

AGENDA ITEM 2-a

MINUTES OF A REGULAR MEETING OF THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, HELD MONDAY, SEPTEMBER 21, 2009, AT 6:00 P.M., AT 200 CANAL STREET, NEW SMYRNA BEACH, FLORIDA

Prior to opening the final public hearing, Chairman Allen proceeded with an invocation and Commissioner Reynolds led the Pledge of Allegiance immediately following.

(1) Final Public Hearing RE: Revisions to the U.C.'s Pole Attachment Agreement (Standard Agreement):

Chairman Allen called the meeting to order for the final public hearing of the Utilities Commission to publicly discuss and consider revisions to the Utilities Commission's Pole Attachment Agreement. He then requested for a roll call to be taken and a majority of the Commissioners were in attendance as follows:

Chairman Walter Allen III
Commissioner Jeanne K. Diesen
Commissioner William E. Hall (ABSENT)
Commissioner William H. Reynolds
Commissioner Oscar Zeller

Others in attendance were as follows: R. Rodi, General Manager/ CEO; L. Klinkenberg, Director of Finance; R. Mitchum, Director of Electric Operations; T. Beyrle, Director of System Ops. & Generation; J. White, Director of Engineering; R. Lemoine, Director of I.T.; P. Di Chiara, Director of H.R.; D. Hoover, Director of Water Resources; M. Lynch, Materials Manager; B. Bilinski, Controller/Budget Supervisor; E. Fisher, Public Information Manager; D. Wood, Customer Service Manager; D. Zorge, Customer Service Supervisor; B. Keehn, Administrative Support Specialist; D. Simmons, Exec. Adm. Offices Mgr. /Recording Secretary; W. Preston, U.C. Legal Counsel; M. Rakowski, City of NSB Director of Development Services; Jake Baker, City of NSB Planner; Vincent Lopez Jr., AT&T Area Director, External & Legislative Affairs; Frank Kruppenbacher, Legal Counsel representing Bright House; Diane Culpepper, Bright House VP Public Affairs & Gov. Relations; unidentified court reporter (last mtg. and this mtg. – believed to be recording for Bright House); Andy Pallamart, Owner of Fox Firestone Bicycle Shop; Jim Balis, Owner of Malony's Oyster Bar and President of West Canal Street Historical District; and Bob Tolley, Sandra Rothfeldt, Steve Provost, members of the public.

Chairman Allen then requested Mr. Preston to read the notice of final public hearing and proposed resolution by title only.

Mr. Preston stated this final public hearing was authorized by the Utilities Commission during their July 20, 2009, Regular U.C. Meeting, and notices appeared in the Orlando

(1) Final Public Hearing RE: Revisions to the U.C.'s Pole Attachment Agreement (Standard Agreement) cont.:

Sentinel at least ten days prior to this date. Notices were also placed on the bulletin board at the Utilities Commission office at 200 Canal Street and City Hall at 210 Sams Avenue. Proof of publication of advertisement for this hearing will become part of the minutes. Mr. Preston stated this is a resolution authorizing revision of the joint pole use agreement of the Utilities Commission, City of New Smyrna Beach Florida, rescinding all resolutions or portions thereof in conflict herewith, and providing for an effective date.

Chairman Allen then opened up the hearing for any public comment, for or opposed, to the revisions to the Utilities Commission's Pole Attachment Agreement.

Mr. Vincent Lopez addressed the Commission and stated I am Vince Lopez from AT&T. He stated it's neither here or there, I just wanted to thank Bill Preston and your staff for all the good work you all did, and added we appreciate your support on this.

Chairman Allen thanked Mr. Lopez and asked if there were any further comments. There being none Chairman Allen closed the final public hearing at 6:02 p.m.

(2) Preliminary Public Hearing RE: Revisions to the U.C.'s Internet Rate Schedule:

Chairman Allen then opened a second hearing, the first preliminary public hearing, to publicly discuss and consider revisions to the Utilities Commission Internet Rate Schedule. He then requested roll call to be taken and a majority of the Commissioners and the same persons were in attendance, as listed and shown previously in the first final public hearing.

Chairman Allen then requested Mr. Preston to read the notice of public hearing and proposed resolution by title only.

Mr. Preston stated this preliminary public hearing was authorized by the Utilities Commission during their August 17, 2009, Regular U.C. Meeting, and notices appeared in the Orlando Sentinel at least ten days prior to this date. Notices were also placed on the bulletin board at the Utilities Commission office at 200 Canal Street and City Hall at 210 Sams Avenue. Proof of publication of advertisement for this hearing will become part of the minutes. He stated this is a resolution revising the internet services rate schedule, for the Utilities Commission, City of New Smyrna Beach, Florida, rescinding all resolutions or portions thereof in conflict herewith, and providing for an effective date.

Chairman Allen then opened up this public hearing for discussion or comments, for or opposed, to the revision to the Utilities Commission internet rate service. There being no public participation nor comments, Chairman Allen closed the preliminary public hearing. This hearing closed at 6:05 p.m.

(3) Preliminary Public Hearing RE: Revisions to the U.C.'s Reclaimed/Reuse Water Services Rate Schedule :

Chairman Allen then opened a third hearing, a second preliminary public hearing, to publicly discuss consider revisions to the Utilities Commission reclaimed/ reuse water services rate schedule. He then requested roll call to be taken. A majority of the Commissioners and same persons were in attendance, as listed and shown previously in the first public hearing, a final public hearing for revising the U.C.'s pole attachment agreement.

Chairman Allen then requested Mr. Preston to read the notice of this public hearing and proposed resolution.

Mr. Preston stated this preliminary public hearing was authorized by the Utilities Commission during their August 17, 2009, Regular U.C. Meeting, and notices appeared in the Orlando Sentinel at least ten days prior to this date. Notices were also placed on the bulletin board at the Utilities Commission office at 200 Canal Street and City Hall at 210 Sams Avenue. Proof of publication of advertisement for this hearing will become part of the minutes. He stated this is a resolution revising the rate schedules for all classes of customers utilizing the reclaimed water system, for the Utilities Commission, City of New Smyrna Beach, Florida, rescinding all resolutions or portions thereof in conflict herewith, and providing for an effective date.

Chairman Allen then opened up this public hearing for discussion or comments, for or opposed, to the revision to the Utilities Commission reclaimed / reuse water service rate schedule. There being no public participation nor comments, Chairman Allen closed this preliminary public hearing. This hearing closed at 6:07 p.m.

