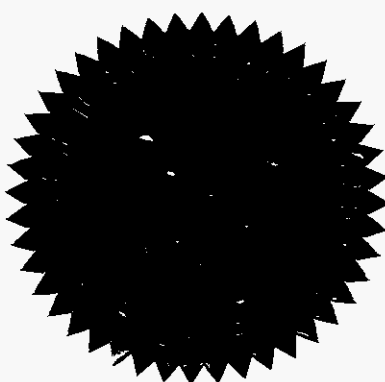


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 090505-EI

REVIEW OF REPLACEMENT FUEL COSTS  
ASSOCIATED WITH THE FEBRUARY 26,  
2008 OUTAGE ON FLORIDA POWER &  
LIGHT'S ELECTRICAL SYSTEM.



PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONER  
PARTICIPATING: COMMISSIONER NATHAN A. SKOP  
PREHEARING OFFICER

DATE: Wednesday, March 3, 2010

TIME: Commenced at 9:30 a.m.  
Concluded at 9:57 a.m.

PLACE: Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida

REPORTED BY: JANE FAUROT, RPR  
Official FPSC Reporter  
(850) 413-6732

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## 1 APPEARANCES:

2 JOHN T. BUTLER, ESQUIRE, Florida Power & Light  
3 Company, 700 Universe Boulevard, Juno Beach, Florida  
4 33408-0420, appearing on behalf of Florida Power & Light  
5 Company.

6 VICKI GORDON KAUFMAN, ESQUIRE, and JON C.  
7 MOYLE, JR., ESQUIRE, Keefe Law Firm, 118 North Gadsden  
8 Street, Tallahassee, Florida 32301, appearing on behalf  
9 of the Florida Industrial Power Users Group.

10 CECILIA BRADLEY, ESQUIRE, Office of Attorney  
11 General, The Capitol, PL01, Tallahassee, Florida  
12 32399-1050, appearing on behalf of the Citizens of the  
13 State of Florida.

14 CHARLES J. BECK, ESQUIRE and JOE McGLOTHLIN,  
15 ESQUIRE, Office of Public Counsel, 111 W. Madison  
16 Street, Tallahassee, Florida 32399-1400, appearing on  
17 behalf of the Citizens of the State of Florida.

18 LISA BENNETT, ESQUIRE, Florida Public Service  
19 Commission, 2540 Shumard Oak Boulevard, Tallahassee,  
20 Florida 32399-0850, appearing on behalf of the Florida  
21 Public Service Commission Staff.

22 MARY ANNE HELTON, Deputy General Counsel,  
23 Florida Public Service Commission, 2540s Shumard Oak  
24 Blvd., Tallahassee, Florida 32399-0850, Advisor to the  
25 Florida Public Service Commission.

## P R O C E E D I N G S

1  
2           **COMMISSIONER SKOP:** Okay. Good morning,  
3 everyone. I'd like to call this prehearing to order.  
4 Commissioner Skop presiding.

5           If staff could please read the notice.

6           **MS. BENNETT:** Yes, Commissioner. By notice  
7 duly given, this time and date was set for Docket Number  
8 090505-EI, review of replacement fuel costs associated  
9 with the February 26, 2008, outage on FPL's electric  
10 system. This is the prehearing conference in that  
11 docket.

12           **COMMISSIONER SKOP:** Thank you. If we could  
13 now take appearances of counsel.

14           **MR. BUTLER:** Thank you, Commissioner. John  
15 Butler appearing on behalf of Florida Power and Light  
16 Company.

17           **COMMISSIONER SKOP:** Good morning, Mr. Butler.

18           **MR. BUTLER:** Good morning.

19           **MR. BECK:** Good morning, Commissioner.  
20 Charlie Beck and Joe McGlothlin, Office of Public  
21 Counsel, appearing on we behalf of the Citizens of  
22 Florida.

23           **MS. KAUFMAN:** Good morning, Commissioner Skop.  
24 Vicki Gordon Kaufman appearing on behalf of the Florida  
25 Industrial Power Users Group, and I'd like to enter an

1 appearance for Jon Moyle, Jr., as well.

