



1 APPEARANCES:

2 JOHN T. BUTLER, R. WADE LITCHFIELD, and MARIA  
3 J. MONCADA, ESQUIRES, 700 Universe Boulevard, Juno  
4 Beach, Florida 33408-0420, appearing on behalf of  
5 Florida Power & Light Company.

6 JOHN T. BURNETT, DIANE M. TRIPLETT, and  
7 MATTHEW BERNIER, ESQUIRES, 106 East College Avenue,  
8 Suite 800, Tallahassee, Florida 32301-7740, appearing  
9 on behalf of Duke Energy Florida, Inc.

10 BETH KEATING, ESQUIRE, Gunster Law Firm, 215  
11 South Monroe Street, Suite 601, Tallahassee, Florida  
12 32301-1839, appearing on behalf of Florida Public  
13 Utilities Company.

14 JAMES D. BEASLEY, J. JEFFRY WAHLEN, and ASHLEY  
15 M. DANIELS, ESQUIRES, Ausley Law Firm, Post Office Box  
16 391, Tallahassee, Florida 32302, appearing on behalf of  
17 Tampa Electric Company.

18 JEFFREY A. STONE, RUSSELL A. BADDERS, and  
19 STEVEN R. GRIFFIN, ESQUIRES, Beggs & Lane, Post Office  
20 Box 12950, Pensacola, Florida 32591, appearing on  
21 behalf of Gulf Power Company.

22 ROBERT SCHEFFEL WRIGHT and JOHN T. LAVIA, III,  
23 ESQUIRES, Florida Retail Federation, c/o Gardner Law  
24 Firm, 1300 Thomaswood Drive, Tallahassee, Florida 32308,  
25 appearing on behalf of Florida Retail Federation.

1 APPEARANCES (Continued):

2 JON C. MOYLE, JR., VICKI GORDON KAUFMAN, and  
3 KAREN PUTNAL, ESQUIRES, c/o Moyle Law Firm, P.A., 118  
4 North Gadsden Street, Tallahassee, Florida 32301,  
5 appearing on behalf of the Florida Industrial Power  
6 Users Group.

7 J.R. KELLY, PUBLIC COUNSEL, PATRICIA A.  
8 CHRISTENSEN, and CHARLES REHWINKEL, ESQUIRES, Office of  
9 Public Counsel, c/o The Florida Legislature, 111 West  
10 Madison Street, Room 812, Tallahassee, Florida  
11 32399-1400, appearing on behalf of the Citizens of  
12 Florida.

13 JAMES W. BREW and OWEN J. KOPON, ESQUIRES, PCS  
14 Phosphate - White Springs, c/o Brickfield Law Firm, 1025  
15 Thomas Jefferson St., NW, Eighth Floor, West Tower,  
16 Washington, DC 20007, appearing on behalf of PCS  
17 Phosphate - White Springs.

18 MARTHA BARRERA, ESQUIRE, FPSC General  
19 Counsel's Office, 2540 Shumard Oak Boulevard,  
20 Tallahassee, Florida 32399-0850, appearing on behalf of  
21 the Florida Public Service Commission Staff.

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

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

1  
2           **COMMISSIONER BROWN:** Good afternoon. Thank  
3 you all for being so patient. And today is October 8th,  
4 2014, roughly around 1:30. This is the 2014 clause  
5 prehearing conferences for the following dockets:  
6 140002-EG, 140003-GU, 140004-GU, 140007-EI, and  
7 140001-EI. I would like to call this prehearing to  
8 order.

9           Staff, can you please read the notice for this  
10 proceeding.

11           **MS. TAN:** By notice issued September 17th,  
12 2014, this time and place is set for a prehearing  
13 conference in the following dockets: 140001-EI,  
14 140002-EG, 140003-GU, 140004-GU, and 140007-EI. The  
15 purpose of the prehearing conference is set out in the  
16 notice.

17           **COMMISSIONER BROWN:** Thank you so much.

18           There are five dockets to address today.  
19 Staff suggests that appearances be taken up all at once,  
20 so all parties should enter their appearances and  
21 declare the dockets that they are entering an appearance  
22 for, although I do recognize that several parties will  
23 be making appearances for more than one docket.

24           After the parties have made their appearances,  
25 staff will make their appearance as a whole. Starting

1 with my left, Mr. Butler.

