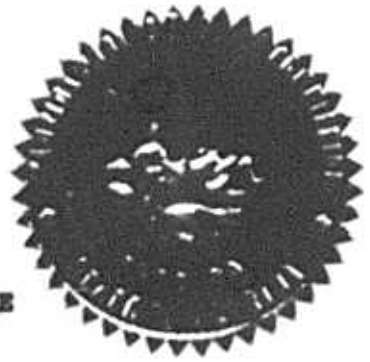


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :  
Review of nuclear outage at :  
Florida Power Corporation's :  
Crystal River Unit 3 :  
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DOCKET NO. 970261-EI



PROCEEDINGS:           PREHEARING CONFERENCE

BEFORE:                 CHAIRMAN JULIA L. JOHNSON  
                          Prehearing Officer

DATE:                    Tuesday, June 17, 1997

TIME:                    Commenced at 9:30 a.m.  
                          Concluded at 11:40 a.m.

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

REPORTED BY:            JOY KELLY, CSR, RPR  
                          Chief, Bureau of Reporting

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1 **APPEARANCES:**

2                   **JAMES MCGEE, R. ALEXANDER GLENN and GARY L.**  
3 **SASSO, Florida Power Corporation, Post Office Box**  
4 **14042, 3201 34th Street South, St. Petersburg, Florida**  
5 **33733, appearing on behalf of Florida Power**  
6 **Corporation.**

7                   **BOB ELIAS, VICKI JOHNSON and LESLIE PAUGH,**  
8 **FPSC Division of Legal Services, 2540 Shumard Oak**  
9 **Boulevard, Gerald L. Gunter Building, Tallahassee,**  
10 **Florida 32399-0850, appearing on behalf of the**  
11 **Commission Staff.**

12                   **ROGER HOWE and JACK SHREVE, Public Counsel,**  
13 **Office of Public Counsel, c/o The House of**  
14 **Representatives, Claude Pepper Building, 111 West**  
15 **Madison Street, Room 812, Tallahassee, Florida**  
16 **32399-1400, appearing on behalf of the Citizens of the**  
17 **State of Florida.**

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1 **APPEARANCES CONTINUED:**

2 **VICKI GORDON KAUFMAN**, McWhirter, Reeves,  
3 McGlothlin Davidson, Rief & Bakas, P.A. Post Office  
4 Box 3350, Tampa, Florida 32601-3350, appearing on  
5 behalf of Florida Industrial Power Users Group

6 **MICHAEL A. GROSS**, Office of the Attorney General,  
7 PL-01, The Capitol, Tallahassee, Florida 32399, appearing on  
8 behalf of Robert A. Butterworth, Attorney General of Florida.

9 **MICHAEL B. TWOMEY**, Route 28, Box 1264, Tallahassee,  
10 Florida 32310, and **WAYNE R. MALANEY**, P. O. Box 7014,  
11 Tallahassee, Florida 32302, appearing on behalf of Lake Dora  
12 Harbour Homeowners Association.

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

(Hearing convened at 9:40 a.m.)

**CHAIRMAN JOHNSON:** We're going to go on the record. Counsel, could you please read the notice?

**MR. ELIAS:** Notice issued by the clerk of the Florida Public Service Commission on May 30th, 1997, advises that a prehearing conference will be held in Docket 970261-EI, that is the review of the nuclear outage at Florida Power Corporation's Crystal River Unit 3 on Tuesday, June 17, 1997, at 9:30 a.m. in Room 148 of the Betty Easley Conference Center, which is located at 4075 Esplanade Way, Tallahassee, Florida.

**CHAIRMAN JOHNSON:** Take appearances.

**MR. TWOMEY:** I'm Mike Twomey. With me is Wayne Malaney for the Lake Dora Harbour Homeowners Association.

**MR. GROSS:** Michael Gross, Attorney General's office.

**MR. MCGEE:** Jim McGee and with me is Alex Glenn and Gary Sasso, all appearing on behalf of Florida Power Corporation.

**MS. KAUFMAN:** John McWhirter and Vicki Gordon Kaufman appearing on behalf of the Florida Industrial Power Users Group.

1           **MR. HOWE:** I'm Roger Howe with the Office of  
2 Public Counsel. With me is Mr. Jack Shreve, the  
3 Public Counsel. The address and representation are as  
4 shown in the draft Prehearing Order.

5           **MR. ELIAS:** Bob Elias, and with me are Vicki  
6 Johnson and Leslie Paugh representing the Commission  
7 Staff.

8           **CHAIRMAN JOHNSON:** Very good. Are there any  
9 preliminary matters?

10           **MR. McWHIRTER:** In keeping with the  
11 Commission's philosophy to see if the parties can work  
12 out their differences, since early in this case Public  
13 Counsel and I have met with Florida Power Corporation  
14 to discuss possibilities of coming to an amicable  
15 agreement. Today is the first time that all of the  
16 adversary parties are gathered together in one room.  
17 And we thought it might be helpful if you would agree  
18 that to give us maybe a two-hour recess before we go  
19 into the preliminary hearing in order that we might  
20 withdraw and sit around the table and see if we can  
21 reach some solutions, and settle some of the issues or  
22 maybe all of the issues. And if you think well of  
23 that, I would respectfully move that you give us a  
24 two-hour recess to go into more detail on that  
25 subject.

1           **CHAIRMAN JOHNSON:** Staff?

2           **MR. ELIAS:** That's certainly consistent with  
3 the purposes of the prehearing conference.

4           **CHAIRMAN JOHNSON:** I'm certain all of the  
5 parties then were aware of the need for that time and  
6 there were no objections? That will be fine.