2 **COMMISSIONER SKOP:** And, Staff.

3 **MS. BENNETT:** Lisa Bennett on behalf of  
4 Commission staff. I do note that Cecilia Bradley is  
5 also on this docket.

6 **COMMISSIONER SKOP:** Okay. I will enter her  
7 appearance.

8 **MS. HELTON:** Mary Anne Helton, advisor to the  
9 Commission.

10 **COMMISSIONER SKOP:** Thank you.

11 That bring us to preliminary matters. Are  
12 there any preliminary matters that we need to address  
13 before we get to the draft prehearing order?

14 **MS. BENNETT:** Yes, Commissioner Skop.

15 There was an errata sheet filed last night  
16 from FPL on the testimony of Mr. Stall. In staff's  
17 opinion, it is a little bit more than an errata sheet,  
18 and so I have talked with the counsel and asked that  
19 they file a written motion for leave to amend the  
20 testimony of Mr. Stall, giving perhaps two or three days  
21 for the intervenors to respond before you rule on that  
22 motion for leave to amend.

23 I understand from OPC that they do not have an  
24 objection. Also, if that amendment -- leave to amend is  
25 granted, staff would need some additional time to

1 conduct discovery and to take the deposition of Mr.  
2 Stall again. We've already deposed him once.

3 **COMMISSIONER SKOP:** Okay. And before I hear  
4 from the parties on that, how would that effect the  
5 hearing dates as would be entered in the prehearing  
6 order? Would those have to adjust accordingly, or could  
7 that be accomplished within the proposed dates?

8 **MS. BENNETT:** We will proceed as though the  
9 hearing will continue on March 17th. I think if we can  
10 have discovery extended until March 15th, and absent any  
11 surprises from that discovery, the hearing should be  
12 able to occur on the 17th.

13 **COMMISSIONER SKOP:** Okay, great. I'd like to  
14 hear from the parties on that.

15 Mr. Butler.

16 **MR. BUTLER:** Thank you, Commissioner.

17 FPL doesn't object to filing a written motion  
18 for leave to amend. You know, we frankly believe that  
19 the errata, the changes to the testimony could be  
20 handled less formally and don't believe there are any  
21 objections from the parties. We certainly will  
22 accommodate staff or any parties' desire for additional  
23 discovery on the turbine trip that is the subject of  
24 that amendment, and actually have agreed with OPC to  
25 provide documents that address that subject on an

1 expedited basis. Certainly cooperate with staff in  
2 their additional discovery. But if it is your desire  
3 for us to file a written motion for leave to amend,  
4 certainly we will do so promptly and accommodate that.

5 **COMMISSIONER SKOP:** Very well.

6 Mr. Beck, if you could just speak to that, or  
7 what is Public Counsel's preference in light of the  
8 proposed errata versus supplemental testimony? Would  
9 you prefer moving forward with a motion for leave to  
10 amend, or are you comfortable just hearing the testimony  
11 and subject to cross-examination, or how does Public  
12 Counsel wish to proceed on this?

13 **MR. BECK:** We're fine either way. You know,  
14 we received the errata and changes at 5:00 o'clock  
15 yesterday. Before the prehearing this morning, I sent  
16 FPL two requests for documents; in an e-mail, not on a  
17 formal service. They've agreed to provide those  
18 documents by the end of the week, and if the discovery  
19 is extended, as Ms. Bennett has suggested, you know, we  
20 wouldn't oppose it. I could tell you our position right  
21 now, that we would be fine with that.

22 **COMMISSIONER SKOP:** Okay. So you feel that  
23 Public Counsel would not be prejudiced by the amendment  
24 of the testimony?

25 **MR. BECK:** That's correct.

1                   **COMMISSIONER SKOP:** Okay. Ms. Kaufman.

2                   **MS. KAUFMAN:** Commissioner, we are fine with  
3 whichever way you want to go at your pleasure, the  
4 motion or the errata. Like Public Counsel, we just  
5 received the errata. We're going to take a look at it,  
6 but I think that we'll be fine with either process.

