

Resolution No. 2004-237

**RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIR PERSON TO EXECUTE THE LETTER OF ENGAGEMENT BETWEEN ST. JOHNS COUNTY AND Omer Causey FOR APPOINTMENT OF HEARING OFFICER IN DOCKET NO. 04-0007-0011-0001, 2004 INTERCOASTAL LIMITED PROCEEDING.**

**WHEREAS,** St. Johns County Ordinance No. 90-18, as codified pursuant to the provisions of Ordinance 97-8, provides for formal proceedings in matters determining substantial interests of parties before the St. Johns County Water and Sewer Authority (the Authority); and

**WHEREAS,** The 2000 Laws of Florida, Chapter 350 requires that County rate proceedings adhere to specified provisions of the Florida Administrative Procedures Act; and

**WHEREAS,** Specifically, Section 10.8 of the Rules of the Authority provides for the appointment of Hearing Officers upon the request of the St. Johns County Water and Sewer Authority, or the St. Johns County Board of County Commissioners' own motion; and

**WHEREAS,** The Authority has requested the Board of County Commissioners to appoint Omer Causey, Esquire, as a Hearing Officer to conduct the public hearings and related proceedings associated with Docket No. 04-007-0011-0001, 2004 Intercoastal Limited Proceeding; and

**WHEREAS,** Omer Causey has officiated in a previous utility proceedings, and

**WHEREAS,** Omer Causey agrees to be available to St. Johns County for the instant Limited Proceeding and will be compensated as agreed to in the Letter of Engagement for the purpose of preparing hearings, traveling to hearings, conducting hearings, and preparing Recommended Orders; and

**WHEREAS,** This Letter of Engagement is for the term required to submit the Recommended Order to the Board of County Commissioners and will begin on the date the signature is placed on this Resolution. The Letter of Engagement may be terminated by either party for the convenience of that party upon thirty days (30) written notice.

**NOW THEREFORE, BE IT RESOLVED** By the Board of County Commissioners of St. Johns County, Florida As Follows:

Section 1. The above recitals are incorporated into this Resolution as Findings of Fact.

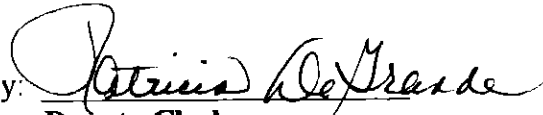
Section 2. The Board of County Commissioners authorizes the Chair, the Clerk of Courts and the County Attorney to execute the Letter of Engagement between St. Johns County and Omer Causey, Esquire, for Hearing Officer Services in Docket No. 04-0007-0011-0001, 2004 Intercoastal Utilities Limited Proceeding.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, THIS 15<sup>th</sup> DAY OF September, 2004.**

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**

By:   
Karen Stern, Chairman

ATTEST: Cheryl Strickland, Clerk

By:   
Deputy Clerk



POTENTIAL HEARING OFFICERS

|    | NAME           | HOURLY CHARGE  | DEPARTURE FROM | DRIVING TIME (PER PROPOSAL) | TRAVEL CHARGE   | TRAVEL EXPENSES (Meals, Lodging)                                  | COMMENT   |
|----|----------------|--|----------------|-----------------------------|---|---|---|
| 1. | Omer Causey    | \$175.00   | Sarasota       | 4.5 Hours                   | \$125.00 Hour   | Actual Expenses   | Hearing Officer in Intercoastal Overearings. Has Reduced Travel Cost From \$175.00 to \$125.00 Hour   |
| 2. | Don Alexander  | \$129.00*<br>(Rate Will Change October 1, 2004 to \$131.00 Per Hour) | Tallahassee    | 4 Hours                     | \$129.00 Hour   | Actual-Amount Provided by Florida Statutes                        | Employee Division of Administrative Hearings, Administrative Law Judge Before PSC, <b>NO GUARANTEE WE COULD GET HIM</b>                         |
| 3. | Diane Kiesling | \$150.00   | Tallahassee    | 4 Hours                     | \$200.00 Flat Each Way OR Free If Hearing More Than 4 Hours | Actual-Amount Provided by Florida Statutes or County Expense Rate | Commissioner- PSC Hearing Officer For- Hillsborough, Charlotte Sarasota Counties, Division of Administrative Hearings -Administrative Law Judge |
| 4. | Vicki Kaufman  | \$260.00   | Tallahassee    | 4 Hours                     | \$200.00 Hour   | Actual Expenses   | Represented Utilities Before PSC  |
|    |                |  |                |                             |   |   | <b>EXHIBIT A</b>  |

ADMINISTRATIVE LAW JUDGE SERVICES CONTRACT

Contract No. C-026

THIS AGREEMENT, is between the St. Johns County, Florida, acting by and through its Board of Commissioners, hereinafter referred to as "COUNTY", and the State of Florida, Division of Administrative Hearings, hereinafter referred to as "DOAH."

