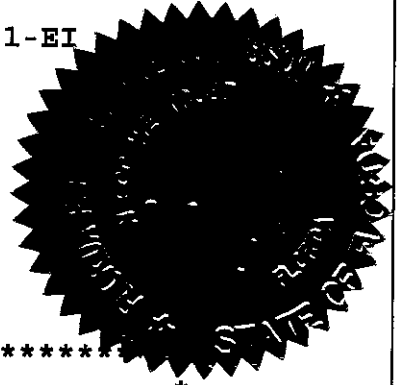


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :
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Fuel and Purchased :
Power Cost Recovery :
Clause and Generating :
Performance Incentive :
Factor :

DOCKET NO. 990001-EI



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PROCEEDINGS: PRE-PREHEARING CONFERENCE

BEFORE: COMMISSIONER SUSAN F. CLARK
Prehearing Officer

DATE: Thursday, November 4, 1999

TIME: Commenced at 9:30 a.m.
Concluded at 12:30 p.m.

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

REPORTED BY: KIMBERLY K. BERENS, CSR, RPR
FPSC Commission Reporter

DOCUMENT NUMBER-DATE
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1 **APPEARANCES:**

2 **JAMES A. MCGEE**, Post Office Box 14042, 3201
3 34th Street South, St. Petersburg, Florida 33733,
4 appearing on behalf of **Florida Power Corporation**.

5 **JEFFREY A. STONE** and **RUSSELL A. BADDERS**,
6 Beggs & Lane, 700 Blount Building, 3 West Garden
7 Street, Post Office Box 12950, Pensacola, Florida
8 32576-2950, appearing on behalf of **Gulf Power Company**.

9 **JAMES D. BEASLEY** and **LEE L. WILLIS**, Ausley &
10 McMullen, Post Office Box 391, Tallahassee, Florida
11 32302, appearing on behalf of **Tampa Electric Company**
12 **(TECO)**.

13 **VICKI GORDON KAUFMAN**, McWhirter, Reeves,
14 McGlothlin, Davidson, Rief and Bakas, appearing on
15 behalf of **Florida Industrial Power Users Group**
16 **(FIPUG)**.

17 **MATTHEW M. CHILDS**, Steel, Hector & Davis,
18 215 South Monroe Street, Suite 601, Tallahassee,
19 Florida 32301, appearing on behalf of **Florida Power &**
20 **Light Company (FPL)**.

21 **STEPHEN C. BURGESS**, Deputy Public Counsel,
22 Office of Public Counsel, 111 West Madison Street,
23 Room 812, Tallahassee, Florida 32399-1400, appearing
24 on behalf of the **Citizens of the State of Florida**.

25

1 **APPEARANCES CONTINUED:**

2 **WILLIAM COCHRAN KEATING**, Florida Public
3 Service Commission, Division of Legal Services, 2540
4 Shumard Oak Boulevard, Tallahassee, Florida
5 32399-0870, appearing on behalf of the **Commission**
6 **Staff.**

7 **NORMAN H. HORTON** and **FLOYD R. SELF**, Messer,
8 Caparello, Metz, Maida & Self, 215 South Monroe
9 Street, Post Office Box 1876, Tallahassee, Florida
10 32302-1876 appearing on behalf of **Florida Public**
11 **Utilities Company.**

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P R O C E E D I N G S

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

COMMISSIONER CLARK: Call the prehearing to order. Mr. Keating, will you read the notice.

MR. KEATING: Pursuant to Notice issued September 2, 1999 this time and place have been set for a prehearing hearing conference in Docket No. 990001-EI, fuel and purchased power cost recovery clause and generating performance incentive factor. Docket No. 990002-EG, energy conservation cost recovery clause. Docket No. 990003-GU, purchased gas adjustment true-up and Docket No. 990007-EI, environmental cost recovery clause.

COMMISSIONER CLARK: We'll take appearances.

MR. WILLIS: Lee L. Willis together with James D. Beasley, Post Office Box 391, Tallahassee, Florida, appearing on behalf of Tampa Electric Company in the 01, 02 and 07 dockets.

MR. MCGEE: James McGee, Post Office Box 14042, St. Petersburg, 33733 appearing on behalf of Florida Power Corporation in the 01 and 02 dockets.