7                   **COMMISSIONER SKOP:** Okay. And, good morning,  
8 Ms. Bradley. Just to catch you up to speed, there has  
9 been an errata sheet that our legal staff considers to  
10 be supplemental testimony. So, basically, the posture  
11 we are in is FPL is requesting leave to amend the  
12 testimony subject to cross-examination and additional  
13 discovery. So I just wanted to get your position, if  
14 any, on that.

15                   **MS. BRADLEY:** We're in the same position that  
16 the other parties are about getting it last night, but  
17 we would concur as long as it is provided timely.

18                   **COMMISSIONER SKOP:** Okay. All right. Thank  
19 you.

20                   Ms. Bennett, in light of hearing from the  
21 parties, and noting that I don't want to make a whole  
22 lot of work for staff or anyone else, would staff  
23 reconsider its position just to informally grant leave  
24 to amend subject to additional discovery and extending  
25 the discovery date to March 15th, and subject to the

1 parties being able to cross-examine that additional  
2 testimony of the witness at hearing?

3 **MS. BENNETT:** Yes, Commissioner, as long as we  
4 could have an additional time, say until March 15th, and  
5 the ability to depose Mr. Stall.

6 **COMMISSIONER SKOP:** Okay. Mr. Butler, we are  
7 not going to do it the formal way. We are going to do  
8 it informal based on the parties. It seems that we have  
9 consensus that FPL should be liberally granted leave to  
10 amend its testimony subject to additional discovery and  
11 subject to cross-examination of the witness on that  
12 issue at hearing. So I'm going to grant FPL leave to  
13 amend that specific testimony on that specific issue for  
14 Mr. Stall on a blanket approval just on that one issue  
15 related to the turbine trip, if I understand it  
16 correctly.

17 **MR. BUTLER:** Thank you, Commissioner.

18 And we certainly will accommodate the request  
19 for the discovery as Ms. Bennett had indicated.

20 **COMMISSIONER SKOP:** Okay. And that should  
21 make a little bit less work for the parties, noting that  
22 we have consensus and agreement. To staff, the  
23 discovery date when we get to it will be extended to  
24 March 15th to accommodate staff taking additional  
25 depositions, should that be required. So any other



1 preliminary matters?

2 **MS. BENNETT:** Staff has none.

3 **COMMISSIONER SKOP:** Okay. All right. At this  
4 point we are going to proceed through the draft  
5 prehearing order. To the parties, I will identify the  
6 sections, and if anyone has any concerns, please speak  
7 up and let me know so we can make a change or correction  
8 as necessary.

9 But at this point we'll proceed with Section  
10 I, Case Background. Hearing no concerns by the parties,  
11 Section I will be approved as written.

12 Section II, conduct of proceedings. Hearing  
13 no concerns, Section II will remain as written.

14 Section III, jurisdiction. Hearing no  
15 concerns by the parties, Section III will remain as  
16 written.

17 Section IV, procedure for handling  
18 confidential information. Hearing no concerns by the  
19 parties, Section IV will be remaining as written.

20 Section V, prefiled testimony, exhibits,  
21 witnesses. And, Staff, at this point do we need to  
22 formally extend the discovery date?

23 **MS. BENNETT:** The discovery date is set forth  
24 in the order establishing procedures, so we're fine with  
25 your ruling.

1           **COMMISSIONER SKOP:** All right. No concerns on  
2 the parties for Section V, so prefiled testimony,  
3 exhibits, and witnesses will remain the same.

4           Section VI, order of witnesses.

5           **MR. BECK:** Commissioner.

6           **COMMISSIONER SKOP:** Yes, Mr. Beck.

7           **MR. BECK:** On Section V, we have a concern,  
8 and we shared this with the parties on Monday, about the  
9 five-minute summaries for each witness. FPL has four  
10 witnesses in direct, we have one witness in rebuttal,  
11 then for their rebuttal they have the same four  
12 witnesses again. And under the five-minute summaries,  
13 that gives them 40 minutes for summaries and it gives us  
14 five.

