

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 120004-GU

NATURAL GAS CONSERVATION
COST RECOVERY.
_____ /

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PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONER
PARTICIPATING: COMMISSIONER EDUARDO E. BALBIS
PREHEARING OFFICER

DATE: Wednesday, October 17, 2012

TIME: Commenced at 9:30 a.m.
Concluded at 9:47 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 BETH KEATING, ESQUIRE, Gunster Law Firm,
3 215 South Monroe Street, Suite 601, Tallahassee,
4 Florida 32301-1804, appearing on behalf of FCG,
5 Florida Public Utilities Company, Indiantown and
6 Chesapeake.

7 NORMAN H. HORTON, JR., ESQUIRE, Messer Law
8 Firm, Post Office Box 15579, Tallahassee, Florida
9 32317, appearing on behalf of Sebring Gas System,
10 Inc.

11 PATTY CHRISTENSEN, ESQUIRE, Office of
12 Public Counsel, c/o The Florida Legislature, 111 W.
13 Madison St., Room 812, Tallahassee, Florida
14 32399-1400, appearing on behalf of the Citizens of
15 Florida.

16 PAULINE ROBINSON, ESQUIRE, FPSC General
17 Counsel's Office, 2540 Shumard Oak Boulevard,
18 Tallahassee, Florida 32399-0850, appearing on behalf
19 of the Florida Public Service Commission Staff.

20 MARY ANNE HELTON, Deputy General Counsel,
21 Florida Public Service Commission, 2540 Shumard Oak
22 Boulevard, Tallahassee, Florida 32399-0850, Advisor
23 to the Florida Public Service Commission.

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P R O C E E D I N G S

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2 **COMMISSIONER BALBIS:** Good morning. I'd like
3 to call this clause prehearing conference to order.

4 Staff, could you please read the notice.

5 **MS. BROWN:** By notice issued September 18th,
6 2012, this time and place is set for a prehearing
7 conference in the following dockets: 120001-EI,
8 120002-EG, 120003-GU, 120004-GU, 120007-EI. The
9 purpose of the prehearing conference is set out in the
10 notice.

11 **COMMISSIONER BALBIS:** Okay. Thank you.

12 We can now take appearances. We have,
13 obviously, five dockets to address today, and I assume
14 staff recommends that we take appearances at once, and
15 all parties should enter their appearances and declare
16 the dockets that they are entering an appearance for.

17 So we'll start with Florida Power and Light.

18 **MR. BUTLER:** Thank you.

19 Good morning, Commissioner. John Butler and
20 Ken Rubin appearing on behalf of FPL in the 01, the 02,
21 and the 07 dockets.

22 **MS. TRIPLETT:** Good morning. Dianne Triplett
23 on behalf of Progress Energy Florida, and also I would
24 like to make an appearance for John Burnett also on
25 behalf of Progress Energy Florida in the 01, 02, and 07

1 docket. And then also in the 07 docket, Gary Perko.

2 **MR. BEASLEY:** Good morning, Commissioner.
3 James D. Beasley and J. Jeffry Wahlen for Tampa
4 Electric Company in the 01, 02, and 07 dockets.

5 **MR. GRIFFIN:** Good morning, Commissioner.
6 Steven Griffin with the law firm of Beggs and Lane on
7 behalf of Gulf Power. Also appearing in the dockets
8 with me are Jeffrey Stone and Russell Badders in 01,
9 02, and 07.

10 **MS. KEATING:** Good morning, Commissioner.
11 Beth Keating with the Gunster Law Firm. I'm here today
12 on behalf of FPUC in the 01 and 02 dockets; for FPUC in
13 the 03 docket, as well as Florida City Gas; and in the
14 04 docket, FPU, FPU Indiantown, Chesapeake, and Florida
15 City Gas.

16 **MS. WHITE:** Good morning, Commissioner. I'm
17 Karen White on behalf of Federal Executive Agencies.
18 I'm also entering an appearance for Major Christopher
19 Thompson and Captain Samuel Miller in the 01, 02, and
20 07 dockets.

21 **MR. BREW:** Good morning, Commissioner. I'm
22 James Brew of the firm of Brickfield, Burchette, Ritts,
23 and Stone. I'm here for White Springs Agricultural
24 Chemicals, PSC Phosphate. I'd like to also make an
25 appearance for F. Alvin Taylor, and we're here in the

1 01, 02, and 07 dockets.

2 **MR. REHWINKEL:** Good morning, Commissioner.
3 Charles Rehwinkel with the Office of Public Counsel.
4 I'd like to enter an appearance in 01, 02, and 07. And
5 I would also like to enter an appearance for Mr.
6 McGlothlin, Joe McGlothlin in 01, 02, and 07, and I'll
7 let Ms. Christensen tell you hers.

8 **MS. CHRISTENSEN:** And Patty Christensen also
9 on behalf of the Office of Public Counsel in the 01,
10 02, 03, 04, and 07 dockets.

11 **MR. WRIGHT:** Good morning, Commissioner.
12 Robert Scheffel Wright, and I'd also like to enter an
13 appearance for my partner John T. LaVia, III, on behalf
14 of the Florida Retail Federation in the fuel
15 cost-recovery docket, 0001. Thank you.