WHEREAS, St. Johns County Ordinance No. 90-18, as codified pursuant to the provisions of Ordinance No. 97-8, provides for formal proceedings in matters determining substantial interests before the St. Johns County Utility Authority; and

WHEREAS, 2000 Laws of Florida, Chapter 350 requires, among other things, that COUNTY rate proceedings adhere to specified provision of the Florida Administrative Procedures Act; and

WHEREAS, Section 10.8 of the Rules of the St. Johns County Utility Authority provides for the appointment of Hearing Officers upon the request of the Authority, or the Board's own motion, and

WHEREAS, the Board of County Commissioners has determined, pursuant to the provisions of Section 10.8 of the Rules of the Authority that there be appointed as a

Exhibit B

hearing officer individuals employed as Administrative Law Judges with the Division of Administrative Hearings at the compensation provided in this Agreement, for the purpose of conducting public hearings in any proceeding affecting the substantial interests of a party in formal proceedings; and

WHEREAS, it has been determined by the COUNTY and DOAH that a contractual arrangement for the purpose of providing an Administrative Law Judge is available for the above stated provision under Section 120.65, Florida Statutes; and

NOW, THEREFORE, the parties hereto, for valuable consideration and the mutual promises between the parties hereto, it is agreed as follows:

1. Scope of Services. DOAH agrees to make Administrative Law Judges available to COUNTY. The Administrative Law Judges to be provided will be full-time judges employed by the State of Florida, Division of Administrative Hearings. The Administrative Law Judges to be provided are experts in the adjudication of administrative disputes.

2. Compensation. The fiscal year 2003-2004 General Appropriations Act, Chapter 2003-397, Laws of Florida, requires DOAH to renegotiate its contract for

Administrative Law Judge services annually so that the hourly rate charged is based on a total-cost-recovery methodology. The rate has been determined to be \$129.00 per hour beginning November 1, 2003. DOAH will notify COUNTY of the amended hourly rate on or about the first day of September of each year. That rate will become effective on the first day of October that same year. COUNTY agrees to compensate DOAH from the date of the last signature on this contract until October 1, 2004, at the hourly rate of \$129.00 per hour, for each hour actually worked, and subsequently, at the hourly rate determined in accordance with the Florida Legislature's directive. This rate will apply for Administrative Law Judge services in preparing for hearings, traveling to hearings, conducting hearings, and preparing Recommended Orders.

3. Expenses. COUNTY agrees to pay the actual travel expenses of the Administrative Law Judge in the amount provided pursuant to Chapter 112, Florida Statutes. DOAH agrees, whenever possible, to arrange the travel schedule of such Administrative Law Judge so that the Administrative Law Judge can accomplish other work during a trip, and, in such instances, travel expenses and hourly compensation will be prorated for services to COUNTY. DOAH will submit

invoices monthly and COUNTY agrees to remit payment monthly in accordance with Chapter 218, part VII, Florida Statutes. DOAH agrees to provide COUNTY an itemized statement of the charges and costs described therein with the invoice.

4. Video Teleconferencing. In the event a hearing is being conducted by video teleconferencing, COUNTY will reimburse DOAH at the current video teleconferencing rate (Attachment A) for the time the equipment is used.

5. Contract Management. Deputy Chief Judge Harry L. Hooper or in his absence Administrative Services Director Lisa M. Guidry shall provide contract management services under this Agreement for DOAH.

6. Term. This Agreement is for a term of one (1) year and will begin on the date the last signature is placed on this contract and will automatically renew for succeeding yearly periods one year from the date last signed. This Agreement may be amended from time to time by mutual agreement of the parties, and may be terminated by either party for the convenience of that party upon thirty (30) days' written notice.

7. Request for Services. COUNTY, in order to obtain the services of an Administrative Law Judge, shall initiate a letter to the Chief Judge, Division of Administrative

Hearings, requesting the services of an Administrative Law Judge and shall include with such request a copy of any materials relevant to the request. DOAH shall provide an Administrative Law Judge within thirty (30) days of its receipt of the letter initiating such request.

BOARD OF COUNTY COMMISSIONERS OF  
ST. JOHNS COUNTY, FLORIDA

By: *[Signature]* Date: March 16, 2004

RENDITION DATE 03/23/04

STATE OF FLORIDA, DIVISION  
OF ADMINISTRATIVE HEARINGS

By: *[Signature]* Date: Nov 4, 2003

HARRY L. HOOPER  
Deputy Chief Judge



State Of Florida/State Technology Office  
 Department Of Management Services  
**Suncom Videoconferencing Network**  
**RATES**

**Point-To-Point Videoconferences (Two Rooms):**

|                      |                |
|----------------------|----------------|
| DMS Provided Rooms   | \$100.00/hour* |
| User Owns One Room   | \$ 75.00/hour* |
| User Owns Both Rooms | \$ 36.00/hour* |

**Multi-Room Videoconferences (Three or More):**

|  |                     |
|--|---------------------|
| DMS Provided Rooms   | \$ 75.00/hour/room* |
| <small>(Deduct \$25.00/hour for each user owned room.)</small> |                     |

(\*Rate listed is for 384Kbps video speed which is recommended for most videoconference users)

One hour minimum use.                      48-Business-Hour cancellation fee of total scheduled time.