15           And what I suggested is that we have a time  
16 limit for each side. One side being FPL, one side being  
17 the intervenors. And that a certain time be allotted to  
18 each side, and that the parties determine how to  
19 allocate that time between witness summaries and opening  
20 statements.

21           I had suggested 20 to 25 minutes. I think Mr.  
22 Butler would prefer 30 from our discussions this  
23 morning. But I think we have an agreement in concept,  
24 at least between Florida Power and Light and ourselves,  
25 that that would be an agreeable way to address that

1 issue.

2 **COMMISSIONER SKOP:** Okay. And, Ms. Kaufman,  
3 Ms. Bradley, and then I will go to Mr. Butler.

4 **MS. KAUFMAN:** Yes, Commissioner, we are in  
5 agreement with that approach. It seems appropriate,  
6 given how the case is laying itself out.

7 **COMMISSIONER SKOP:** Ms. Bradley.

8 **MS. BRADLEY:** I would certainly concur as far  
9 as helping out, as long as we get a few minutes to talk.

10 **COMMISSIONER SKOP:** Okay. Mr. Butler.

11 **MR. BUTLER:** We also concur with the approach.  
12 I think it is a good idea. I do think that 30 minutes  
13 is about the minimum that we could have to accomplish  
14 all that we need to on our side of the case, but if we  
15 can agree on 30 minutes as the total amount of time,  
16 then we're not only okay with, but support the proposal  
17 of Public Counsel.

18 **COMMISSIONER SKOP:** Okay.

19 **MR. BECK:** Commissioner Skop, given that, we  
20 would agree to 30 minutes, if that's agreeable to  
21 everybody else.

22 **COMMISSIONER SKOP:** To Mr. Butler's point  
23 about 30 versus 40, so long as both sides get equal  
24 time, is that appropriate? I mean, this seems to be a  
25 limited number of issues, but a lot of technical

1 information may be coming out in terms of the witness  
2 testimony, so I don't want to limit anyone's time, but I  
3 want to be fair to both sides. So if the Public Counsel  
4 and the other intervenors are not opposed to 40, I think  
5 that we could do it that way with the expectation if we  
6 can get closer to 30 we'd appreciate it.

7 **MR. BECK:** I think originally I proposed 20 to  
8 25, and Florida Power and Light wanted 30, and we agreed  
9 to 30, I think.

10 **COMMISSIONER SKOP:** All right. Fine. Based  
11 on the above, it will be 30 minutes for both sides to be  
12 used as they deem to be fit. Again, if there is  
13 something that arises and we need to go over a few  
14 minutes, the Commission is pretty open about that. But,  
15 again, I want to be fair to both parties; and if that is  
16 what the parties have agreed to, then 30 minutes will be  
17 the time afforded to both sides.

18 **MS. BENNETT:** Commissioner Skop, for  
19 clarification, the 30 minutes is for witness summary and  
20 opening statements, is that correct?

21 **MR. BECK:** Yes.

22 **MR. BUTLER:** That's how we understand it, yes.

23 **COMMISSIONER SKOP:** Yes; that's my  
24 understanding, witness summaries and opening statements.

25 **MR. BUTLER:** And we would propose to provide

1 at the beginning of the hearing to all of the parties  
2 and staff and the Commission kind of what our intention  
3 is on how we would use the time and hope the other side  
4 would do the same.

5 **MR. BECK:** Yes. We will, as well.

6 **COMMISSIONER SKOP:** All right. Very well.  
7 Thank you. So having agreement from the parties, show  
8 that done.

9 Any other concerns as to Section V?

10 Hearing none, we will move into Section VI,  
11 order of witnesses. At this point are there any  
12 witnesses who may be excused?

13 **MR. BUTLER:** I don't think there are at this  
14 point. We don't have agreement on either of the issues.  
15 I remain somewhat optimistic we might be able to reach  
16 agreement on the -- especially the issue of how the  
17 refund would be made. And if that occurred, I think we  
18 might be able to stipulate Mr. Keith's testimony, at  
19 least his direct testimony. But at this point I think  
20 that's all I can say on the stipulation of witnesses.

