

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

In the Matter of :
: DOCKET NO. 920949-EU
Joint Petition for Approval of:
Certain Matters in Connection :
with the Sale of Assets by :
Sebring Utilities Commission :
to Florida Power Corporation. :

PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER BETTY EASLEY

DATE: Tuesday, November 17, 1992

TIME: Commenced at 1:00 p.m.
Concluded at 2:15 p.m.

PLACE: FPSC Hearing Room 106
101 East Gaines Street
Tallahassee, Florida 32399

REPORTED BY: JOY KELLY, CSR, RPR
Official Commission Reporter

DOCUMENT CONTROL UNIT
13592 Nov 18 1992
FPSC-RECORDS/REPORTING

1 APPEARANCES:

2 JAMES. P. FAMA, Senior Counsel, Post Office Box
3 14042, 3201 34th Street South, St. Petersburg, Florida
4 33711, Telephone No. (813) 866-4353, appearing on behalf
5 of Florida Power Corporation.

6 NATHANIEL DOLINER, Carlton, Fields, Ward,
7 Emmanuel, Smith & Cutler, Post Office Box 3239, One
8 Harbour Place, Tampa, Florida 33601, Telephone No. (813)
9 223-7000, appearing on behalf of Florida Power Corporation.

10 JAMES D. BEASLEY, Ausley, McMullen, McGehee,
11 Carothers & Proctor, Post Office Box 391, Tallahassee,
12 Florida 32302, Telephone No. (904) 224-9115, representing
13 Tampa Electric Company.

14 BRUCE MAY, Holland & Knight, Post Office Drawer
15 810, Tallahassee, Florida 32302 Telephone No. (904)
16 224-7000, appearing on behalf of Sebring Utilities
17 Commission.

18 JAMES FLYNN, Post Office Box 1623, 2503 Par
19 Road, Sebring, Florida 33871, Telephone No. (813)
20 471-0051, appearing on behalf of the Citizens for Utility
21 Rate Equity.

22 HAROLD E. SEAMAN, 2145 Fiesta Way, Sebring,
23 Florida 33872, Telephone No. (813) 382-7520, appearing on
24 behalf of the Action Group.

25

1 APPEARANCES (continued):

2 ROBERT G. POLLARD, Chairman, 810 North
3 Ridgewood Drive, Sebring, Florida 33870, Telephone No.
4 (813) 385-0590, appearing on behalf of Concerned
5 Citizens of Sebring.

6 MARTHA CARTER BROWN, FPSC Division of Legal
7 Services, 101, East Gaines Street, Tallahassee, Florida
8 32301, Telephone No. (904) 487-2740, on behalf of the
9 Commission Staff.

10 PRENTICE P. PRUITT, FPSC General Counsel
11 Office, 101 East Gaines Street, Tallahassee, Florida
12 32399-0850, Telephone No. (904) 488-7464, as Counsel to
13 the Commissioners.

14

15

16

17

18

19

20

21

22

23

24

25

P R O C E E D I N G S

(Hearing commenced at 1:00 p.m.)

COMMISSIONER EASLEY: Is everybody here? Are we ready?

MS. BROWN: Yes, Commissioner.

COMMISSIONER EASLEY: All right. Fine. Then let's go on the record, please and would you read the notice, please, Counselor?

MS. BROWN: By notice issued December 7th -- I'm sorry, October 7th, 1992, this time and place was set for a prehearing conference in Docket No. 920949-EU, in re: Joint petition of Florida Power Corporation and Sebring Utilities Commission for approval of certain matters in connection with sale of assets by Sebring Utilities Commission to Florida Power Corporation.

COMMISSIONER EASLEY: Was December 7th a Freudian slip?

MS. BROWN: Perhaps.

The purpose of the prehearing conference will be to consider the simplification of the issues, the identification of the positions of the parties on the issues, the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, the identification of the exhibits, the establishment

1 of an order of witnesses and such other matters as may
2 aid in the disposition of the action.

3 COMMISSIONER EASLEY: Thank you. Take
4 appearances, please.

5 MR. FAMA: For Florida Power Corporation
6 James Fama, 3201 34th Street South, St. Petersburg
7 33733 and I'd also like to enter the appearance of
8 Nathaniel Doliner the spelling has already been given
9 to the court reporter.

10 COMMISSIONER EASLEY: How about giving it to
11 me.

12 MR. FAMA: Okay. It's D-O-L-I-N-E-R.

13 COMMISSIONER EASLEY: Thank you.

14 MR. FAMA: And he's with Carlton, Fields,
15 Ward, Emmanuel, Smith and Cutler, and that's One
16 Harbour Place, Tampa, Florida 33601.

17 COMMISSIONER EASLEY: Thank you.

18 MR. BEASLEY: Commissioner, I'm James D.
19 Beasley with the law firm of Ausley, McMullen, McGehee,
20 Carothers & Proctor, Post Office Box 391, Tallahassee,
21 Florida 32302, representing Tampa Electric Company.

22 COMMISSIONER EASLEY: Thank you. Turn on
23 that red button at the base. Thank you.

24 MR. SEAMAN: I'm Harold Seaman. I represent
25 the Layman, the Action Group in Sebring.

1 COMMISSIONER EASLEY: Thank you, sir.

2 MS. BROWN: Mr. Seaman, could you state your
3 address for the record, please?

4 MR. SEAMAN: 2145 Fiesta Way, Sebring 33872.

5 COMMISSIONER EASLEY: Thank you.

6 MR. MAY: Commissioner, my name is Bruce May
7 I'm with the law firm of Holland and Knight here in
8 Tallahassee, Florida, P. O. Drawer 810, 32302. I'd
9 like to make an appearance for Andy Jackson also. Mr.
10 Jackson is also counsel for Sebring Utilities Commission.
11 His address is 150 North Commerce Avenue, Sebring, Florida
12 33870. Both of us will be appearing on behalf of Sebring
13 Utilities Commission in this proceeding.

14 COMMISSIONER EASLEY: Thank you.

15 MR. POLLARD: I am Robert Pollard, Chairman
16 of the Concerned Citizens of Sebring. My address is
17 810 North Ridgewood Drive, Sebring, Florida 33870.

18 COMMISSIONER EASLEY: Thank you. And Mr. Flynn,
19 is he here?

20 MR. FLYNN: James Flynn, Citizens for Utility
21 Rate Equity, 2503 Par Road, Sebring.

22 COMMISSIONER EASLEY: Thank you, sir.

23 MS. BROWN: Martha Carter Brown representing the
24 Florida Public Service Commission Staff. My address is
25 101 East Gaines Street, Tallahassee, Florida.