| <u>City</u>     | <u>Video Room Location</u>                                | <u>Room #</u>    |
|-----------------|---|------------------|
| Tallahassee     | Capital Circle Office Center                              | 301 (Bldg. 4030) |
|                 | Capital Circle Office Center                              | 109 (Bldg. 4030) |
|                 | Capital Circle Office Center (^special use facility) ^101 | (Bldg. 4050)     |
| Daytona Beach   | DB Regional Service Center                                | A-101            |
| Ft. Lauderdale  | North Broward Regional Service Center**                   | 196              |
| Ft. Myers       | Ft. Myers Regional Service Center                         | 165-A            |
| Jacksonville    | Duval Regional Service Center (Bldg.B)                    | B-301            |
| Miami           | Rohde Building  | N-106            |
| Orlando         | Hurston Building (North Tower)                            | N-101            |
| Pensacola       | James Building  | 501-A            |
| Tampa           | Trammell Building   | 608              |
| West Palm Beach | Dimick Building/Palm Beach RSC                            | 114-C            |

**ATTACHMENT A**

**Celia Kling**

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**From:** Diane\_Kiesling@doh.state.fl.us  
**Sent:** Thursday, August 26, 2004 12:53 PM  
**To:** Celia Kling  
**Subject:** Resume of Diane Kiesling

Attached is my resume. I will prepare a proposal and get it to you by fax as quickly as possible. It may not be until tomorrow because I would like to get the proposals I have done with others and they are on my computer at home. My proposal will be essentially as follows:

- A. \$150 per hour
- B. Travel expenses billed as per standard state and county expenses, including mileage in my personal vehicle
- C. Case related expenses such as express mail, copying, etc. billed at actual cost
- D. If my billable time in St. Johns County is less than 4 hours on any given trip, I will charge a \$200 travel fee. I think this is reasonable considering that it is a 4 hour trip each way and I will not be billing at my hourly rate. I will make every reasonable attempt to schedule sufficient work to avoid this travel charge. I will also conduct any prehearing conferences and other motion hearings by telephone to avoid unnecessary travel.

<<Resume-DKK6.15.04.doc>>

Diane K. Kiesling, Litigation Supervisor  
DOH, Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, FL 32399-3265  
850-487-9685  
850-414-1989 FAX

**Diane K. Kiesling**  
**Attorney at Law**

874 Lake Road  
Monticello, FL 32344  
(850) 997-5296  
(850) 509-7795  
(850) 997-7114 FAX

August 27, 2004

Celia Kling  
St. Johns County Water and Sewer  
St. Augustine, FL

Re: Proposal for services as Hearing Officer

Dear Ms. Kling:

I am pleased to submit this proposal for services to St. John's County as a Hearing Officer for the Intercoastal Utility special rate case. I propose to perform all necessary services as a Hearing Officer, including, but not limited to, entry of prehearing orders, conduct of prehearing conferences and motion hearings as needed, entry of discovery orders as needed, conduct of a final hearing, entry of a recommended order, and post hearing proceedings as required. The hourly rate for these services will be \$150 per hour, with an itemized invoice in tenths of hours. I will charge for travel costs as is allowed for state and county employees, including mileage for travel in my personal vehicle from my home or office to St. Augustine. I intend to conduct all hearings, except the final hearing, by telephone to save costs for the county. For the final hearing, if the hearing lasts less than 4 hours, I will also charge a flat travel charge of \$200. If the hearing lasts longer than 4 hours, I will not charge an hourly rate or travel charge for travel to St. Augustine. I will complete and timely submit all orders, including the recommended order, consistent with the county's ordinance regulating the conduct of such proceedings. If you have any questions about the quality of my work as a Hearing Officer, please feel free to contact Donald Odom of the Hillsborough County Attorney's Office or Martha Burton of the Charlotte County Attorney's Office. I have recently served in this capacity for both of those counties. If you need additional information, please feel free to contact me at (850) 487-9685 during the day.

Sincerely,



Diane K. Kiesling

**Diane K. Kiesling**  
**874 Lake Road**  
**Monticello, Florida 32344**  
**(850) 997-5296 home**  
**(850) 487-9685 office**  
**(850) 509-7795 cell**

**PRESENT POSITION**

**Litigation Supervisor, Florida Department of Health, Prosecution Services Unit**

November 2002 to present

Represents the Department of Health, primarily in license disciplinary matters. Supervise 21 attorneys and 22 staff in all phases of health care professional licensure litigation. Specifically, Ms. Kiesling reviews all Administrative Complaints and Emergency Suspension Orders prior to filing, reviews all other significant pleadings prior to filing, supervises and assists in all phases of litigation of professional licensure cases, including reviewing trial notebooks and devising trial strategy. Ms. Kiesling also is integrally involved in policy development, legislative initiatives, personnel matters, and budget issues related to the Prosecution Services Unit. Further, Ms. Kiesling carries a minimal caseload and actively litigates high profile cases and rule challenges related to the Prosecution Services Unit. Ms. Kiesling's personal litigation occurs primarily before the Division of Administrative Hearings and in the Circuit Courts of the State of Florida. Ms. Kiesling provides training to attorneys related to license discipline. Ms. Kiesling serves as the Designee for the Deputy General Counsel when the Deputy is absent from the office.

