

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power :
Cost Recovery Clause and : DOCKET NO. 960001-EI
Generating Performance Incentive :
Factor. :

PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: J. TERRY DEASON

PLACE: Betty Easley Conference
Center
4075 Esplanade Way
Tallahassee, Florida

TIME: Commenced at 10:08 a.m.
Concluded at 10:45 a.m.

DATE: Monday, February 12, 1996

REPORTED BY: SARAH B. GILROY, CP, RPR
Notary Public, State of
Florida at Large.

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FLORIDA PUBLIC SERVICE COMMISSION

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1 APPEARANCES:

2 JAMES D. BEASLEY, ESQUIRE, MacFarlane, Ausley,
3 Ferguson & McMullen, 227 South Calhoun Street, Tallahassee,
4 Florida 32301, appearing on behalf of Tampa Electric Company.

5 VICKI GORDON KAUFMAN, ESQUIRE, McWhirter, Reeves,
6 McGlothlin, Davison, Rief & Bakas, 117 South Gadsden Street,
7 Tallahassee, Florida 32301, appearing on behalf of Florida
8 Industrial Power Users Group.

9 MICHAEL A. PALECKI, ESQUIRE, 955 East 25th Street,
10 Hialeah, Florida 33013, appearing on behalf of City Gas Company
11 of Florida.

12 JEFFREY A. STONE, ESQUIRE, Beggs & Lane, 700 Blount
13 Building, 3 West Garden Street, Post Office Box 12950,
14 Pensacola, Florida 32576, appearing on behalf of Gulf Power
15 Company.

16 NORMAN H. HORTON, JR., ESQUIRE, Messer, Caparello,
17 Madsen, Goldman & Metz, Post Office Box 1876, Tallahassee,
18 Florida 32302, appearing on behalf of Florida Public Utilities
19 Company.

20 MATTHEW M. CHILDS, ESQUIRE, Steel, Hector & Davis,
21 215 South Monroe Street, Suite 601, Tallahassee, Florida 32301,
22 appearing on behalf of Florida Power & Light Company.

23 JAMES A. MCGEE, ESQUIRE, Post Office Box 14042, St.
24 Petersburg, Florida 33733, appearing on behalf of Florida Power
25 Corporation.

1 JOHN ROGER HOWE, ESQUIRE, Deputy Public Counsel,
2 Office of Public Counsel, c/o The Florida Legislature, 111 West
3 Madison Street, Room 812, Tallahassee, Florida 32399-1400,
4 appearing on behalf of the Citizens of the State of Florida.

5 VICKI D. JOHNSON, ESQUIRE, Florida Public Sservice
6 Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida,
7 32399-0850, appearing on behalf of the Commission Staff.

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P R O C E E D I N G S

(The proceedings were commenced at 10:07 a.m.)

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3 COMMISSIONER DEASON: Does staff have a preference
4 as to whether we take up 01 or 07?

5 MS. JOHNSON: No, we don't.

6 COMMISSIONER DEASON: Let's go ahead and take up
7 01. Are there any preliminary matters in the 01
8 docket?

9 MS. JOHNSON: I just wanted Commissioner Deason to
10 be aware that Staff's positions were inadvertently
11 admitted for many of the issues, so I will insert those
12 this morning.

13 COMMISSIONER DEASON: Very well. We will do that
14 when we get to that issue.

15 MR. MCGEE: Chairman Deason, I didn't make an
16 appearance. I was late in arriving. If I could do that
17 now?

18 COMMISSIONER DEASON: Sure.

19 MR. MCGEE: James McGee, Post Office Box 14042, St.
20 Petersburg, 33733 on behalf of Florida Power. And with
21 me is Ronald M. Bright, Class B Practitioner, also
22 appearing. Thank you.

23 COMMISSIONER DEASON: Very well. Section one
24 addresses case background; two, procedure for handling
25 confidential information; section three, prefiled

1 testimony and exhibits; section four, order of
2 witnesses. Yes?

3 MR. BADDERS: To Gulf's witness Lane Gilchrist, I
4 need to add issues nine, 12A and 12B. To Gulf's
5 witness Cramer, I need to list her for issues one
6 through eight -- it's one through nine actually.