1 MR. PRUITT: And I'm Prentice P. Pruitt, same
2 address, Counselor to the Commissioners.

3 COMMISSIONER EASLEY: Thank you. Any
4 preliminary matters?

5 MS. BROWN: Commissioner, we have one
6 outstanding motion to expedite the proceedings. I suggest
7 that perhaps we could save that until we finished
8 everything else and then go back to deal with that.

9 COMMISSIONER EASLEY: All right.

10 MS. BROWN: Other than that there are no
11 preliminary matters.

12 COMMISSIONER EASLEY: Do any of the parties
13 have preliminary matters? Yes, Mr. Fama.

14 MR. FAMA: Thank you. Commissioner Easley, it's
15 not clear to me whether the Action Group or the Concerned
16 Citizens Group have filed prehearing memoranda. The date
17 for that was yesterday, November 16th.

18 COMMISSIONER EASLEY: My understanding is
19 that we have not received these documents. Mr. Seaman
20 and Mr. Pollard, for those two particular intervenors,
21 would it be your intention to file such memorandum?

22 MR. SEAMAN: Yes, it is. We did not get any
23 notice until late Friday afternoon, and there was no
24 chance for us to be in a position to make any of these
25 on Monday as so indicated in the letter that we

3 arrived here earlier today, he handed me a three-page
4 document, and we discussed earlier about perhaps that
5 becoming his prefiled memorandum. And if he agrees to
6 that, we'll help him set it up with a cover sheet and
7 help him file that if he likes.

8 COMMISSIONER EASLEY: Mr. Seaman, would that
9 be agreeable?

10 MR. SEAMAN: Yes.

11 COMMISSIONER EASLEY: All right. Then we
12 will do that and that will be distributed to the
13 parties. Mr. Pollard?

14 MR. POLLARD: I also did not file because I
15 was not aware that that was necessary. I do have a
16 basic position statement I'd be happy to make today or
17 make it available in writing.

18 COMMISSIONER EASLEY: How long would it be?

19 MR. POLLARD: Very short.

20 COMMISSIONER EASLEY: Why don't you go ahead
21 and put it on the record now and then if any party
22 requests something in writing we can obtain that.

23 MR. POLLARD: All right.

24 COMMISSIONER EASLEY: Go ahead.

25 MR. POLLARD: I'd be happy to do so.

1 This is a statement of basic position for
2 Concerned Citizens of Sebring.

3 Concerned Citizens of Sebring is a registered
4 Florida political committee. We're laypeople, and we
5 have been focusing on the Sebring Utilities financial
6 situation for the past 20 months.

7 Okay. Concerned Citizens of Sebring oppose
8 this sale to Florida Power Corporation as it now stands
9 for the following reasons: Number one, not enough
10 value is being received by Sebring from Florida Power
11 for the electric distribution system and its captive
12 customer base. With cost of depreciated assets and,
13 hopefully, a large value for going concern, Florida
14 Power Corporation is fully covered by ratepayers and
15 have no real investment in this venture.

16 Number two, the proposed transition fee for
17 Sebring Rider, as it is now identified, is discriminatory.
18 It creates one more class of consumer for Florida Power
19 Corporation and requires them to pay more for the same
20 service and power as their neighbors. It is too high and
21 adds an undue burden on the affected ratepayer.

22 Thank you.

23 COMMISSIONER EASLEY: Thank you, Mr. Pollard
24 and on behalf of the court reporter, thank you for not
25 racing through that. Appreciate it. Now, is that

1 sufficient for the parties or do you wish to have
2 something in writing, that duplicated in writing?

3 MR. FAMA: That's sufficient for Florida Power.

4 COMMISSIONER EASLEY: All right. Sufficient.

5 MR. BEASLEY: Yes.

6 MR. MAY: It's sufficient.

7 COMMISSIONER EASLEY: Sufficient. Okay.

8 Mr. Flynn, you don't have a problem?

9 MR. FLYNN: It's sufficient for CURE.

10 COMMISSIONER EASLEY: Staff?

11 MS. BROWN: No problem.

12 COMMISSIONER EASLEY: Okay. All right.

13 Having taken care of that, Mr. Seaman's statement will
14 be distributed fairly quickly, I would assume.

15 MS. BROWN: Yes. We'll try to handle that
16 while he's still up here.

17 COMMISSIONER EASLEY: Good. Good. Mr. Fama.

18 MR. FAMA: Yes. Thank you.

19 There are a couple of outstanding exhibits
20 that we need to talk about.

21 COMMISSIONER EASLEY: All right.

22 MR. FAMA: Of course, testimony has been
23 prefiled and there's been exhibits along with the
24 prefiled testimony, and there's been deposition
25 exhibits, exhibits that were requested during the

3 by Staff, and one exhibit that Florida Power is
4 contemplating, which we would like to get filed earlier
5 than the hearing, rather than trying to move exhibits
6 in during the hearing. Let me tell you what those are.

7 One is a survey Florida Power is conducting
8 to gauge the amount of load management conservation,
9 which might occur in the Sebring area. And the Staff
10 has asked for information on that on more than one
11 occasion. The Staff inquired of Sebring customers
12 during the course of the hearing that was held in
13 Sebring about the potential penetration for load
14 management. And we're working on that exhibit and
15 would be happy to have Mr. Dagostino, one of our
16 witnesses who has already prefiled, sponsor that
17 exhibit.

18 With your permission, I would like to prefile
19 it as a supplemental exhibit to his testimony. I
20 haven't been able to reach Mr. Dagostino to find out
21 exactly when he's going to finish his survey, but I was
22 hoping it would be in about the next ten days.

23 COMMISSIONER EASLEY: And the hearing is --

24 MR. FAMA: On the 7th of December.

25 COMMISSIONER EASLEY: Does any party have a

1 problem with accepting that at this point, without having
2 seen it yet, based on what has been represented? Hearing
3 no problem, I'd say proceed, Mr. Fama.

4 MR. FAMA: Okay. Thank you.

5 There's also, Commissioner, one other
6 potential supplemental piece of testimony, but that has
7 to do with Mr. Southwick's testimony.

8 COMMISSIONER EASLEY: Uh-huh.

9 MR. FAMA: In this case, Sebring witnesses
10 support the net book value of the system and the going
11 concern amount associated with the system. They support
12 the numbers and Florida Power, in turn, supports the
13 prudence of acquiring the system at that amount of money,
14 that's roughly \$23 million. And there's a little
15 confusion about the respective roles of the witnesses and
16 because of that, I had Mr. Southwick, our witness, read a
17 little statement during the front end of his -- or early
18 on in his deposition.

