATE CASE PRUDENCE IS THE MANDATORY TEST AND THIS GOES BACK DECADES THAT IS A MANDATORY TEST IN A RELEVANT FACTOR FOR THIS AGENCY TO CONSIDER.

WITHOUT THAT, THE DECISION IS ARBITRARY.

>> MOREOVER, TO PUT A FINER POINT ON IT, COMMISSION AS I REFER TO MADE THIS DECISION AND CONCLUDED THE SETTLEMENT WITH THE SPEAKERS AND IT WAS IN THE PUBLIC INTEREST BUT NEVER EXPRESSED OR OTHERWISE IDENTIFIED RELEVANT FACTORS IN INTEREST REVIEWS.

>> OF THE COMMISSION FOUND REPLACEMENT OF THE PETERS IN PUBLIC INTEREST.

AND YOU ARE SAYING, WITH THE PEAKING UNITS, REASONABLE AND PRUDENT.

AND IN THE PUBLIC INTEREST, IT IS REASONABLE AND PRUDENT, WHAT IS THE DIFFERENCE BETWEEN THOSE STANDARDS?

>> WE DO NOT HAVE, THIS COMMISSION IS A CREATURE OF STATUTE, THE PUBLIC INTEREST BROAD STANDARD INFORMED BY WHAT THE STATUTE SAID ARE THE RELEVANT FACTORS FOR PUBLIC INTERESTS REVIEW BY THE COMMISSION RATE CASE, 36606 SAYS PRUDENCE IS THE MANDATORY FACTOR, THE COMMISSION HAS TO REVIEW WHETHER THESE COSTS SHOULD COME INTO RATE AND PART OF THAT REVIEW NECESSARILY IS TO LOOK AT THE COST OF WHAT NECESSITATES THE RATE INCREASE,

TO LOOK AT WHETHER THERE WERE BETTER OPTIONS.

>> BY SAYING IT WAS IN THE PUBLIC INTEREST, IT IS NOT INHERENT OR IMPLICIT, IT WAS REASONABLE AND PRUDENT.

>> THE COURT IN THE LAST CITIZENS CASE DID NOT DEFER TO AN INHERIT OR IMPLICIT DETERMINATION.

THERE WAS A CLEAR ON THE RECORD DETERMINATION BY THE COMMISSION THAT IT HAD SUBSTANTIAL EVIDENCE, AND GRAPPLED WITH ALTERNATIVES ON THAT CASE AND DEEMED THE ONES ADMITTED INTO RATES TO BE THE MOST COST-EFFECTIVE ALTERNATIVE, YOU DO NOT HAVE THAT, THIS COURT DOES NOT DEFER TO RATIONALIZATIONS BY THE COMMISSION.

>> YOU ARE AN INTERVENER IN THIS PROCEEDING AND YOU COULD EXAMINE WITNESSES, BRING YOUR OWN WITNESSES, BRING EVIDENCE, THOSE KINDS OF THINGS SO AT ANY POINT DURING THE HEARINGS THAT TOOK PLACE, ANY WITNESS QUESTIONS ABOUT THE REASONABLENESS AND PRUDENCE OF REPLACEMENT.

>> THAT IS WHERE THE CROSS-EXAMINATION FOCUSED ON BY SIERRA CLUB.

WE WERE EXAMINING WHETHER THE COMPANY AND THE FIRST INTERESTED DONE THIS ROUTINE REVIEW UNDERTAKING A GIANT PROJECT THAT COST \$1 BILLION AND THAT IS WHAT WE DID, ASKED HIM DID YOU LOOK? THE CHRONOLOGY IS IMPORTANT BECAUSE THEY CAME IN ON AN ENVIRONMENTAL PROJECT, IN 2016, AND ECONOMIC PROJECT, IT IS A RELIABILITY PROJECT, THE COMMISSION NEVER RULED ON ANY OF THOSE THINGS.