7 COMMISSIONER DEASON: One through nine?

8 MR. BADDERS: Yes, sir.

9 COMMISSIONER DEASON: Other changes on the order of
10 witnesses? Section five addresses basic positions.
11 Changes or corrections? Section six addresses issues
12 and positions. We will begin with issue one. Changes
13 or corrections? Issue two.

14 MS. JOHNSON: Staff has changes on issue one.

15 COMMISSIONER DEASON: Okay. Issue one, Staff has
16 changes?

17 MS. JOHNSON: Yes. Staff positions for FPC should
18 be 617,142, over-recovery. For FPL it should be
19 34,181,566, under-recovery. For FPUC Marianna it should
20 be 131,269 over-recovery. For Fernandina Beach it
21 should be 19,084, under-recovery.

22 The position for Gulf should be, Staff takes no
23 position pending resolution of company-specific issues.
24 And for TECO it should reflect 437,284 over-recovery.
25 Excuse me. That should be under-recovery.

1 COMMISSIONER DEASON: Would you point out to me
2 where you're different from the positions as stated by
3 the companies?

4 MS. JOHNSON: There is a difference as to FPUC.
5 The others are all in agreement.

6 MR. HORTON: Commissioner Deason, FPUC agrees with
7 the Staff's numbers.

8 COMMISSIONER DEASON: Okay. FPUC then changes its
9 position to agree with staff?

10 MR. HORTON: Yes.

11 COMMISSIONER DEASON: So the only difference is, --

12 MS. JOHNSON: Gulf.

13 COMMISSIONER DEASON: -- you take no position to
14 Gulf? So that is what is at issue?

15 MS. JOHNSON: Correct.

16 COMMISSIONER DEASON: Okay.

17 MR. HOWE: Commissioner Deason, Public Counsel will
18 take no position.

19 COMMISSIONER DEASON: Very well. Any other changes
20 on issue one? Issue two?

21 MS. JOHNSON: Excuse me, Commissioner Deason. I
22 just wanted to clarify whether or not FIPUG was taking
23 no position or no position at this time?

24 MS. KAUFMAN: We take no position on this issue.

25 MS. JOHNSON: Staff has a correction on issue two.

1 For Florida Power Corp. it should read 6,533,077
2 under-recovery. For Florida Power & Light it should
3 read 64,536,189 under-recovery.

4 However, Staff and FPL will review the effect of
5 January's abnormally cold weather before the hearing to
6 determine if revised projections are needed to avoid a
7 mid course correction.

8 For FPUC Marianna it should reflect 207
9 over-recovery; Fernandina Beach, it should reflect
10 71,764 over-recovery. For Gulf it should state, Staff
11 takes no position pending resolution of company-specific
12 issues.

13 And for TECO it should reflect 1,037,187
14 over-recovery.

15 MR. HORTON: And, Commissioner, once again FPUC
16 would change its position to agree with the numbers
17 Staff just read.

18 COMMISSIONER DEASON: Very well. Then the only
19 matter at issue then would be concerning Gulf, with the
20 understanding that Staff would look at FP&L's
21 projections concerning the possibility of making changes
22 to avoid a mid course correction?

23 MS. JOHNSON: That's correct.

24 MR. HOWE: Commissioner Deason, Public Counsel
25 takes no position.

1 MS. KAUFMAN: FIPUG takes no position.

2 COMMISSIONER DEASON: Very well. Issue three?

3 MS. JOHNSON: Staff's corrections with respect to
4 issue three are, for Florida Power Corp., 5,915,935,
5 under-recovery. For Florida Power & Light it should
6 read, 97,684,026, under-recovery. However, Staff and
7 FPL will review the effect of January's abnormally cold
8 weather before the hearing to determine if revised
9 projections are needed to force a mid course
10 correction.

11 The total true-up amount includes a 33,729
12 over-recovery oil backout true-up amount as set forth in
13 order number PSC 95-1089 FOFEI.

14 COMMISSIONER DEASON: Does that account for the
15 difference between your number and what's presented for
16 Florida Power & Light on its position?