19 We had talked informally among ourselves
20 about just stipulating the deposition transcripts into
21 the record.

22 COMMISSIONER EASLEY: Uh-huh.

23 MR. FAMA: If that's the case, that probably
24 takes care of my problem with Mr. Southwick's filing
25 any supplemental testimony. If the deposition didn't

15 Florida Power Corporation witnesses up front. And I've
16 discussed this with Mr. Fama and Mr. May, and they
17 approve that procedure. I haven't discussed it with
18 Mr. Beasley, but I don't think he would object.

19 COMMISSIONER EASLEY: Any problem, Mr. Beasley?
20 Mr. Flynn, any problem with that? Mr. Pollard or
21 Mr. Seaman? Any problem with that?

22 MR. POLLARD: I have no problem with that.

23 COMMISSIONER EASLEY: All right. Then we
24 will handle it in that manner. Staff will offer the
25 first exhibit; that will be all of the depositions and

FLORIDA PUBLIC SERVICE COMMISSION

1 your problem is solved, Mr. Fama. Anything else that
2 difficult you want me to deal with?

3 MS. BROWN: Commissioner, if I just might
4 say, that would include all of the late-filed exhibits
5 that we had.

6 COMMISSIONER EASLEY: With those depositions,
7 yes. Anything else?

8 MR. FAMA: I have another housekeeping
9 matter.

10 COMMISSIONER EASLEY: All right. You're on a
11 roll here. Keep going.

12 MR. FAMA: Thank you. I hope I don't mess up.

13 Revised prehearing statements. We have 20
14 issues now. At the time we filed our prehearing
15 statement, we had a lesser number of issues and they
16 were differently worded. We have, however, filed
17 prehearing memorandum -- memoranda, if you will, which
18 hone in on the issues. If we stick to the 20 issues,
19 we sort of have revised our prehearing statement, in
20 effect, it's just whatever your pleasure is. I don't
21 know, usually you don't have prehearing memorandums so
22 you don't hit this issue.

23 COMMISSIONER EASLEY: Well, why don't we,
24 after we finish today, and see what happens to the
25 issues as a result of this, if there's any changes,

1 we'll come back and deal with deadlines for any
2 additional positions or changes in positions that need
3 to be made, and we can deal with that same problem at
4 the same time, I would think, Mr. Fama. I don't -- you
5 know, whatever is going to be the easy solution to that
6 as far as I'm concerned.

7 MS. BROWN: Commissioner, what I did yesterday
8 when I received Power Corp's pretrial, prehearing
9 memorandum was to include the positions that they had laid
10 out in that in this draft Prehearing Order, so like in any
11 other post-prehearing situation, if there are changes to
12 be made, they can communicate those to me.

13 COMMISSIONER EASLEY: Yeah. And we're going
14 to be allowing some time, as a result of this
15 prehearing to allow the intervenors, in particular, to
16 formalize any positions that they feel like they now
17 need to formalize as a result of the discussions here
18 today. So life will get a little bit simpler, I think,
19 for the intervenors by the time we get through. It won't
20 be quite as cut and dried as it might sound from the
21 beginning. There will be ample opportunity to adjust the
22 positions to the issues once we've got the issues
23 finalized.

24 MR. FAMA: All right. Thank you. That's all
25 I had.

1 COMMISSIONER EASLEY: All right. Mr. Beasley,
2 do you have anything?

3 MR. BEASLEY: No, ma'am, I do not.

4 COMMISSIONER EASLEY: Mr. May?

5 MR. MAY: One brief item.

6 COMMISSIONER EASLEY: All right.

7 MR. MAY: Today Sebring Utilities Commission
8 filed a notice of filing additional exhibits to be
9 appended to the testimony of Sebring witness, Jerry
10 Warren. The exhibits are four exhibits, all of which
11 address the going-concern issue, and they are,
12 essentially, visuals which expand upon actual written
13 testimony that he's provided to assist the Commission
14 and Staff in addressing the issue of "going concern."

15 COMMISSIONER EASLEY: These visuals, are you
16 talking about poster-size type of thing? I assume --

17 MR. MAY: At the hearing he will have a
18 larger poster size exhibit. We have them.

19 COMMISSIONER EASLEY: You anticipated my
20 concern. I wanted to be sure it was something they
21 could put in the record without having to not fold,
22 bend or mutilate. Okay.

23 MR. MAY: We have distributed copies of that
24 filing to all the parties today, I believe. If some
25 people have not received them, I'll be glad to give

1 them a copy. But I wanted to bring that to your
2 attention because in the list of exhibits in the draft
3 that Ms. Brown has provided to the parties those
4 exhibits did not appear. I'd like them to be added
5 today if possible.

6 COMMISSIONER EASLEY: All right. Anything else?
7 Mr. Flynn? Mr. Seaman? Mr. Pollard? Anything else? All
8 right. Are we ready to start through the issues then?

9 MS. BROWN: Yes, Commissioner.

10 COMMISSIONER EASLEY: Okay.

11 I think we'll go directly to those and come
12 back to the order of witnesses, and the background
13 statement. So we need to go to Page 7 and Issue 1.

14 And for the benefit of the intervenors, what I'm
15 going to be doing is going down these issues to see if you
16 have any changes or any corrections that you want to make
17 to the way the issue is framed in the draft Prehearing
18 Order. And any change or addition to the positions stated
19 underneath that issue for you. You may take a "No
20 position at this time." That can get a little antsy
21 because it does leave the other parties in a position of
22 not knowing which direction you're going in, and we try to
23 avoid surprise if we can.

24 If you have stated "No position," that means you
25 are literally not going to take a position on that

1 specific issue in this proceeding. So you can agree with
2 somebody else if you don't want to have it come out as a
3 "No position" or "No position at this time." You can say,
4 "Concur with whoever," and then that will be your stated
5 position on that issue.

6 So having kind of laid that groundwork, Issue 1.
7 Are there any -- that's a nice brief one for a change.
8 Any changes to the issue or the positions underneath? And
9 where the issue now says "No position at this time," if
10 you now are ready to take a position, now is the time to
11 tell me so, and what that position is.

12 MR. BEASLEY: Commissioner, if I could, in
13 advance of Issue 1 on the basic position.

14 COMMISSIONER EASLEY: Sure.

15 MR. BEASLEY: We have supplied Staff with a copy
16 of Tampa Electric's basic position, and we will not take
17 specific positions on any of the other issues. And that's
18 the only one we're really addressing, is our basic
19 position.

20 COMMISSIONER EASLEY: All right.

21 MR. BEASLEY: And I've provided that to Staff
22 and I assume that would be incorporated.

23 COMMISSIONER EASLEY: All right. So that
24 everything else is going to continue to show "no
25 position."

1 MR. BEASLEY: "No position at this time."

2 COMMISSIONER EASLEY: All right. "No
3 position at this time" or just "No position."

4 MR. BEASLEY: We'd like to couch it as "No
5 position at this time" for the reason -- first of all,
6 we don't oppose the transaction. We just want to make
7 sure that Tampa Electric's rights under its existing
8 ERC-approved contract are protected and just for that
9 reason alone.