Regular/Reorganizational U.C. Meeting:

(I) Reorganizational Matters

Chairman Allen stated as we move on to the next area it's for reorganization in our Commission. He then requested roll call to be taken; a majority of the Commissioners and same persons were in attendance, as listed and shown previously in the final public hearing, the first public hearing.

(I-a) Election of Officers:

Chairman Allen then stated okay as we begin, the first item is reorganization, election of officers at this time.

Commissioner Diesen stated Mr. Chairman, given the situation and where we are, moving forward with generation and so forth, I think it would be advisable and I'd like to make a motion that we keep the current slate in office for another year. Commissioner Zeller seconded this motion.

(I-a) Election of Officers (cont.):

Commissioner Diesen's motion passed unanimously on a roll call vote. The current slate of officers for the U.C. were, and are now for the upcoming fiscal year as follows: Chairman Walter Allen, Vice Chairman William Hall, Secretary-Treasurer William Reynolds, Assistant Secretary-Treasurer Oscar Zeller and Commissioner Jeanne Diesen.

(1) Agenda Changes, Additions and Deletions:

Chairman Allen then asked if there were any agenda changes, additions or deletions.

Mr. Rodi stated there were none.

(2) Approval of Consent Items:

Chairman Allen then moved on to item 2, for the approval of consent items.

Commissioner Reynolds made a motion to approve the consent items: item 2-a. Minutes of Regular UC Meeting Held 8-17-09, approve as submitted; item 2-b. Bid No. 11-09- Water Meters for Central Stores, a motion to award Bid No. 11-09, for water meters for the Central Stores Division of the Finance Department, to Mainline Supply in the not-to-exceed amount of \$12,395, and an award to Elster Amco in the not-to-exceed amount of \$79,392, the lowest responsive and responsible bidders; item 2-c. VCOG FY2009-2010 – Cooperative Bid for Water and Wastewater Chemicals, a motion to award Purchase Order No. 8682 in the amount of \$12,500.00 to Allied Universal Corp., Purchase Order No. 8683 in the amount of \$4,980.00 to Brenntag Mid-South Purchase Order No. 8684 in the amount of \$24,400.00 to Tanner Industries, Purchase Order No. 8685 in the amount of \$52,742.50 to Carmeuse Lime & Stone Purchase Order No. 8686 for \$316,455.00 Carmeuse Lime & Stone, Purchase Order No. 8687 in the amount of \$64,000.00 to Kemira Water Solutions, Purchase Order No. 8688 in the amount of \$18,350.00 to Thatcher Chemical of Florida, Purchase Order No. 8689 in the amount of \$66,150.00 to Jones Chemicals, and Purchase Order No. 8690 in the amount of \$39,690.00 to Jones Chemicals, for a total amount awarded of \$599,267.50; item 2-d. Renewal of Coverages (Bid No. 14-08) – Property/Casualty Insurance for 2009-2010, a motion to award the property/casualty insurance for 2009-2010 to Florida League of Cities in the amount of \$166,784.00, and to Arthur J. Gallagher, Risk Management Services, Inc. in the amount of \$172,555.00, for a total of \$339,339.00; item 2-e. State Revolving Fund (SRF) Water System Facility Plan – Alternative Water Supply Development, a motion to accept and ratify the proposal and associated Task Authorization Form in the not-to-exceed amount of \$48,960.00, submitted by Quentin L. Hampton Associates (QLH) for the SRF Water System Facility Plan (Alternative Water Supply Development), as submitted; item 2-f. Software License Compliance and Needs – Renewal of Enterprise Licensing Agreements, a motion to approve the combination of the U.C.'s two existing Enterprise Licensing Agreements, award of a purchase order to Software House International (SHI) in an amount not-to-exceed \$101,217.00, (to be paid with annual payment amount of \$33,739.00), for the renewing of the licensing of the U.C.'s Microsoft software with the

(2) Approval of Consent Items (cont.):

Enterprise Agreement for the next three years (2009-2012). Commissioner Zeller seconded Commissioner Reynold's motion to approve the consent items which then passed unanimously on a roll call vote.

(3) Public Participation:

(3-a) Request to Appear – City of NSB Development Services – RE: Proposed Multi-Use Trail in UC Transmission Corridor:

Chairman Allen then stated the third item is public participation, a request to appear by the City of New Smyrna Beach Development Services regarding a proposed multi-use trail in the Utilities Commission transmission corridor. He stated they have a short presentation that Mr. Rakowski is going to share with us.

Mr. Rakowski addressed the Commission and stated good evening ladies and gentleman. I'd like to introduce myself, I'm Mark Rakowski, the Development Services Director for the City of New Smyrna Beach. With me today is Jake Baker, he's our planner for trails, and what we wanted to do is just kind of talk about, although I know you already are somewhat aware of the trail program, what we want to do is just kind of broach the subject one more time.

Mr. Rakowski stated since the late 1990's, the city's been looking at possibly trying to use the U.C. corridor for a multi-purpose trail. In about 2000, we got a grant from the Department of Agriculture to do a booklet, and I think you all have a copy of it. It's that pink booklet that we passed out to you, and I do have more copies if you are interested in more copies. He stated at the time we had various user groups. We got together with the horse people, the Happy Walkers I think their names were, the bicycle people, roller bladers; everybody to determine whether or not there was any interest in the trail. At the time, there was a lot of interest in it, we did get the Utilities Commission staff involved, and the Utilities Commission at the time I think was involved, City staff, and everything looked like it was going pretty good. Except the one thing is, we didn't have any money to build the trail, the feasibility studies we had were several million dollars to do the complete trail, and then we had to get a bridge over I-95 and all that.

Mr. Rakowski stated since then, in the last five or seven years, we've had a lot of turn over in staff, I think maybe the entire Utilities Commission, and a lot of the staff members, a lot of the City staff turned over, and then there were sort of some waning interests in the trail, so nothing really happened. In the last couple years though, we've been getting some more interest in it, the trail was placed on the Cross Volusia Trail. The Cross Volusia Trail is on the transportation plan now, so it is an official Volusia County trail proposal. Venetian Bay actually built part of their trail west of I-95, and we had worked with the Volusia County Metropolitan Planning Organization (MPO), which that's the arm of Volusia County that actually does the transportation planning. And we got them to do a feasibility study and they actually told us that they have money now for

(3-a) Request to Appear – City of NSB Developmental Services – RE: Proposed Multi-Use Trail in UC Transmission Corridor Calculations for Proposed Hotel on Flagler Avenue (cont.):

75% of the trail. He stated we talked to the Volusia County folks, ECHO folks and they are very interested in putting money into helping the trails. So, with the Volusia County MPO paying 75% of this phase of the trail, and the ECHO people, we think that we have enough money to do one phase of it, which is about a 2.2 mile section.

