

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 130002-EG

ENERGY CONSERVATION COST
RECOVERY CLAUSE.

_____ /

PROCEEDINGS: PREHEARING

COMMISSIONER
PARTICIPATING: COMMISSIONER EDUARDO E. BALBIS
PREHEARING OFFICER

DATE: Thursday, October 17, 2013

TIME: Commenced at 9:41 a.m.
Concluded at 9:46 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

1 APPEARANCES:

2 JAMES D. BEASLEY, J. JEFFRY WAHLEN, and
3 ASHLEY M. DANIELS, ESQUIRES, Ausley Law Firm, Post
4 Office Box 391, Tallahassee, Florida 32302, appearing
5 on behalf of Tampa Electric Company.

6 JEFFREY A. STONE, RUSSELL A. BADDERS and
7 STEVEN R. GRIFFIN, ESQUIRES, Beggs & Lane, Post
8 Office Box 12950, Pensacola, Florida 32591,
9 appearing on behalf of Gulf Power Company.

10 JOHN T. BURNETT, and KENNETH RUBIN,
11 ESQUIRES, 106 E. College Ave., Suite 800,
12 Tallahassee, Florida 32301, appearing on behalf of
13 Duke Energy Florida, Inc.

14 JON C. MOYLE, JR., ESQUIRE, c/o Moyle Law
15 Firm, P.A., 118 North Gadsden Street, Tallahassee,
16 Florida 32301, appearing on behalf of Florida
17 Industrial Power Users Group.

18 BETH KEATING, ESQUIRE, Gunster Law Firm,
19 215 South Monroe Street, Suite 601, Tallahassee,
20 Florida 32301-1839, appearing on behalf of Florida
21 Public Utilities Company.

1 APPEARANCES (Continued):

2 PATRICIA A. CHRISTENSEN, and CHARLES
3 REHWINKEL, ESQUIRES, Office of Public Counsel, c/o
4 The Florida Legislature, 111 West Madison Street,
5 Room 812, Tallahassee, Florida 32399-1400, appearing
6 on behalf of the Citizens of Florida.

7 JAMES W. BREW and F. ALVIN TAYLOR,
8 ESQUIRES, PCS Phosphate - White Springs, c/o
9 Brickfield Law Firm, 1025 Thomas Jefferson St., NW,
10 Eighth Floor, West Tower, Washington, DC 20007,
11 appearing on behalf of PCS Phosphate - White Springs.

12 JOHN T. BURNETT and DIANNE M. TRIPLETT,
13 ESQUIRES, Duke Energy Florida, Inc., Post Office Box
14 14042, St. Petersburg, Florida 33733, appearing on
15 behalf of Duke Energy Florida, Inc.

16 GEORGE CAVROS, Esquire, Southern Alliance
17 for Clean Energy, 120 East Oakland Park Blvd., Suite
18 105, Fort Lauderdale, Florida 33334, appearing on
19 behalf of Southern Alliance for Clean Energy.

20 LEE ENG TAN, ESQUIRE, FPSC General
21 Counsel's Office, 2540 Shumard Oak Boulevard,
22 Tallahassee, Florida 32399-0850, appearing on behalf
23 of the Florida Public Service Commission Staff.

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

APPEARANCES (Continued):

MARY ANNE HELTON, DEPUTY GENERAL COUNSEL,
Florida Public Service Commission, 2540 Shumard Oak
Boulevard, Tallahassee, Florida 32399-0850, Advisor
to the Florida Public Service Commission.

P R O C E E D I N G S

1
2 **COMMISSIONER BALBIS:** We are going to proceed
3 with the 02 docket first, then 03, 04, 07, and 01.

4 Staff, are there any preliminary matters?

5 **MS. TAN:** As of this morning, it appears that
6 the parties and the intervenors have reached Type B
7 Stipulations on all issues. This is per the agreement
8 between the IOUs and staff, and the intervenors all take
9 no position on the issue. Staff will work with the
10 parties and we will reflect the changes in the
11 prehearing order before it's issued.

12 **COMMISSIONER BALBIS:** Okay. And all the
13 parties are in agreement with staff's statement?

14 (Unanimous affirmation.)

15 **COMMISSIONER BALBIS:** Okay.

16 All right. So now we will go through the
17 draft prehearing order. I think most of you have gone
18 through this before with me. And what I will do is I
19 will go relatively quickly through it, but please stop
20 me if there's something that you would like to discuss.
21 And if we pass it, you know, I have no problem going
22 back and discussing it.

23 But we'll go through each one of the sections
24 of the draft prehearing order, and I'll ask the parties
25 if they have any questions, or comments, or if it's

1 positions, any changes.