21 **COMMISSIONER SKOP:** All right.

22 Mr. Beck, any further comments?

23 **MR. BECK:** I have nothing to add.

24 **COMMISSIONER SKOP:** All right. As always, I  
25 will encourage the parties to try and work together

1 amicably to streamline the hearing process in those  
2 areas where it may be achievable to reach compromise, to  
3 stipulate witnesses, but in this case, I'll leave that  
4 to the parties. But, again, if the parties would just  
5 work in good faith, I think that would be appreciated by  
6 everyone.

7 Any witnesses that needed to be taken out of  
8 order as those proposed?

9 **MR. BUTLER:** I'm not aware of any.

10 **COMMISSIONER SKOP:** Okay. All right. With  
11 that, hearing no further questions, we'll move on to  
12 Section VII, basic positions.

13 **MS. BRADLEY:** Mr. Commissioner?

14 **COMMISSIONER SKOP:** Yes, ma'am.

15 **MS. BRADLEY:** Can I backtrack just I minute,  
16 because --

17 **COMMISSIONER SKOP:** Ms. Bradley, you're  
18 recognized.

19 **MS. BRADLEY:** -- you passed one of my  
20 statements real quick.

21 **COMMISSIONER SKOP:** Okay.

22 **MS. BRADLEY:** In Section V, I would just note  
23 we have an ongoing objection from case-to-case about the  
24 friendly cross limitations, and also we usually address  
25 the late-filed, and ask that that be addressed so that

1 the parties are allowed time to respond to any  
2 late-filed exhibits.

3 **COMMISSIONER SKOP:** Yes, ma'am. And a  
4 standing objection is duly noted as has been previously  
5 entered. So, again, we'll try and respect that and  
6 address those concerns. Thank you.

7 All right. Any other concerns before we move  
8 on to Section VII, basic positions? Section VII, basic  
9 positions. Any concerns?

10 **MR. BUTLER:** No.

11 **COMMISSIONER SKOP:** Hearing none from the  
12 parties, move on to Section VIII, issues and positions.  
13 And hearing none, again, I would like to remind the  
14 parties that they must take a position at the prehearing  
15 conference or show good cause why they cannot yet take a  
16 position on each issue. If they do not take a position,  
17 the prehearing order will reflect the party takes no  
18 position. So just please take that under advisement.  
19 And move on to Section IX, which is the exhibit list.

20 **MS. KAUFMAN:** Excuse me, Commissioner Skop.  
21 We had an addition to our position on Issue Number 2.

22 **COMMISSIONER SKOP:** Okay.

23 **MS. KAUFMAN:** It's just an additional sentence  
24 to follow the sentence that already appears on Page 8  
25 under our position, and I could just read it into the

1 record if you would like.

2 **COMMISSIONER SKOP:** Okay.

3 **MS. KAUFMAN:** The additional sentence would  
4 read no additional charges for the refund administration  
5 should be assessed to customers.

6 **COMMISSIONER SKOP:** Staff, were you able to  
7 get that?

8 **MS. KAUFMAN:** And I'd be happy to e-mail that,  
9 if you would like.

10 **COMMISSIONER SKOP:** If you would, that would  
11 probably be a little bit better to help our staff out.  
12 All right. So show that position amended on behalf of  
13 FIPUG, and noting that FIPUG will e-mail that additional  
14 language to staff to be incorporated.

15 Any other issues or concerns regarding  
16 Section VIII? Hearing none, we going to move to  
17 Section IX, the exhibit list. And, Staff, any concerns  
18 on the exhibit list?

19 **MS. BENNETT:** No, Commissioner Skop. We will  
20 be preparing a Comprehensive Exhibit List, which  
21 includes the Staff's composite exhibit list. We have  
22 provided both to the parties in draft form, and we will  
23 continue to work with the parties so that by the time of  
24 the hearing we will have a stipulated comprehensive and  
25 composite exhibit list.



1           **COMMISSIONER SKOP:** Very well. Any other  
2 concerns on Section IX, exhibits list? Ms. Kaufman.