10 COMMISSIONER EASLEY: I understand. All
11 right. Mr. Seaman, did you have something you wanted
12 on Issue 1?

13 MR. SEAMAN: We take a position of "yes" on
14 it. In what I have here is something that never has
15 been given to you. It's never --

16 COMMISSIONER EASLEY: The "no position" this
17 time you're saying?

18 MR. SEAMAN: That's right.

19 COMMISSIONER EASLEY: All right. I think
20 what Staff has had to do is this is kind of a memo
21 saying "We haven't yet received a position at this
22 time." So that may not be your position but that was
23 all they had to put down. So your position on Issue 1
24 is "Yes."

25 MR. SEAMAN: Yes.

3 MR. POLLARD: My position on issue no. 1 is

4 yes, also.

5 COMMISSIONER EASLEY: All right. And I think
6 that pretty well covers Issue 1. Unless somebody
7 interrupts me, we just keep going. Yes, Martha.

8 MS. BROWN: For the benefit of the intervenors,
9 for all of these issues, Staff will not take a position at
10 this time pending the parties' presentation of the
11 evidence at the hearing. That's usually, or often, the
12 way Staff does it. They remain objective and listen to
13 the hearing and then make their recommendation after the
14 evidence is in.

15 COMMISSIONER EASLEY: Staff tries not to be
16 an advocate at this stage of the game. That's
17 essentially what we're doing.

18 All right. Issue 2. Changes, additions,
19 CURE? Mr. Flynn?

20 MR. FLYNN: CURE is yes.

21 COMMISSIONER EASLEY: All right. Action?

22 MR. SEAMAN: We have taken no position.

23 COMMISSIONER EASLEY: No position, period?

24 MR. SEAMAN: No, period.

25 COMMISSIONER EASLEY: No, period. Okay. CCS?

1 MR. POLLARD: No position at this time.

2 COMMISSIONER EASLEY: All right, sir. TECO,
3 you're going to continue. And Staff. Issue 3. CURE?

4 MR. FLYNN: No position.

5 COMMISSIONER EASLEY: All right. Now, let me
6 be sure I understand. That's no position, period?
7 Right?

8 MR. FLYNN: That is correct.

9 COMMISSIONER EASLEY: Okay. Action?

10 MR. SEAMAN: No.

11 COMMISSIONER EASLEY: CCS?

12 MR. POLLARD: No position at this time.

13 COMMISSIONER EASLEY: Thank you, sir. All
14 right. Issue 4. Utilities, I have been kind of
15 ignoring you all, but I'm figuring that you all know
16 enough to jump in if there needs to be any changes.
17 Okay. Issue 4, CURE? (Pause)

18 MR. FLYNN: No position at this time.

19 COMMISSIONER EASLEY: Thank you, sir.

20 Action?

21 MR. SEAMAN: No.

22 COMMISSIONER EASLEY: No. All right. And CCS.

23 MR. POLLARD: No position at this time.

24 COMMISSIONER EASLEY: All right. You all
25 aren't making too many changes, are you? Okay. Issue

1 5, and I don't want to go too fast. Now, if you want
2 me to slow down, let me know. Mr. Fama?

3 MR. FAMA: Commissioner, excuse me, yes. I
4 think we went a little fast that time and we missed a --

5 COMMISSIONER EASLEY: On 4?

6 MR. FAMA: Yes.

7 COMMISSIONER EASLEY: Okay. Which one did I
8 miss, I'm sorry?

9 MR. FLYNN: On CURE for Item 4 that was my
10 error. CURE, yes. The answer is yes.

11 COMMISSIONER EASLEY: Oh, thank you, sir.
12 All right. Slow me down when you need to now.
13 Everybody else is okay on Issue 4? Issue 5. CURE has
14 a position. Action?

15 MR. SEAMAN: Also no.

16 COMMISSIONER EASLEY: All right. CURE, I'm
17 sorry, is your position stated accurately on Issue 5?

18 MR. FLYNN: CURE's position is stated
19 accurately.

20 COMMISSIONER EASLEY: Thank you, sir. And CCS?

21 MR. POLLARD: We do have a position on Issue 5.

22 COMMISSIONER EASLEY: All right, sir. Can
23 you tell me what that is.

24 MR. POLLARD: Okay. 15 years is too short.
25 A longer period would reduce ratepayer cash outlay per

1 1,000 kilowatt hours, and would allow system growth to
2 participate in the payment of the residual bonded
3 indebtedness.

4 COMMISSIONER EASLEY: That's it? Thank you.
5 Let me ask something. I have not looked at -- for
6 CURE, you show Ms. Hawk as a witness. When we get to
7 the appropriate issue, Mr. Flynn, you need to tell me
8 which issue Ms. Hawk is going to be testifying on, or
9 if it's all of the issues.

10 MR. FLYNN: Okay.

11 COMMISSIONER EASLEY: Okay? We'll get back
12 to that.

13 MR. FLYNN: Thank you.

14 COMMISSIONER EASLEY: But we'll need to deal
15 with that. Issue 6. CURE.

16 MR. FLYNN: Yes.

17 COMMISSIONER EASLEY: Action.

18 MR. SEAMAN: No.

19 COMMISSIONER EASLEY: And CCS.

20 MR. POLLARD: No position at this time.

21 COMMISSIONER EASLEY: All right, sir. Issue
22 7. CURE.

23 MR. FLYNN: Yes.

24 COMMISSIONER EASLEY: Action.

25 MR. SEAMAN: No.

1 COMMISSIONER EASLEY: CCS.

2 MR. POLLARD: No position at this time.

3 COMMISSIONER EASLEY: All right. Issue 8.

4 CURE?

5 MR. FLYNN: Yes.

6 COMMISSIONER EASLEY: Can I assume that's a
7 no for Action?

8 MR. SEAMAN: No position at this time.

9 COMMISSIONER EASLEY: For Action. All right.

10 CCS?

11 MR. POLLARD: No position at this time.

12 COMMISSIONER EASLEY: You had me broken in
13 there for a minute where they said yes you were going
14 to say no.

15 MS. THOMANN: Some we believe in and some we
16 don't.

17 MR. SEAMAN: You can't trust us. (Laughter)

18 COMMISSIONER EASLEY: It's part of this
19 process. All right. No position at this time for
20 either Action or CCS on Issue 8. That takes us to
21 Issue 9. CURE?

