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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20240002-EG

In re: Energy conservation cost
recovery clause.

_____ /

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: COMMISSIONER GABRIELLA PASSIDOMO

DATE: Thursday, October 24, 2024

TIME: Commenced: 9:30 a.m.
Concluded: 10:11 a.m.

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

REPORTED BY: DEBRA R. KRICK
Court Reporter

PREMIER REPORTING
TALLAHASSEE, FLORIDA
(850) 894-0828

1 APPEARANCES:

2 MARIA JOSE MONCADA, WILL P. COX and JOEL
3 BAKER, ESQUIRES, 700 Universe Boulevard, Juno Beach,
4 Florida 33408-2863; appearing on behalf of Florida Power
5 & Light Company (FPL).

6 DIANNE M. TRIPLETT, ESQUIRE, 299 First Avenue
7 North, St. Petersburg, Florida 33701; MATTHEW R. BERNIER
8 and STEPHANIE A. CUELLO, ESQUIRES, 106 East College
9 Avenue, Suite 800, Tallahassee, Florida 32301; appearing
10 on behalf of Duke Energy Florida, LLC (DEF).

11 J. JEFFREY WAHLEN, MALCOLM N. MEANS and
12 VIRGINIA PONDER, ESQUIRES, Ausley Law Firm, Post Office
13 Box 391, Tallahassee, Florida 32302; appearing on behalf
14 of Tampa Electric Company (TECO).

15 BETH KEATING, ESQUIRE, Gunster Law Firm, 215
16 South Monroe Street, Suite 601, Tallahassee, Florida
17 32301; appearing on behalf of Florida Public Utilities
18 Company (FPUC).

19 WALT TRIERWEILER, PUBLIC COUNSEL; CHARLES J.
20 REHWINKEL, DEPUTY PUBLIC COUNSEL; PATRICIA CHRISTENSEN,
21 MARY A. WESSLING OCTAVIO SIMOES-PONCE and AUSTIN
22 WATROUS, ESQUIRES, OFFICE OF PUBLIC COUNSEL, c/o The
23 Florida Legislature, 111 West Madison Street, Room 812,
24 Tallahassee, Florida 32399-1400; appearing on behalf of
25 the Citizens of the State of Florida (OPC).

1 APPEARANCES CONTINUED:

2 JON C. MOYLE, JR. and KAREN A. PUTNAL,
3 ESQUIRES, Moyle Law Firm, 118 North Gadsden Street,
4 Tallahassee, FL 32301; appearing on behalf of Florida
5 Industrial Users Group (FIPUG).

6 PETER J. MATTHEIS, MICHAEL K. LAVANGA and
7 JOSEPH R. BRISCAR, ESQUIRES, 1025 Thomas Jefferson
8 Street, NW, Eighth Floor, West Tower, Washington, D.C.
9 20007; appearing on behalf of Nucor Steel Florida, Inc.,
10 (NUCOR).

11 JAMES W. BREW, LAURA W. BAKER and SARAH B.
12 NEWMAN, ESQUIRES, Stone Law Firm, 1025 Thomas Jefferson
13 Street NW, Suite 800 West Washington, DC 20007;
14 appearing on behalf of Florida White Springs
15 Agricultural Chemicals, Inc., d/b/a PCS Phosphate -
16 White Springs (PCS).

17 JACOB IMIG, CARLOS MARQUEZ, II, and SAAD
18 FAROOQI, ESQUIRES, FPSC General Counsel's Office, 2540
19 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,
20 appearing on behalf of the Florida Public Service
21 Commission (Staff).

22 KEITH C. HETRICK, GENERAL COUNSEL; SAMANTHA
23 CIBULA, ESQUIRE, Florida Public Service Commission, 2540
24 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,
25 Advisor to the Florida Public Service Commission.

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

2 COMMISSIONER PASSIDOMO: Okay. Good morning.
3 So today is October 24th, 2024. It is 9:31 a.m.
4 and I will now call this Prehearing Conference to
5 order.