**PROFESSIONAL EXPERIENCE**

**Partner, Landers & Parsons, P.A.**

January 3, 2000, to November 2002

Provide legal services in the areas of utility law and administrative law. Ms. Kiesling's clients include the Flagler County Utility Regulatory Authority, Flagler County, Agency for Health Care Administration (professional license discipline, rule challenges, and Medicaid cases), Department of Health (professional license discipline), Sarasota County (Hearing Officer and Public Counsel pools), Hillsborough County (Hearing Officer Pool), and various administrative, energy, and utility clients.

**Diane K. Kiesling, P.A., Attorney at Law**

**Principal, The Kiesling Group, Regulatory Consultants**

January 2, 1998 to January 3, 2000

Provide legal and regulatory utility consulting services in the areas of public policy, rate-making methodologies, regulatory structure, capacity development, infrastructure development, restructuring, and public/private partnerships, mainly with regard to water and wastewater utility service. Utility related clients included the Flagler County Utility Regulatory Interim Authority, Charlotte County, Southern California Water Company, the Institute for Public/Private Partnerships, Chemonics International, and the Energy Regulatory Board of Zambia. International regulatory consulting services under the auspices of USAID and the World Bank were provided in Zambia, Albania, Macedonia, and Egypt. Additionally, extensive legal services were provided to the Agency for Health Care Administration involving litigation before the Division of Administrative Hearings, specifically professional licensure cases, Medicaid rate cases, and enforcement actions.

### **Commissioner, Florida Public Service Commission**

December 1993 to January 1998; Appointed by Governor Lawton Chiles

The Florida Public Service Commission is charged with the responsibility of economic regulation of Florida's \$4 billion investor-owned utility companies. Florida Law requires Public Service Commissioners to be knowledgeable in public affairs, law, economics, accounting, engineering, finance, natural resource conservation, energy and other areas relating to the duties and responsibilities of the Commission. As part of this collegial body, Commissioners must preside over contested matters, rulemaking and declaratory statement proceedings within the Commission's jurisdiction. Commissioners also participate in shaping state and federal regulatory law and policy by issuing written comments and through their participation in the National Association of Regulatory Utility Commissioners and other professional organizations. Commissioners are responsible for making executive-level decisions relating to the structure and operation of the Commission.

### **Division of Administrative Hearings, Administrative Law Judge;**

March 1984 - December 1993

Administrative Law Judges (formerly Hearing Officers) of the DOAH hear essentially all administrative cases involving state agencies and subdivisions. From 1989-1993, Ms. Kiesling was primarily responsible for all utility siting in the state, including power plants, transmission lines, and a natural gas pipeline. When not primarily occupied with such special cases, Ms. Kiesling handled cases involving professional and business licensing and discipline, environmental permitting and enforcement, revenue disputes, teacher discipline and terminations, employment discrimination, developments of regional impact, bid and contract disputes, certificates of need, motor vehicle dealer licensing, challenges to existing and proposed rules, and requests to use state lands throughout the Board of Trustees of the Internal Improvement Trust Fund. Ms. Kiesling also served as a registered lobbyist for DOAH on legislation relating to Siting Acts, including the Power Plant Siting Act, the Transmission Line Siting Act, the Natural Gas Pipeline Siting Act, and the Jobs Siting Act. Of the appeals taken from her Recommended or Final Orders, she was not reversed on appeal for the approximately 10 years during which she served. Additionally, of the four power plant siting cases and two transmission line siting cases (including one double 500kV line approximately 180 miles long, through 5 counties and numerous municipalities), the Governor and Cabinet, sitting as the Siting Board, adopted her Recommended Orders and Conditions of Certification *in toto* without modification.

#### **Published Opinions:**

*Psychiatric Institutes of America, Inc. v. Department of Health and Rehabilitative Services, et al.*, 7 Fla. Supp. 2d 172 (Recommended Order 1984)

*Rood v. Coastal Lumber Co.*, 12 Fla. Supp. 2d 169 (Recommended Order 1985)

*Thibeault v. Department of Health and Rehabilitative Services*, 19 Fla. Supp. 2d (Recommended Order 1985)

*Lejeunesse v. School Board of Broward County*, 20 Fla. Supp. 2d 231 (Final Order 1985)

*Department of Professional Regulation, Board of Medical Examiners v. Koo*, 28 Fla. Supp. 2d 216 (Recommended Order 1987)

*Department of Insurance and Treasurer v. National Benefit Life Insurance Co.*, 32 Fla. Supp. 2d 179 (Recommended Order 1988)

*Home Health Care v. Department of Health and Rehabilitative Services*, 33 Fla. Supp. 2d 169 (Fees Final Order 1988)

*Department of Environmental Regulation v. Ritteman, et al.*, 34 Fla. Supp. 2d 221 (Recommended Order 1989)

In addition, approximately 125 Recommended Orders and Final Orders are published in the Florida Administrative Law Reporter.

Copies of Recommended and Final Orders are available for review at [www.doah.state.fl.us](http://www.doah.state.fl.us). Citations to appellate opinions involving Ms. Kiesling's orders can be furnished on request.