Mr. Rakowski then stated Mr. Baker is going to, we've got about a half a dozen slides or so, we'll let him talk about that and I'll come back up.

Mr. Baker addressed the Commission and stated what you're looking at on the screen, there's a view of the corridor heading west, and I think it's a little bit on the other side of Otter (Blvd.) right there. There's a picture of the trail route, 2.2 mile section between Pioneer Trail on your right where it says VC (Volusia County) Fire Station, and extends west to what is to the south side of the Glencoe Geiger Cemetery. It spans the Turnbull Creek, right over there, where there is a bridge in the budget, which will span the wetlands and the creek itself.

Mr. Baker then stated as Mr. Rakowski said, this is part of a larger Cross Volusia Trail. Now if you are looking at this here, that's about where the trail begins and it's this pink line that goes, bounces south of S.R. 44, comes back up and runs out by Lake Beresford, which will tie into the Spring-to-Spring Trail, which goes north to south. So, the section that we're looking at right now, you know, Sugar Mill, will basically be bringing people in the downtown area, and vice versa.

Mr. Baker stated and the trail itself, Venetian Bay, that's a little section of it right there that you're looking at, that's on the west side of Airport Road, which is the western terminus of the trail to date. Again, we need a big section, which Mr. Rakowski discussed earlier, to go over I-95 and connect into Venetian Bay, which is a whole another day, and a whole another dollar.

Mr. Baker stated some issues, there is a 30" force main within the U.C. corridor. The feasibility money coming from the MPO, studying the money from the MPO and the ECHO Grant, you know, allows funding for design of the trail, which we're taking every effort we can to not place the trail over the top of the force main, in case there ever is a need to access the force main, for whatever issue. And the trails designed to withstand intermittent use by heavy vehicles, this is being built to DOT standards, and from what I understand the bridge is as well. We have also heard from several local biking groups that they're interested in helping to maintain the trail, clearing up the debris, that type of thing as well.

Mr. Baker commented I ride my bike around town quite a bit and one of the issues, that people riding east and west through New Smyrna Beach is, you know, see that picture right there at the top, S.R. 44. We're trying to navigate the grocery store, Wal-Mart

(3-a) Request to Appear – City of NSB Developmental Services – RE: Proposed Multi-Use Trail in UC Transmission Corridor Calculations for Proposed Hotel on Flagler Avenue (cont.):

Parking lots, you know, there's really no safe place to go on S.R. 44. And Pioneer Trail, over here, looking at the mail truck, there's a car coming the other way, it's tight, and you know I've almost been clipped a dozen times myself just riding alone there. So, the trail will greatly reduce the risk of collision for people that are trying to travel east west through town.

Mr. Baker then stated the City's Comprehensive Plan, one of the goals in the Comp. Plan is to develop a safe bicycle and pedestrian transportation system. One of the specific policies is to create bicycle and pedestrian facilities, including multi-use trails and greenways, and to consider utility right-of-way property as a potential corridor, well, that's what we're trying to do with this venture right here. He stated again, one of our safety goals in there is to promote and implement transportation system improvements for all modes that minimize the occurrence of potential crashes that might result in the loss of health, life, and property. Well, you saw those pictures on S.R. 44 and Pioneer Trail, this would definitely be a safer route for people trying to go east and west through town.

Mr. Baker stated one of the concerns that had been mentioned in the past has been liability, which I'm basically going to leave to the attorneys to work out, but I know that there's a Florida Statute which goes into immunity for cities to a certain extent and again, I'm not an attorney, I'm not going to be pretend to be one here right now, but I don't think it's a huge issue.

Mr. Baker stated and another issue is maintenance of the trail. I said there were volunteer groups that were looking at helping to maintain it, but we are working with the County right now to come up with an agreement where the actual official maintenance of the trail will be either done by the City (NSB) or the County (Volusia), and we're (City of NSB) going to chip in 50% at this point to do the general maintenance of the trail. He concluded by commenting why don't we wait for questions until the end of Mr. Rakowski's presentation.

Mr. Rakowski then addressed the Commission again and stated as I mentioned today, what we wanted to do is just make sure that we are all sort of on the same page with this proposal. We wanted to, I know that Mr. Rodi I think, has talked to the Commission in the past couple years about this, but I also wanted to be available in case there were any questions that the Commission may have. My understanding of our assignments in this, is to come up with an easement document that would take the responsibility off the Utilities Commission and to the City for any liability and maintenance. Whether or not, for example if there's a U.C. truck that has to go out there and does some damage to the trail, we (City of NSB) would be responsible for fixing it.

Mr. Rakowski stated our fairly immediate goal is to apply for this ECHO grant. We brought this up to the City Commission about a month ago or so, and they said go to the

(3-a) Request to Appear – City of NSB Developmental Services – RE: Proposed Multi-Use Trail in UC Transmission Corridor Calculations for Proposed Hotel on Flagler Avenue (cont.):

Utilities Commission; if they're okay with it, we're okay with it, in essence. So we're starting to put together a grant, an ECHO Grant application that would be the match for our MPO money, and the MPO money would be a match for our ECHO grant money. He stated so we would need some type of approval from the property owner, that's the Utilities Commission, for the grant application. We have a preliminary application that needs to be made in October. Our goal would be to send them some information on the preliminary application, and keep working on the final application that's due at the end of November, or the beginning of December. We would like to re-appear before the Utilities Commission, hopefully in November, to get some type of letter of approval to send with the ECHO grant. And then hopefully, the County's indicated to us that they think we have a great chance of getting this ECHO grant.

Mr. Rakowski stated and if we did get the funding, it would be available next summer, the same time as the MPO funds would be available. And perhaps we'd start construction in about a year or so or 18 months from now, and have it completed, hopefully at the end of 2011. He stated so that's our tentative schedule on that, and I think that's about all I have, and I'll try to answer any questions you might have.

Commissioner Zeller stated to Mr. Rakowski, suppose this (trail) falls into disrepair and the County doesn't fund maintenance, does the Utilities Commission get it back.

Mr. Rakowski stated no, that's the whole idea of the easement document that the legal staff is working on, it would be the City that would be responsible for it.