7           I'll then -- show us in recess until -- I  
8 will be in my office, so we'll say 11:30, but if you-  
9 need more time give me a call and we'll readjust that.

10          **MR. McWHIRTER:** Thank you very much.

11          **CHAIRMAN JOHNSON:** Thank you all.

12          (Recess taken.)

13                                 - - - - -

14          **CHAIRMAN JOHNSON:** We're going to go back on  
15 the record. Preliminary matters?

16          **MS. KAUFMAN:** Chairman Johnson, as you know  
17 the parties took a recess and we have engaged in some  
18 very meaningful discussions. But we do not have all  
19 of the parties here today, and what we have  
20 collectively thought would be the wise thing to do  
21 would be to ask you if it might be possible to  
22 continue the prehearing conference until Thursday  
23 afternoon so we would have a opportunity, hopefully,  
24 to finalize our discussions and to get in contact with  
25 the other parties that are not here.

1           It's been brought to our attention that the  
2 Commission has a hearing scheduled, I believe, for  
3 Wednesday and Thursday or Thursday and Friday, and we  
4 thought perhaps it might be possible for you to take a  
5 break at any time you deem it's convenient and the  
6 parties could reconvene for the purposes of advising  
7 you in regard to our discussions.

8           **CHAIRMAN JOHNSON:** What time Thursday?

9           **MS. KAUFMAN:** We are at your pleasure. Some  
10 parties have suggested sometime in the afternoon --

11           **CHAIRMAN JOHNSON:** Sometime in the  
12 afternoon.

13           **MS. KAUFMAN:** -- would enable us to have  
14 some time to hopefully get all of our suggestions  
15 finalized. And also the parties wanted to let you  
16 know that in the event that we don't come to a  
17 conclusion in our discussions, and it is necessary to  
18 actually go forward with the prehearing conference, we  
19 would all do what is necessary to make ourselves  
20 available, whether it be on the weekends or whenever  
21 you could become available to do that.

22           **MR. TWOMEY:** I don't mean to give your lunch  
23 hour away.

24           **CHAIRMAN JOHNSON:** I already gave it away.

25           **MR. TWOMEY:** There is a hearing, Transcall

1 hearing Thursday and Friday, so if you were going to  
2 take a lunch break at whatever time --

3           **CHAIRMAN JOHNSON:** I've already given the  
4 lunch break away. I've scheduled something else. But  
5 you are also in those hearings, so I'm concerned about  
6 that. We may have to do it late Thursday.

7           **MS. KAUFMAN:** Whenever your pleasure is. I  
8 think the parties are certainly willing to be here  
9 whenever you can make the time.

10           **CHAIRMAN JOHNSON:** Staff?

11           **MR. ELIAS:** I'm thinking about six or seven  
12 different things, the first of which is we have a  
13 deposition scheduled Thursday -- is the expectation  
14 that that would go forward?

15           **MS. KAUFMAN:** I think it's my understanding  
16 that, yes, that it would go forward.

17           **MR. ELIAS:** Okay.

18           **CHAIRMAN JOHNSON:** Is that here? They are  
19 not?

20           **MR. ELIAS:** They are in St. Petersburg, and,  
21 you know, we have the Staff to be able to be two  
22 places at once; other parties might not, and that's  
23 one concern.

24           As far as the mechanics of addressing the  
25 specifics of the Prehearing Order, I think that that's



1 something that we can probably continue to work on  
2 over the next two days so if we do have to reconvene  
3 it will be a very short prehearing conference, and --  
4 and those are my only two areas of concern.

5 COMMISSIONER JOHNSON: Public Counsel.

6 MR. SHREVE: I think all of the parties  
7 agree that this would probably even help facilitate,  
8 as Mr. Elias said, the prehearing conference and  
9 working through the issues and everything. So I think  
10 everyone is in agreement it would help everyone.

11 CHAIRMAN JOHNSON: I'm amenable to  
12 continuing the prehearing conference to Thursday.  
13 Time certain would be 5:30. That's in order to  
14 accommodate the other hearings that we'll have and  
15 some other scheduling conflicts. If there's a problem  
16 with the depositions for any party, try to let us know  
17 that as soon as possible.

18 So then we'll continue this until Thursday,  
19 5:30 time certain. Any other issues? Seeing none, go  
20 back and negotiate.

21 (Thereupon, the hearing adjourned at  
22 11:40 a.m. to be reconvened at 5:30 p.m. on June 19,  
23 1997.)

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1 STATE OF FLORIDA)  
 2 :  
 3 COUNTY OF LEON )

CERTIFICATE OF REPORTER

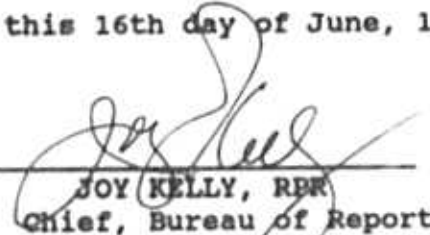
4 I, JOY KELLY, CSR, RPR, Chief, Bureau of  
 5 Reporting, Official Commission Reporter,

6 DO HEREBY CERTIFY that the Prehearing  
 7 Conference in Docket No. 970261-EU was heard by the  
 8 Prehearing Officer at the time and place herein  
 9 stated; it is further

10 CERTIFIED that I stenographically reported  
 11 the said proceedings; that the same has been  
 12 transcribed under my direct supervision; and that this  
 13 transcript, consisting of 9 pages, constitutes a true  
 14 transcription of my notes of said proceedings.

15 DATED this 16th day of June, 1997.

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 JOY KELLY, RPR  
 Chief, Bureau of Reporting  
 Official Commission Reporter  
 (904) 413-6732