17 MS. JOHNSON: Yes.

18 COMMISSIONER DEASON: The 31,000 you just
19 discussed?

20 MS. JOHNSON: Yes.

21 MR. CHILES: Florida Power & Light would agree with
22 that number.

23 COMMISSIONER DEASON: You're in agreement with
24 Staff; is that correct?

25 MR. CHILES: Yes

1 COMMISSIONER DEASON: Proceed with your
2 corrections.

3 MS. JOHNSON: FPUC Marianna should reflect 131,476
4 over-recovery. Fernandina Beach, 52,680 over-recovery.
5 Gulf, Staff takes no position pending resolution of
6 company-specific issues. TECO, 599,902 over-recovery.

7 COMMISSIONER DEASON: Mr. Horton?

8 MR. HORTON: FPUC agrees with Staff.

9 MR. HOWE: Public Counsel will take no position.

10 MS. KAUFMAN: FIPUG will take no position.

11 COMMISSIONER DEASON: Very well. Issue number
12 four?

13 MS. JOHNSON: Staff's corrections for issue four
14 are: FPC, Staff takes no position pending resolution of
15 company-specific issue. For FPL, 2.071 cents per KWH.
16 However, Staff and FPL will review the effect of
17 January's abnormally cold weather before the hearing to
18 determine if revised projections are needed to avoid a
19 mid course correction.

20 For FPUC Marianna, 2.898; Fernandina Beach, 3.295.
21 Gulf, Staff takes no position pending resolution of
22 company-specific issues. TECO, staff takes no position
23 pending resolution of specific oil backout issues.

24 COMMISSIONER DEASON: Mr. Horton, you're in
25 agreement with those numbers I take it?

1 MR. HORTON: Yes.

2 COMMISSIONER DEASON: Those are the same.

3 MR. HORTON: Those are the same.

4 MR. HOWE: Public Counsel would take no position.

5 MS. KAUFMAN: FIPUG takes no position.

6 COMMISSIONER DEASON: Very well. Issue five, it
7 appears there is a stipulation; is that correct?

8 MS. JOHNSON: That's correct.

9 COMMISSIONER DEASON: Issue six. Does Staff have a
10 position on issue six?

11 MS. JOHNSON: Just a minute. May I have a moment?

12 COMMISSIONER DEASON: Surely.

13 MS. JOHNSON: Although Staff does not reflect a
14 position in the prehearing order, it's my understanding
15 that the numbers shown for the company reflects what
16 Staff's position should read so that that can be a
17 stipulated issue.

18 COMMISSIONER DEASON: Any objection to showing
19 issue six as a stipulated issue?

20 MR. HOWE: No, sir. Public Counsel would take no
21 position.

22 COMMISSIONER DEASON: Ms. Kaufman?

23 MS. KAUFMAN: Yes, FIPUG would take no position.

24 COMMISSIONER DEASON: Very well. Issue number
25 seven? Does Staff take a position on issue seven?

1 MS. JOHNSON: Staff's position is similar to issue
2 six. We agree with the numbers that are shown for the
3 companies and will be reflected for Staff's position on
4 that issue.

5 MR. HOWE: Public Counsel will take no position.

6 MS. KAUFMAN: FIPUG will take no position.

7 COMMISSIONER DEASON: Issue number eight?

8 MS. JOHNSON: Can we have just a moment?

9 COMMISSIONER DEASON: Surely.

10 MS. JOHNSON: I need to correct Staff's position on
11 issue seven. Issue seven are the factors. The only two
12 companies that Staff has numbers for in the numbers that
13 are shown for the company, and Staff will adopt those
14 positions, are for Florida Power, FPUC and FPL. The
15 others Staff takes no position at this time pending
16 resolution of other issues.

17 COMMISSIONER DEASON: So you're in agreement for
18 FPL, FPC and FPUC?

19 MS. JOHNSON: FPUC and FPL only.

20 COMMISSIONER DEASON: Oh, not for Florida Power
21 Corporation. Very well. Issue eight?

22 MS. JOHNSON: Staff's position for FPUC -- FPC,
23 excuse me, is 1.0083; FPL, 1.01609; FPUC is 1.01609 for
24 Fernandina Beach; Marianna is 1.0083 -- 00083, excuse
25 me. Gulf should be 1.01609. TECO should be 1.00083.