22 MR. FLYNN: Bear with me just a moment,
23 please, Commissioner.

24 COMMISSIONER EASLEY: Sure. Take a moment.

25 (Pause)

1 MR. FLYNN: No position at this time.

2 COMMISSIONER EASLEY: Period. At this time.

3 All right. Action.

4 MR. SEAMAN: No position at this time.

5 COMMISSIONER EASLEY: CCS?

6 MR. POLLARD: No position at this time.

7 COMMISSIONER EASLEY: All right. 10. CURE?

8 MR. FLYNN: 10 is approved as it.

9 COMMISSIONER EASLEY: I'm sorry.

10 MR. FLYNN: No position at this time.

11 COMMISSIONER EASLEY: Thank you. Action?

12 MR. SEAMAN: No position at this time.

13 COMMISSIONER EASLEY: CCS?

14 MR. POLLARD: Yes, we have a position. Yes

15 it should. All Florida Power Corporation ratepayers

16 will benefit from the growth of the system.

17 COMMISSIONER EASLEY: Thank you, sir. All

18 right. Anything else on Issue 10? Issue 11? CURE?

19 MR. FLYNN: No position at this time.

20 COMMISSIONER EASLEY: All right. Action?

21 MR. SEAMAN: No position at this time.

22 COMMISSIONER EASLEY: And CCS?

23 MR. POLLARD: Yes. The position is, yes, it

24 should. All Florida Power Corporation ratepayers will

25 benefit from the addition of already-developed

1 customers and territory with further growth potential
2 as opposed to having to develop a new system and wait
3 for it to mature. The stockholders, that is, the
4 owners, will also benefit.

5 COMMISSIONER EASLEY: Thank you, sir. Issue 12.

6 MR. FLYNN: No position at this time for
7 CURE?

8 COMMISSIONER EASLEY: All right. That was
9 for CURE? Action?

10 MR. SEAMAN: No position at this time.

11 COMMISSIONER EASLEY: And CCS?

12 MR. POLLARD: No position at this time.

13 COMMISSIONER EASLEY: Thank you. Issue 13.

14 MR. FLYNN: CURE, no position at this time.

15 COMMISSIONER EASLEY: Thank you. Action?

16 MR. SEAMAN: No position at this time.

17 COMMISSIONER EASLEY: I feel like I'm making
18 a movie yelling "action." CCS? (Laughter)

19 MR. POLLARD: No position at this time.

20 COMMISSIONER EASLEY: Issue 14.

21 MR. FLYNN: CURE, yes.

22 COMMISSIONER EASLEY: Action?

23 MR. SEAMAN: No position at this time.

24 COMMISSIONER EASLEY: Okay. CCS?

25 MR. POLLARD: No position at this time.

1 COMMISSIONER EASLEY: Thank you, sir. Issue
2 15. CURE? Take a minute.
3 MR. FLYNN: Yes, I need just a moment,
4 please. I have many too many papers. (Pause)
5 15 is correct as written, yes.
6 COMMISSIONER EASLEY: Thank you. Action?
7 MR. SEAMAN: No position at this time.
8 COMMISSIONER EASLEY: And CCS?
9 MR. POLLARD: No position at this time.
10 COMMISSIONER EASLEY: Thank you. 16. CURE?
11 MR. FLYNN: Yes.
12 COMMISSIONER EASLEY: Action?
13 MR. SEAMAN: No position at this time.
14 COMMISSIONER EASLEY: At this time. Thank
15 you, sir. CCS?
16 MR. POLLARD: No position at this time.
17 COMMISSIONER EASLEY: Thank you. Issue 17.
18 MR. FLYNN: Issue 17 is fine. Yes.
19 COMMISSIONER EASLEY: Is yes?
20 MR. FLYNN: Yes.
21 COMMISSIONER EASLEY: Action?
22 MR. SEAMAN: No position at this time.
23 COMMISSIONER EASLEY: CCS?
24 MR. POLLARD: I have a question on 17. I
25 have two different issues.

1 MS. BROWN: Commissioner, I have been
2 noticing that this is happening. I think that
3 Mr. Pollard has been working from an earlier draft of
4 the prehearing order.

5 COMMISSIONER EASLEY: Let's be sure.

6 MS. BROWN: What I propose is that Mr. Pollard
7 and I get together after the prehearing conference and
8 straighten out which issues he's responding to.

9 COMMISSIONER EASLEY: Well, I don't really
10 want to do it after the prehearing conference because
11 the other parties need to know if he's changing from
12 "no position at this time" to a position. We need to
13 at least have them in the right order I would think.

14 MS. BROWN: Well, I'm afraid, if that's the
15 case, we may have to take --

16 COMMISSIONER EASLEY: A break.

17 MS. BROWN: -- ten minutes for us to go
18 through and shift out the positions.

19 COMMISSIONER EASLEY: Is this the first one
20 we have run into where you have two of them?

21 MR. POLLARD: Possibly not.

22 MS. BROWN: No. It is not the first time. I have
23 been keeping track of it.

24 MR. POLLARD: They were in pretty good order
25 and when I try to read two at one time, they get lost.

1 COMMISSIONER EASLEY: Are you having that
2 problem, too, sir? Have we gotten you all --

3 MS. BROWN: No.

4 COMMISSIONER EASLEY: I'll tell you what,
5 because CCS has changed a couple of positions, I'm
6 uncomfortable going forward and saying we've gotten
7 positions as stated if we're not sure they are on the
8 right issues. We have not been reading the issues,
9 we've only been talking about numbers.

10 MS. BROWN: Right. Since we first sent
11 Mr. Pollard a draft, we have changed these issues.

12 COMMISSIONER EASLEY: I understand.

13 MS. BROWN: And turned them around, as we
14 often do, and he is working from an earlier draft.

15 We could do this two ways: We could take a
16 ten-minute break, and Mr. Pollard and I can get it
17 straightened out. Or he and I can get together after
18 the prehearing conference and in the Prehearing Order
19 put his positions correctly.

20 COMMISSIONER EASLEY: No, I'm not going to even
21 ask Mr. Pollard. I much prefer to be sure that as
22 Mr. Pollard states his positions on these issues on the
23 record, that we have on the record the specific match
24 of the position to the issue. So we're going to take a
25 ten-minute break, and if you would, sir, get with Staff

1 and let's be sure that when I say Issue 14, or whatever
2 it is, we're all talking about the same issue. So
3 let's take 10 minutes and we'll come back.

4 MR. POLLARD: Thank you. I would like to do
5 that also.

6 COMMISSIONER EASLEY: All right, sir.

7 (Brief recess.)