2 **MR. BUTLER:** Thank you, Commissioner. For  
3 FPL -- excuse me -- John Butler, Wade Litchfield, and  
4 Maria Moncada in the 01 docket. Appearance for John  
5 Butler, Ken Rubin in the 02 docket, and John Butler,  
6 Wade Litchfield, and Maria Moncada in the 07 docket.  
7 Thank you.

8 **COMMISSIONER BROWN:** Okay.

9 **MR. BEASLEY:** Good afternoon, Commissioner.  
10 James D. Beasley appearing with J. Jeffry Wahlen, Ashley  
11 M. Daniels, all of the law firm of Ausley & McMullen, on  
12 behalf of Tampa Electric Company in the 01, the 02, and  
13 the 07 dockets.

14 **MR. BADDERS:** Good afternoon. Russell Badders  
15 appearing on behalf of Gulf Power. I'd like to enter an  
16 appearance for myself, Jeffrey A. Stone, and Steven R.  
17 Griffin in the 01, 02, and 07 dockets.

18 **MR. BERNIER:** Good afternoon, Commissioner.  
19 Matt Bernier with Duke Energy. I'd like to enter an  
20 appearance for myself, John Burnett, and Dianne Triplett  
21 in the 01, 02, and 07 dockets, as well as Gary Perko in  
22 the 07 docket.

23 **MR. REHWINKEL:** Good morning, Commissioner.

24 **COMMISSIONER BROWN:** Afternoon.

25 **MR. REHWINKEL:** Good afternoon, Commissioner.

1 Charles Rehwinkel and Patty Christensen with  
2 the Office of Public Counsel. We would like to have our  
3 appearances reflected in all the clause dockets, and  
4 also like to make an appearance in all the dockets for  
5 J. R. Kelly, Public Counsel. Thank you.

6 **MR. MOYLE:** Good afternoon. Jon Moyle with  
7 the Moyle Law Firm representing the Florida Industrial  
8 Power Users Group. The Florida Industrial Power Users  
9 Group, commonly referred to as FIPUG, is in the 01, the  
10 02, and the 07 docket. In addition to me, Karen Putnal  
11 and Vicki Gordon Kaufman should also be noted as making  
12 appearances. Thank you.

13 **MR. BREW:** Good afternoon, Commissioner.

14 For White Springs Agricultural Chemicals/PCS  
15 Phosphate, I'm James Brew with the firm of Brickfield,  
16 Burchette & Ritts. And I'd like to make an appearance  
17 for Owen Kopon, and we're appearing in the dockets 01,  
18 02, and 07.

19 **COMMISSIONER BROWN:** Thank you.

20 **MS. KEATING:** Good afternoon, Commissioner.

21 Beth Keating with the Gunster Law Firm. I'm  
22 here this afternoon in the 01 and 02 dockets for Florida  
23 Public Utilities, in the 03 docket I'm here for FPU and  
24 Florida City Gas, and in the 04 docket I'm here for FPU,  
25 Florida City Gas, Chesapeake, Indiantown, and Fort

1 Meade.

2 **COMMISSIONER BROWN:** Very popular.

3 **MR. WRIGHT:** Good afternoon, Commissioner.

4 Robert Scheffel Wright of the Gardner, Bist,  
5 Wiener Law Firm appearing in the 140001 fuel cost  
6 recovery docket on behalf of the Florida Retail  
7 Federation, along with my partner John T. LaVia, III.  
8 Also I am appearing, Mr. LaVia and I are appearing in  
9 the energy conservation cost recovery docket on behalf  
10 of Wal-Mart Stores East and Sam's East. Thank you.

11 **COMMISSIONER BROWN:** Thank you.

12 **MR. CAVROS:** Good afternoon, Commissioner.

13 George Cavros on behalf of the Southern  
14 Alliance for Clean Energy, and I will be representing  
15 the organization in the 02 and the 07 docket. Thank  
16 you.

17 **COMMISSIONER BROWN:** Thank you. Nice to have  
18 you here.

19 Staff.

20 **MR. HORTON:** Commissioner?

21 **COMMISSIONER BROWN:** Oh, there you are.