6 Mr. Imig, will you please read the notice?

7 MR. IMIG: By issue not -- by notice issued on
8 October 17th, 2024, this time and place has been
9 set for a Prehearing Conferences in Docket Nos.
10 20240001-EI, 20240002-EG, 20240003-GU, 20240004-GU,
11 and 0240007-EI. The purpose of these Prehearings
12 is set more fully in the notice.

13 COMMISSIONER PASSIDOMO: Thank you.

14 Let's move to appearances.

15 MR. IMIG: There are five dockets to address
16 today. We suggest that all appearances be taken at
17 once. All parties should enter their appearances
18 and declare the dockets that they are entering an
19 appearance for.

20 Several parties will make appearances. After
21 the parties make their appearances, staff will need
22 to make theirs.

23 COMMISSIONER PASSIDOMO: Okay. So let's start
24 with Florida Power & Light.

25 MS. MONCADA: Good morning, Commissioner.

1 Maria Moncada from Florida Power & Light in the 01,
2 02 and 07 dockets. I would also like to enter
3 appearances for Will Cox and David Lee in the 01
4 docket. In the 02 docket, Will Cox and Joel Baker;
5 and in the 07 docket, Joel Baker.

6 Thank you.

7 MS. CUELLO: Good morning. Stephanie Cuello
8 with Duke Energy. And I would also like to enter
9 an appearance for Matt Bernier and Dianne Triplett,
10 and that will be in the 01, the 02 and the 07
11 docket.

12 MR. MEANS: Good morning. Malcolm Means with
13 the Ausley McMullen Law Firm appearing on behalf of
14 Tampa Electric. And I would also like to enter
15 appearances for Jeff Wahlen and Virginia Ponder,
16 and this is for the 01, 02 and 07 dockets.

17 MS. KEATING: Good morning, Commissioners.
18 Beth Keating with the Gunster Law Firm here today
19 for FPUC in the 01 and 02 dockets, for FPUC and FCG
20 in the 03 docket, and then for FPUC, FCG and
21 Sebring in the 04 docket.

22 MR. WRIGHT: Good morning, Commissioner.
23 Robert Scheffel Wright with the Gardner Bist Law
24 Firm appearing on behalf of the Retail Federation
25 in the 01 docket only. I would also like to enter

1 an appearance for my partner, John T. Lavia, III.

2 Thank you.

3 MR. MOYLE: Good morning. Jon Moyle with the
4 Moyle Law Firm appearing on behalf of the Florida
5 Industrial Power Users Group, FIPUG. And I would
6 also like to enter an appearance for Karen Putnal
7 in three dockets that we are involved in, the 01,
8 02 and 07 dockets.

9 MS. BAKER: Good morning, Commissioner. Laura
10 Baker with Stone Mattheis Xenopoulos & Brew. I am
11 appearing on behalf of White Springs Agricultural
12 Chemicals, Inc., doing business as PCS Phosphate
13 White Springs. I am appearing in the 01, 02 and 07
14 dockets. I would also like to enter an appearance
15 for my colleagues, James Brew and Sarah Newman in
16 the same dockets, please.

17 Thank you.

18 MR. BRISCAR: Good morning, Commissioner.
19 Joseph Briscar appearing on behalf of Nucor Steel
20 Florida in the 01, 02 and 07 docket. I would like
21 to also enter an appearance for Peter Mattheis and
22 Michael Lavanga in all three dockets.

23 Thank you.

24 MR. REHWINKEL: I good morning, Commissioner.
25 Charles Rehwinkel with the Office of Public Counsel

1 entering an appearance in all clause dockets today.
2 Also in all clause dockets, I would like to enter
3 an appearance for Walt Trierweiler, the Public
4 Counsel, Patty Christensen, Ali Wessling, Octavio
5 Ponce and Austin Watrous.