2 So going through Section I, case background.
3 Are there any questions or comments on the case
4 background?

5 Okay. Hearing none; Section II, conduct of
6 proceedings.

7 Section III, jurisdiction.

8 Section IV, procedure for handling
9 confidential information.

10 Section V, prefiled testimony and exhibits;
11 witnesses.

12 Section VI, order of witnesses.

13 **MS. TAN:** Commissioner, staff notes that on
14 Page 4 of the draft prehearing order it states that the
15 witnesses may be excused if no Commissioner seeks
16 cross-examination and the parties are agreed to it.
17 That's something that we will look into. If the
18 testimony -- the testimony of the excused witnesses
19 would be inserted in the record as though read, and all
20 the exhibits submitted with the potential excused
21 witnesses will be identified in Section IX of the
22 prehearing order and admitted into the record.

23 **COMMISSIONER BALBIS:** Okay, thank you.

24 Any other questions or comments on order of
25 witnesses?

1 Section VII, basic positions.

2 **MR. REHWINKEL:** Commissioner, I will provide
3 this to the staff, but the position that is reflected --
4 we are reflected as none at this time, and our position
5 will be the same as FIPUG's with just the OPC's name
6 substituted there.

7 **COMMISSIONER BALBIS:** Okay, thank you. Are
8 there any other changes to the basic positions from the
9 parties?

10 Okay. Then we will move on to Section VIII,
11 issues and positions. I know, obviously, we have
12 multiple issues. If the parties would like to change
13 their position or have any questions on any of the
14 issues, now would be a good time, or if there are
15 several we can proceed through each one.

16 **MR. REHWINKEL:** Commissioner, the Public
17 Counsel's position will be no position on these issues,
18 consistent with the Type B Stipulation status of the
19 docket.

20 **COMMISSIONER BALBIS:** Okay. Any other changes
21 to parties' positions on the issues, noting that now is
22 your last chance to do so?

23 Okay. So we are going to move on to the next
24 section, which is Section IX, the exhibit list.

25 **MS. TAN:** Commissioner, staff will prepare a

1 Comprehensive Exhibit List for the purpose of numbering
2 and identifying the exhibits at hearing. We have
3 actually prepared that exhibit, and it is currently
4 under review with the parties.

5 **COMMISSIONER BALBIS:** Okay. Any other
6 questions or comments on the exhibit list? Hopefully,
7 that will come to me quickly so we can get the
8 Prehearing Order out.

9 Section X, proposed stipulations.

10 **MS. TAN:** At this time we have proposed
11 stipulations. Again, we'll work with the parties to
12 make sure that is reflected in the prehearing order.

13 **COMMISSIONER BALBIS:** Okay, thank you.

14 Section XI, pending motions.

15 **MS. TAN:** There are no pending motions.

16 **COMMISSIONER BALBIS:** That should be
17 applauded. Pending confidentiality motions.

18 **MS. TAN:** And, again, there are no pending
19 confidentiality motions.

20 **COMMISSIONER BALBIS:** Okay.

21 Section XIII, post-hearing procedures.

22 Section XIV, rulings. And right now I'm
23 inclined to direct the parties that they have five
24 minutes for opening statements. If anyone has any
25 issues with that, now would be the time.

1 Okay. Hearing none, we go to other matters.

2 **MS. TAN:** Commissioners, if the parties wish
3 to waive the opening statements, they may also do so.

4 **COMMISSIONER BALBIS:** Okay. And I will put
5 that in the order that that option is there. You don't
6 have to decide now.

7 Okay. Are there any other matters to discuss
8 with this docket? Okay. Hearing none, let's adjourn
9 this prehearing for the 02 docket. We'll move on to the
10 next one. I'll allow parties time to shuffle.

11 (The prehearing concluded at 9:46 a.m.)
12
13
14
15
16
17
18
19
20
21
22
23
24
25

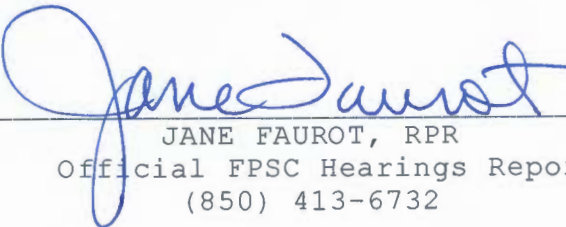
1 STATE OF FLORIDA)
2 : CERTIFICATE OF REPORTER
3 COUNTY OF LEON)
4

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

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

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

21 DATED THIS 22nd day of October, 2013.

22
23
24
25


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