22 **MR. HORTON:** I snuck in on you. Norman H.  
23 Horton, Jr., on behalf of Sebring Gas Company in the  
24 04 docket. And I'd also like to enter an appearance for  
25 Robert J. Telfer, III, of the same firm.

1           **COMMISSIONER BROWN:** Thank you for being here.  
2           And now staff.

3           **MS. TAN:** Lee Eng Tan on behalf of the  
4           02 docket, Kyesha Mapp and Keino Young on the 03 docket,  
5           Kelley Corbari on the 04 docket, Charles Murphy on the  
6           07 docket, and Martha Barrera on the 01 docket. Thank  
7           you.

8           **COMMISSIONER BROWN:** Thank you so much.  
9           Mary Anne.

10          **MS. HELTON:** And Mary Anne Helton, I'm here as  
11          your advisor in all the dockets.

12                                   \* \* \* \* \*

13          **COMMISSIONER BROWN:** Okay. Moving to -- this  
14          will convene the 140001 docket, EI.

15          Ms. Barrera, hi. Any preliminary matters?

16          **MS. BARRERA:** Good morning, Commissioner.

17          Staff has no preliminary matters.

18          **COMMISSIONER BROWN:** Does any party have any  
19          other preliminary matters in this docket? Yes, Mr.  
20          Brew.

21          **MR. BREW:** Commissioner, just one on the  
22          appearances. If you could delete the reference to Randy  
23          B. Miller for PCS Phosphate.

24          **COMMISSIONER BROWN:** Can you please repeat  
25          that?



1           **MR. BREW:** Delete the reference to Randy  
2 Miller in the appearances on the case for PCS Phosphate.

3           **COMMISSIONER BROWN:** Definitely. Noted.  
4 Thank you for pointing that out.

5           Are there any other preliminary matters?

6           **MR. MOYLE:** And, again, Vicki Kaufman should  
7 be added.

8           **COMMISSIONER BROWN:** Thank you. Noted.

9           Any other preliminary matters of the parties?

10          Okay. We're going to go through then the  
11 draft Prehearing Order, walking through Section I, case  
12 background. Any changes?

13          Section II, conduct of proceedings. Any  
14 changes? Seeing none.

15          Section III, jurisdiction. Any changes?  
16 None.

17          Section IV, procedure for handling  
18 confidential information. No changes.

19          Section V, prefiled testimony. Any changes?

20          Okay. Section VI, the order of witnesses.  
21 Staff, will any witnesses be taken out of order?

22          **MS. BARRERA:** At this time we're not aware of  
23 any witnesses to be taken out of order.

24          **COMMISSIONER BROWN:** Parties? No. Okay.  
25 Staff, are there any witnesses that could possibly be

1 excused?

2 **MS. BARRERA:** We're all working on  
3 stipulations at this time, and it appears that all  
4 witnesses may be excused, should the Commissioners  
5 agree, all but three witnesses, Mr. Foster for DEF and  
6 Mr. Cutshaw and Young for FPUC. And we will, you know,  
7 upon confirmation with the parties, we will advise the  
8 Commissioners to see if they have any questions.

9 **COMMISSIONER BROWN:** Okay. Thank you.

10 **MR. MOYLE:** And I had told the parties  
11 beforehand, FIPUG likely has some questions for  
12 witnesses speaking to the hedging programs. So I wanted  
13 to make sure that was clear with everyone.

14 **COMMISSIONER BROWN:** Okay. Thanks for  
15 sharing. Anyone else that needs sharing?

16 **MR. BUTLER:** I'd like to explore what that  
17 means. Mr. Moyle, we had talked about this briefly  
18 before the prehearing conference started. Our witness  
19 on hedging related issues is Gerry Yupp, G.J. Yupp in  
20 here. And I believe that -- well, first of all, I don't  
21 know what Mr. Moyle intends to ask about hedging. But  
22 if it relates to any of the hedging expenses, the  
23 hedging risk management plan, that sort of thing, that's  
24 all Mr. Yupp's area. And we would ask that we move  
25 toward stipulating and excusing our other witnesses, who

1 would be Mr. Grissette and Mr. Keith, who don't cover  
2 that subject.

3 **COMMISSIONER BROWN:** Okay. Mr. Moyle.

4 **MR. MOYLE:** What I don't want to have happen  
5 is ask a question of hedging and say, well, can you  
6 please tell me this about hedging, and have the witness  
7 go, well, you know that was this other witness, you  
8 know, not me.