**Sole practitioner;** July 1983 - February 1984  
Specialized in administrative law.

**Law Offices of Davis, Kiesling & McCall;** August 1981 - July 1983  
Private practice of law with emphasis on tort and administrative law. Also, criminal, contract, real property, guardianship and employment litigation.

**Department of Administration, Division of Retirement,  
Assistant Division Attorney;** September 1978 - August 1981

**Law Offices of Stinson & Kiesling;** July 1977 - July 1978  
Private practice of law.

**Betty Owen Stinson;** January 1977 - June 1977  
Employed as law clerk and attorney.

**Florida State University College of Law;** December 1975 - June 1976  
Teaching Assistant, First-Year Legal Writing Program.

#### **PROFESSIONAL AFFILIATIONS AND APPOINTMENTS**

**National Drinking Water Advisory Council;** March 1996 – December 1998.

Council member appointed to the Small Systems Working Group, June 15, 1998.

Council member on the EPA's Capacity Development Working Group, drafted the implementation Guidance for New System Capacity Development, Capacity Development Strategy, and Assessment of Capacity Development Programs, and 5 Information pieces (tool boxes) for use with the guidance pieces.

Council member on the EPA's State Revolving Fund Working Group, advising NDWAC and EPA on implementation of the state revolving fund provisions of the Safe Drinking Water Act Amendments of 1996.

**National Association of Regulatory Utility Commissioners**

Committee on Water, appointed January 4, 1994; Chairman, January 1996 – December 1997.

Mentoring Program, Committee Member, 1996 – December 1997.

**National Regulatory Research Institute Board of Directors;**  
November 1995 – December 1997

**American Water Works Association Research Foundation Public Council on  
Water Supply Research;** April 1995 – December 1997.

The Florida Bar: Public Utilities Law Committee; June 1992 – December, 1997.

- ◆ Continuing Legal Education Chairperson, 1993—organized and presented CLE program "Environmental Issues in Utility Siting," April 29, 1993.
- ◆ Organized and planned January 14, 1994, "Ethical Considerations in PSC Practice." Committee Chairperson-Elect for 1994-1995.

Resource Group for the Florida Power Plant Siting Task Force

Florida Association for Women Lawyers and Tallahassee Women Lawyers Association

### **ADMITTED TO PRACTICE**

State of Florida

United States District Court, Northern and Middle District

United States Court of Appeals, 11th Circuit

### **EDUCATION**

Juris Doctor, with Honors; Law Review; College of Law,  
Florida State University, Tallahassee, Florida; December 1976

Bachelor of Arts, Art History

Florida State University, Tallahassee, Florida; December 1972

Judicial Studies, National Judicial College (7 weeks)

Administrative Law, March 17-29, 1985

Administrative Law: Advanced, 1986

The Decision Making Process, July 27-August 8, 1986

Administrative Law: Fair Hearing, June 21-July 3, 1987, Faculty Advisor

Judicial Writing, July 25-30, 1993

Advanced Evidence, August 1-5, 1993

### **PUBLISHED ARTICLES, SPEECHES & LECTURES**

#### **"Legislative and Case Law Update"**

Lecture for Florida Bar Health Law Section/Florida Hospital Association Continuing Education program, May 27, 2004, Tallahassee, Florida.

#### **Practice Before the Division of Administrative Hearings**

Presented as Prosecutor in a Mock Administrative Hearing, May 21, 2004, Tallahassee, Florida.

#### **"Rate Structure: Sector Issues in Rate Design"**

#### **"Managing the Regulatory Process: Regulatory Discretion and Ethics"**

Lecturer, 5<sup>th</sup> International Training Program on Utility Regulation and Strategy, Public Utility Research Center, and the World Bank, January 19 and 20, 1999, University of Florida, Gainesville, Florida.

**"Roles and Functions of Regulatory Commissions I and II"**  
**"Legal and Institutional Basis for Water Sector Regulation"**  
**"Independence and Ethics"**  
**"Exercises in Ethics and Independence"**  
**"Consumer Protection and Participation"**  
**"Setting Quality Standards and Measuring Performance"**  
**"Licensing"**  
**"Coordination Between Price and Non-Price Regulators"**

Lecturer, Utility Regulatory Training Program For the National Water Supply and Sanitation Regulation Commission of Albania, conducted by the Institute for Public Private Partnerships, November 29-December 11, 1998, Skopje, Macedonia.

Speech on Federal Activities in Water, Joint Utility Conference, University of Kentucky/Kentucky Public Service Commission, Lexington, KY. October 27, 1998.

**"Designing Regulatory Institutions and Procedures"**  
**"Coordination of Price and Non-Price Regulation"**  
**"Consumer Protection Strategies in Regulating Utilities"**

Lecturer, Regulation of Utilities and Monopolies, for international regulators, Washington, DC, October 16, 1998.

One-half day lecture at a Water Seminar conducted under the auspices of the Institute for Public-Private Partnerships for senior foreign government officials; Topic: Current Issues in Water Regulation. June 12, 1998.