8 - - - - -

9 COMMISSIONER EASLEY: All right. Are we
10 ready to go back on the record?

11 MS. BROWN: We're not quite ready, Commissioner.

12 COMMISSIONER EASLEY: How long do you need?

13 MS. BROWN: Five more minutes.

14 COMMISSIONER EASLEY: Five more minutes? You
15 got it.

16 (Brief recess.)

17 - - - - -

18 COMMISSIONER EASLEY: Are we ready to proceed now?

19 MR. PALECKI: Yes, we are.

20 Commissioner Easley, Ms. Brown will be going
21 through the individual issues. There are some issues
22 for which the position was actually stated for another
23 issue.

24 COMMISSIONER EASLEY: All right.

25 MR. PALECKI: And she's going to go through

1 that with you at this time.

2 COMMISSIONER EASLEY: All right. Let's go
3 down and get up to current date on this one.

4 MS. BROWN: How about if we just start with
5 Issue 1, Commissioner, and go straight down the line?

6 COMMISSIONER EASLEY: That's what I have in
7 mind, and bring us up to where we left off. (Pause)
8 I'm just going to let you read them out.

9 MS. BROWN: Commissioner, -- well, I think we
10 should start with Issue 1.

11 COMMISSIONER EASLEY: Uh-huh. Issue 1, I
12 have as "yes." Is that still correct?

13 MR. POLLARD: Okay. Actually the first six
14 issues I answered correctly because they were correct.

15 COMMISSIONER EASLEY: All right. So we can
16 go to Issue 7, then?

17 MR. POLLARD: Go to Issue 7.

18 COMMISSIONER EASLEY: All right. Issue 7 on
19 Page 10, I have as "No position at this time."

20 MR. POLLARD: And that's all right.

21 COMMISSIONER EASLEY: All right. Issue 8 is
22 the same, "No position at this time"?

23 MR. POLLARD: That's correct also.

24 COMMISSIONER EASLEY: All right. Issue 9,
25 any change to that as written?

1 MR. POLLARD: That's correct.

2 COMMISSIONER EASLEY: Issue 10. You've
3 changed that one to "yes." I wonder if that's where we
4 started getting off a little bit.

5 MR. POLLARD: Okay. In the -- let me back
6 over to my original and cross those over. No. 10, I
7 did answer yes, and that is incorrect.

8 COMMISSIONER EASLEY: All right. What should
9 the answer to the --

10 MR. POLLARD: The correct answer to the
11 correct issue, No. 10, is "No position at this time."

12 COMMISSIONER EASLEY: All right. That takes
13 us then to Issue 11.

14 MR. POLLARD: Issue 11 is "No position at
15 this time."

16 COMMISSIONER EASLEY: Issue 12.

17 MR. POLLARD: Issue 12, for me, is a new
18 issue. And my position on that would be "yes."

19 COMMISSIONER EASLEY: All right. Issue 13.

20 MR. POLLARD: Issue 13, is all right. It's
21 "No position at this time."

22 COMMISSIONER EASLEY: All right. And Issue 14.

23 MR. POLLARD: Issue 14 is my Issue No. 10,
24 which I will read again.

25 COMMISSIONER EASLEY: All right.

1 MR. POLLARD: Issue No. 14, our position is
2 "Yes, it should. All Florida Power ratepayers will
3 benefit from growth of this system."

4 COMMISSIONER EASLEY: All right, sir. Issue 15.

5 MR. POLLARD: Issue 15 is a change also. And
6 the answer there is "Yes, it should. All Florida Power
7 ratepayers will benefit from the addition of already
8 developed customer and territory, with further growth
9 potential as opposed to having to develop a new system
10 and wait for it to mature. Stockholders, that is the
11 owners, will also benefit."

12 COMMISSIONER EASLEY: All right. Issue 16.

13 MR. POLLARD: No. 16 is "No position at this
14 time."

15 COMMISSIONER EASLEY: Hold on just a moment.

16 MR. FLYNN: CURE gave the incorrect answer on
17 Issue 16. It should be "No position at this time."

18 COMMISSIONER EASLEY: All right, sir. Thank you.
19 On Issue 16, now, Mr. Pollard.

20 MR. POLLARD: "No position at this time."

21 COMMISSIONER EASLEY: Oh, I beg your pardon.
22 Yes, you had told me that. I'm sorry.

23 All right. Issue 17, and I think that's
24 where we had left off.

25 MR. POLLARD: I think so, because that's

1 where I didn't have one. I had a whole different one.

2 COMMISSIONER EASLEY: All right.

3 MR. POLLARD: And Martha says I can't read my
4 answer to the one I have. (Laughter) And probably
5 we'll all benefit from my not.

6 COMMISSIONER EASLEY: Well, does that mean
7 it's as stated in the draft prehearing order with "No
8 position at this time"?

9 MR. POLLARD: On 17, the corrected one is "No
10 position at this time."

11 COMMISSIONER EASLEY: All right. No other
12 changes to Issue 17?

13 Okay. Now, we're back on schedule.

14 Issue 18. CURE?

15 MR. FLYNN: No position at this time.

16 COMMISSIONER EASLEY: Action?

17 MR. SEAMAN: No position at this time.

18 COMMISSIONER EASLEY: All right, sir.

19 MR. POLLARD: No position at this time.

20 COMMISSIONER EASLEY: Okay. Thank you. 19.

21 MR. FLYNN: CURE. Yes.

22 COMMISSIONER EASLEY: All right. Action?

23 MR. SEAMAN: No.

24 COMMISSIONER EASLEY: Just "no"? All right,
25 sir. (Pause)

14 COMMISSIONER EASLEY: Issue 20.

15 MR. FLYNN: CURE, yes.

16 COMMISSIONER EASLEY: See, you got confused,
17 Mr. May, so they are doing one-word answers, and that
18 has been against the rules here for so long that it's a
19 delight and a pleasure.

20 Action?

21 MR. SEAMAN: No.

22 COMMISSIONER EASLEY: CCS?

23 MR. POLLARD: No position at this time.

24 COMMISSIONER EASLEY: Thank you.

25 All right. That takes us through the issues.

FLORIDA PUBLIC SERVICE COMMISSION

1 Does anyone else have anything on the issues
2 themselves? No? All right. Let's go back to the
3 witness list.

4 On Page 4, FPC, you'll need to identify the
5 issues that your witnesses are testifying to, which you
6 may do after the -- in the postprehearing additions.

7 Sebring has theirs. Any changes, Sebring?

8 MR. MAY: Not at this time.

9 COMMISSIONER EASLEY: Okay. And, Mr. Flynn,
10 you'll get the issues to us for Ms. Hawk.

11 All right.

12 MS. BROWN: Commissioner, I think there's a
13 typo in Ms. Hawk's name. It's just "Hawk," isn't it?
14 So it should be H-A-W-K.