MR. STONE: Jeffrey A. Stone and with me Russell A. Badders of the law firm Beggs and Lane, P.O. Box 12950, Pensacola, Florida on behalf of Gulf Power Company in the 01, 02 and 07 dockets.

1 **MR. CHILDS:** Matthew Childs on behalf of
2 Florida Power & Light Company in the 01 and 07 docket
3 and I enter an appearance for Charles Guyton on behalf
4 of Florida Power & Light Company in the 02 docket.

5 **MR. NICHOLSON:** David Nicholson, Peoples Gas
6 System, P.O. Box 111, Tampa, 33601 appearing in the
7 002 on 003 dockets.

8 **MR. SELF:** Norman H. Horton and Floyd Self
9 of the Messer, Caparello & Self law firm, P.O. Box
10 1876, Tallahassee, Florida appearing on behalf of
11 Florida Public Utilities Company in the 01, 02 and 03
12 dockets. Appearing on behalf of Sebring Gas Systems
13 Inc. in the 03 docket, and South Florida Natural Gas
14 Company also in the 03 docket.

15 **MR. BURGESS:** Steve Burgess here on behalf
16 of the Public Counsel's Office, 111 West Madison
17 Street, representing the Citizens of the State of
18 Florida in all the dockets before the Commission
19 today.

20 **MS. KAUFMAN:** Vicki Gordon Kaufman of the
21 McWhirter Reeves law firm, 117 South Gadsden Street,
22 Tallahassee, 32301. I'm here on behalf of the Florida
23 Industrial Power Users Group in the 01, 02 and 07
24 dockets.

25 **MR. SCHIEFELBEIN:** Wayne Schiefelbein, Post

1 Office Box 13688, Tallahassee 32317 appearing on
2 behalf of Chesapeake Utilities Corporation in the 02
3 and 03 dockets.

4 **MR. PALECKI:** Michael Palecki, 3111-20 Mahan
5 Drive, Tallahassee, Florida appearing on behalf of NUI
6 Corporation in the 02 and 03 dockets.

7 **MR. KEATING:** Cochran Keating on behalf of
8 Commission Staff in the 01 and 03 dockets.

9 **MS. JAYE:** Grace A. Jaye on behalf of
10 Commission Staff in the 02 and 07 dockets.

11 **MR. KEATING:** Commissioner Clark, we suggest
12 that we take up dockets in the following order. First
13 the 03 docket followed by 02, 07 and then 01.

14 **COMMISSIONER CLARK:** Is there any objection
15 to that? All right.

16 * * * * *

17 **COMMISSIONER CLARK:** All right. We're on
18 the 01 docket now.

19 **MR. KEATING:** And before we start on the 01,
20 I just wanted to point out, if anybody didn't get a
21 copy of the draft prehearing order for 01 there are
22 additional copies back here on the ledge. I think
23 everybody should have a copy but there are additional
24 copies. Also you can find copies of Staff's modified
25 positions on certain issues next to the prehearing

1 orders.

2 **MR. WILLIS:** Commissioner, on that, in this
3 docket as well, Florida Power & Light Company would
4 like to pass out positions on issues -- new positions
5 or changes so that everyone has a copy. We'll do that
6 now as you go forward.

7 **COMMISSIONER CLARK:** That would be helpful.
8 Thank you. Let me ask if there are any changes
9 through Page 6 of the Prehearing Order in 001?

10 **MR. KEATING:** I may be about to say the same
11 thing. The witness list, starting on Page 5 and
12 ending on Page 6, does not include witnesses who filed
13 rebuttal testimony. Rebuttal testimony was filed
14 shortly after the prehearing statements in this docket
15 were filed so they aren't reflected in this draft
16 prehearing order.

17 **COMMISSIONER CLARK:** All right. So we need
18 to add the rebuttal witnesses.

19 **MR. KEATING:** I have a list from Tampa
20 Electric of three -- four rebuttal witnesses and I
21 think it would also be helpful to get -- to be clear
22 on the positions or on the issues that the rebuttal
23 testimony covers.

24 **COMMISSIONER CLARK:** Did Tampa Electric
25 submit that to you?

