

Ousted PSC officials picking up the pieces

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TALLAHASSEE — David Klement still has the 27-second message from Gov. Charlie Crist on his cell phone in which the governor thanks him for accepting the Public Service Commission appointment and proudly exclaims: “I know you’ll do great.”

It was one of two contacts Klement says he ever had with the man who lured him away from his Bradenton home and comfortable job as director of a university think tank in October — only to be fired in a dramatic late-session vote April 27 when the Florida Senate refused to confirm his nomination.

Klement and Benjamin “Steve” Stevens, the governor’s other battle-scarred appointee who was felled by a similar vote on the same day, are now looking for work.

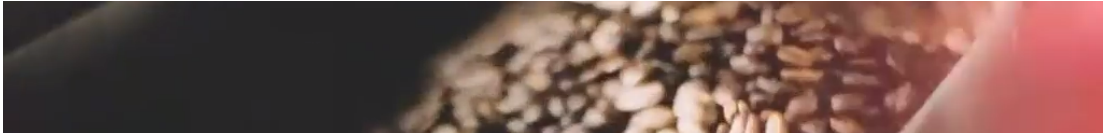
After five months as one of five commissioners on the powerful board that regulates utilities, both say they were unwitting pawns in a harsh political feud between the now-independent governor and the legislature he antagonized. They believe they were victims of a Senate promise to Florida Power & Light and Progress Energy to pay back the governor and commissioners for rejecting the two largest rate increase requests in Florida history.

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“I went in there so naïve and so trusting in the system,” said Klement, 70, the former Bradenton Herald editorial page editor. “I thought if you play by the rules and you work hard, do a good job, you’ll succeed ... But that’s not what they were interested in.”

Stevens, 44, the former finance director for the Escambia County Sheriff, says he spent much of the legislative session meeting with the few senators who would agree to talk to him about his qualifications. But he believes there is little he or Klement could have done to surmount the utility industry’s power and its ability to influence legislators with campaign cash.

“All these senators had their minds made up about us before we even got here and it was because of the money,” he said. Utility company officials declined comment. Crist appointed Klement and Stevens to the scandal-plagued commission in October because, he said, they brought “fresh blood” and were the only nominees that didn’t have previous ties to the utilities or the PSC.

The commission had been wracked by disclosures that commissioners had allowed their staff to exchange text messages, BlackBerry PIN messages and hundreds of phone conversations with utility representatives.

But the appointments needed to be confirmed by the Senate, where there was little good will for the governor.

Republican leaders were angered by Crist’s veto of bills ending teacher tenure and creating legislative political accounts. Democrats, loyal to the black caucus, were miffed that he replaced Commissioner Matthew Carter, a black man, and Commissioner Katrina McMurrian with two white men.

As tensions grew, the NAACP wrote a letter raising doubts about the qualifications of Klement and Stevens. Sen. Chris Smith, a Democrat who has lobbied directly for FPL in Fort Lauderdale, mounted a campaign to reject the nominations.

“Matt Carter was done wrong,” Smith said. “If I just sat and rubber-stamped what the governor’s doing that’s rewarding his injecting politics into this appointment.”

Two Senate committees took up their confirmations, the first one grilling both Klement and Stevens but voting to confirm them, 8-1. Smith was the only no vote. The second committee interrogated Klement but adjourned without a vote.

Senate President Jeff Atwater then intervened, saying to reporters he was confident they would be confirmed. Crist said he told him the same thing.

Atwater was wrong. Three days before the end of session, the Senate rejected Klement’s confirmation on 21-17 and then rejected Stevens 23-14.

Atwater was on the losing side of both votes. Incoming Senate President Mike Haridopolos, R-Indialantic, and his closest allies were on the prevailing side.

Watching the vote on the Florida Channel, the news hit commissioners and PSC staff hard.

“There were people here in tears, none of us, but others,” Stevens recalled.

“These are very good people, very skilled, very educated, very hard working and it is just incredibly terrible for morale.”

For months, Klement and Stevens relied on the PSC and its staff to train them for the job. Even before the rate case vote, they watched hours of taped testimony, read transcripts and asked questions.

On the day he was sworn in, Klement wrote a passionate speech about how he wanted to serve the people. “I got teary. My voice broke,” Klement recalled last week, getting teary again. “I’m not ashamed of it — because I care and I’m honest.”

Klement and Stevens now believe the talk of qualifications and racial diversity was pretext for voting with the utilities. During the two hearings, senators peppered them with “gotcha” questions “which seemed written by the utilities,” Klement said, and accused them of being biased in favor of the consumer.

“The governor made two public statements about his new appointees looking out for the consumer. I can’t control what the governor says,” he said. “I didn’t tell him what I was going to do So because the governor says I want somebody to look out for the consumer, does not make me his puppet.”

On Monday, the process starts over, when the Public Service Nominating Council closes applications and begins interviews to send six more names to the governor.

Klement, who bought a small house when he took over the unexpired term of McMurrin in October, hopes to find work again in Tallahassee and worries about the loss of health insurance.

Stevens, who never uprooted his family from Pensacola, will move back with the hopes of finding new work.

Sitting in his sparsely-decorated office at PSC's headquarters, Stevens opens up a statute book and points to the section on commissioner qualifications. It requires commissioners be "competent and knowledgeable" in a lengthy but broad list of fields.

Stevens believes the Senate violated that law.

"Their responsibility under the Constitution was to determine if we were qualified and to confirm us," he said. "They shirked that responsibility ... and I believe they did it because of their greed for money and power."

He is especially critical of Senate Republican leaders, Smith and the two Democrats who are running for attorney general, Sens. Dave Aronberg of Greenacres and Dan Gelber of Miami Beach. Smith should have recused himself from the vote, he said, and Aronberg and Gelber failed to follow the law.

Smith said he quit lobbying for FPL when he was elected to the Senate. Gelber said he met with both Stevens and Klement and voted against Stevens because he believes he made some statements that indicated he "may have prejudged" the rate case.

Aronberg, who served on the council for three years and voted against Klement and Stevens because "they were underqualified," acknowledges the nominating council system allows them to send the governor a stacked list with candidates to choose from "even if you have to hold your nose."

Stevens and Klement say the experience taught them the power and pull of the state's powerful electric monopolies, especially FPL. Defeating Crist's nominees was a top priority for the company this session.

"I had a great five months. I wish it was four years," Stevens said. "It's not sour grapes. I'm disenchanted with our Senate. I'm disenchanted with the ability of a monopoly to own these senators ... They use intimidation. They use money. They use power and they build on greed of these senators to get what they want They should be looking out for their customers."

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