6 Thank you.

7 MS. PONDER: Good morning, Commissioner.
8 Virginia Ponder with Peoples Gas -- with Ausley
9 McMullen, entering an appearance for Peoples Gas.
10 I would also like to enter an appearance for Jeff
11 Wahlen and Malcolm Means in the 03 and 04 dockets,
12 please.

13 MR. IMIG: Jacob Imig, Commission staff, in
14 the 02 and 07 dockets. I would also like to enter
15 an appearance for Suzanne Brownless in the 01
16 docket; Ryan Sandy in the 01 docket; Carlos Marquez
17 in the 02 docket; Saad Frooqi in the 02, 04 and 07
18 dockets; Daniel Dose in the 03 docket, and Tim
19 Sparks in the 04 docket.

20 MS. HELTON: And Mary Anne Helton is here as
21 your Advisor, along with your General Counsel,
22 Keith Hetrick.

23 COMMISSIONER PASSIDOMO: Thank you.

24 MS. HELTON: Madam Chairman, I don't -- I
25 think we skipped over St. Joe Natural Gas. I am

1 assuming they are excused, so I don't know if we
2 need to note that at this point in time or not.

3 COMMISSIONER PASSIDOMO: I think you just did,
4 so, yes, St. Joe Natural Gas has been excused from
5 this Prehearing. Thank you.

6 All right. Let's move to preliminary matters.

7 MR. IMIG: Staff is unaware of any preliminary
8 matters at this time.

9 COMMISSIONER PASSIDOMO: Okay. Thank you.

10 All right. So moving on to order of dockets.
11 We are going to take them up in the following
12 order: 02, 03, 04, 07 and then 01.

13 So with that, let's proceed to the 02 docket.
14 Mr. Marquez, are there any preliminary matters we
15 need to address before we get to the Draft
16 Prehearing Order?

17 MR. MARQUEZ: Good morning, Commissioner, and
18 no.

19 COMMISSIONER PASSIDOMO: Okay. Any party have
20 any preliminary matter? Nope, okay.

21 All right. So we are going to proceed through
22 the Draft Prehearing Order now. I will identify
23 sections, and the parties can go ahead and just let
24 me know if there is any corrections or changes that
25 they have. And if I am moving too quickly, just

1 shout out to me and we can pause.

2 So beginning with Section I, the case
3 background.

4 Section II, Conduct of Proceedings.

5 Section III is Jurisdiction.

6 Section IV, Procedure for Handling
7 Confidential Information.

8 Section V, Prefiled Testimony and Exhibits.

9 MR. MARQUEZ: Staff recommends that the
10 testimony summary of any unexcused witness be
11 limited to three minutes.

12 COMMISSIONER PASSIDOMO: Okay. Three minutes.
13 Is there any objection?

14 Section VI would be Order of Witnesses.

15 MR. MARQUEZ: The parties are willing to
16 excuse the witnesses in this docket. I am in the
17 process of confirming with each Commissioner
18 whether the witnesses may be released. If no
19 Commissioner has any questions for those witnesses,
20 then the witnesses should be excused from the final
21 hearing with their testimonies and exhibits entered
22 into the record as though read.

23 COMMISSIONER PASSIDOMO: Thank you.

24 Ms. Keating.

25 MS. KEATING: Thank you, Commissioner. Beth

1 Keating with Gunster for FPUC.

2 I just want to note for the record that in the
3 event that Mr. Craig is not among the excused
4 witnesses, we will be needing to submit a notice of
5 substitution.

6 COMMISSIONER PASSIDOMO: Yeah, and I have been
7 informed of that, and I think that we will make
8 that happen if need be.