Attorney Preston stated let me answer a little bit more on that, Mr. Rakowski is correct, the issue is currently being negotiated by way of an easement. We own the property, the Utilities Commission owns the corridor. There's a liability concern that we have to be careful about and so we are taking steps to absolve the Utilities Commission of any liability for injury, damages, or otherwise over that corridor. So that's one important aspect of this easement and the easement will be the Utilities Commission granting an easement to the City (NSB) and in some areas the County (Volusia). When, I think its 4.4 miles* for the projected area (*this phase 2.2 miles), also includes some County property. So the maintenance issue of that property, even if the Utilities Commission should have to use that property, drive over the property or otherwise use the property for the repair of the main or for any other purpose, the trail is to be maintained by the City where the City has property and the County, where the County does as well.

Attorney Preston stated that is to be written in the easement, so that flows with the property ownership and easement, it is an ownership right. Also this flows the obligation as well, so that will give the Utilities Commission the protection from any recourse for maintenance or liability.

(3-a) Request to Appear – City of NSB Developmental Services – RE: Proposed Multi-Use Trail in UC Transmission Corridor Calculations for Proposed Hotel on Flagler Avenue (cont.):

Mr. Rodi stated can I ask for clarification for those who may be wondering why we're talking about the liability protection, if I may. Currently along this corridor we have an obligation to keep everybody out. That's why we have signs posted, gates, and then we police that area from a standpoint of keeping people out, and there are obligations that we have that have liability consequences. So that's why this is being said, this is now, this is the reverse. He added and this is a good thing, you know, I think the Commission and everyone who sees this says, gee this is a good idea. Especially when you see the number of people riding bikes on Pioneer Trail or Turnbull Bay Road, and there's a large group. So there are a lot of positive aspects of this and it's a wonderful addition I think for the community. So, I wanted to provide a little bit of reference as to why we're asking for that kind of protection for those who aren't familiar with it.

Attorney Preston added and I believe that we are in a positive and constructive way working toward a good solution. There are just these real issues that we need to consider and to take care of, for all parties for that matter. But I believe that we'll have something for you in short order.

Chairman Allen commented it's a shame it had to come to three years later when this first came, with some of the questioning and some of trying to get some of this put together. If it had been a moving act back then, you could have already had your ECHO grant applied for and everything, if this had moved in a timely manner, and hopefully this will move in a timely manner. I see there's no opposition to seeing this happen, it is a benefit and it is good for those who enjoy biking to be able to ride safely, and I see nothing but positive from the Commission in seeing this move forward so that it can be done. And my understanding is we need to take action on this for developing, for confirming a conceptual approval of this trail at this time. He stated to Mr. Rakowski, is that not correct, you're looking for some action.

Mr. Rakowski stated well, I guess if we could get some type of indication because I don't want to have our grant writers putting all this work together if we don't think we can get it. And I do understand that we've got to get some legal documents taken care of before we get something, before we submit an application, but if we can get a conceptual.

Chairman Allen stated then asked does somebody want to make a motion to that.

Commissioner Reynolds then made the motion to approve the conception of the New Smyrna Beach Multi-Use Trail (Phase 1, approximately 2.2 miles, extending from Sugar Mill Drive / Glencoe Geiger Cemetery to Volusia County Fire Station located on Pioneer Trail), as described by Mr. Rakowski, the NSB Director of Development Services, pending the outcome of the legal agreements between the Utilities Commission, the City Commission of New Smyrna Beach, and the County of Volusia. Commissioner Diesen seconded the motion and it passed unanimously on a roll call vote.

(3-a) Request to Appear – City of NSB Developmental Services – RE: Proposed Multi-Use Trail in UC Transmission Corridor Calculations for Proposed Hotel on Flagler Avenue (cont.):

Mr. Rakowski then thanked the Commission.

Chairman Allen stated thanked him and added hopefully this will move in a timely manner from here.

(3-a) Public Participation:

Chairman Allen then stated as we continue under public participation, are there any others in the public that would desire to participate.

A man indicated he would like to speak and stepped forward to address the Commission. He stated good evening sir, Frank Kruppenbacher, I'm legal counsel for Bright House and I'm just trying to figure out the order of things. My understanding is you acted on a resolution, and maybe I should address this to Mr. Preston, on the rates earlier. And then there's something coming up on the agenda, I'm just trying to figure out where this item is regarding pole attachments.

Attorney Preston stated the discussion on the Pole Attachment Agreement will be under an item later on the agenda.

Mr. Kruppenbacher stated okay.

Attorney Preston stated I don't have that particular item number.

Commissioner Diesen interjected item 6.

Mr. Kruppenbacher asked we'll have an opportunity to speak at that time.

Attorney Preston stated that's up to the Chairman as to whether or not he wishes to.

Chairman Allen commented it would have been good if you would have been here at the public hearing that we started at 6:00 p.m. for this item.

Mr. Kruppenbacher stated yes, we went to the front door and then had to go around back so we came in, I believe at like 6:03 p.m. But would we have an opportunity to speak then or would you...

Chairman Allen stated yes, I will let you, and added you know we have a three minute time period.

Mr. Kruppenbacher stated okay at that time, and added thank you, I'll wait.

(3-a) Public Participation (cont.):

Chairman Allen then asked if there were any others for public participation.

Another man addressed the commission and stated good evening, my name is Andy Pallamart. I'm the owner of Fox Firestone Bicycle Shop, and with me this evening is Jim (Balis) with Malony's (Oyster Bar) and who's involved with the Canal Street Historic District. We're just very excited about the opportunity to have a cycle trail that would link the Sugar Mill development, and everyone that lives on the trail, to downtown, which really needs some more cycling traffic instead of cars. The Farmers Market is a great place to visit and added thanks for your support in trying to make that happen.

Chairman Allen thanked Mr. Pallamart for his comments and then asked if there was any other public participation.

A woman then addressed the Commission and stated I have a question, regarding your standing procedure on public participation, can it be on any subject or just the bike trail.

Chairman Allen stated it's on any subject, it's your opportunity to speak.

The woman then addressed the Commission and stated thank you for clarifying that. She stated my name is Sandra Rothfeldt, and some of you may be familiar with it because I've called all of you and left messages this week.

Chairman Allen then asked if Ms. Rothfeldt could give an address.

Mrs. Rothfeldt stated New Smyrna address or a home address?

Chairman Allen stated wherever, your home or whatever.