15 COMMISSIONER EASLEY: With no "e?"

16 MS. BROWN: No "e" or "s."

17 COMMISSIONER EASLEY: Okay, great. Thank
18 you. I apologize.

19 And is there any problem with the order of
20 witnesses, any changes need to be made? Mr. May?

21 MR. MAY: I have a suggested revision to that
22 order.

23 COMMISSIONER EASLEY: All right.

24 MR. MAY: And I'll walk the group through it
25 if, with your permission.

1 COMMISSIONER EASLEY: All right.

2 MR. MAY: Sebring would propose that the
3 first witness be Mr. Dagostino, as listed.

4 COMMISSIONER EASLEY: Okay.

5 MR. MAY: With the second witness being Mr.
6 Calhoun from Sebring, who will testify as to the
7 general background and chronology of events that led up
8 to this transaction.

9 The third witness would be D. J. Rumolo, a
10 Sebring witness.

11 The fourth witness would be N. L. Holloway,
12 also a Sebring witness.

13 The fifth witness would be F. L. Williams,
14 also a Sebring witness. Those three witnesses would
15 generally testify, Commissioner Easley, as to the
16 depreciated net book value of the Sebring Utility
17 System, as well as to the valuation study, which went
18 into that depreciated net book value.

19 COMMISSIONER EASLEY: All right.

20 MR. MAY: We then would propose that the sixth
21 witness would be G. E. Warren, II, also a Sebring witness,
22 who would testify as to the "going-concern" issue.
23 Followed by Mr. Henry Southwick, a Florida Power
24 Corporation witness, who would then be followed by Mr.
25 Nixon, also a Power Corporation witness. And the ninth

1 witness we would propose to be Ms. Hawk with CURE.

2 COMMISSIONER EASLEY: Staff?

3 MS. BROWN: Staff has no objection to
4 changing the order.

5 COMMISSIONER EASLEY: Mr. Fama?

6 MR. FAMA: No objection.

7 COMMISSIONER EASLEY: Mr. Flynn?

8 MR. FLYNN: No objection.

9 MR. BEASLEY: No objection.

10 MR. SEAMAN: No objection.

11 COMMISSIONER EASLEY: It's done.

12 MR. MAY: Thank you.

13 COMMISSIONER EASLEY: Okay.

14 MR. SEAMAN: I notice that I am not listed on
15 here at all as one of the witnesses. How does this
16 happen that --

17 COMMISSIONER EASLEY: Have you filed
18 testimony? That would explain --

19 MR. SEAMAN: Is that the reason?

20 COMMISSIONER EASLEY: That would be the
21 reason you are not listed. If you have not prefiled
22 testimony -- Staff, help me on this one, what do we
23 need to do?

24 MS. BROWN: I was not aware that Mr. Seaman
25 wanted to file to be a witness in this case as well as

1 a representative of his group. If he wishes to do so,
2 we can discuss that.

3 COMMISSIONER EASLEY: Mr. Seaman, the reason
4 I kind of sighed at you, it gets a little awkward
5 sometimes when you have, particularly a nonattorney --

6 MR. SEAMAN: We have several of them sitting
7 around that knows a lot more about it than I do. I'm
8 just trying to feel my way along.

9 COMMISSIONER EASLEY: Well, I understand.
10 And that's fine when it comes to representing your
11 group and asking the questions and you can lean over
12 and ask other people things and that works.

13 What becomes very difficult is when you are
14 both representing your group and trying to testify and
15 then coming back, and as a witness then you wind up
16 cross examining other witnesses. We've done it in the
17 past; there's nothing to preclude you from doing that;
18 but I must tell you that it can get pretty darned
19 awkward.

20 One of the difficulties is because
21 nonattorneys -- and I'm one of them, by the way -- do
22 not really understand the procedure, you wind up
23 testifying instead of asking questions. And it's
24 inadvertent and everybody understands that, but in
25 order to protect their interests, the other attorneys

1 have to object to your doing so and we have to uphold
2 that objection because you're not allowed to do that.
3 And it's a fine line, particularly when you are the one
4 doing both.

5 I'm going to suggest to you that after the
6 hearing you meet with Ms. Brown and kind of see. Maybe
7 there could be another party that could do the
8 testifying and let you represent the group. If that's
9 going to happen, it would have to be done today; that
10 decision would have to be made today.

11 MR. FLYNN: One of the questions I'd like to
12 ask: I have, and represent, over between 2,000 and
13 3,000 petitions here. Is it possible for me to put
14 this -- and have these turned in at this time?

15 COMMISSIONER EASLEY: Yes, sir. That's
16 petitions can be taken in to what we call the
17 "correspondence side of the docket," which is part of
18 the record but is not treated in the same way as the
19 exhibits that will be handled during the hearing. But,
20 yes, they can be brought into record and we can do that
21 now if you wish to do so.

22 MR. SEAMAN: I would appreciate it.

23 COMMISSIONER EASLEY: All right. Is there
24 any objection?

25 All right. We don't need to number those for

1 this purpose, but the petitions by Action will be taken
2 into the correspondence side of the record. And if
3 you'll see that -- who needs to get those, the court
4 reporter or you? Whoever.

5 MS. BROWN: Court reporter.

6 COMMISSIONER EASLEY: We'll give those --
7 she's thrilled to death.

8 Just put them on her table over there and
9 we'll take care of them.

10 MR. SEAMAN: All right. I will.

11 COMMISSIONER EASLEY: All right, sir.

12 MS. BROWN: Commissioner, I think I need to
13 also mention that the Petitioner's attorneys are aware
14 that perhaps someone from the Action Group would like
15 to testify. They are willing to do that as long as
16 they are informed of the nature of the testimony in
17 plenty of time to develop any cross examination
18 questions.

19 COMMISSIONER EASLEY: All right. And I think
20 before -- we're not going to be here this much longer
21 today. And I think before we leave today, a decision
22 needs to be made as to whether or not someone else is
23 going to testify. If you are going to testify, I think
24 it is necessary for you to -- or the other witness, to
25 inform the parties as to the nature of the testimony.

1 It doesn't have to be verbatim at this point, but at
2 least to the extent that they can prepare cross
3 examination, which is only fair.

4 MR. SEAMAN: I understand what I submitted
5 this morning will be a matter of record and that's
6 where we are going to stand, and they can cross examine
7 or whatever they want to on that, but my position, or
8 our position is the way I presented it to Ms. Brown.

9 COMMISSIONER EASLEY: Well, talk to Ms.
10 Brown. It may not be necessary for you to be a witness
11 in order to have that position there and developed
12 through cross examination of the witnesses as listed.