3           **MS. KAUFMAN:** Commissioner Skop, this isn't a  
4 concern. We will work with staff on the stipulated  
5 list. A number of the items that were on the list are  
6 items that we have not seen, and so we have discussed  
7 that with Ms. Bennett and Mr. Butler and understand that  
8 we will be provided with all the documents that are  
9 suggested for stipulation so that we can review them  
10 prior to the hearing.

11           **COMMISSIONER SKOP:** Very well. Thank you.  
12 Any other concerns? That takes us to Section X,  
13 proposed stipulations. And, Staff?

14           **MS. BENNETT:** We do note that one issue was  
15 already presented to the Commission for stipulation. It  
16 was agreed to by the parties and approved by the  
17 Commission, and it is basically that FPL has agreed to  
18 refund the amount of replacement power costs  
19 attributable to the February 26th, 2008, outage. So  
20 remaining for the Commission's decision are the two  
21 issues in the docket. You don't need to take any action  
22 today on that.

23           **COMMISSIONER SKOP:** All right. Very well.  
24 And that was decided at the agenda conference.

25           **MS. BENNETT:** Correct.

1           **COMMISSIONER SKOP:** Thank you. All right.  
2           Any other concerns on Section X?  
3           Hearing none, let's move to Section XI,  
4 pending motions.

5           **MS. BENNETT:** I was going to tell you that the  
6 Attorney General had indicated they were going to file a  
7 motion on friendly cross, and I think they did just now.

8           **COMMISSIONER SKOP:** Okay. Show that noted.  
9 And do we need that formally or verbally?

10          **MS. BENNETT:** I think verbal was fine.

11          **COMMISSIONER SKOP:** Is sufficient? Okay. All  
12 right.

13          Any other concerns on Section XI, pending  
14 motions?

15          **MR. BUTLER:** No.

16          **COMMISSIONER SKOP:** Hearing none, let's move  
17 on it to Section XII, pending confidentiality requests.

18          **MS. BENNETT:** There appears to be one pending  
19 confidentiality request outstanding. We will either  
20 return the document to FPL or have the order prepared to  
21 be addressed later.

22          **COMMISSIONER SKOP:** Okay. Very well. Any  
23 other concerns on Section XII? Hearing none, let's move  
24 to Section XIII, post-hearing procedures. And, Staff?

25          **MS. BENNETT:** Staff recommends that position

1 statements and post-hearing briefs be no more than 50  
2 words and post-hearing statements and briefs together  
3 should be no longer than 40 pages.

4 **COMMISSIONER SKOP:** Okay. Are all parties in  
5 agreement to that?

6 **MR. McGLOTHLIN:** Commissioner Skop.

7 **COMMISSIONER SKOP:** Mr. McGlothlin.

8 **MR. McGLOTHLIN:** I have no objection to the  
9 40-page limit, but with respect to the articulation of  
10 positions, the 50 words is always, in my experience,  
11 binding in terms of our ability to communicate anything  
12 useful to the reader, and especially in this case where  
13 we have only a couple of crucial issues. I would  
14 request some relief from that 50 words. I would  
15 recommend 120, and I think under the circumstances this  
16 is not going to be a burdensome thing for the  
17 Commissioners.

18 **COMMISSIONER SKOP:** All right. Ms. Kaufman,  
19 anything to add to that?

20 **MS. KAUFMAN:** No, sir.

21 **COMMISSIONER SKOP:** Ms. Bradley?

22 **MS. BRADLEY:** I would concur.

23 **COMMISSIONER SKOP:** Okay. Mr. Butler.

24 **MR. BUTLER:** Mr. McGlothlin has stolen my  
25 thunder. That is the exactly what I was going to

1 request. We have very few issues. The couple that are  
2 there are relatively complicated, so it would be better  
3 to have a higher word limit, and no objection to his  
4 proposal.

5 **COMMISSIONER SKOP:** Okay. Based on hearing  
6 from the parties, the position statements and the  
7 post-hearing briefs shall be no more than 120 words, and  
8 the post-hearing statement and briefs together should be  
9 no longer than 40 pages. And I believe that will  
10 accommodate the parties' request.