9 **COMMISSIONER BROWN:** Uh-huh. Uh-huh.

10 **MR. MOYLE:** So whoever FPL's hedging witnesses  
11 are, I'd like for them to be here. If Mr. Butler says  
12 none of the other ones have anything to do with hedging  
13 --

14 **COMMISSIONER BROWN:** Anything more specific  
15 you'd like to provide other than just general hedging?

16 **MR. MOYLE:** We'll get into issues about  
17 hedging, how they do it and how they handle it. And,  
18 you know, we talked about it four or five years ago as  
19 an issue with the Commission with all the utilities. We  
20 continue -- FIPUG continues to think it's an issue that  
21 needs to be looked at. Some people have said do we need  
22 to hedge? Should we have opting out of hedging? So  
23 we're going to have that conversation. But I'll work  
24 with Mr. Butler. And, you know, I don't want to call  
25 anybody up here that's not needed, but then again I

1 don't want to have somebody point to -- there used to be  
2 a phrase in the Commission. There was someone's name.

3 **COMMISSIONER BROWN:** It was him. It was him.

4 **MR. MOYLE:** Leroy. It was like everybody  
5 passed it, and then at the end he was the guy who caught  
6 it all. So I'll work with Mr. Butler and make sure we  
7 have the right people.

8 **COMMISSIONER BROWN:** Please do so.

9 **MR. MOYLE:** Thank you.

10 **MR. BUTLER:** Thank you.

11 **COMMISSIONER BROWN:** Thanks. Any other  
12 comments on that?

13 **MS. BARRERA:** If I may ask, is this all --  
14 will -- I'm asking the parties to let me know hopefully  
15 as soon as possible what witnesses will be attending. I  
16 understand that Mr. Moyle plans to question not just  
17 FP&L's hedging witnesses but all the other utilities.

18 **COMMISSIONER BROWN:** Mr. Moyle, is that  
19 correct?

20 **MR. MOYLE:** Yeah. I'm not ready to let them  
21 go at this point.

22 **COMMISSIONER BROWN:** Okay.

23 **MR. MOYLE:** We did this four years ago. I  
24 think we asked all the utilities' --

25 **COMMISSIONER BROWN:** Okay.

1           **MR. MOYLE:** -- maybe with one exception, their  
2 hedging witnesses a series of questions.

3           **COMMISSIONER BROWN:** Okay.

4           **MR. MOYLE:** And I would like to continue that  
5 conversation.

6           **COMMISSIONER BROWN:** Thank you. Thank you.  
7 All right. Everyone, continue to work together, please.

8           I think we're done on that portion. Let's --  
9 where are we, Ms. Barrera?

10          **MS. BARRERA:** Section VII, basic positions.

11          **COMMISSIONER BROWN:** Thank you so much.

12          Section VII, basic positions. Any changes?  
13 Anyone? All right. Seeing none.

14          Section VIII, issues and positions.  
15 Ms. Barrera.

16          **MS. BARRERA:** The Order Establishing Procedure  
17 requires that a party take a position at the prehearing  
18 conference unless good cause is shown as to why that  
19 party cannot take a position at this time. Accordingly,  
20 if a party's position in the draft Prehearing Order is  
21 currently no position at this time, that party must  
22 change it at today's prehearing conference or show good  
23 cause why they can't take a position. Otherwise, the  
24 Prehearing Order would reflect no position for that  
25 party.

1           As is customary, we suggest that the parties  
2 who have not taken a position or wish to change their  
3 position be allowed to submit their position in writing  
4 no later than -- well, we would like noon tomorrow.

5           **COMMISSIONER BROWN:** By close of business.

6           **MS. BARRERA:** By close of business. Okay.

7           **COMMISSIONER BROWN:** All right. Thank you for  
8 that. So under company-specific fuel adjustment issues,  
9 Ms. Barrera, are there any changes? I guess to the  
10 parties here, are there any changes or corrections to a  
11 party's position for company-specific fuel adjustment  
12 issues? Any?

13           **MR. BUTLER:** Not for FPL, no.

14           **COMMISSIONER BROWN:** Seeing none, I'm just  
15 going to say seeing none, unless you all chime in.  
16 Okay. Seeing none, none there are.