IT ARGUES DIDN'T HAVE TO REVIEW THOSE BECAUSE THERE WAS A SETTLEMENT BECAUSE A SETTLEMENT

CHANGES THE LEGAL REQUIREMENTS.
>> YOUR POSITION, THIS IS CLEAR,
THE SETTLEMENT THAT INCLUDES
SOMETHING OF 140 ISSUES OR SO.
>> HUNDREDS OF ISSUES, PUBLIC
SERVICE COMMISSION RENDERING IN
ORDER FINDING WITH REGARD TO
EACH OF THESE ELEMENTS.
>> WE ARE NOT ARGUING FOR A
FINDING, WE ARE SAYING THE
COMMISSION HAS A DUTY TO EXPLAIN
ITS REASONING AND RENDER ITS
JUDGMENT.
>> THAT IS A DETERMINATION,
SOMETHING IN THE ORDER THAT
ADDRESSES THAT, NOT NECESSARILY,
IF YOU ARE CORRECT THE REMEDY
WOULD BE TO SEND US BACK TO THE
COMMISSION SO THAT THEY COULD
CONSIDER IT IN PROPER ORDER.
>> 12068 JUST TWO OPTIONS, WE
WOULD URGE YOU TO RE-MANNED WITH
INSTRUCTIONS THAT CLARIFY THE
PRUDENCE TESTIFIES THEY HAVE TO
CONSIDER OPTIONS.
I AM RUNNING INTO MY REBUTTAL
TIME.
>> YOU ARE WELCOME TO CONTINUE.
>> MAY IT PLEASE THE COURT, MY
NAME IS CHARLES REHWINKLE
REPRESENTING FPL CUSTOMERS WAS
WITH ME WILL BE STUART SINGER ON
BEHALF OF FLORIDA POWER & LIGHT
AND AFTER HIM ROSANNE
REPRESENTING THE FLORIDA PUBLIC
SERVICE COMMISSION PER ALLOCATED
TIME.
BEFORE I GET INTO THE TWO POINTS
I WANT TO MAKE, I WANT TO
ADDRESS A COUPLE POINTS RAISED
BY THE QUESTIONING OF THE
APPELLATE.
IT IS CLEAR ON THE RECORD
THE SIERRA CLUB DID NOT
CHALLENGE ANY COSTS
AS BEING IMPRUDENT, THEY ONLY
HYPOTHESIZE SCENARIOS THAT THEY
SAID IN A CASE THEY INTERVENED
IN, 34 DAYS BEFORE THE HEARING
AND AFTER THE TIME FOR WITNESSES

TO FILE TESTIMONY THAT THERE WERE THESE SCENARIOS BUT THEY DID NOT SAY THE PEAK OR PROJECT, THE RECORD SHOWS THIS IN THE SERVICE AND PROVIDING THE SERVICES THE CUSTOMERS WERE IMPRUDENT.

>> THE COMMISSION WAS REQUIRED TO MAKE A DETERMINATION WHETHER OR NOT THESE ADDITIONAL COSTS ARE REASONABLE AND PRUDENT.

>> THE 2014 CASE DO NOT REQUIRE THE COMMISSION TO RULE ON EACH AND EVERY ONE OF THESE ISSUES.

>> THE BOTTOM LINE, IS THE COMMISSION REQUIRED, FINDING WHATEVER THEY ARE ALLOWING, COSTS ARE REASONABLE AND PRUDENT.

>> MY POSITION IS THE COMMISSION DID DO THAT.

>> IT WAS A FINDING OF REASONABLENESS AND PRUDENCE. AND IT RESOLVED EVERY ISSUE IN THE CASE.

ON 57 A THE PEAK OR PROJECT ASKED, OR WERE THEY PRUDENT AND REASONABLE AND THE COMMISSION IN RESOLVING THE ISSUES RESOLVED THAT ISSUE AND IN FACT AT THE DELIBERATION THIS --

>> WHICH NUMBER WAS THAT?

>> ISSUE 57, AND 57 A.

THAT IS THE BIGGER PROJECT AND THE DELIBERATIONS WITH THE COMMISSION VOTED, THE CHAIRMAN ASKED STAFF ON A SEPARATE NOTE ON THE RATE CASE THE COMPANY PROPOSED TO BUILD NATURAL GAS COMBUSTION TURBINES.

ARE THOSE ALSO INCLUDED IN THE REVENUE REQUIREMENTS IN THE SETTLEMENT AGREEMENT AND STAFF ANSWERED YES, THE STAFF ANSWERED IN THIS CASE, IMPROVED IN THE 2014 SITUATION, THE COMMISSION CASE WAS SETTLED AFTER HEARING THE BRIEF WAS TAKEN.

THIS COMMISSION HAS VISIBILITY INTO ALL OF THE EVIDENCE IN THE

RECORD, AND THEY DELIBERATED ABOUT THE PEAK OR PROJECT, AWARE OF THE TESTIMONY, ABUNDANT TESTIMONY ABOUT THE RELIABILITY, THE NEED, THE SAVINGS COME ALL THE ASPECTS OF PRUDENCE THE GO INTO WHETHER YOU BUILD A PEAK OR PROJECT, THEY HAVE A RECORD AND THE SETTLEMENT.

>> YOU ARE REPRESENTING THE OFFICE OF PUBLIC COUNSEL, AS I UNDERSTAND IT IS THERE TO PROTECT INTEREST OF THE PUBLIC AND AT THIS HEARING, DID YOU EXAMINE WITNESSES OR WHOEVER REPRESENTED THE PUBLIC COUNSEL'S OFFICE DID THAT AND REQUIRE FPL, FLORIDA POWER & LIGHT PEOPLE ABOUT THESE ISSUES OF REASONABLENESS AND PRUDENCE OR WOULD WE FIND THAT IN THE RECORD.