Mrs. Rothfeldt stated I'm here in reference to 5499 South Atlantic Avenue, a customer of the Orlando Utilities Commission (sic New Smyrna Beach Utilities Commission) and the reason that I am here is because it's more of the principal of a matter. I'm very upset with the fact that the Utilities Commission portrays to their customers. The economy is getting very bad, people are having more and more difficult times in paying bills at all or paying them on time. And even, you know I personally have been given an increase in deposit because I've been paying late lately, and I'm absolutely fine with the increase, or a deposit, I never had one on file before. But the thing that upsets me the most is the lack of the Utilities Commission to work with people, and they seem to be hiding behind the word policy, instead of trying to help people. The economy is getting worse, I mean all you do is hear on all the news stations and the news television shows that people are in trouble and things are getting worse and worse, and I think that the Commission needs to address what it is that the utilities company is going to do to try to help their customers through this time. I'm not talking about not paying bills, not paying deposits, or anything like that, but scheduling reasonable payment schedules. I don't think a reasonable payment schedule is billing somebody something and requiring full payment within 20

(3-a) Public Participation (cont.):

days of things like additional deposits, things that aren't fees for paying the electricity itself. So it's just very concerning to me the attitude that it's being dealt with and I guess the policies. I think that they need to be reviewed because the situation is only getting worse for people to be able to pay their bills and or increases in deposits or whatever, and I think that some help needs to be forwarded. It's not taking money out of the Utilities Commission for the payment of electricity but I just think that something should be done to pass policies that are more helpful and proactive to help people through these difficult times.

Chairman Allen confirmed none of the other Commissioners wanted to comment. He then stated the policies are in place and there is a process in that policy. If somebody would move into our community as a new person, they're going to pay that fee required for deposit. He stated one of the things that comes into play is, and the emails we received on our policies and the way our policies work, you've been with the Utilities Commission since 2002 if I recollect, but the late payments triggered the policy. You originally did not have to have a deposit, and because of late payments and because of hang tags on an ongoing process, it has brought that up, and he added the \$290 is on the low end of a deposit. He stated we carry out those and follow policies to be consistent and so everybody's treated equally. He added, and as that deposit is placed, the Utilities Commission does offer interest on an annual basis on those funds that are in deposit. That is carried on and if you're a good payer for up to 24 months that deposit will be returned back to you. One of the things that I suggest, so often when we are faced with this type of situation, and it's very little contrary to what many will think, that we have a lot of problems in this area, which we don't, is that I often suggest that folks go to automatic debiting for their payments. It works fine, there are no errors in it, and so your bills are taken care of on that exact day that they're due. So it elevates keeping track of one more things, you get the bill and it says do not pay. He concluded and so I understand what you're saying but you have to understand that we conduct a business.

Mrs. Rothfeldt then stated actually, you are totally wrong on the point. What I'm saying is that okay, we want to discuss my particular case, yes, I received a deposit notice and I was told by a Customer Service Supervisor that in reviewing this year's payments I was late one time three days, and two times 14 days pass the due date, and they required a deposit increase. Which I'm totally okay with, totally okay, my point in being here tonight has to do with basically the attitude and the policy. I mean you're going to turn people's power off because they can't pay a deposit in 20 days. You bill them on September 4th, and you want the full payment by the 25th, and they're struggling to pay their bills. The reason that I didn't have a deposit when I came in to New Smyrna in 2002, is because my credit was so good they didn't require it. And now along with the rest of the people, you know struggling, and it's not just me, maybe I'm the only one that's pushed this far, but when I called the City Commissioner's office, or excuse me the City Manager's office, they told me that they've been receiving numerous complaints, the Assistant of the City Commissioner told me that. So, I was told that there was going to be people here tonight, so that's why I came. And I don't want to air my laundry, or take

(3-a) Public Participation (cont.):

up these poor people's time, because I'm not just proposing for myself. I'm saying that this is something that is going to become more frequent instead of less, and I think that you need to review the policies.

Mrs. Rothfeldt then commented maybe some of you are able to pay all of your bills rapidly at the time of the due date, the reason that people don't go to automatic debt is because there isn't money there to debit, okay. So I don't think that it's hurting the Utilities Commission in situations like that to extend, especially deposits. I'm not talking about paying for electric, the Utilities Commission has been constantly saying to me, well we can't let you not pay your electric. I've always paid my electric so I resent that statement. What I'm saying is, if you're going to make increase in fees on people, which is fine that you do that, but I think in these times that you need to extend them some time to pay those fees, without the threat of cutting off their power.

Chairman Allen stated okay, thank you. He then confirmed there was no further public participation this evening.

(4) R. Rodi - General Manager's Report:

Chairman Allen then moved on to the General Manager's Report and item 4-a., the Financial Status (August 2009).

(4-a) Financial Status August 2009:

Ms. Klinkenberg addressed the Commission and stated good evening. On our financial status, we wanted to let you know once again we continue to report less than budgeted revenues and the decrease is in the revenues compared to last year. But we have been able to continue to control our operating expenses and compensate for the shortfall, so we're still in really good shape to finish the year.

Ms. Klinkenberg stated as anticipated, the fuel adjustment had an over-recovery on the books, approximately \$715,000, and there was a \$48,000 true-up from last month. This brings the balance of the under-recovered funds down to \$1.8 million; and we're on good track with that.

Ms. Klinkenberg then stated I also wanted to give you an update on Cogsdale if you don't mind. We went live, as you all know, last weekend in August, and opened to the customers on September 1st, with our new customer service billing software. Much credit goes to the U.C. employees, and one I wanted to mention in particular is Danielle Woods, our Customer Service Manager. Without the help of all of the U.C. employees we couldn't have done this. We went through a 12 to 18 month project normally to go live, we accomplished in four months, from contract signing to go-live, which was no easy feat. She stated at this point, the Cogsdale system is fully functioning, meaning that we can print our bills, we can run the collections process, we can produce service orders, we can capture meter readings, and accept payments through cashiering and bank electronic

(4-a) Financial Status August 2009 (cont.):

transfers. She added taxes are calculating accurately and so are our new street light rates. We still have a lot clean-up to do on the converted data, but we're able to run reports though, in order to provide us with the discrepancies and research them and correct them. So every billing cycle, before they go out, we're running comparisons to look for any errors that came over. And they wouldn't be conversion errors, they were errors that existed in enQuesta that would have come over the same way in Cogsdale; so we're trying to get all those cleaned up as we go.

Ms. Klinkenberg stated I think you all have heard that we have some bill print issues (display errors). And I think you all might have received an email, it is display only, there's nothing wrong with the detail of the bill, it's all accurate, it's all calculated accurately. We're fine tuning the actual bill print document because in order to go live in the four month time, we couldn't have our own bill print developed. It takes three months just to develop a bill print so we had to kind of "hi-jack" somebody else's and make it ours. So there are a few tweakings and I've been pushing to get a date for when our final one will be ready, which I haven't received from Cogsdale yet, but it should be soon. She added then all of the issues should be corrected with that.