13 Ms. Brown can help you a little bit with the
14 direction that would need to take, and I'm sure that
15 Mr. Palecki would be of some value, and maybe that some
16 of the others would even be able to tell you, you can
17 do this and you can't do that. It may be that you
18 wouldn't even have to be a witness, which would solve,
19 frankly, a lot of problems for you from a procedural
20 standpoint.

21 MR. SEAMAN: I understand. Thank you.

22 COMMISSIONER EASLEY: Okay. All right.
23 Anything else on the witness list? Okay?

24 All right. What else do we have? We have
25 gone through -- we have not really discussed the basic

1 positions but does anybody have any corrections or
2 additions to those basic positions as stated? And I
3 understand that Action's will be added as was given to
4 Staff this morning.

5 Mr. Flynn, we have yours; Mr. Pollard, we're
6 all right on yours.

7 MR. POLLARD: I gave you mine a while ago.

8 COMMISSIONER EASLEY: That's right. I'm
9 sorry. You did indeed.

10 MS. BROWN: And that will be included in the
11 prehearing final Prehearing Order.

12 COMMISSIONER EASLEY: In the regular
13 Prehearing Order.

14 All right. Is there anything else we need to
15 deal with? Yes, Mr. Fama.

16 MR. FAMA: There's just some minor typos post
17 and errors on the positions. We get together with
18 Staff and clean those up.

19 COMMISSIONER EASLEY: Anything like that
20 that's nonsubstantive that is strictly a typo; if you
21 get with Staff, they can be corrected prior to the
22 issuance of final Prehearing Order.

23 Anything else? I appreciate you all's
24 cooperation.

25 MS. BROWN: Commissioner.

1 COMMISSIONER EASLEY: Yes, ma'am. I beg your
2 pardon.

3 MS. BROWN: I think we do have. I didn't
4 realize you were finished.

5 COMMISSIONER EASLEY: Well, I don't know what
6 else there is to do, that's why I was asking it that way.

7 MS. BROWN: If we could just go back to Page
8 17, to the exhibit list, to make sure that we have the
9 additions to that.

10 COMMISSIONER EASLEY: All right. We have
11 some additions to --

12 MS. BROWN: Mr. Dagostino's testimony.

13 COMMISSIONER EASLEY: -- Mr. Dagostino, and
14 we will have the depositions coming in first by Staff.

15 MS. BROWN: Yes.

16 COMMISSIONER EASLEY: With the attached
17 late-fileds. And Mr. Warren, for Sebring, will have --
18 are those additional or just the visuals that you're
19 putting us on notice about? They were additional, were
20 they not?

21 MR. MAY: They are additional, but they also
22 are visual.

23 COMMISSIONER EASLEY: They are additional
24 visuals, but they do need to be listed.

25 MR. MAY: With your permission, Commissioner,

1 I can read in the record the label and the title of
2 those exhibits now, if that would be of assistance. Or
3 we can do it later, it doesn't matter.

4 COMMISSIONER EASLEY: I think you can provide
5 that to Ms. Brown. There are four, as I recall, so the
6 parties are now on notice and they have received copies
7 of them.

8 MR. MAY: Yes, ma'am.

9 MS. BROWN: All right. Commissioner, we
10 also, I think, need to talk about the hearing and the
11 procedures that will be followed there.

12 COMMISSIONER EASLEY: All right.

13 MS. BROWN: As I understand it, the
14 Commission is going to be making a bench decision in
15 this case.

16 COMMISSIONER EASLEY: Yes. The possibility
17 -- well, the probability exists for a bench decision,
18 which would eliminate the opportunity for posthearing
19 briefs. So in the probable chance that there will be a
20 bench decision, the parties should be prepared to make
21 closing statements in lieu of the posthearing briefs.
22 And again --

23 MS. BROWN: Commissioner, Staff is in
24 agreement with that procedure if the other parties are.

25 COMMISSIONER EASLEY: All right. Has anybody

1 got a problem with that?

2 MR. FAMA: No objection from Florida Power.

3 MR. BEASLEY: No objection.

4 MR. MAY: No objection.

5 MR. DOLINER: No objection.

6 COMMISSIONER EASLEY: That kind of takes care
7 of the motion for expedited treatment, does it not?

8 MS. BROWN: That's what I was going to be
9 getting at.

10 COMMISSIONER EASLEY: Oh, I see. Okay. You
11 did remind me rather nicely.

12 The motion was by FPC, was it not?

13 MR. FAMA: It was a joint motion.

14 COMMISSIONER EASLEY: Joint motion. Do you
15 want to show it withdrawn or as moved, or how do you
16 want to treat it?

17 MR. FAMA: Yes, Florida Power would be
18 willing to have it withdrawn.

19 MR. MAY: Show it as withdrawn.

20 COMMISSIONER EASLEY: Withdraw? All right.
21 Show the motion withdrawn.

22 Now, is there anything else that I have
23 forgotten?

24 MS. BROWN: Not that I'm aware of,
25 Commissioner. I think we're finished.

3 I can forget once, but if you forget it, from here on
4 out, it's your problem.

5 All right. Thank you again. Look forward to
6 seeing you the first of the month.

7 (Thereupon, the hearing concluded at 2:15 p.m.)

8 - - - - -

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 F L O R I D A)
2 :
3 COUNTY OF LEON)

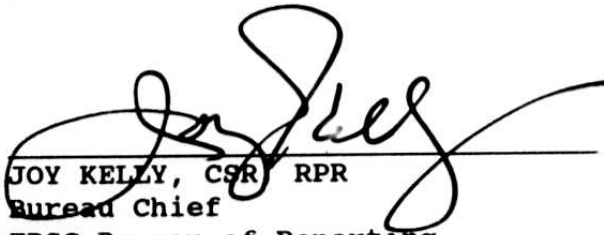
CERTIFICATE OF REPORTER

4 I, JOY KELLY, CSR, RPR, Commission Reporter,
5 DO HEREBY CERTIFY that the hearing in this
6 cause, Docket No. 920949-EU, was heard by the Florida
7 Public Service Commission at the time and place herein
8 stated; it is further

9 CERTIFIED that I reported in shorthand the
10 said proceedings; that the same has been transcribed
11 under my direct supervision, and that this transcript,
12 consisting of 47 pages, constitutes a true and accurate
13 transcription of my notes of said proceedings; it is
14 further

15 CERTIFIED that I am neither of counsel nor
16 related to the parties in said cause and have no
17 interest, financial or otherwise, in the outcome of
18 this docket.

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand at Tallahassee, Leon County, Florida, this 18th
21 day of November, A. D., 1992

22
23
24 
25 JOY KELLY, CSR RPR
Bureau Chief
FPSC Bureau of Reporting
(904) 488-5981