1 COMMISSIONER DEASON: Mr. Horton, does FPUC have a
2 position?

3 MR. HORTON: I think we agree with Staff. I would
4 like the opportunity to double-check that. I don't
5 think there will be any disagreement.

6 COMMISSIONER DEASON: Staff, you're in agreement
7 with the position for the other companies; is that
8 correct?

9 MS. JOHNSON: That's correct.

10 MR. HOWE: Public Counsel would take no position.

11 MS. KAUFMAN: FIPUG takes no position.

12 COMMISSIONER DEASON: Pending confirmation from
13 Mr. Horton, it appears this can be shown as a stipulated
14 issue; is that correct?

15 MS. JOHNSON: That's correct.

16 COMMISSIONER DEASON: Issue number nine?

17 MR. HOWE: Commissioner Deason, this is an issue
18 our office has raised. I spoke with Mr. Beasley, and
19 I've agreed with him that we would be agreeable to defer
20 this issue to provide the opportunity for everybody to
21 file testimony on the subject.

22 COMMISSIONER DEASON: Okay. Then it's your
23 proposal to list this issue and just show that it's
24 being deferred, or have it deleted for purposes of this
25 prehearing order?

1 MR. HOWE: I guess I would prefer that it show that
2 it's being deferred.

3 COMMISSIONER DEASON: Any objection to showing that
4 issue nine would be deferred from this hearing? Very
5 well. Issue number ten. It appears that this issue
6 likewise should be deferred; is that correct?

7 MS. JOHNSON: That's correct. The company agrees
8 with Staff's position.

9 COMMISSIONER DEASON: Show that to be the case
10 then. Issue number 11?

11 MS. JOHNSON: Staff's position should read, no
12 position pending clarification of information provided
13 by the company. Staff feels that this position can be
14 stipulated.

15 However, we need to sit down with the company to
16 ask some questions and receive some answers. And if
17 possible, if we could come to agreement, Staff is
18 requesting that the position -- the stipulated position,
19 and if FIPUG and OPC are in agreement, can be reflected
20 in the prehearing order.

21 MS. KAUFMAN: FIPUG will take no position on this
22 issue.

23 MR. HOWE: Commissioner Deason, I guess we would
24 like to maintain no position at this time. Maybe we
25 would like to sit in on these discussions.

1 COMMISSIONER DEASON: I think you've been invited
2 to do so. Ms. Kaufman, are you taking no position
3 because you have no interest in this issue, or do you
4 want to be part of the discussions?

5 MS. KAUFMAN: We would like to be included as
6 well.

7 COMMISSIONER DEASON: Very well. Staff, is it your
8 intent that if there can be a resolution among the
9 parties in time to -- you will incorporate that and show
10 such in the prehearing order?

11 MS. JOHNSON: That's correct.

12 COMMISSIONER DEASON: I assume there is no
13 objection to that process. Very well.

14 MS. JOHNSON: I just wanted to note that if we do
15 come to agreement on that issue, it will resolve all the
16 fallout calculations for FPC.

17 COMMISSIONER DEASON: If you can come to
18 resolution -- this is the only outstanding issue
19 concerning FPC. If this is resolved, then all of the --
20 it will be a stipulation on the calculations?

21 MS. JOHNSON: That's correct.

22 COMMISSIONER DEASON: Very well. Issue 12A? Does
23 Staff have a position on 12A?

24 MS. JOHNSON: No, we do not. We're awaiting the
25 responses to interrogatories which we anticipate

1 receiving either today or tomorrow. And, again, if we
2 can come to some resolution of that issue, we will ask
3 that it can be reflected in the prehearing order.

4 COMMISSIONER DEASON: And I would take it that
5 Public Counsel and FIPUG likewise would be included in
6 that -- those discussions. Issue 12B?