17           Staff?

18           **MS. BARRERA:** Staff thought that Issues 1A and  
19 1B would be ripe for stipulation, but upon hearing  
20 everything, these issues apparently will not be  
21 stipulated.

22           **COMMISSIONER BROWN:** It looks like it's going  
23 to hearing. 1A, B, and C?

24           **MS. BARRERA:** Right.

25           **COMMISSIONER BROWN:** Okay.

1           **MS. BARRERA:** And any fallout issues that --

2           **COMMISSIONER BROWN:** And any fallout issues.

3           Okay. And as for the company-specific, are there any  
4           other -- are there parties taking a position that can be  
5           stipulated at this time? Any other specifically  
6           IOU-oriented issues company specific for fuel adjustment  
7           issues?

8           **MS. BARRERA:** If I may, I understood that FP&L  
9           Issues 2C, D, and E were ripe for stipulation.

10          **MR. BUTLER:** Ms. Barrera beat me to it. I  
11          agree. Those don't have anything to do with hedging,  
12          and I believe that they would be appropriate for  
13          stipulation.

14          **COMMISSIONER BROWN:** Okay. Gosh. Thank you.

15          **MR. BADDERS:** And the same would be for Issue  
16          4C for Gulf. That has nothing to do with hedging.

17          **COMMISSIONER BROWN:** Happy that you chimed in.  
18          Thank you.

19          FPUC too?

20          **MS. KEATING:** I believe at least 3A and 3B may  
21          be susceptible to a stipulation.

22          **COMMISSIONER BROWN:** Okay. And Gulf and TECO,  
23          I believe all of those -- okay.

24          **MR. REHWINKEL:** Commissioner, just for the  
25          record, since we're in another docket, but the Public

1 Counsel has taken positions with respect to Duke and the  
2 fire replacement power costs, the flow through of refund  
3 dollars from the settlement, and with respect to FPUC  
4 Issue 3C in the projection of under-recovery, on all of  
5 the issues we've taken no position, and we would be out  
6 of the picture and in position to facilitate a Type  
7 2 stipulation among all other parties that were in a  
8 position to stipulate.

9 **COMMISSIONER BROWN:** Great. Thank you for  
10 sharing that. Any other parties want to share?

11 **MR. WRIGHT:** The same is true for Wal-Mart,  
12 Commissioner. Thank you.

13 **COMMISSIONER BROWN:** Thank you.

14 **MR. MOYLE:** The issues that the utility has  
15 just identified and said they have nothing to do with  
16 hedging, FIPUG is not standing in the way of a Type  
17 2 stipulation on those issues.

18 **COMMISSIONER BROWN:** Other than the hedging.

19 **MR. MOYLE:** Right.

20 **COMMISSIONER BROWN:** Okay. Got it.

21 All right. I'm going to move along to the  
22 generic fuel adjustment issues if we're ready to move  
23 along. Issues 6 through 11, Ms. Barrera.

24 **MS. BARRERA:** My understanding is that for,  
25 okay, that for all the utilities, except FPUC and Duke,



1 and for Issues 10 and 11 for FPUC and Duke are  
2 stipulated or could be stipulated. Let me say that.  
3 Because these are fallout issues.

4 **COMMISSIONER BROWN:** Okay. I'm going to look  
5 to the parties to see if they would like to say  
6 anything. No. No. No. All right. Thank you.

7 Company-specific GPIF issues, are there any,  
8 Ms. Barrera?

9 **MS. BARRERA:** They're ripe for stipulation.

10 **COMMISSIONER BROWN:** Okay. Good. Issues 16  
11 and 17, which are just the generic ones, GPIF issues.

12 **MS. BARRERA:** Yes. They're ripe for  
13 stipulation. I'm sorry.

14 **COMMISSIONER BROWN:** Thank you.

15 **MS. BARRERA:** Those were the ones are. Thank  
16 you.

17 **COMMISSIONER BROWN:** All right. And the fuel  
18 factor calculation issues, which are Issues 18 through  
19 22, are there any parties taking or changing a position  
20 on these issues or can these issues be stipulated at  
21 this prehearing conference? Looking to the parties and  
22 seeing no, nothing.

23 **MS. BARRERA:** The only issues as to Duke and  
24 FPUC would be the fallout issues, and those would be 18,  
25 20, and 22.