Ms. Klinkenberg stated the other outstanding piece, that we haven't had the chance to implement yet, is the web connect piece. As of September 21st, there will be no current information from enQuesta anymore. If anybody logs in, it's old information on their account. The IVR, if they try to make a payment on the IVR, they're not going to be able to because there is no current information in there. So we were trying to get the Cogsdale web piece up and running prior to September 21st, but we've had a couple of issues with that software, servers and a bunch of different little pieces and time, so we kind of ran out of time to get it going. She stated so we're trying to get that, as soon as possible, up and running. I'm hoping by the end of September, that we could actually have it up, although that would probably be a really close call because we need some time to test it, so maybe mid October, to have it live for customers. She stated then the customers would be able to make online credit card payments once again.

Ms. Klinkenberg stated as of Friday, we are up-to-date on all of our billing and all of our AFT transfers, some of those were running a little behind while we got caught up. And already at this point we are running like a mock end-of-month tomorrow in order to reconcile for month end reporting. We think we already have a lot of the information we need and we're going to verify that tomorrow. She stated so all and all, after three weeks of being live on Cogsdale, we are in better shape then we were on the former software a year later; so we're happy.

Chairman Allen then asked if there were any questions or comments.

Commissioner Diesen asked when do you expect everything to be totally cleaned up.

(4-a) Financial Status August 2009 (cont.):

Ms. Klinkenberg stated it's going to take time, we're finding things as we go, and added it's so detailed. I mean we're really looking at every account before we bill and we're human, you can make a mistake. We're running error reports all the time, and I would hope within 30 to 60 days we'd have the majority of it cleaned up, and maybe just a few stragglers.

Commissioner Diesen stated do you think that we have an accurate count now on the commercial and the residential accounts.

Ms. Klinkenberg stated I believe so, from what I've seen it looks very good, the numbers look more accurate than I've seen in a year.

Commissioner Diesen added, and we'll be able to tell monthly as the consistency remains.

Ms. Klinkenberg stated correct.

Commissioner Diesen stated okay, thank you.

Ms. Klinkenberg and Chairman Allen both confirmed there were no further questions regarding this matter.

(4-b) Update/Overview of Due Diligence Enerkem Trip:

Chairman Allen then stated to Mr. Beyrle, it looks like you're on.

Mr. Beyrle addressed the Commission and stated you may have heard some stories about our whirlwind trip to Canada, Commissioner Zeller I'm sure will back me up. It seemed like we were in a plane or a car for about two days straight. We had some good news and some bad news, but the trip went very well. We met with the inventor, at Enerkem, of the technology. We had a nice sit down with him where he went through the technology and was able to speak at our level and explain the process. He also explained some of our concerns as far as some of the toxic chemicals that you would find in municipal solid waste and how they deal with mercury and cadmium, and a lot of the other issues that we brought up to him.

Mr. Beyrle stated we took a tour of their pilot plant, which is where they've done all their testing and refined this technology. And then we took a tour of the Sherbrooke Plant, which what will be their first commercially operational plant, which will be producing ethanol rather than electricity. The technology is the same as what we would be seeing if they are able to build a plant here.

Mr. Beyrle stated unfortunately the plant was being calibrated, some of the input feed from the saw mill next door, they were doing some work on that, so the plant wasn't

(4-b) Update/Overview of Due Diligence Enerkem Trip (cont.):

actually operating while we were there. But we were able to see how they're bringing their materials in. They have a utility pole and railroad tie saw mill right next door and they're able to take the waste out of that plant and use it to create ethanol at their plant.

Mr. Beyrle concluded by stating so all and all I thought we had a very positive meeting with them. Like I say, it was very unfortunate that the plant wasn't running at the time, but we got to see what a plant is going to look like. It was probably a little bit smaller than one that they would be building here, even the larger plant, but I think we got a lot of questions answered by Dr. Chernot (Estaban) and I thought that it went very well.

Commissioner Diesen stated when was the last time it had been operating before you got there.

Mr. Beyrle answered they haven't really been commercially operating 24-7, it sounds like they've been running at as they've been testing it.

Commissioner Diesen stated they didn't tell us in that way; never mind, I got you.

Mr. Rodi asked if he could interject something, and added I have had a couple of conversations. They are building an ethanol island which is going to be a commercial dispensing station area. So what they've been doing in this process is producing ethanol, and I might add the gas output in order to produce ethanol must be so much cleaner than what is needed for using that same gas output for electrical energy generation. So, the use of that plant to produce ethanol will produce information for us about the quality of the gas to run combustion turbines or even reciprocal-type engines.

They have been intermittent in that they run the plant and then load up their ethanol and they don't have an automated way to deal with large quantities of ethanol. Like any other start up, and I don't know how many of you have been dealing with start ups, and again, this is a start up, their first year of operation is usually pretty tough; they're up, and they're down. So, I had asked them for additional information like what's the quality of your outputs, what's the throughput, I want to match the BTU's that they presume going in, those going out, what's happening with the waste heat; there are a lot of questions that have to be answered yet, and they're willing to do that In January or February, R.W. Beck's going to do a formal study of their inputs and outputs, and so that I think is an important element for us, for the due diligence part.

Commissioner Diesen then stated at their expense.

Mr. Rodi stated at their expense, yes. One of the realistic aspects of this is that in addition to just the production end, there are all of the verifications for environmental outputs and these are very clean technologies, very clean. But they also have to be able to show when they go to the different states, for example, in Florida or Texas or New Mexico, where they're talking, Mississippi they have another plant, that they're able to meet emissions standards, and it's not only the Federal standards but the State standards as well.

(4-b) Update/Overview of Due Diligence Enerkem Trip (cont.):

Mr. Rodi added so they're going to need some type of a formal corroboration of all of their test information and some of the information from this plant. So I wanted to contribute that there's a lot more to do yet, and before we even get to a Purchase Power Agreement with an option to buy.

Commissioner Diesen interjected wouldn't it have been nice if...

Mr. Rodi stated they should have told us.

Commissioner Diesen stated so then just let me ask, is he going to pay for the trip then.

Mr. Rodi stated well I've asked them, I haven't gotten an answer on that. You know, the implication is, because I haven't gotten any response on it, is probably not, but I've asked, so I'll push on that button a little bit.

Commissioner Reynolds stated are they (Horizon Energy) still working on the MOU's as far as the biodegradables.

Mr. Rodi stated yes.

Commissioner Reynolds stated so that's ongoing.