7 MS. JOHNSON: Our position is the same with respect
8 to issue 12B and the request reflected in the prehearing
9 order.

10 COMMISSIONER DEASON: Very well. Any objection?
11 Issue 13A.

12 MS. JOHNSON: Staff's position on issue 13A is
13 yes. This issue should be moved to the specific oil
14 back-out issues section. It will be corrected in a
15 prehearing order. The same goes for issue 13B as well.

16 COMMISSIONER DEASON: Okay. I'm a little
17 confused. You're recommending that issues 13A and 13B
18 be moved to a different section?

19 MS. JOHNSON: That's correct. I think under
20 specific oil back-out issues, we noted that there were
21 none. However, issues 13A and 13B are in actuality oil
22 back-out specific issues and should be reflected in that
23 section of the prehearing order.

24 COMMISSIONER DEASON: And there is disagreement
25 between Staff and Tampa Electric; is that correct?

1 MS. JOHNSON: That's correct.

2 COMMISSIONER DEASON: Any other changes or
3 corrections concerning 13A and 13B?

4 MR. HOWE: I was going to say Public Counsel would
5 agree with Staff and take a position of yes on both 13A
6 and 13B.

7 COMMISSIONER DEASON: Very well.

8 MS. KAUFMAN: Mr. Deason, FIPUG agrees with Staff
9 on 13A and 13B.

10 MR. BEASLEY: Commissioner, our positions are
11 correctly stated for both of those issues. And I did
12 have one correction to make on page four -- excuse me,
13 page five of the order, where witnesses were identified
14 for issues 13A and B. Ms. Pennino should be shown as
15 speaking to issue 13B and not 13A. And Ms. Townes
16 should be identified as addressing 13A but not 13B.

17 COMMISSIONER DEASON: Very well. Issue 14.

18 MS. JOHNSON: Staff's position should read, see
19 staff attachment one, page one of two. I just want to
20 note that Staff handed out this morning a second
21 revision of Staff attachment one which reflects Staff's
22 positions on issues 14 and 15.

23 And we are in agreement with the companies on that
24 issue.

25 COMMISSIONER DEASON: On issues 14 and 15?

1 MS. JOHNSON: Right.

2 MR. STONE: With regard to issue 15 for Gulf, I
3 note from the table on GPIF targets on Crist six, there
4 is -- even though it states that there is an agreement
5 with the company, there is a slight discrepancy between
6 the POF column and the EUOF column for Crist six.

7 And I'm looking at the exhibit that Gulf filed.
8 And our numbers appear to be 8.7 under the POF column
9 and 9.1 under the EUOF column. I bring that to your
10 attention in the hopes that would not cause a
11 disagreement.

12 COMMISSIONER DEASON: Staff, do you need a moment
13 to confirm whether there is agreement or disagreement on
14 those numbers?

15 MS. JOHNSON: Yes, we do.

16 COMMISSIONER DEASON: I give you a few minutes to
17 take a look at that.

18 MS. JOHNSON: The difference appears to be a
19 rounding error. Staff's position for Crist six should
20 be the same as the numbers reflected for Gulf.

21 COMMISSIONER DEASON: Very well. So there is no
22 disagreement.

23 MR. HOWE: Public Counsel will take no position on
24 both of those issues.

25 MS. KAUFMAN: FIPUG takes no position on those

1 issues also.

2 COMMISSIONER DEASON: Very well. Issue 16A.

3 MS. JOHNSON: Staff's position for 16A should read
4 yes.

5 COMMISSIONER DEASON: You're in agreement with the
6 company's position; is that correct?

7 MS. JOHNSON: That's correct.

8 MR. HOWE: Public Counsel will take no position.

9 MS. KAUFMAN: FIPUG will take no position.

10 COMMISSIONER DEASON: Issue 16A then can be shown
11 as a proposed stipulation; is that correct?

12 MS. JOHNSON: That's correct.

13 COMMISSIONER DEASON: Issue 16B.

14 MS. JOHNSON: Staff's position is yes. And, again,
15 we are in agreement. And that can be shown as a
16 proposed stipulation.