9 MS. KEATING: Thank you.

10 MR. REHWINKEL: Commissioner, the excusal of
11 the witnesses, I believe, is going to be as a
12 result of the issues being resolved through -- or
13 proposed to be resolved through a Type 2
14 stipulation. And if that is the case, I would just
15 ask that at some time in the process, that at least
16 no later than the final order, that the footnote
17 that indicates -- explains the Type 2 stipulation
18 be included. It doesn't have to be in this order
19 because I don't think we have gotten to the point
20 where Type 2 stipulations have occurred. But they
21 are only going to be the reason for excusal, so --

22 COMMISSIONER PASSIDOMO: Yes, I understand
23 that. And I will defer to staff, but I don't think
24 that's an issue. I think we generally include
25 those footnotes when that occurs.

1 MR. MARQUEZ: Yeah. Right.

2 COMMISSIONER PASSIDOMO: Okay. Thank you very
3 much.

4 So with that, we can move on to Section VII,
5 Basic Positions.

6 Do any parties have any changes to their basic
7 positions?

8 MR. MARQUEZ: FPL did provide staff with one
9 change to its position on Issue 6, and that change
10 will be reflected in the final version of the
11 Prehearing Order.

12 COMMISSIONER PASSIDOMO: Correct, Ms. Moncada?

13 MS. MONCADA: That's correct. Thank you.

14 COMMISSIONER PASSIDOMO: Thank you.

15 Okay. So we will move to Section VIII which
16 is the Issues and Positions.

17 MR. MARQUEZ: All issues and positions are
18 included in the Draft Prehearing Order. For any
19 issue in which a party has taken no position at
20 that time, per the OEP, if a party does not take a
21 final position, that position will be changed to no
22 position in the Prehearing Order.

23 Should a party fail to take a position on an
24 issue by this Prehearing Conference, the party
25 waives its opportunity to conduct cross-examination

1 or file a post-hearing brief on that particular
2 issue.

3 COMMISSIONER PASSIDOMO: Okay. Parties are
4 there any other related matters that need to be
5 discussed?

6 I guess seeing none, we will move to Section
7 IX, which is the Exhibit List.

8 MR. MARQUEZ: Commissioner, staff has prepared
9 a Comprehensive Exhibit List that includes all
10 prefiled exhibits, as well as those exhibits that
11 staff wishes included in the record. Staff has
12 sent a copy of the exhibit list to the parties last
13 week, and we have not heard any objections thus
14 far.

15 COMMISSIONER PASSIDOMO: Okay. Section X,
16 Proposed Stipulations.

17 MR. MARQUEZ: There are no proposed
18 stipulations at this time.

19 COMMISSIONER PASSIDOMO: Section XI, Pending
20 Motions.

21 MR. MARQUEZ: There are none, Commissioner.

22 COMMISSIONER PASSIDOMO: And Section XII, are
23 there any pending confidentiality motions?

24 MR. MARQUEZ: No.

25 COMMISSIONER PASSIDOMO: Okay. Section XIII,

1 Post-Hearing Procedures.

2 MR. MARQUEZ: If the parties agree to waive
3 post-hearing briefs in this matter, the Commission
4 could make a bench decision. If there are any
5 issues that need to be briefed, staff recommends
6 that those briefs be limited to no longer than 40
7 pages.

8 COMMISSIONER PASSIDOMO: Are there any
9 objections to that?

10 MS. MONCADA: No.

11 COMMISSIONER PASSIDOMO: Thank you. So
12 Section XIV, Rulings.

13 MR. MARQUEZ: Commissioner, we recommend that
14 opening statements, if any, should not exceed three
15 minutes per party.

16 COMMISSIONER PASSIDOMO: Are there any
17 objections to three minutes? So seeing none,
18 opening statements shall be limited to three
19 minutes per party.

20 Are there any other matters that we need to
21 address in this Prehearing Conference?

22 MR. MARQUEZ: There are none from staff.

23 COMMISSIONER PASSIDOMO: Okay. So thank you.
24 So seeing none, this concludes the Prehearing for
25 the 02 docket. We are going to move on to 03.

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(Proceedings concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, DEBRA KRICK, Court Reporter, 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 5th day of November, 2024.



DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #HH575054
EXPIRES AUGUST 13, 2028