Mr. Rodi stated yes, and added understand they have a contract with Progress Energy to have two of these plants operating and I think they had like a three-year window, in order to get them up and running. So the clock is ticking away and it's got nothing to do with us, that's Progress Energy.

Chairman Allen then asked if there were any other questions and asked Commissioner Zeller if he wanted to make any comments.

Commissioner Zeller stated it was disappointing not to see them in operation, but the plant we saw was very neatly built, it was mostly stainless, and then the byproduct, which is ethanol. But they were taking and grinding up telephone poles that were loaded with arsenic and copper, and emitting nothing to the atmosphere. The bad stuff came out as oxide as clinkers at the bottom of the crucible, which I was impressed with.

Chairman Allen interjected that's a good thing.

Commissioner Zeller stated it's gasification of solid waste, I like that, I don't like trash heaps. And he added it's a way to get rid of our old rubber tires too, I'm pushing for the rubber tires.

Mr. Rodi commented, and Commissioner Zeller concurred, that's good heat content.

(4-c) Approval of Travel Expenses for Due Diligence Trip – Horizon Energy-Proposed Alternative Energy Project:

After confirming there were no further comments regarding the due diligence trip, Chairman Allen moved onto the third item under 4., item 4-c, which was the approval of travel expenses for the due diligence trip for the Horizon Energy proposed alternative energy project.

Commissioner Diesen then stated I will make the motion, but with the caveat that we should try to get reimbursement. I know we've got to go ahead and pay, jokingly commented the airlines will repossess our Commissioner and we don't want that to happen, but I would like for us to, you know, push the edge there a little to get reimbursement inasmuch as things weren't up and running, and we could have perhaps avoided that if we'd been informed; so I'll make that motion.

Commissioner Diesen made the motion to approve U.C. Commissioner Zeller's, City Commissioner Hathaway's, and City Engineer Fegley's, travel expenses in the total amount of \$2,319.81, with reimbursement to each in the amount of \$237.60 for meals and incidentals, for the due diligence trip for Horizon Energy's proposed alternative energy project, with an added caveat to request reimbursement from Horizon Energy due to the plants non-operating status. Commissioner Reynolds seconded the motion and it passed unanimously on a roll call vote.

(5) Commission Counsel's Report:

Chairman Allen asked if there was any Counsel's report.

Mr. Preston stated I do have something this month. Last month the Utilities Commission Approved the Fueling Purchase Interlocal Agreement with the County (Volusia), and I just wanted to let you know that we had two minor changes. They did not affect the substance of the agreement itself, but just to advise you that there were changes. One of them simply stated that the non-payment did not automatically result in a lien on property, and secondarily, there was a one-year provision that preserves a Statute that allows for collection of non-payment; just for information only.

(6) Old Business:

(6-a) Revisions to the U.C.'s Pole Attachment Agreement (Standard –Joint Pole Use) – Proposed U.C. Resolution No. 8-09:

Chairman Allen stated as we move on to item 6-a., under Old Business, Revisions to the U.C.'s Pole Attachment Agreement (Standard –Joint Pole Use), is proposed U.C. resolution no. 8-09. Chairman Allen then recognized Mr. Kruppenbacher to speak.

Mr. Kruppenbacher addressed the Commission and stated thank you, members of Commission, Frank Kruppenbacher, 9064 Great Heron Circle, Orlando, FL 32836. He stated I represent Bright House Networks and it's customers that are served by us and the

(6-a) Revisions to the U.C.'s Pole Attachment Agreement (Standard –Joint Pole Use) – Proposed U.C. Resolution No. 8-09 (cont.):

New Smyrna Beach Utilities. We would respectfully ask the Commission to consider authorizing it's staff to sit down and negotiate regarding the pole attachment rates, given the current economic climate. The current rates are effectively 30% above the State's average for comparable pole attachments, and the increase to us represents over a 100% increase. As we previously have stated, members of the company, we believe that we have the ability by gradually increasing the rates and working with the Commission, as we've done with some other governmental entities, to absorb that and not pass that on to customers. However, when there is a straight up, for lack of a better word, financial hit as we're going to take in this situation, we will have no alternative but to pass it on to those customers that take our service and also our customers of your entity.

Mr. Kruppenbacher stated in effect, I go back to having a rate that's 30% above the State average and doing it at one time in this economy to me, is not prudent. And we think, staff has told us it's not negotiable, we think that it is something that we should dialog about and we've proposed a short time frame to do that and try and work something out. I'll answer any questions you may have and thank you for the opportunity to speak to you.

Attorney Preston then stated just for information in that regard, I need to respond to those comments. A couple of things, one of them is that we have had a Joint Pole Agreement in effect for greater than 15 years with no change in rates. We are not unusual, throughout the State joint pole agreements have lay dormant in regards to negotiation of rates, even to keep up with rate of inflation for use of installation and cost of maintenance. We are revising our Joint Pole Agreement today to effectually comply with FCC (and/or PSC) and other regulations in regards to those who attach to our poles, and as you noticed the agreement is a bilateral in that this is an agreement that when we attach to others, that we also need to comply with. The rates were considered by you two years ago. The rates are based on a formula established by the FCC (sic, APPA) for usage that it's interesting to use numbers in an argument because the State average may be less than the formula generated rate, because the other joint pole agreements haven't caught up with what is in fact recognized and advised to be the standard rate for the joint pole. So just to clarify in regards to our rates, relative to average rates, relative to any other municipal rates at all, we are simply, and have two years ago, agreed to and adopted the rate standard that has been suggested to us. This is simply the consideration of the agreement that we entered into with the third parties.

Chairman Allen confirmed also this is used consistently with all parties. The other thing is, we talk about rates across the state, when we look and we think about one of the driving forces I think that has driven a lot of things, is the storm hardening, and it's been proven with data that along the east coast it's more expensive to maintain facilities and things like that. And as it's consistent in the calculations for that rate, and as Attorney Preston said, as we're sharing poles with other facilities, then we have to comply to that also. He then asked are there any other comments or questions.

(6-a) Revisions to the U.C.'s Pole Attachment Agreement (Standard – Joint Pole Use) – Proposed U.C. Resolution No. 8-09 (cont.):

Commissioner Reynolds then made a motion to approve the resolution regarding revisions to the U.C.'s Pole Attachment Agreement (Standard – Joint Pole Use) as submitted. Commissioner Zeller seconded this motion and it passed unanimously on a roll call vote. This resolution was numbered 8-09 and became effective immediately upon passage.

There being no further comments, Chairman Allen moved on to New Business.