16 **MR. MOYLE:** Good morning. Jon Moyle with the
17 Moyle Law Firm representing the Florida Industrial
18 Power Users Group. I'd like to enter an appearance in
19 the 01, 02, 07, and 09 dockets.

20 **MR. CAVROS:** Good morning, Commissioner.
21 George Cavros appearing on behalf of Southern Alliance
22 for Clean Energy in the 02 docket.

23 **MR. HORTON:** Norman H. Horton, Jr., appearing
24 on behalf of Sebring Gas System, Inc. in the 04 docket.

25 **COMMISSIONER BALBIS:** Okay. Any other

1 parties before I move to staff?

2 **MS. BROWN:** Martha Carter Brown and Michael
3 Lawson in the 02 docket -- 03 docket, I'm sorry.

4 **MR. MURPHY:** Charles Murphy in the 07 docket.

5 **MS. ROBINSON:** Pauline Robinson in the 04
6 docket.

7 **MS. TAN:** Lee Eng Tan for the 02 docket.

8 **MS. BARRERA:** Martha Barrera in the 01
9 docket, and also I would like to enter an appearance
10 for Lisa Bennett.

11 **MS. HELTON:** And Mary Anne Helton, I'm here
12 to advise you in all the dockets.

13 * * * * *

14 **COMMISSIONER BALBIS:** And we will move on to
15 the 04 docket, which is the gas conservation clause.

16 Let's start with preliminary matters. Are
17 there any preliminary matters that we need to address?

18 **MS. ROBINSON:** There are none at this point
19 and none are expected. We will note, however, that St.
20 Joe Natural Gas and Peoples Gas System have been
21 excused from the prehearing and the parties are
22 proposing stipulation on all issues. And OPC has taken
23 no position on the issues.

24 **COMMISSIONER BALBIS:** Okay. Are there any
25 other preliminary matters?

1 **MS. ROBINSON:** No, none at this time.

2 **COMMISSIONER BALBIS:** Okay. Similar to the
3 03 docket prehearing conference, we'll go through the
4 draft prehearing order, and we will start with
5 Section I, case background. Any questions or comments
6 on Section I?

7 Section II, conduct of proceedings.

8 Section III, jurisdiction.

9 Section XIV, procedure for handling
10 confidential information.

11 Section V, prefiled testimony.

12 Section VI, order of witnesses.

13 **MS. ROBINSON:** Staff will note that on Page 4
14 of the draft prehearing order it states that witnesses
15 may be excused if no Commissioner seeks
16 cross-examination. At this point it appears that all
17 witnesses can be excused, but we will confirm with the
18 Commissioners' offices.

19 **COMMISSIONER BALBIS:** Okay. Thank you.

20 Section VII, basic positions.

21 Section VIII, issues and positions.

22 **MS. ROBINSON:** Staff wants to note that the
23 parties and staff are proposing stipulation on all
24 issues, and this is reflected in the draft prehearing
25 order.

1 **MS. CHRISTENSEN:** And Patty Christensen with
2 the Office of Public Counsel. As previously stated by
3 staff, OPC is changing from no position at this time to
4 no position on all the issues in this section.

5 **COMMISSIONER BALBIS:** Okay. Thank you.

6 Any other comments on Section VIII?

7 Section IX, exhibit list.

8 **MS. ROBINSON:** Staff will note for the record
9 that a Comprehensive Exhibit list was prepared and
10 distributed to the parties for the purpose of numbering
11 and identifying exhibits at the hearing.

12 **COMMISSIONER BALBIS:** Okay. Thank you.

13 Section X, proposed stipulations.

14 **MS. ROBINSON:** There are no proposed
15 stipulations at this time. I'm sorry, we are proposing
16 stipulations on all issues at this time.

17 **COMMISSIONER BALBIS:** Section XI, pending
18 motions.

19 **MS. ROBINSON:** There are no pending motions
20 at this time.

21 **COMMISSIONER BALBIS:** Section XII.

22 **MS. ROBINSON:** There are no pending
23 confidential requests.

24 **COMMISSIONER BALBIS:** Section XIII, any
25 questions or comments on the post-hearing procedures?

1 Section XIV, rulings.

2 **MS. ROBINSON:** Staff is suggesting opening
3 statements be limited to five minutes, however, you may
4 confirm with the parties if they are willing to waive
5 opening statements at this time.

6 **COMMISSIONER BALBIS:** Okay. Are parties
7 willing to waive opening statements?

8 **MS. CHRISTENSEN:** Office of Public Counsel is
9 willing to waive opening statements in the 04 docket.

10 **MS. KEATING:** As is FPU, Indiantown,
11 Chesapeake, and City Gas.

12 **MR. HORTON:** And as is Sebring.

13 **COMMISSIONER BALBIS:** Okay. I believe that's
14 all the parties.

15 **MS. ROBINSON:** And staff will note that
16 St. Joe Natural Gas Company and Peoples Gas System were
17 excused from the prehearing.

18 **COMMISSIONER BALBIS:** Okay. Are there any
19 other matters to address?

20 **MS. ROBINSON:** There are no other matters at
21 this time.

22 **COMMISSIONER BALBIS:** Okay. Then this
23 concludes the hearing in the 04 docket.

24 (The prehearing concluded at 9:47 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 23rd day of October, 2012.



JANE FAUROT, RPR
FPSC Official Commission Reporter
(850) 413-6732