**"Regulatory Roles, Powers, Duties and Restrictions"**  
**"Coordination Between Price Regulation and Non-Price Regulation"**  
**"Current Issues in the Regulation of Water and Wastewater Utilities"**  
**"Practical Issues in Competitive Electricity Markets"**

Lecturer, Regulation of Utilities and Monopolies, a two-week training program for Zambian regulators, Siavonga, Zambia, June 15-17, 1998.

**"Affordability Issues for Water"**

Moderator, Annual Water Seminar, NARUC Winter Meetings, Washington, D.C., March 1, 1998.

**"Third International Training Program on Utility Regulation and Strategy"**

Speaker, Public Utility Research Center, and the World Bank, January 12-23, 1998.

**"The Last Utility Monopoly: Competition and Change In the Water Industry"**

Moderator, NARUC Annual 109th Convention, Boston, Massachusetts, November 10-13, 1997. Comments published, *Public Utilities Fortnightly*, Volume 135, No. 20, Nov. 1, 1997, pages 25-26.

**"Capacity Development in the Water Industry"**

Speech at the NARUC 109th Annual Convention, Boston, Massachusetts, November 10-13, 1997.

**"Market Structure and Regulation of Water"**

**"Rate Design Techniques for Water Utilities"**

**"Challenges of Securing High Quality Supply"**

**"Reconciling Regulation and Competition"**

Instructor at the NARUC Annual Regulatory Studies Program, Michigan State University, Lansing, Michigan, August 13-14, 1997

**"The Challenges of Water Utility Regulation"**

Speech at the Annual Meeting of the New Jersey Chapter of the National Association of Water Companies, Jamesburg, New Jersey, June 13, 1997.

**"How to Insure Your State Gets its Share of \$9.6 Billion"**

Speech at the Southeastern Association of Regulatory Utility Commissioners Annual Conference, Lexington, Kentucky, June 1-4, 1997.

**"Implementation Strategies for the Safe Drinking Water Act Amendments of 1996"**

Speech at the Water Seminar, NARUC Winter Meetings, Washington, D.C., February 23, 1997.

**"Regulatory Implications of the Safe Drinking Water Act of 1996"**

Speech at the NARUC 108th Annual Convention, San Francisco, California, November 19, 1996.

**"The Role of Regulators in Shaping the Future of the Water Industry"**

Speech at the National Association of Water Companies 100th Annual Conference, Orlando, Florida, October 2, 1996.

**"Currents of Change in Public Utilities and Their Regulation"**

**"The Future of Traditional Economic Regulation"**

Speeches at the video taping of National Association of Water Companies Water Policy Forum II, Naples, Florida, September 22-24, 1996.

**"Legislative and Public Policy Issues of the Water Industry"**

Instructor at the NARUC Annual Regulatory Studies Program, Michigan State University, Lansing, Michigan, August 7, 1996.

**"The Public Utility Commission's Role in Water System Capacity Development"**

Speech at the SEARUC Annual Conference, Point Clear, Alabama, June 4, 1996. Also participated as Moderator.

**"Water Reuse and Desalination"**

Speech at the 19th Annual National Conference of Regulatory Attorneys, Clearwater, Florida, June 3, 1996.

**"The Future of Small Water Systems"**

Speech, Kentucky Utility Conference, Univ. of Kentucky, Lexington, Kentucky, December 7, 1995.

**"The Reauthorization of the Safe Drinking Water Act: Costs and Risks"**

Speech at the NARUC 106th Annual Convention, Reno, Nevada, November 15, 1995.

**"The Reauthorization of the Safe Drinking Water Act: Costs and Risks"**

Speech published in *Water*, the Magazine of the National Association of Water Companies, Volume 35, No. 4, Winter 1995, pages 28-30.

**"Regulator's Panel"**

Speech at the National Association of Water Companies 99th Annual Conference, New Orleans, Louisiana, October 31, 1995.

**"Water Issues Facing Utility Commissions"**

Speech at the NARUC Staff Subcommittee on Consumer Affairs, Tampa, Florida, September 13, 1995.

**"Conducting a Public Hearing"**

**"Issues in Water Regulation"**

Instructor at the NARUC Annual Regulatory Studies Program, Michigan State University, Lansing, Michigan, August 7, 1995.

**"Safe Drinking Water Act: The Small Companies' Dilemma"**

Speech at the SEARUC Annual Conference, Williamsburg, Virginia, June 6, 1995.

**"State Water Policy"**

Speech at the Florida Water Works Association Membership Meeting, Tallahassee, Florida, March 8, 1995.

**"Economic Regulation of Utilities Providing Water, Wastewater and Reclaimed Water in Florida: An Overview"**

Presentation before the Florida House of Representatives, Select Committee on Water Policy, Tallahassee, Florida, February 21, 1995.

**"Recent Regulatory Issues and Trends In the Water Industry"**

Speech at the National Association of Water Companies 98th Annual Conference, Scottsdale, Arizona, October 5, 1994.

**"Energy Planning"**

Speech at the Florida Bar Annual Environmental and Land Use Law Update Meeting, Amelia Island, Florida, August 20, 1994.