17 COMMISSIONER DEASON: Does Public Counsel and FIPUG
18 take no position?

19 MR. HOWE: Public Counsel takes no position.

20 MS. KAUFMAN: No position.

21 COMMISSIONER DEASON: Very well. Issue 17.

22 MS. JOHNSON: Staff's position for issue 17 should
23 be yes.

24 COMMISSIONER DEASON: Public Counsel?

25 MR. HOWE: No position.

1 MS. KAUFMAN: No position.

2 COMMISSIONER DEASON: Seventeen then can be shown
3 as a proposed stipulation; is that correct?

4 MS. JOHNSON: That's correct.

5 COMMISSIONER DEASON: Issue 18.

6 MS. JOHNSON: Issue 18, Staff's position for FPL
7 should read 33,729 over-recovery. And for TECO it
8 should read, Staff takes no position pending resolution
9 of company-specific issue.

10 COMMISSIONER DEASON: Public Counsel takes no
11 position?

12 MR. HOWE: We will agree with Staff.

13 COMMISSIONER DEASON: Agree with Staff.

14 MS. KAUFMAN: Yes. We would like to wait and see
15 as well.

16 COMMISSIONER DEASON: Very well. Issue 19.

17 MS. JOHNSON: Staff position should read, Staff
18 takes -- under TECO it should read, Staff takes no
19 position pending resolution of company-specific issues.

20 MR. HOWE: Public Counsel would agree with the
21 Staff.

22 MS. KAUFMAN: FIPUG would agree with the Staff.

23 COMMISSIONER DEASON: Issue 20.

24 MS. JOHNSON: May I have just a moment?

25 COMMISSIONER DEASON: Yes.

1 MS. JOHNSON: On issue 20, Staff's position for
2 Florida Power Corp. should read 4,239,557 over-recovery.

3 COMMISSIONER DEASON: And you are in agreement with
4 all of the company positions?

5 MS. JOHNSON: That's correct.

6 MR. HOWE: No position for Public Counsel.

7 MS. KAUFMAN: FIPUG takes no position.

8 COMMISSIONER DEASON: Very well. Issue 20 then can
9 be shown as a proposed stipulation. Issue 21?

10 MS. JOHNSON: Staff's position for Florida Power
11 Corp. is 120,500 under-recovery.

12 COMMISSIONER DEASON: Under-recovery?

13 MS. JOHNSON: That's correct.

14 COMMISSIONER DEASON: So that's in agreement with
15 the company's position?

16 MS. JOHNSON: Yes.

17 COMMISSIONER DEASON: Public Counsel takes no
18 position?

19 MR. HOWE: No position.

20 COMMISSIONER DEASON: Ms. Kaufman?

21 MS. KAUFMAN: No position.

22 COMMISSIONER DEASON: Issue 21 then can be shown as
23 a proposed stipulation. Issue 22?

24 MS. JOHNSON: Staff has no changes.

25 COMMISSIONER DEASON: And Staff is in agreement

1 with company positions?

2 MS. JOHNSON: That's correct.

3 MR. HOWE: Public Counsel takes no position.

4 MS. KAUFMAN: FIPUG has no position.

5 COMMISSIONER DEASON: Issue 22 therefore can be
6 shown as a proposed stipulation. Issue 23.

7 MS. JOHNSON: Staff has no changes. We're in
8 agreement with the company.

9 MR. HOWE: No position for Public Counsel.

10 MS. KAUFMAN: FIPUG takes no position.

11 COMMISSIONER DEASON: And issue 23 can be shown as
12 a proposed stipulation. Issue 24, I believe it can be
13 shown as a proposed stipulation; is that correct?

14 MS. JOHNSON: That's correct.

15 COMMISSIONER DEASON: Any other issues? Very
16 well. Section seven addresses the exhibit list.
17 Changes or corrections?

18 Section seven -- I'm sorry. Section eight
19 addresses proposed stipulations. Staff, at this point
20 do you know which witnesses will not need to appear at
21 the hearing?

22 MS. JOHNSON: The only witnesses that need to
23 appear are the witnesses with respect to issues 13A and
24 B. And assuming there is no resolution of the issues
25 with respect to Florida Power Corp., the witness for

1 issue 12 --

2 MR. MCGEE: Mr. Wieland?

3 MS. JOHNSON: Excuse me. Karl Wieland, is that --

4 MR. MCGEE: Right.

5 MS. JOHNSON: For issue number 11, and the
6 witnesses for Gulf Power with issues 12A and 12B. All
7 other witnesses can be excused.