1           **COMMISSIONER BROWN:** Okay.

2           **MR. BREW:** If there's no stipulation.

3           **COMMISSIONER BROWN:** Thank you.

4           Company-specific capacity cost recovery issues -- Duke,  
5           it's Issue 23. Are there any parties taking or changing  
6           the position on these issues, or this issue, or can it  
7           be stipulated or changed, any of the above.

8           **MR. BERNIER:** We have a slight change to Issue  
9           32 but not 23.

10          **COMMISSIONER BROWN:** Okay. Now would be a  
11          good time.

12          **MR. BERNIER:** At the conclusion of our  
13          position we would just add at page 54.

14          **COMMISSIONER BROWN:** Okay.

15          **MR. BERNIER:** Thank you.

16          **COMMISSIONER BROWN:** Noted. And if you could  
17          also follow up with an email by close of business  
18          tomorrow.

19          **MR. BERNIER:** Absolutely.

20          **COMMISSIONER BROWN:** FPL, Issues 24A and 24B,  
21          are there any parties here taking a position or changing  
22          a position with regard to those issues? Okay.

23                 With regard to the generic capacity cost  
24          recovery factor issues, Issues 27 through 33, any  
25          parties here taking or changing their position or could

1 those issues be stipulated? And I apologize if I'm  
2 moving too fast for the paper.

3 **MS. BARRERA:** I believe those issues are ripe  
4 for stipulation.

5 **COMMISSIONER BROWN:** Thank you, Ms. Barrera.

6 All right. And then Issues 34 -- yes.

7 **MR. BUTLER:** Excuse me, Commissioner Brown.

8 On the FPL-specific capacity clause issues, I didn't  
9 hear you say "and may those issues stipulated"? I think  
10 they can. If you didn't, I'd just like to add that.

11 **COMMISSIONER BROWN:** It means that -- yes, I  
12 meant that. I meant that. I ignored the -- thank you.  
13 Yes. Those issues could be ripe for a stipulation from  
14 my knowledge.

15 **MR. MOYLE:** And I just want to be clear that  
16 we don't want to stand in the way of anything that could  
17 be resolved. But if it's a fallout issue that relates  
18 to hedging, then I don't want to have the subsequent  
19 issue stipulated and somebody come back and go, well,  
20 you stipulated to Issue 32.

21 **COMMISSIONER BROWN:** Thank you, Mr. Moyle. I  
22 think we all understand hedging is -- we will be aware  
23 of that. Thank you.

24 Issues 34 and 35 are the effective date.

25 Okay. Before I move to the exhibit, this

1 exhibit list, does anybody have any other changes with  
2 regard to the company-specific issues or any other  
3 issues in this docket before I move along?

4 Okay. Section IX, exhibit list. Ms. Barrera.

5 **MS. BARRERA:** Okay. Staff has prepared the  
6 comprehensive exhibit list, and it includes all prefiled  
7 exhibits and the exhibits that staff wishes to include  
8 in the record. We will check with the parties prior to  
9 the hearing to determine if there are any objections to  
10 the comprehensive exhibit list or any of staff's  
11 exhibits being entered into the record. And we will be  
12 distributing the list after the prehearing sometime  
13 maybe this afternoon to the parties so everybody knows.

14 **COMMISSIONER BROWN:** Thank you. Thank you.

15 And then Section X is the proposed stipulations, which  
16 we've talked a little bit about. But, staff --

17 **MS. BARRERA:** You know, obviously there are no  
18 stipulations at this time, although we're continuing to  
19 work on them. And any stipulations that we enter into  
20 here will be listed as either, one, if all parties  
21 agree, or two, that the utility agrees with staff and  
22 all other parties take no position. And we will  
23 continue to work with the parties to obtain  
24 stipulations. And a list of stipulations entered into  
25 after the Prehearing Order is issued will be provided to

1 the Commissioners prior to the hearing.

2 **COMMISSIONER BROWN:** Thank you. Okay. Are  
3 there any preliminary motions at this time?

4 **MS. BARRERA:** Staff is not aware of any.

5 **COMMISSIONER BROWN:** Okay. Pending  
6 confidentiality.

7 **MS. BARRERA:** All right. Well --

8 **COMMISSIONER BROWN:** Well.