>> IN THIS ORDER IN THIS CASE, IN OPPOSITION TO FPL ON THE PRUDENCE ISSUE. AND THE COMPANY HAS A BURDENED, JUSTIFYING COSTS.

WE PUT SIX WITNESSES ON, CHALLENGE MANY OUT PACKS OF FPL'S CASE.

THIS IS NOT WHEN WE PUT A WITNESS ON OR TOOK ISSUE WITH. SPECIFICALLY IN CROSS-EXAMINATION BUT WE WANTED TO SEE WHAT THE RECORD WOULD SHOW, AND BRIEF THE ISSUE IN OPPOSITION.

AT THE CONCLUSION OF THE HEARING AND AFTER BRIEFING WE LOOKED AT THE COLD RECORD AND WE SAID IS THIS A CASE THE CUSTOMERS BILLS ARE GOING TO BE IMPACTED BASED ON OUR ASSESSMENT OF THE ENTIRE RECORD AND DISCOUNTED THE PEAK OR ISSUE, AND OVERWHELMING EVIDENCE BY THE COMPANY IS WHAT THE SIERRA CLUB PUT ON IN OPPOSITION, AND CONSIDERATION IN SUBSTANTIAL EVIDENCE, INFORMATION ABOUT 30 YEARS OF

MANAGEMENT GAINS AND THE CENTRAL FACTS OF THE SOLAR ARRAYS THEY SAID COULD AVOID THIS PROJECT WAS OVERWHELMING EVIDENCE THAT WE KNEW THE COMMISSION WOULD TAKE INTO CONSIDERATION THESE SOLAR PROJECTS CANNOT PROVIDE 24 HOUR RELIABILITY PETERS NEEDS AND THERE WAS NO BATTERY COMPARED WITH A PEAK OR PROJECT THAT COULD SUBSTITUTE FOR PEAK OR.

PETERS MAKE THE LIGHTS GO ON, THE AIR-CONDITIONING AND HEATING GO ON WHEN NEEDED.

AND WHEN IT IS COLD OR HOT WHEN MACHINES BREAK DOWN, THEY HAVE TO BE THERE ALL THE TIME.

THE BATTERY PROJECT THAT WAS AUTHORIZED AS A PILOT, 50 MW, IF YOU PUT IN 100, 1677 MW OF BATTERY STORAGE AT THE PRICE IN THE RECORD, \$2300 PER KILOWATT HOUR, \$3.5 BILLION BATTERY PROJECT, \$720 MILLION PROJECT, THE EVIDENCE WAS OVERWHELMING TO THE COMMISSION THAT THEY WOULD NOT MAKE A DECISION TO SAY, THE PROJECT WAS A REBUILT BUT YOU HAVE SHOWN \$725 MILLION AND GO LOOK AT SOMETHING SPECULATIVE. THE PUBLIC COUNSEL'S JUDGMENT WAS THIS ISSUE WAS NOT ONE THAT SHOULD HOLD UP WHAT IS IN THE BEST INTEREST OF THE CUSTOMERS WHICH IS THE BILL, THE PUBLIC COUNSEL HIGHLY DISCOUNTED THIS ISSUE IN DECIDING WHETHER TO SETTLE.

WE SETTLED UNDER SPECIFIC GUIDELINES OF CITIZENS 2014 CASE AND THAT CASE SAID YOU DON'T HAVE TO RESOLVE EVERY ISSUE EXPRESSLY.

THE COMMISSION TO DO THAT BY RESOLVING THE AGGREGATE THE RATES WERE FAIR, JUST AND REASONABLE, AND IS THE EXPRESS STANDARD IN THE 2014 CASE.

WE DON'T BELIEVE THAT A PARTY

THAT INTERVENED IN THE MANNER
THE SIERRA CLUB DID OWNS AN
ISSUE SUCH AS THEY HOLD UP WHAT
IS IN THE BEST INTERESTS WAS
VINDICATED.

>> THAT MAY BE TRUE, THE BURDEN
IS ON THE POWER COMPANIES THAT
COME BEFORE THE COMMISSION TO
PUT ON THE EVIDENCE THAT
SUSTAINS THE BURDEN.

IT IS NOT A REVERSE, NOT
FLIPPING THE BIRD AND AS I
UNDERSTOOD IT.