11 All right. Any other concerns on  
12 Section XIII? Hearing none, I will move on to  
13 Section XV, rulings. And, Staff?

14 **MS. BENNETT:** You have previously ruled on the  
15 summary and the opening statements at 30 minutes, and  
16 that will appear in the ruling section. I believe also  
17 the ruling on the friendly cross will appear here.

18 **COMMISSIONER SKOP:** Okay. Very well. And  
19 show that done. And any other concerns on Section XIV  
20 on the rulings?

21 **MS. BRADLEY:** Just for the record, can we  
22 include the late-filed exhibit, as well?

23 **COMMISSIONER SKOP:** Yes. Thank you,  
24 Ms. Bradley.

25 And, Staff, if you can make a notation of

1 that. So the AG's position would be, again, late-filed  
2 exhibits and friendly cross for their concerns.

3 All right. Any other concerns? Any other  
4 matters? Any other matters to address, Staff, before we  
5 adjourn?

6 **MS. BENNETT:** None from staff.

7 **MR. BUTLER:** Commissioner Skop.

8 **COMMISSIONER SKOP:** Mr. Butler, you're  
9 recognized.

10 **MR. BUTLER:** Sorry. Just to Ms. Bennett's and  
11 Ms. Bradley's exchange there, and to make it clear on  
12 the record, FPL does continue to feel that the  
13 Commission appropriately expresses the view in the  
14 prehearing order on proper limits on friendly  
15 cross-examination, and certainly that would be our  
16 position at hearing if the issue were to come up there.

17 As to late-filed exhibits, we share the  
18 Attorney General's concern that that process not be  
19 misused, and we will certainly do everything we can to  
20 limit the use of late-filed exhibits and provide any  
21 that are necessary as promptly as possible and to  
22 accommodate examination with respect to them. But, you  
23 know, we agree with them that that is something that is  
24 problematic and really should be used only as an  
25 exception.

1           **COMMISSIONER SKOP:** Okay. And, Ms. Bradley --  
2 thank you, Mr. Butler. Ms. Bradley, correct me if I'm  
3 wrong, I think the AG's office has expressed a standing  
4 objection to this, and typically the Commission handles  
5 late-filed on a case-by-case basis as they arise in the  
6 hearing, but I will let the Commission Chairwoman deal  
7 with that when we get to it. But I just wanted to  
8 properly note that I believe that you are entering a  
9 standing objection based on -- as you have done in the  
10 past.

11           **MS. BRADLEY:** We have raised that at all the  
12 hearings, and it's just a matter of allowing each party  
13 due process and an opportunity to address late-filed  
14 exhibits that they haven't seen.

15           **COMMISSIONER SKOP:** Okay. Very well. We will  
16 note that for the record.

17           And, Mr. Butler, any other concerns?

18           **MR. BUTLER:** No, sir.

19           **COMMISSIONER SKOP:** Okay.

20           Staff?

21           **MS. BENNETT:** We have nothing else.

22           **COMMISSIONER SKOP:** Okay. At this point we  
23 will stand adjourned.

24           **MR. BUTLER:** Thank you, Commissioner.

25           (The prehearing conference concluded at

9:57 a.m.)

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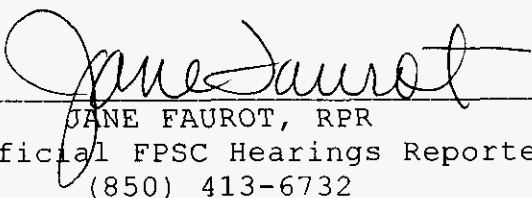
STATE OF FLORIDA        )  
                                  :  
                                  :        CERTIFICATE OF REPORTER  
COUNTY OF LEON        )

I, JANE FAUROT, RPR, Chief, Hearing Reporter Services Section, FPSC Division of Commission Clerk, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 10th day of March, 2010.

  
\_\_\_\_\_  
JANE FAUROT, RPR  
Official FPSC Hearings Reporter  
(850) 413-6732