

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of : DOCKET NO. 971004-EG

Adoption of numeric :  
conservation goals by Florida :  
Power & Light Company :

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Adoption of numeric : DOCKET NO. 971005-EG  
conservation goals by Florida :  
Power Corporation. :

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Adoption of numeric : DOCKET NO. 971006-EG  
conservation goals by Gulf :  
Power Company. :

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Adoption of numeric : DOCKET NO. 971007-EG  
conservation goals by Tampa :  
Electric Company. :

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PROCEEDINGS: PREHEARING CONFERENCE

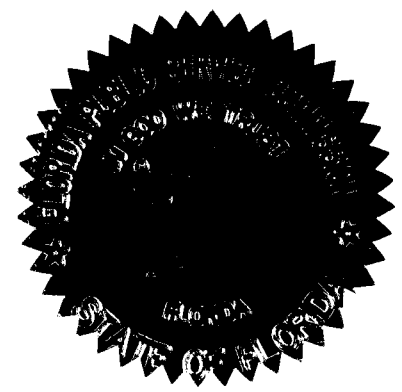
BEFORE: CHAIRMAN JOE GARCIA  
Prehearing Officer

DATE: Monday, August 16, 1999

TIME: Commenced at 1:30 p.m.  
Concluded at 1:40 p.m.

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

REPORTED BY: JOY KELLY, CSR, RPR  
FPSC Division of Records & Reporting  
Bureau Chief, Reporting



DOCUMENT NUMBER - DATE  
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1 **APPEARANCES:**

2                   **CHARLES A. GUYTON**, Steel, Hector & Davis,  
3 215 South Monroe Street, Suite 601, Tallahassee,  
4 Florida 32301, appearing on behalf of **Florida Power &**  
5 **Light Company**.

6                   **JOHN W. McWHIRTER, JR., JOSEPH A.**  
7 **McGLOTHLIN**, and **VICKI GORDON KAUFMAN**, McWhirter,  
8 Reeves, McGlothlin, Davidson, Decker, Kaufman, Arnold  
9 & Steen, 117 South Gadsden Street, Tallahassee,  
10 Florida 32301, appearing on behalf of **Florida**  
11 **Industrial Power Users Group (FIPUG)**.

12                   **JEFFREY A. STONE**, and **RUSSELL BADDERS**, Beggs  
13 & Lane, 700 Blount Building, 3 West Garden Street,  
14 Post Office Box 12950, Pensacola, Florida 32576-2950,  
15 appearing on behalf of **Gulf Power Company**.

16                   **JAMES McGEE**, Florida Power Corporation,  
17 Post Office Box 14042, 3201 34th Street South, St.  
18 Petersburg, Florida 33733, appearing on behalf of  
19 **Florida Power Corporation**.

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1 **APPEARANCES CONTINUED:**

2                   **LEE L. WILLIS** and **JAMES D. BEASLEY**, Ausley &  
3 McMullen, Post Office Box 391, Tallahassee, Florida  
4 32302, appearing on behalf of **Tampa Electric Company**.

5                   **ROBERT ELIAS**, Florida Public Service  
6 Commission, Division of Legal Services, 2540 Shumard  
7 Oak Boulevard, Tallahassee, Florida 32399-0870,  
8 appearing on behalf of the **Commission Staff**.

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

(Hearing convened at 1:30 p.m.)

**CHAIRMAN GARCIA:** Good afternoon. We're going to -- counsel, why don't you read the notice.

**MR. ELIAS:** Notice issued by the Clerk of the Florida Public Service Commission on July 22, 1999, advises that this time and place have been reserved for a prehearing conference in Docket Nos. 971004, 971005, 971006, 971007-EG. Those proceedings are designed to establish numeric conservation goals for Florida Power and Light Company, Florida Power Corporation, Gulf Power Company, and Tampa Electric Company, respectively.

**CHAIRMAN GARCIA:** We'll take appearances.

**MR. GUYTON:** My name is Charles Guyton with the law firm of Steel, Hector and Davis, 215 South Monroe Street, Tallahassee, Florida 32301, appearing on behalf of Florida Power and Light Company in Docket No. 971004.

**MR. BADDERS:** Russell Badders, appearing on behalf of Gulf Power Company. I'm with the law firm of Beggs & Lane. I'm appearing in the Docket 971006.

**MR. MCGEE:** James McGee, P. O. Box 14042, St. Petersburg 33733, appearing on behalf of Florida Power Corporation in Docket No. 971005.

1           **MR. BEASLEY:** James D. Beasley with the law  
2 firm of Ausley, McMullen, P. O. Box 391, Tallahassee,  
3 Flroida 32302, and I'm representing Tampa Electric  
4 Company in Docket No. 971007.

5           **MS. KAUFMAN:** Vicki Gordon Kaufman of the  
6 McWhirter Reeves law firm, 117 South Gadsden Street,  
7 Tallahassee, 32301. I'm appearing on behalf of the  
8 Florida Industrial Power Users Group in all four  
9 dockets.