THE SIERRA CLUB MAY BE
RIGHTFULLY SO IS CONCERNED WITH
THE SOLAR ISSUE IN RENEWABLES.
AS I UNDERSTAND IT THE
SETTLEMENT INCLUDED SOME PILOT
PROGRAMS FOR THOSE RENEWABLES
BUT IT CAME DOWN TO WHETHER THE
SCIENCE OR TECHNOLOGY IS IN
PLACE SO YOU COULD RELY ON THAT
FOR THESE PEAK TIMES WITH 21
MILLION PEOPLE HERE DON'T KNOW
HOW MANY FLORIDA POWER & LIGHT
HAS, BUT IT IS ONLY GOING TO
INCREASE THE WAY THE POPULATIONS
ARE GOING.

LET ME ASK THIS QUESTION.
DOES THIS SETTLEMENT, IS IT
GOING TO PRECLUDE ADVANCEMENT IN
RENEWABLES?

>> THE PUBLIC COUNSEL, ONE OF
THE ELEMENTS WE CONSIDERED
ENTERING INTO THIS SEGMENT IN
ADDITION TO THE BILL IMPACTS WAS
IT WAS GOING TO JUMPSTART SOLAR.
THE BATTERY PILOT PROJECT WAS A
LARGE ONE, \$115 MILLION PROJECT,
IT WAS GOING TO BE SIGNIFICANT
AND THOSE ISSUES ARE DOWN THE
ROAD, YEARS OUT, FPL, I AM NOT
HERE TO DEFEND THE COMPANY IN
THAT REGARD BUT THEY HAD TO MAKE
A DECISION ABOUT THIS PROJECT
AND THEY COULDN'T TALK AND
SPECULATE ABOUT WHAT THE FUTURE
MIGHT BRING.

>> IT DOES NOT PRECLUDE, THE
SETTLEMENT, THE PILOT PROGRAM TO

ADVANCE BATTERY STORAGE AND RENEWABLE ENERGY.

>> MY TIME IS UP, THANK YOU.

>> MAY IT PLEASE THE COURT, I AM STUART SINGER ON BEHALF OF FLORIDA POWER & LIGHT.

I WOULD LIKE TO BEGIN BY TURNING TO THE STANDARD FOR APPROVAL OF A SETTLEMENT.

JUSTICE LAWSON ASKED ABOUT THAT STANDARD, THAT STANDARD IS WHETHER THE SETTLEMENT IS IN PUBLIC INTEREST AND PRODUCED FAIR, JUST, AND REASONABLE RATES.

SIERRA CLUB IS NEVER ENGAGED ON THAT FUNDAMENTAL ISSUE.

THEY HAVE NOT SHOWN THE SETTLEMENT TAKEN AS A WHOLE IS NOT IN PUBLIC INTEREST, THEY HAVE NOT ENGAGED ON THAT ISSUE. FAIR, JUST AND REASONABLE.

>> THE SIERRA CLUB SAID YOU DON'T THROW PRUDENCE OUT THE WINDOW LOOKING AT WHAT SETTLEMENTS HAVE BEEN REACHED, ANYTIME THERE IS A DISPUTE, YOU SEEK A RATE INCREASE AND THE COST WILL BE PASSED ON TO CUSTOMERS, THAT WHETHER IT IS PRUDENT AND REASONABLE GOES OUT THE WINDOW AND ALL YOU LOOK TO IS A DIFFERENT STANDARD. ARE YOU SUGGESTING THAT?

>> NO, WHAT I'M SUGGESTING IS THE COMMISSION PROPERLY SUBSUMED INDIVIDUAL ISSUES OF PRUDENCE IN A DETERMINATION OF PUBLIC INTEREST WHICH GETS TO WHAT JUSTICE QUINT ASKED ABOUT, THE PRUDENCE AND REASONABLENESS SUBSUMED BY DETERMINATION OF PUBLIC INTEREST.

>> IT DOES OF COURSE.

>> WHY HAVE WE MADE DISTINCTIONS IN CASES, IT SEEMED TO SUGGEST THE PRUDENCE STANDARD WAS A HIGHER STANDARD TO LOOK AT THEN PUBLIC INTEREST ALTHOUGH WE ARE THROWING AROUND TERMS.

ARE YOU SAYING FINDING A PUBLIC INTEREST COMING IN A CONTESTED CASE THERE DOESN'T NEED TO BE A SEPARATE FINDING OF PRUDENCE?

>> PRUDENCE AND REASONABLENESS IS A MORE FOCUSED ISSUE AN INDIVIDUAL -- PUBLIC INTEREST BEING FAIR, JUST AND REASONABLE THAT COME OUT OF THE SETTLEMENT ARE BROADER LOOK WHICH SUBSUMES INDIVIDUAL ISSUES.

>> DID I HEAR THEY WERE ALREADY BUILT WHEN FPL STARTS TO INCLUDE THEM IN THE RATE INCREASE?