1 MR. WILLIS: Yes, we did.

2 COMMISSIONER CLARK: Okay.

3 MR. WILLIS: We just listed the four
4 witnesses.

5 COMMISSIONER CLARK: And you haven't listed
6 the issues?

7 MR. WILLIS: I have not done that yet.

8 COMMISSIONER CLARK: All right. Why don't
9 you provide that to Staff.

10 MR. WILLIS: Okay.

11 COMMISSIONER CLARK: And there's no need to
12 go over it now.

13 MR. WILLIS: I would also request that
14 Mr. Brown's testimony follow Mr. Wards' testimony.

15 COMMISSIONER CLARK: Okay.

16 MR. STONE: Commissioner, there are some
17 issue -- numbering questions with regard to our
18 witnesses. The one I've identified so far is on
19 Mr. Vick on Page 6. I believe that should be Issue
20 18A.

21 COMMISSIONER CLARK: Okay.

22 MR. STONE: And then we also have our
23 rebuttal witnesss that we'll have to get with Staff
24 on.

25 COMMISSIONER CLARK: Okay.

1 **MR. MCGEE:** With respect to Florida Power
2 witnesses Scardino and Wieland, we will also update
3 the issues to correspond with how they're currently
4 numbered.

5 **COMMISSIONER CLARK:** Are they also rebuttal
6 witnesses?

7 **MR. MCGEE:** No. They are direct witnesses
8 only.

9 **COMMISSIONER CLARK:** And you will update
10 their issues?

11 **MR. MCGEE:** Yes, ma'am.

12 **COMMISSIONER CLARK:** Mr. Childs.

13 **MR. CHILDS:** As to witness Silva and Dubin,
14 they should be identified as addressing Issues 16B as
15 well. That's on Page 5. That's the first and third
16 witness.

17 **COMMISSIONER CLARK:** Okay. We'll make those
18 changes. Anyone else changes to their witnesses or
19 anything else through Page 6?

20 All right. Any changes to basic positions?

21 **MR. WILLIS:** Commissioner, Tampa Electric
22 requests the removal of the last two sentences of its
23 basic position. I believe Staff is also recommending
24 that Issue 19K be eliminated.

25 **COMMISSIONER CLARK:** Let's deal with that

1 when we get there.

2 **MR. WILLIS:** Okay. Those two sentences
3 relate to that issue. That's why I was mentioning it.

4 **COMMISSIONER CLARK:** Okay. If you would
5 just remind us. Any other changes to basic positions?

6 All right. Issue No. 1.

7 **MR. WILLIS:** I believe that Tampa Electric
8 and the Staff are in agreement on the number. There
9 is an apparent discrepancy but it deals with numbers
10 on different dates and filings.

11 **MR. KEATING:** That is correct.

12 **MR. WILLIS:** Should we show the Staff
13 agreement with this \$7 million number?

14 **MR. KEATING:** I guess what we could do is
15 after the prehearing speak with TECO and if we get
16 agreement on the numbers, we can reflect that in the
17 Prehearing Order.

18 **COMMISSIONER CLARK:** Okay.

19 **MR. STONE:** Commissioner Clark, there is an
20 extra stray zero in Gulf's number, and as a result
21 when that is eliminated, we're in agreement with
22 Staff.

23 **MR. CHILDS:** I believe Florida Power & Light
24 and Staff's numbers agree as well, and maybe that
25 could be stipulated.

1 **COMMISSIONER CLARK:** All right. Then as I
2 understand it, Staff will get together with Tampa
3 Electric and if that can be worked out this issue can
4 be stipulated.

5 **MR. KEATING:** We are in the same position
6 with regard to Florida Power Corporation's number. I
7 believe that's something that we can be in agreement
8 on, but we'd like to talk with them after the
9 prehearing.

10 **COMMISSIONER CLARK:** All right. Thank you.
11 Issue 2.

12 **MR. KEATING:** Commissioner Clark, before we
13 go on to Issue 2, on Issue 1 can I ask if OPC and
14 FIPUG are opposed to the positions that have been
15 listed or if we can show Issue 1 as stipulated with
16 regard to the companies that we have agreement with?

17 **MR. BURGESS:** We don't intend to raise it as
18 an issue.

19 **MS. KAUFMAN:** And FIPUG has no position so I
20 think you can show it stipulated.

21 **MR. KEATING:** Thank you.

22 **COMMISSIONER CLARK:** Issue 2. No changes?