(7) New Business

Chairman Allen commented it appears we do not have any New Business, so we'll now move on to the next item.

(8) Possible Other Business – Time for Commissioners:

Chairman Allen then asked Mr. Rodi, do you have any input.

Mr. Rodi stated I just wanted to highlight some of the statistics, financial statistics, and I think this is a very revealing because most of the other utilities are still increasing their rates. I'm talking about their base rates, and you see that Florida Power and Light's in for a 30% increase in base rate. He explained now they're going to be dropping their fuel and purchased power to offset that, but when the fuel costs go back up again, it's going to be significant. On the other hand, Progress Energy is moving forward with a very significant increase, and a lot of that increase that they're now proposing is for the new Levy Plant, which is the nuclear plant that you had considered and had rejected.

Mr. Rodi then stated so what I'm trying to point out is that our actual sales are down, 8.7% from the same time last year, and even for the month they're down 8%, and that correspondingly, staff has worked very, very hard to reduce expenses. And so year to date, we're down 8.7% on sales, and 8.9% on cost, and it comes from some very heavy monitoring, following our policies, and being more prudent each time you learn something else that helps us to hold our rates.

Mr. Rodi stated, and of course, in this coming fiscal year, in the proposed budget aside from the issue of the Internet, which you just had the public hearing on and also the reclaimed/reuse water, we're holding each of the base commodities – water, wastewater, and electric, at their current rates. So I wanted to highlight that because I think it's very important to continue to carry, as we have, our additional burden from the fuel and purchased power cost that occurred in the 2008 time frame. And understand that was \$4.7 or \$4.8 million dollars that we've been carrying and not dealing with that issue. So I wanted to emphasize that again, because these are significant items that have not been accomplished easily, thank you.

Chairman Allen then asked Commissioner Reynolds if he had any closing remarks.

(8) Possible Other Business – Time for Commissioners (cont.):

Commissioner Reynolds then stated well, you stole my thunder, looking at the charge that we have there as far as what you budgeted and actuals. I think it's great that you guys are keeping below, you know, you're keeping the red line below, and you're doing good in all departments. I was just thinking, just a few years ago, we were looking at millions of dollars in the communications internet world, and now we've got that under control, and I think that's really great. I mean if I thought this was going to happen four years ago or three years ago, it would be hard to say that we'd be where we are now, so thumbs up to everybody. I think you've done wonderful in that area, I just want to compliment you.

Commissioner Reynolds then stated this is a great customer booklet (Service Policies and Customer Information booklet), I re-read it today, and we talked about possibly getting this out to other people. While I was going through here we passed some reuse water rates and others that have to be changed in here, but nevertheless I'm sure some of our older customers haven't had the opportunity to have this book in hand, numbers to call and other things, but it's a great book.

Chairman Allen then asked Commissioner Zeller if he had any closing remarks.

Commissioner Zeller commented I just want to thank all the employees for doing a great job in keeping up the hard work to maintain the line in the black. He added it's a team effort and everybody needs to be commended.

Chairman Allen then asked Commissioner Diesen for her comments.

Commissioner Diesen stated to Commissioner Zeller, well I'll just go right along and back you up on that. She added especially a shout out to the I.T. Department, one more time they came through. Every time there's a problem it seems to, with wireless, and I always seem to be the one, but they always come through and it's working great, and thanks a lot, I appreciate it. Every time I call in, I have to tell you, the customer service is terrific so, I think we're in good shape. I think we should all be proud of the work we're doing, and added our customers need to appreciate us more I think.

Chairman Allen stated I would like to go right along with that, and I do appreciate all the hard work that goes in and the dedication of our employees as they carry out their days work. And when you're dealing with irate customers it is tough, and when you finish a day, you wonder what went on many times, but you know the great tragedy I see a lot of times, and I work with a lot of folks, and you know you feel for people, but you can feel only to a certain length, especially when you're trying to help some. And they don't want the suggestions a lot of times as an individual you bring to them, they just want you to take care of "where I'm at right now"; and then have you really helped them.

Chairman Allen stated the other thing is, in the importance of following policy and following those guidelines that were put in place for a very good reason, what that does

(8) Possible Other Business – Time for Commissioners (cont.):

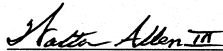
do to the folks, they can actually see where they're at, and they start rearranging their particular situation to meet their obligations and responsibilities. So, you know, as our Customer Service folks deal with this, and all the folks that I've seen, they've treated them fair. And there's this aspect of being fair clear across the board, no matter who you are and where you're at in life, and I appreciate that. So often, many times we catch the heat in trying to figure out, individuals wanting you to shift from one particular thing, and it kind of works at you sometimes, and you wonder, a lot of times. There's this aspect of wanting to act out of emotions and as looking at the Utilities Commission and what it is and where it's come, and why we're here to oversee and measure those policies are followed to a level and it's important for that. He reiterated, so I do appreciate our employees as they carry out their days work.

Chairman Allen then stated the other thing is so often, and I just wanted to share a little bit, that many times as people try to put us into a predicament as speaking for the Commission, and so often I have to tell folks, I can't speak for the Commission because there is more than just one of us. And so, you know, I'm ever reminded that we follow a very stringent, a solid ethic code, and as we work together as a body here to see the betterment of this Commission for the community, I appreciate staff and employees, so with that, that's all I've got.

Commissioner Diesen then requested to add one thing to that to Chairman Allen, by the way, thank you for taking on the job again, we appreciate that. She added I think there's been some attempts, because of some of the hardships that people have been facing, to politicize this body, and we have withheld against that pressure, and we've maintained. I think that's a very hard thing for people to understand, that we are not political, we have a job to do and we do it. And we try to do it to the best of our abilities, and within the policies and procedures set forth. And I would just like to make that very clear, that I think that's where sometimes some of the outside noise comes in, is when someone can't put pressure on us to do something, to do this, or do that, and people do not understand that we can not give things away, we're not allowed to do that. So I'm very proud to be a part of this Commission, and this whole body, and I think we've done an excellent job.

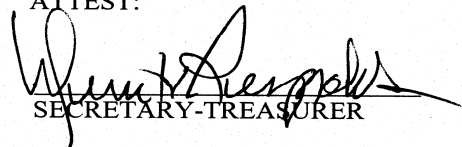
There being no further business to come before the Commission, Chairman Allen closed the regular U.C. meeting at 7:04 p.m.

APPROVED:



CHAIRMAN

ATTEST:



SECRETARY-TREASURER

These minutes were formally approved by the Utilities Commission at their
October 19, 2009 meeting.