>> THEY ARE ALL BEING USED AND USEFUL.

>> WHAT WOULD HAPPEN IF WE WERE TO ACCEPT WHAT SIERRA CLUB IS SAYING IN THIS CASE?

>> IT WOULDN'T CHANGE THAT THESE PAPERS WERE IN PLACE, WORKING FINE.

AND IT IS AN ARGUMENT WHETHER OR NOT THE SETTLEMENT SHOULD BE APPROVED WHEN IT RESTS ON BROADER DETERMINATION, AND ON THAT ISSUE, MAKING A SPECIFIC FINDING REASONABLE AND PRUDENT.

>> WHICH WE SUBMIT WOULD BE UNNECESSARY.

>> IT CERTAINLY ENOUGH EVIDENCE IN THE RECORD AND THE ROLE OF SIERRA CLUB, ENVIRONMENTAL ADVOCATES, IS IT DIFFERENT FROM PUBLIC COUNSEL WHO ARE LOOKING AT OUR MY RATES GOING TO INCREASE, WHETHER SOLAR POWER INCREASINGLY USED IN THE STATE. IS THERE ANY PARTY PART OF THE PSC PROCEEDINGS AS A MATTER OF LAW AND ENVIRONMENTAL IMPACT OF WHAT THE UTILITY DOES.

>> THE OPC ROLE IS ALL THE CITIZENS OF FLORIDA.

>> ARE THE RATES GOING TO INCREASE, WE AS RATE HOLDERS ARE CONCERNED ABOUT.

>> THEY ARE LOOKING AT THAT AND IN THE CONTEXT OF WHAT IS BEST FOR RATEPAYERS AND CITIZENS WHO

THEY REPRESENT GENERALLY.
>> THEY ARE EMPOWERED AND RAISED ENVIRONMENTAL ISSUES.
>> THEY HAVE THE RIGHT TO PROTECT THE CITIZENS INTEREST, NORMALLY THERE IS AN ECONOMIC INTEREST IN A RATE CASE DEALING WITH WHAT OUR FAIR RATES. AND THERE WAS NOT RECORD EVIDENCE THAT REPLACEMENT, IS NOT CONTESTED.
AND AMPLE EVIDENCE IN PAGES 11 AND 12 IN THE BRIEF.
IT INDICATES THESE ARE PETERS WHICH ARE 40 YEARS OLD WITH 60-YEAR-OLD TECHNOLOGY TO MANUFACTURE, NO LONGER SUPPORTING SPARE PARTS.
THERE WAS ONE INCIDENT, TESTIMONY IN THE RECORD, WITNESS KENNEDY WITH FLORIDA POWER & LIGHT.
AND EXPERIENCING THE SAME FAILURE ON 1970 GAS TURBINES IN THE PETER FLEET, AND 871-872.
AND THE DECISION TO REPLACE THESE SPEAKERS, WHY WE SUBMIT THE OPC TO MAKE THE STATEMENT IT MADE THAT THERE IS AN OVERWHELMING AMOUNT OF EVIDENCE IN THIS DECISION.
NEW PETERS CA \$150 MILLION AND I NOTE BECAUSE THE SIERRA CLUB SAID MAYBE YOU SHOULDN'T HAVE REPLACED ALL OF THEM, \$188 MILLION OF THOSE SAVINGS COME FROM 2018 TO 2020 BY REPLACING ALL OF THEM.
IT IS NOT A SITUATION THAT WOULD MAKE SENSE TO WAIT OR JUST CHANGE A FEW AT A TIME.
THESE SPEAKERS WERE NOT ONLY LESS EXPENSIVE BECAUSE THEY'RE EASIER TO MAINTAIN BUT 35% TO 40% CONSUMING LESS FUEL, NOT DISPUTED IN THE RECORD.
THEY REDUCE THEIR EMISSIONS. THEY ARE NOT DISPUTED IN A RECORD.
>> IN FAIRNESS THE ARGUMENT IS

FLORIDA POWER & LIGHT DID NOT SUFFICIENTLY CONSIDER RENEWABLES IN MAKING THE DECISION WITH REGARD TO PRODUCING PEAK ENERGY OR ENERGY AT PEAK TIMES.

>> I AGREE THAT IS THE ASSERTION THAT FLORIDA POWER & LIGHT UNDERSTANDS RENEWABLES VERY WELL.

SISTER COMPANY, RESOURCES, LARGEST PRODUCER OF RENEWABLE ENERGY FROM SUN AND WIND IN THE WORLD AND FPL HAS DONE MORE IN THIS AREA AND WILL DO MORE UNDER THE SETTLEMENT THAN VIRTUALLY ANY OTHER UTILITY.