9 **MS. BARRERA:** -- this is the fuel docket. We  
10 have, I'm proud to announce, basically ten, drafted all  
11 but ten of the pending confidentiality requests dated  
12 October 6th. The order is signed confidentiality  
13 request pending as of October 6th, it should be issued  
14 by the date the Prehearing Order is issued.

15 The request filed during the period from  
16 October 7th through October 20th will be addressed in  
17 separate orders prior to the hearing. After that, you  
18 know, we'll do them as they come in.

19 **COMMISSIONER BROWN:** Okay. Section XIII,  
20 post-hearing.

21 **MS. BARRERA:** If parties agree to waive  
22 briefs, the Commission may make a bench decision for  
23 this portion of the docket. There will be one or two  
24 issues possibly that the parties or the Commission would  
25 like to have briefed. If there are any to be briefed,

1 staff recommends post-hearing briefs be no longer than  
2 20 pages.

3 **COMMISSIONER BROWN:** Okay. Section XIV,  
4 rulings.

5 **MS. BARRERA:** Wait. Excuse me. The briefs  
6 will be due November 5th for your December 16, 2014,  
7 agenda conference.

8 **COMMISSIONER BROWN:** Okay. Section XIV,  
9 rulings.

10 **MS. BARRERA:** We suggest that opening  
11 statements, if any, should not exceed five minutes per  
12 side, unless any party chooses to waive its opening  
13 statement.

14 **COMMISSIONER BROWN:** Mr. Moyle, do you have a  
15 question?

16 **MS. CHRISTENSEN:** Can I ask for clarification?

17 **COMMISSIONER BROWN:** Sure.

18 **MS. CHRISTENSEN:** Is that five minutes per  
19 side or per party?

20 **COMMISSIONER BROWN:** Per party.

21 **MS. CHRISTENSEN:** Thank you.

22 **COMMISSIONER BROWN:** Mr. Moyle?

23 **MS. BARRERA:** Yeah. Per party. Sorry.

24 **MR. MOYLE:** Just probably at the end, at the  
25 end --

1           **COMMISSIONER BROWN:** Yeah. I'm going to open  
2 it up to some questions at the end.

3           Okay. So any other matters, Ms. Barrera,  
4 before I turn to all of the parties?

5           **MS. BARRERA:** Okay. There -- just noting that  
6 there is a separate hearing and schedule set for the  
7 portion of the fuel docket that addresses the FP&L gas  
8 reserve petition. The schedule for those proceedings is  
9 set out in this gas reserve OEP in this docket, and the  
10 prehearing conference is scheduled for November 6th and  
11 the hearing is scheduled for December 1 and 2, but only  
12 as to the gas reserve.

13           **COMMISSIONER BROWN:** Uh-huh. Okay. I'm going  
14 to now allow, even though we're just in the, in this  
15 docket, I'm going to allow the parties to ask for any  
16 other preliminary matters as a whole even though we  
17 adjourned all the others. Any other questions or  
18 matters before I adjourn the clause docket?

19           **MR. MOYLE:** I had a question that I don't  
20 understand.

21           **COMMISSIONER BROWN:** Sure.

22           **MR. MOYLE:** You know, I just figured all the  
23 right people are here so I was going to ask it. The  
24 action related to the opt-out issue that FIPUG and  
25 Wal-Mart has put forward, I understand that is going to

1 be -- is that going to be --

2 **COMMISSIONER BROWN:** In the 02, that's the  
3 02 docket.

4 **MR. MOYLE:** Right.

5 **COMMISSIONER BROWN:** Okay.

6 **MR. MOYLE:** Is that going to stay in the 02  
7 docket like the FP&L reserve is staying in the 01, or is  
8 that going to be split out in a brand new docket?

9 **COMMISSIONER BROWN:** I knew you were going to  
10 have a question about this.

11 **MR. MOYLE:** And if it is, then I'm kind of  
12 like why is the FPL gas reserve not -- I mean, to me  
13 it's like they're, they're the same variety of animal  
14 and --

15 **COMMISSIONER BROWN:** Breed, same breed.

16 **MR. MOYLE:** Yeah. Same breed.

17 **COMMISSIONER BROWN:** Thank you.

18 **MR. MOYLE:** I don't know. I just --

19 **COMMISSIONER BROWN:** Thanks.