10           **MS. SWIM:** I'm Debra Swim. I'm representing  
11 LEAF. We've withdrawn from the 971004 through 006  
12 dockets and remain a party in the 007 docket, but  
13 intend to withdraw as soon as we get a chance to. We  
14 just got a copy of the Order in that docket today.

15           **MR. ELIAS:** Robert V. Elias representing the  
16 Commission Staff.

17           **CHAIRMAN GARCIA:** I understand that there  
18 is -- there are no preliminary matters?

19           **MR. ELIAS:** That's my understanding, unless  
20 the parties have something to raise.

21           **CHAIRMAN GARCIA:** Let's go through the --

22           **MR. ELIAS:** Mr. Chairman --

23           **CHAIRMAN GARCIA:** Prehearing Order.

24           **MR. ELIAS:** Everyone should have in front of  
25 them a copy of the Prehearing Order that has got two

1 stamped "drafts" on the first page, and one printed  
2 "draft" so that we're all looking at the same version.  
3 And it is identical to some previous versions, with  
4 some changes that I've shared with the parties.

5 We learned late last week that there was a  
6 Commissioner who had some questions of the witnesses,  
7 and in prior drafts of the Prehearing Order that was  
8 not reflected.

9 After subsequent conversations with that  
10 Commissioner, we have no need to question witnesses  
11 tomorrow. So it would be our expectation that the  
12 issued Prehearing Order will reflect the fact that all  
13 witnesses have been excused; that all prefiled  
14 testimony and exhibits will be introduced into the  
15 record, and the case will be presented to the panel as  
16 a stipulation -- or to the Commission as a  
17 stipulation.

18 **CHAIRMAN GARCIA:** Okay.

19 **MR. ELIAS:** And to my knowledge there are no  
20 other matters that require the attention of the  
21 Prehearing Officer at this time.

22 **CHAIRMAN GARCIA:** Okay.

23 **MS. KAUFMAN:** I just have a correction or  
24 addition I'd like to make to the prehearing statement.

25 That's on Page 24, under Item 10, where it

1 says "all issues have been stipulated." I would just  
2 ask that the Prehearing Order reflect that FIPUG takes  
3 no position on the stipulations. We were not a  
4 signatory to them, so I'd like the Prehearing Order to  
5 reflect that. We don't object, but I just want to  
6 reflect that we have no position. Is that all right  
7 with everyone?

8 **MR. ELIAS:** We have no problem with that.

9 **MS. SWIM:** Chairman Garcia, I just want to  
10 make sure the record is clear. As is stated in our  
11 stipulation, we are not taking a position on the  
12 utility goals proposal.

13 **MR. ELIAS:** We can reflect that fact in this  
14 section of the Prehearing Order as well.

15 **CHAIRMAN GARCIA:** Withdrawing --.

16 **MS. SWIM:** Yes. We, upon the stipulations  
17 being approved by the Commission, agreed to withdraw,  
18 but that was conditioned on us taking a "no position"  
19 on the --

20 **CHAIRMAN GARCIA:** Okay. All right. There  
21 are no pending motions. So there's no rulings  
22 required and no confidential request cited.

23 All right. Mr. Elias, anything else we need  
24 to do?

25 **MR. ELIAS:** Not that I'm aware of.

1           **MR. GUYTON:** We will meet tomorrow morning  
2 to insert the matter into the record and --

3           **MR. ELIAS:** Present the matter to the  
4 Commission for --

5           **CHAIRMAN GARCIA:** We were going to do --  
6 and, Mr. Elias, correct me if I'm wrong -- or maybe  
7 you should say what we're going to do tomorrow  
8 morning.

9           **MR. ELIAS:** We will convene the hearing  
10 shortly after 9 o'clock and then present the case.

11           **CHAIRMAN GARCIA:** Let me make it safe.  
12 That's not being safe. Let me just say this: When  
13 we're supposed to convene tomorrow at Agenda tomorrow  
14 at 9:30 -- we're opening up the Call Center tomorrow.  
15 I'll handle that for the first 30 minutes. And we  
16 will take this up before we open Agenda. Since we're  
17 all here, I don't think there's any surprise  
18 discussion. We'll take this up first, and we'll  
19 hopefully vote it out right then and there. And then  
20 we'll proceed into agenda. If somebody has something  
21 to say, all bets are off. We'll TP it until after  
22 Agenda.

23           **MS. SWIM:** So does that mean 9:30 or 9:00?

24           **CHAIRMAN GARCIA:** 9:30. That way we all  
25 know where we are. And it won't -- is that all right





1 STATE OF FLORIDA)  
2 COUNTY OF LEON )

CERTIFICATE OF REPORTER

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

5 DO HEREBY CERTIFY that the Prehearing  
6 Conference in Docket No. 971004 through 971007-EG was  
7 heard by the Prehearing Officer at the time and place  
8 herein stated; it is further

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

14 DATED this 18th day of August, 1999.

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