FPL ALSO REALIZED PETERS SERVE THE UNIQUE FUNCTION, THEY HAVE TO BE IMMEDIATELY AVAILABLE, THE LAW REQUIRES WITHIN 15 MINUTES FPL CAN REPLACE ITS HIGHEST AMOUNT OF GENERATING CAPACITY WHICH WOULD BE 1400 MW.

THAT IS NOT SOMETHING THAT CAN BE RELIED UPON FOR SOLAR, NOT JUST A PEAK SUMMER DEMAND ISSUE WHEN THE SUN IS SHINING.

THE LARGEST PEAK DEMAND WAS IN THE WINTERTIME, ISSUES RELIABILITY UNITS, CANNOT RELY ON SOLAR, ANOTHER HYPOTHETICAL SCENARIO, AND THAT IS AN INVESTIGATION ISSUE.

THE 50 MW PROJECT IN THE SETTLEMENT TO INVESTIGATE BUT THE RECORD SHOWS CURRENT TECHNOLOGY FOR PETERS.

THE DECISION NEEDS TO HAVE BEEN MADE.

THERE WAS OVERWHELMING EVIDENCE THE OPC, A JUSTIFIABLE DECISION BY FPL TO INVEST IN THE PETERS AND IT GOES TO THE BROADER ISSUE, AND JUST AND REASONABLE RATES.

>> MAY IT PLEASE THE COURT, ON BEHALF OF FLORIDA PUBLIC SERVICE COMMISSION, TO ANSWER ONE QUESTION, JUSTICE PARIENTE, ABOUT THE ROLE AS AN

ENVIRONMENTAL ADVOCATE, THE COMMISSION GRANTED INTERVENTION TO SIERRA CLUB ON BEHALF OF ITS MEMBERS WHO ARE RATEPAYERS AND WILL BE AFFECTED BY THE RATE INCREASE, NOT AS AN ENVIRONMENTAL ADVOCATE SINCE THE COMMISSION IS NOT AN ENVIRONMENTAL REGULATOR BUT AN ECONOMIC REGULATOR.

THE COMMISSION DID NOT IGNORE THE PRUDENCE OF FPL INVESTMENT IN THE REPLACEMENT PROJECT TO THAT WAS A SPECIFIC ISSUE IN THE UNDERLYING CASE, IF YOU PUT ON DIRECT CASE ON THAT ISSUE SO THEY DID MEET THEIR BURDEN ON THAT, THERE WAS EXTENSIVE CROSS-EXAMINATION DURING THE RATE CASE HEARING, SIERRA CLUB PARTICIPATED IN THAT AND BRIEFED BY THE PARTIES.

THE COMMISSION'S FINAL ORDER, THE COMMISSION EXPRESSLY STATES IT CAREFULLY REVIEWED ALL BRIEFS FILED AND EVIDENCE TAKEN IN THE RATE CASE AND FINDING AS A WHOLE THE SETTLEMENT A REASONABLE RESOLUTION TO THE UNDERLYING ISSUES AND RATES THAT ARE FAIR, JUST AND REASONABLE AND IN PUBLIC INTEREST.

>> IS THERE AN OLDER CASE WITH CITIZENS, THE RECENT ONE THAT WOULD REQUIRE SPECIFIC FINDINGS ON EACH ISSUE IN CONNECTION WITH A SETTLEMENT, OVERALL SETTLEMENT AND A RATE CASE.

>> IN FACT IT IS QUITE THE OPPOSITE.

THE CITIZENS CASE SAID WHEN THE SETTLEMENT IS OVERALL IN PUBLIC INTEREST AND RESULT IN FAIR, JUST AND REASONABLE RATES THE LAW DOES NOT RESOLVE THAT THE COMMISSION RESOLVE THE UNDERLYING ISSUES.

>> IN THE CONTEXT OF A RATE CASE.

AND THIS IS THE SECOND TIME AND

PRECISELY WHAT WE ARE DOING IS FOLLOWING PRESCRIPTIONS THROUGH THE RATE CASE SETTLEMENT.

>> AS A MATTER OF INTEREST, THERE WERE NINE IN THIS CASE, THREE WERE PART OF THE SETTLEMENT.

HOW DOES THAT WORK?

YOU DON'T NEED ALL OF THEM TO COME IN.

>> THESE CASES ARE HIGHLY COMPLEX, NUMEROUS PARTIES AND NUMEROUS ISSUES AND THERE WERE FOUR SIGNATORIES, THREE INTERVENERS, THE SETTLEMENT AGREEMENT, THREE OF WHOM OBJECTED TOOK NO POSITION. MY SECOND POINT BEING OF THE COMMISSION DID NOT VIOLATE SECTION 366.06 BY EXPRESSLY RULING ON THE PRUDENCE, THAT SECTION DOES THAT REQUIRE THEM TO PLACE A VALUE ON UTILITIES REASONABLE AND PRUDENT OR HONEST AND PRUDENT, AND --

>> ONE FINAL QUESTION, NO PARTY PUT ON TESTIMONY CHALLENGING REASONABLENESS IN THIS INVESTMENT.