20 **MS. BARRERA:** We wanted to --

21 **MR. BUTLER:** We take exception to the equating  
22 of the breeds.

23 **COMMISSIONER BROWN:** I think I did that.

24 **MR. REHWINKEL:** He didn't call it a dog yet.

25 (Laughter.)



1                   **COMMISSIONER BROWN:** And that was my choice,  
2 by the way, Mr. Moyle. So thank you for pointing that  
3 out. I knew you all would have a question about that,  
4 so I'm just going to turn to Mary Anne.

5                   **MS. HELTON:** I think the short answer is the  
6 Commission has the discretion to decide whether to keep  
7 it in one of the rollover dockets or to spin it out to a  
8 separate docket. I think history will tell that -- I'm  
9 not sure that we've always been consistent with how  
10 we've done it.

11                   One thing I can guarantee is that you will  
12 have all the due process opportunities available to you  
13 in whatever docket or however it is established.

14                   **MR. RUBIN:** Commissioner, from FPL's  
15 perspective, I know we mentioned this before, but  
16 regardless of whether it stays in the 02 docket or is  
17 spun off to its own docket, we would still request that  
18 the testimony be -- it's done, it's complete, and we're  
19 ready to proceed on that record and --

20                   **COMMISSIONER BROWN:** Thank you. Thank you for  
21 pointing that out.

22                   And Mr. Beasley?

23                   **MR. BEASLEY:** I would say the same thing about  
24 4A, B, and C. It's all prepared and ready to go.

25                   **COMMISSIONER BROWN:** Uh-huh. Okay. And the

1 other parties?

2 **MR. BADDERS:** We agree.

3 **MR. MOYLE:** We would agree as well.

4 **COMMISSIONER BROWN:** Okay. And I know that I  
5 said that it was going to be spun out. I don't think I  
6 actually said it was going to be spun out to a separate  
7 docket. Maybe I did, maybe I didn't. I will, I'll make  
8 that decision later. But it will be spun out.

9 **MR. MOYLE:** Okay. All right.

10 **MS. HELTON:** And, Madam Chairman, it may be,  
11 too, appropriate that if it is spun out, it may be an  
12 appropriate decision for that prehearing officer to  
13 decide the state of the testimony, if any.

14 **MR. MOYLE:** Yeah. In the testimony issue, I  
15 mean, we can deal with that by motion or however we do  
16 it. I mean, I think it's -- you know, typically if a  
17 person is a petitioner and they say I want X, they get  
18 to say X and somebody says no and then they get a chance  
19 for rebuttal. So we'll figure that out.

20 **COMMISSIONER BROWN:** All your due process  
21 rights will be -- and the prehearing officer will have  
22 the latitude whether it will be spun out to a separate  
23 docket or not. I will make that determination later  
24 today.

25 **MR. MOYLE:** I guess the only question I have,

1 if you keep it in these existing dockets, I think the  
2 practice has been you close the docket at the end of the  
3 year. So, you know, how do you handle --

4 **COMMISSIONER BROWN:** We've looked at this  
5 issue very thoroughly, Mr. Moyle. I've looked at it  
6 personally and we've done a variety of things. So we  
7 have not been necessarily -- we haven't done the same  
8 thing every year. So it is within the discretion of the  
9 Commission, and I'll be sure to make that decision  
10 today.

11 **MR. MOYLE:** That's great. And the last legal  
12 argument is it's good for the goose, good for the  
13 gander. That's one of my favorites.

14 **COMMISSIONER BROWN:** I got it. Got it.

15 **MR. MOYLE:** Thank you.

16 **COMMISSIONER BROWN:** I didn't say breed  
17 though.

18 Anything other questions, issues, anything  
19 that needs to be raised before we are adjourned?

20 Thank you all for being, for working so well  
21 together over the past year, and we appreciate it.  
22 Staff, thank you so much. You guys have worked really  
23 hard. Thank you. I look forward to seeing you all in a  
24 few weeks, and this conference is adjourned.

25 (Proceeding adjourned at 2:35 p.m.)

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

3  
4 I, LINDA BOLES, CRR, RPR, Official Commission  
5 Reporter, do hereby certify that the foregoing  
6 proceeding was heard at the time and place herein  
7 stated.

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

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

18 DATED THIS 9th day of October, 2014.

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