8 COMMISSIONER DEASON: Is that the parties'
9 understanding as well? If there is any problem with
10 that, please express it. Mr. Beasley?

11 MR. BEASLEY: I agree with that.

12 COMMISSIONER DEASON: Very well. Then as is
13 customary for all of the other issues, the testimony of
14 those witnesses will simply be inserted into the record
15 along with the exhibits, and cross-examination will be
16 waived. Is that correct?

17 MS. JOHNSON: That's correct.

18 COMMISSIONER DEASON: If there are no pending
19 motions?

20 MS. JOHNSON: There are none that I'm aware of.

21 COMMISSIONER DEASON: Anything else to be brought
22 up at this time in the 01 docket?

23 MS. JOHNSON: Nothing that Staff is aware of.

24 COMMISSIONER DEASON: Any parties have anything
25 else? Very well. That concludes the 01 docket. We

1 will now proceed into the 07 docket.

2 MR. STONE: Commissioner Deason, perhaps I should
3 have brought this up before counsel started to leave.
4 Since all three -- four hearings are scheduled for the
5 21st and 22nd, I was not present, but I assume that the
6 03 docket was fully stipulated?

7 It appears as though we're going to have a
8 contested hearing in 02 and 01, or at least there is a
9 chance of that unless stipulations develop between now
10 and -- I'm just wondering if we need to address the
11 order of witnesses and whether or not we can determine
12 whether or not it will be a one-day or two-day hearing.

13 COMMISSIONER DEASON: I vote for a one-day hearing
14 myself.

15 MR. STONE: I vote for no hearing myself.

16 COMMISSIONER DEASON: I assume that what we're
17 going to do -- I have no preference as to which dockets
18 we take in which order. If the parties can get together
19 and come to some type of agreement, I have no objection
20 as to whether we start with 01 or whatever.

21 But I would anticipate -- it would be my desire to
22 try to do the hearing in one day. But obviously it is
23 scheduled for two. And if need be, we will roll over
24 into the second day.

25 Are there problems with your witnesses appearing on

1 a certain day?

2 MR. STONE: No, sir. Basically I was asking
3 whether or not it was something that we could -- the
4 parties could discuss after this prehearing is over,
5 before the hearing date, perhaps reach some sort of
6 agreement on the order of witnesses that might assist
7 parties with transportation arrangements.

8 COMMISSIONER DEASON: I would encourage the parties
9 to do that. If you all can come to some type of an
10 accommodation among yourselves, I think that the
11 Commission would be open to making those
12 accommodations.

13 MR. STONE: Very good.

14 MS. ERSTLING: Commissioner Deason, in line with
15 that, at the present moment in the 02 docket, we have
16 still not reached a conclusion as to issues seven and
17 issue eight as to Gulf.

18 But I believe that there may -- before the hearing
19 we may be coming to a stipulated issue on seven and
20 eight. There is a possibility at that time.

21 COMMISSIONER DEASON: Obviously if that is the
22 case, there won't be the necessity of having those
23 witnesses appear at the hearing.

24 MR. STONE: Very good.

25 (The proceedings were concluded at 10:45 a.m.)

1 STATE OF FLORIDA)

2 CERTIFICATE OF REPORTER

3 COUNTY OF LEON)

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5 I, SARAH B. GILROY, CP, RPR

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7 DO HEREBY CERTIFY that the Prehearing Conference on
8 Docket No. 960001-EI was heard by the Florida Public Service
9 Commission at the time and place herein stated; it is further

10
11 CERTIFIED that I stenographically reported the said
12 proceedings; that the same has been transcribed under my direct
13 supervision; and that this transcript, consisting of 24 pages,
14 constitutes a true transcription of my notes of said
15 proceedings.

16
17 DATED this 15th day of February, 1996.

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23 Sarah B. Gilroy
24 SARAH B. GILROY
Registered Professional Reporter