AND IMPRUDENT AND UNREASONABLE, WOULDN'T THAT, THIS WAS A REASONABLE PRUDENT DECISION. THE ITEMS, CROSS-EXAMINATION, THE ANSWER HAS BEEN GIVEN AS TO WHY THOSE WOULD NOT HAVE MET THE EMERGENCY DEMAND AND COULDN'T HAVE DONE SO.

>> WE COULDN'T AGREE MORE. SO THE COMMISSION WOULD RESPECTFULLY REQUEST THIS COURT TO AFFIRM A FINAL ORDER, THANK YOU.

>> REBUTTAL.

>> IF I MAY REBUT A FEW POINTS, PUBLIC COUNSEL PROVIDED VIEWS OF THE SETTLEMENT WHICH ARE NOT IN THE RECORD, THE WAY IT DESCRIBES OUR DISCOUNTED AND CALCULATED THE VALUE OF THE PETERS IS NOWHERE IN THE RECORD.

IN THE 2014 CITIZENS CASE THIS COURT CONSTRUED CLEAN LANGUAGE TO CONCLUDE PUBLIC COUNSEL IS NOT -- DOES NOT HAVE ADDITIONAL AUTHORITY AND THE MORE IMPORTANT POINT IS THE MAN WHO SETTLED, 100 PEOPLE ARE NO ONE, 100 PEOPLE PUT ON EVIDENCE OR NO ONE DOES THE COMMISSION HAS AN INDEPENDENT DUTY, CHARGED WITH INVESTIGATING WHETHER THERE ARE BETTER OPTIONS AND THIS DOESN'T -- TO THE SETTLEMENT AS A WHOLE, WHETHER THERE WERE BETTER OPTIONS.

>> AT THE TIME THE SETTLEMENT AGREEMENT IS APPROVED, THESE SPEAKERS WERE PUT INTO OPERATION.

IF YOU HAD YOUR WAY, WHAT WOULD HAVE HAPPENED?

TAKEN THEM OUT?

IF THE ISSUE IS NOT AN ENVIRONMENTAL REGULATOR BUT AN ECONOMIC REGULATOR, HOW WOULD THAT BE IN THE ECONOMIC INTEREST OF A RATEPAYER IF THEY REQUIRE TO TAKE OUT THOSE SPEAKERS WITH SOMETHING THAT MAY BE MORE ENVIRONMENTALLY FRIENDLY.

I'M APPRECIATING YOUR VIEW BUT I DON'T SEE IN THIS CASE THAT WHAT YOU ARE SAYING MAKES MUCH SENSE.

>> WITH ALL DUE RESPECT I KNOW YOU'RE ADVOCATING, YOUR BRIEFS ARE EXCELLENT BUT I'M TRYING TO UNDERSTAND.

>> WE WERE NOT PUTTING FORWARD ENVIRONMENTAL ARGUMENTS, WE WERE MAKING ECONOMIC ARGUMENTS AND SIMPLY POINTING OUT THAT THE COMMISSION HAS A DUTY TO REVIEW WHETHER THERE WERE BETTER OPTIONS AND FPL NEVER PROVIDED THE ELEMENTARY, BASIC EVIDENTIARY BASIS TO RENDER AN INFORMED JUDGMENT.

THERE WAS THE BASELINE FPL HAD VERSUS THE PROJECT IT'S WANTED TO BUILD AND DIDN'T LOOK AT

OTHER OPTIONS IN THE SETTLEMENT OF WHAT FPL WANTED AND THE COMMISSION LOOKED AT OPTIONS, IN STARK CONTRAST TO THE 2014 CASE WHERE THERE WAS A RECORD BASED DETERMINATION THAT WAS EXPLAINED.

>> WASN'T THEIR TESTIMONY THEY DID WITH RESPECT TO SOLAR FOR EXAMPLE, IT WOULDN'T MEET THE PEAK OR EMERGENCY DEMAND AND BATTERIES WERE NOT AN OPTION.

>> SO MUCH MORE THAN SOLAR, WE WERE NOT FOCUSED EXCLUSIVELY ON SOLAR, THEIR CHAIRMAN SAID SOLAR STORAGE COULD BE SUBSTITUTE AND CHEAPER THAN PETERS IN A FEW YEARS.

>> THAT IS STRETCHING WHAT THE RECORD SHOWS.