**"Administrative Process in Conducting Public Utility Hearings"**

Instructor at the NARUC Annual Regulatory Studies Program, Michigan State University, Lansing, Michigan, August 8, 1994.

"Environmental Issues in Utility Siting," program chair and presenter, Continuing Legal Education through the Florida Bar Association, April 29, 1993.

"Practice Before the Division of Administrative Hearings," presenter, Administrative Law Sections annual Continuing Legal Education Program, 1989 and 1990.

Presentation on Requests for Attorney's Fees and Costs given to the Government Bar Section's Continuing Legal Education Luncheon, 1988.

## **NATIONAL AND INTERNATIONAL PROJECTS**

Regulatory consulting services for the Energy Regulatory Board of Zambia. Scheduled, arranged and prepared visits for eleven members of the ERB and their staff to visit regulatory bodies and related industry facilities in the United States and Canada between October 5 and December 11, 1998.

Regulatory consulting services for US Agency for International Development project in Cairo, Egypt, July, 13-24, 1998, August 9-14, 1998, and September 11-October 1, 1998. Preparing reports and presentations for and meeting with Government Ministries on regulatory roles, framework, and structure, recommending establishment of a regulatory structure and framework for the restructuring of the Egyptian water and wastewater sector, designing the regulatory framework, organizational chart and functional flow charts.

Regionalization project for the Southern California Water Company. April - June 1998 and April 1999.

## **INVITED PARTICIPANT**

Faculty Member, 26<sup>th</sup> Annual NARUC Eastern Utility Rate School, Clearwater, FL, October 1998.

Faculty Member, 25<sup>th</sup> Annual NARUC Eastern Utility Rate School, Clearwater, FL, October, 1997.

National Water Policy Forum, National Association of Water Companies, October, 1997, Naples, FL.

Invited to and attended announcement of funding for Safe Drinking Water Act State Revolving Funds by Vice-President Al Gore, The White House, Washington, D.C., May 30, 1997.

### **"Utility Regulation and Strategy: The Basics Revisited"**

Public Utility Research Center Annual Conference, University of Florida, Gainesville, Florida, February 13, 1997.

Faculty Member, 24<sup>th</sup> Annual NARUC Eastern Utility Rate School, Clearwater, FL, October, 1996.

Invited to and attended President Bill Clinton's signing ceremony of the Safe Drinking Water Act Amendment of 1996, The White House, Washington, D.C., August 6, 1996.

Stakeholder's meeting on reorganization of EPA in relation to viability assessment for small water systems and restructuring of small systems as they relate to the Safe Drinking Water Act, Washington, D.C., May 15, 1996.

**"Safe Drinking Water Act - Where It Is and Where It's Going"**

Moderator, Water Seminar, NARUC Winter Meeting, Washington, D.C., Feb. 25, 1996.

**"Competition, Regulation, and Organizational Restructuring"**

Public Utility Research Center Annual Conference, University of Florida, Gainesville, January 18, 1996

Participated in the Water Supply Development and Funding Work Group created by Gov. Lawton Chiles.

Faculty Member, 23rd Annual NARUC Eastern Utility Rate School, Clearwater, FL, October, 1995.

**"Market and Technological Convergence Implications for Regulation"**

Public Utility Research Center Annual Conference, University of Florida, Gainesville, Florida, April 27-28, 1995.

Meeting of House Select Committee on Water Policy, Tampa, Florida, February 3, 1995.

Faculty Member, 22nd Annual NARUC Eastern Utility Rate School, Clearwater, FL, October, 1994.

Florida Water Resources Coordination Commission.

**"Regulation: The Changing Rules of the Game"**

Public Utility Research Center Annual Conference, University of Florida, Gainesville, FL, 4/28/1994.

**PROFESSIONAL TRAINING AND DEVELOPMENT**

2<sup>nd</sup> Annual Legislative & Regulatory Law Update, Florida Bar Health Law Section/Florida Hospital Association Continuing Education Program, Tallahassee, Florida, May 27, 2004.

Practice Before the Division of Administrative Hearings, Tallahassee, Florida, May 20-21, 2004.

Environmental and Land Use Section's Annual Update, The Florida Bar, Amelia Island, Florida, August 22 - 23, 2002.

"Advertising in the New Millennium," The Florida Bar, Tallahassee Women Lawyers, Tallahassee, Florida, May 16, 2002.

"Advocacy Across Legal Dimensions," The Florida Bar, Tallahassee Women Lawyers, Tallahassee, Florida, May 2, 2002.

"The Ins and Outs of Administrative Law," The Florida Bar, Administrative Law Section, Tallahassee,

Florida, January 16, 2002.

Florida Water Law, The Florida Bar, Environmental and Land Use Section, Tampa, Florida, December 5-6, 2001.

"Applicability of Jurisprudence," The Florida Bar, Administrative Law Section, Tallahassee, Florida, November 7, 2001.

"New Visions for Regulation," Public Utility Research Center, University of Florida, Gainesville, Florida, February 22 and 23, 2001.

"Practice before the First District Court of Appeal," The Florida Bar, Tallahassee, Florida, January 1, 2000.

