

September 28, 2009

The Honorable Jeff Atwater  
President of the Florida Senate

The Honorable Larry Cretul  
Speaker of the Florida House of Representatives

The Honorable Charlie Crist  
Governor of the State of Florida

The Honorable Bill McCollum  
Attorney General of the State of Florida

Dear Florida Leaders:

As an advocate for the poor and the underserved, and in the spirit of good government, I write on behalf of the Florida NAACP to encourage you to bring into being an Ethics and Transparency Task Force that would prepare a modernized Code of Conduct for the Florida Public Service Commission (FPSC) and all state agencies.

Recent allegations of unethical conduct by members of the FPSC highlight the importance of having a clear set of modern rules to govern their conduct – and the conduct of all other government agencies.

It also cautions us to take a closer look at the motives and tactics of the industry and other special interests involved in these matters as well.

The FPSC is charged with the enormously important task of providing Florida's consumers with access to essential utilities – telecommunications, energy, and water – at affordable prices. During this time of economic turbulence, citizens rely on agencies like the FPSC to protect them. As such, immediate action is needed to help restore the public trust and to get the Florida Public Service Commission refocused on protecting the public interest. And in performing this critical watchdog role for Florida's consumers, a top priority is to protect the poor – especially those living in older energy-inefficient homes in inner cities. Thus, the people of Florida need immediate action to enable the PSC to be able to refocus on doing its job.

### ***The Allegations***

Accusations of unethical conduct have been leveled against each of the five FPSC Commissioners. In particular:

- *Commissioner Argenziano* is alleged to have business dealings with a lobbyist for municipal electric companies in Florida who appear in Commission proceedings and whose interests are impacted by Commission decisions.

- *Commissioner Carter* has been under “public opinion” pressure to fire his advisor as a result of the advisor sharing his blackberry “pin” with industry representatives.
- *Commissioner Edgar* has been accused of wrongly sharing her Blackberry pin with industry and of improperly communicating with Florida Power & Light during a hearing.
- *Commissioner McMurrian* has been asked to be disqualified from the FPL rate case for participating in a Standard & Poor’s Annual Utility Conference and attending a dinner to which an FPL executive attended.
- *Commissioner Skop*, who also attended the same Standard & Poor’s annual utility Conference, will presumably be subject to the same criticism and scrutiny as that leveled against Commissioner McMurrian.

While we support a review of each allegation, we believe the impetus for making the allegations arise from interested parties on both sides who are trying to use the current ethics process as a tool to distract the Commission from the work at hand and perhaps make it impossible to render impartial decisions.

Indeed, it appears as though the commissioners and the FPSC are being used as pawns by wealthy special interest groups pitted against the big utility companies in a high-stakes game of chicken. As the African proverb goes, *when the elephants fight, it is the grass that suffers*. The unfortunate casualties of this political brinkmanship are the very consumers that these special interest groups purport to serve. The stakes are too high to let this conduct continue.

### ***The Stakes***

These allegations have disrupted the business of the FPSC. They threaten to derail a number of important regulatory proceedings that directly impact Florida’s consumers. Specifically, over the next few weeks, the FPSC will consider the two multi-billion dollar rate cases for Florida Power and Light and Progress Energy. These rate cases will impact the lives of over six million customers across the state, many of whom are on fixed incomes. While the investigations continue, the FPSC needs to focus all of its energies on these issues. And the public needs to have confidence that this regulatory agency will spend the time it needs to produce informed outcomes that further the public interest - not the interests of specific stakeholders.

### ***Code of Conduct***

While Commissioners Argenziano and McMurrian are to be applauded for calling attention to these issues and for proposing corrective action be taken, we believe that the approaches they have suggested will meet with limited success.

While Commissioner McMurrian’s proposal could serve as a starting point for a reexamination of the current framework of ethics and transparency in government, it is a somewhat narrow

approach that draws only on the internal experience of the FPSC in revising its own rules and policies.

Commissioner Argenziano calls for a closed grand jury process to lead the investigation. Such a process likely would not include the collective, public input of the Governor, the Legislature or the citizens of Florida. As such, it would probably not obtain the buy-in and adoption that is needed for a truly successful approach.

Only a constructive investigation and open dialogue among all concerned parties – and a dialogue that occurs in the Sunshine - will protect Florida's consumers.

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Our leaders must step into the fray and focus attention on what is needed most – forward-looking reforms that will get the FPSC back to serving the public interest. This means the development and implementation of an updated code of conduct that provides all stakeholders with clarity and certainty.

Bold action is needed now.

Thus, we respectfully ask that the Florida Legislature and our Governor, working with the Attorney General, immediately convene a statewide Ethics and Transparency Task Force to address these critical issues across all of state government before they destroy our government, our economy and most importantly our people.

To follow up on this recommendation, please be in touch with our Florida NAACP Legislative Fellow, Ms. Natalia Hunte, Esq., at [natalia.hunte@gmail.com](mailto:natalia.hunte@gmail.com).

Very truly yours,

*Adora Obi Nweze*

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