THE PRESIDENT GAVE AN INTERVIEW, AND THAT IS THE FUTURE OUR. WAS COVERED ON CROSS-EXAMINATION.

US THE PRESIDENT OF FPL, THAT IS THE STATUS OF THE RECORD.

NOT THAT THEY CAME IN, SOLAR IS THE ANSWER.

>> WE WERE ALSO POINTING TO OTHER BASIC OPTIONS, A MORE INCREMENTAL APPROACH, LOOKING AT WHERE THE APPROACH WAS FEASIBLE IS PART OF THE DEFINITION OF PRUDENCE AND THEY DIDN'T DO THAT HERE.

THIS COURT CANNOT REVIEW WHAT THEY ARGUE THEY COULDN'T HAVE DONE BECAUSE IT IS NOT IN ORDER.

>> THE IDEA OF THE INCREMENTAL APPROACH IS INCONSISTENT WITH CONCERN ABOUT RELIABILITY.

IF UNITS ARE AGING AND IT IS HARD TO GET REPLACEMENTS, YOU DOING INCREMENTAL APPROACH BUT THEN SOME OF THEM GO OUT AND YOU CAN'T GET THEM GOING, IF YOU HAVE A REAL CRISIS BECAUSE EQUIPMENT ELSEWHERE GOES OUT I DON'T THINK IT ADDS UP.

THERE WAS A COMMONSENSE PROBLEM

WITH ALL OF WHAT YOU ARE TALKING ABOUT, TALKING ABOUT SOLAR, YOU KNOW THAT SOLAR CANNOT BE THE FULL ANSWER.

IT MAY BE PART OF THE BIG PICTURE BUT AS FAR AS SERVING THAT DOESN'T MAKE SENSE.

WHAT AM I MISSING.

>> YOUR HONOR, THERE ARE MANY OPTIONS, DEMANDSIDE OPTIONS REDUCE NEED FOR PEAK DEMAND IN THE FIRST PLACE.

NO QUESTION THE COMMISSION HISTORICALLY CONSISTED THOSE PRUDENT OPTION.

RECORD SHOWS FPL DIDN'T CONSIDER THEM LET ALONE LET THE COMMISSION RESOLVE WHAT WERE APPLICABLE HERE.

THE COMPANY, THE SAVINGS THAT, FPL'S COUNSEL CITES TO FROM THE PROJECT THE PREMISE OF THE SAVING THAT THE ORIGINAL PEAKERS COULD OPERATE RELIABLY TO 2025, WHICH BELIES THE ARGUMENT THEY NEEDED TO BE REPLACE ALL AT ONCE.

THE AGE OF PEAKERS THE ORIGINAL PEAKERS VARIED ACROSS A DECADE. WHAT IS IN THE RECORD DOES NOT SUPPORT THE SUPPOSED FINDING THE COMMISSION COULD HAVE MADE, WHICH IS NOT ORDER FOR REVIEWABLE FORM IN THIS COURT. NO TEMPORARY CONSTRUCTION IN THE STATUTE.

NO DEMONSTRATION OF PRUDENCE WHICH IS THE MANDATORY TEST FOR RATE CASES.

THE COMMISSION NEVER ADDRESSED ESSENTIAL ISSUE, COST RECOVERY FOR BILLION DOLLAR LINE ITEM IN THE SETTLEMENT.

NOR DID IT ADDRESS WHETHER THE SETTLEMENT AS A WHOLE MAKES SENSE AS OPPOSED TO ALTERNATIVES.

I WANT TO LEAVE YOU WITH ONE FINAL POINT, THE 2014 CASE. THERE IS SOLUTION THERE, THE

COMMISSION COULD HAVE EASILY
EMPLOYED THERE.
THERE WAS INITIAL PROPOSED
SETTLEMENT.
THE COMMISSION WAS SATISFIED.
POINTED TO VARIOUS CONCERNS IT
HAD.
IT SENT IT BACK TO THE PARTIES
WHO PROVIDED A MODIFIED
SETTLEMENT.
THEN THE COMMISSION RENDERED AN
INFORMED JUDGMENT, EXPLAINED WHY
THE POWER PLANTS MAJOR COST
DRIVER IN THAT RATE CASE, MADE
SENSE BECAUSE THE COMMISSION
ALREADY DEEMED THEM TO BE THE
LEAST COST ALTERNATIVE.
YOU SIMPLY DO NOT HAVE THAT
HERE.
ON THAT BASIS ALONE YOU HAVE
CAUSE TO REMAND THIS TO THE
COMMISSION.
THANK YOU VERY MUCH.
>> THANK YOU FOR YOUR ARGUMENTS.
THE COURT IS IN RECESS FOR TEN
MINUTES.