"Professionalism and Ethics in Administrative Law," The Florida Bar, Administrative Law Section, Tallahassee, Florida, December 22, 1999.

"State Agency Licensure Law," The Florida Bar, Tallahassee, Florida, November 5, 1999.

"How to Win with Depositions," The Florida Bar, Tallahassee, Florida, June 2, 1999.

"Residual Regulation," Public Utility Research Center, Univ. of Florida, Gainesville, FL, 2/2/98.

"Third International Training Program on Utility Regulation and Strategy"  
University of Florida, Public Utility Research Center and the World Bank, January 12-23, 1998.

"Current Ethics Issues for the Public Service Commission Practitioner"  
The Florida Bar, Administrative Law Section, Tallahassee, Florida, May 9, 1997.

NRRI Biennial Regulatory Information Conference, Columbus, Ohio, September 12, 1996.

"Responsible Water Stewardship: A Forum on Water Conservation Technology, Strategies, and Solutions," Conserve96, Orlando, Florida, January 4-8, 1996.

"Current Ethics Issues for the Public Service Commission Practitioner"  
The Florida Bar, Administrative Law Section, Tallahassee, Florida, September 25, 1995.

American Water Works Association Annual Conference and Water Conservation Rate Seminar, Santa Fe, New Mexico, January 27-31, 1995.

"The Electric Utility Industry in Transition," The Florida Bar, Administrative Law Section, Tallahassee, Florida, January 20, 1995.

"Regulating Utilities in Florida," The Florida Bar, Administrative Law Section, Tallahassee, Florida, April 29, 1994.

National Regulatory Research Institute, New Commissioner Tutorial, Columbus, Ohio, April 23-25, 1994.

NARUC Advanced Regulatory Studies Program, Williamsburg, Virginia, January 23-28, 1994.

"Drawing Lines in the Sand: Ethics and the PSC," The Florida Bar, Administrative Law Section, Orlando, Florida, January 14, 1994.

# MCWHIRTER REEVES

ATTORNEYS AT LAW

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TAMPA, FLORIDA 33602-5126  
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PLEASE REPLY TO:  
TALLAHASSEE

TALLAHASSEE OFFICE:  
117 SOUTH GADSDEN  
TALLAHASSEE, FLORIDA 32301  
(850) 222-2525  
(850) 222-5606 FAX

Ms. Celia Kling  
St. Johns Water and Sewer Authority  
C/o St. Johns County Administration  
P.O. Box 349  
St. Augustine, Florida 32085

Re: Proposal for Intercoastal Utilities

Dear Ms. Kling:

Pursuant to your telephone call today, I have attached my resume and provide the billing information contained herein in response for your request for a proposal to act as Hearing Officer in the limited proceeding involving Intercoastal Utilities. I have extensive experience in proceedings related to regulated utilities.

My time would be charged at the rate of \$260 per hour. My travel time would be billed at \$200 per hour. I would bill out-of-pocket costs as follows: travel expenses, postage, and charges for long distance telephone calls would be billed at cost. I would charge \$0.10 per page for photocopying. When practical, I send voluminous documents to a copying service for economical copying.

If you need further information, please let me know. Thank you permitting me to submit a proposal.

Sincerely,

S/Vicki Gordon Kaufman

Encl.

**VICKI GORDON KAUFMAN**

117 South Gadsden Street  
Tallahassee, Florida 32301  
(850) 222-2525 (Office)  
(850) 545-2034 (Cell)  
(850) 222-5606 (Fax)  
vkaufman@mac-law.com

**EDUCATION:**

Florida State University College of Law  
Juris Doctor with High Honors, June 1979  
Class Rank: 2  
Activities: Law Review Staff  
Order of the Coif  
Phi Alpha Delta

**UNDERGRADUATE:**

University of Miami  
Bachelor of Education in English  
Magna Cum Laude, 1973

**GRADUATE:**

Florida International University  
Master of Science in School Administration and  
Supervision, 1976

**EXPERIENCE:**

**LEGAL:**

**PARTNER, McWhirter, Reeves, McGlothlin, Davidson,  
Kaufman, & Arnold, P.A., Tallahassee, Florida.**  
Extensive practice concentrated in representation of electric,  
telecommunications, water and wastewater clients before the Florida  
Public Service Commission and appellate courts.  
October 1988- present.

**ATTORNEY, McDermott, Will and Emery, Tallahassee, Florida.**  
Practice concentrated in the area of Florida administrative law.  
August 1985 - July 1988.

**ASSISTANT ATTORNEY GENERAL, Civil Division, Personnel  
Section, Tallahassee, Florida.** Responsible for civil rights litigation,  
including Title VII and 1983 individual and class actions, from filing of  
suit to final appellate stage.  
April 1982 - January 1984.

**ATTORNEY, Holland and Knight, Tallahassee, Florida.**  
Practice concentrated in the area of Florida administrative law.  
July 1979 - September 1980.

**BAR MEMBERSHIPS:**

Florida Bar  
United States District Court for the Middle District of Florida  
United States District Court for the Northern District of Florida  
United States Court of Appeals, Eleventh Circuit  
United States Supreme Court