23 **MR. MCGEE:** Commissioner Clark, may I
24 inquire if Staff has a position for Florida Power
25 Corporation? I noticed in their revised handout,

1 Issue 17D, which I understood was the complicating
2 issue, has now been resolved.

3 **COMMISSIONER CLARK:** Why don't we come back
4 to Issue 2.

5 **MR. KEATING:** I'm told that the resolution
6 of Issues 9, 10 and 11 may affect Staff's position on
7 Issue 2.

8 **COMMISSIONER CLARK:** All right. We'll just
9 come back to Issue 2 when we've gone through the
10 substantive issue.

11 Issue 3. Do we need to come back to this
12 one? Is there agreement?

13 **MR. KEATING:** I don't think that there is
14 agreement on Issue 3.

15 **COMMISSIONER CLARK:** Any changes to Issue 3?
16 Issue 4. Any changes to Issue 4?

17 Issue 4A. Let me ask a question. There's
18 only one party that has an issue in A.

19 **MR. CHILDS:** I'm quite sure that's an issue
20 that Florida Power & Light raised as one of the
21 components that related to the calculation. I'd like
22 to see if we can't find if that is subsumed within
23 another issue before we close out the matter.

24 **COMMISSIONER CLARK:** All right. We'll come
25 back to Issue 4A.

1 Issue 5. It appears to me that it can be
2 stipulated.

3 **MR. KEATING:** I believe so, yes.

4 **COMMISSIONER CLARK:** All right. We'll show
5 Issue 5 as stipulated.

6 Issue 6.

7 **MR. KEATING:** I believe that can be
8 stipulated if FIPUG or Public Counsel have no
9 objection.

10 **MS. KAUFMAN:** Yes. We would take no
11 position.

12 **COMMISSIONER CLARK:** All right. We'll show
13 it as stipulated but with those two parties indicating
14 no position.

15 Issue 7. Any changes?

16 Can Issue 8 be stipulated?

17 **MR. KEATING:** Again, I believe that that
18 issue can be shown as stipulated if FIPUG or Public
19 Counsel have no objection.

20 **COMMISSIONER CLARK:** Can we show those two
21 parties as having no position, but the issue otherwise
22 stipulated?

23 **MR. BURGESS:** Yes.

24 **MS. KAUFMAN:** Yes, ma'am.

25 **COMMISSIONER CLARK:** All right. Issue 9.

1 **MR. CHILDS:** FPL had a handout on Issue 9.

2 **COMMISSIONER CLARK:** Okay. We'll make the
3 changes as requested -- as shown in Issue 9 for FPL.

4 **MR. KEATING:** And Staff's position for Issue
5 9 was previously no position. Our position is now
6 reflected in the handout.

7 **MR. STONE:** Commissioner, may I inquire as
8 to Staff's position that was handed out today? It
9 appears as though that is a change in practice from
10 what has been done from the fuel clause to the
11 capacity clause; is that correct?

12 **MR. KEATING:** Yes, that would be a change.

13 **MR. STONE:** Is that intended on a going
14 forward basis?

15 **MR. KEATING:** Yes, it would be on a going
16 forward basis starting January 1, 2000. I'm told that
17 this is a change for some companies, not for all the
18 utilities, or would be a change.

19 **COMMISSIONER CLARK:** Okay.

20 **MR. MCGEE:** I'd like to revise Florida
21 Power's position, if I may. To replace the paragraph
22 that's shown in the prehearing statement we'd simply
23 like to state the following. Agrees with Staff so
24 long as these revenues are considered for incentive
25 treatment under Issue 11. That will all -- that will

1 also be the position that we'll insert under Issue 10.

2 **MR. KEATING:** Could you repeat that one more
3 time, please?

4 **MR. MCGEE:** Florida Power's new position
5 under Issue 9 and also 10 will be, agrees with Staff
6 so long as these revenues are considered for incentive
7 treatment under Issue 11.

8 **COMMISSIONER CLARK:** Okay.

9 **MR. KEATING:** Thank you.

10 **COMMISSIONER CLARK:** Any other changes to
11 Issue 9?

12 **MR. STONE:** Yes, Commissioner. Gulf may
13 have a change to its position in Issue 9. We need --
14 I will revisit that with Staff after the conclusion of
15 this.

16 **COMMISSIONER CLARK:** All right. Anyone
17 else? Issue 10, we will show FPC's position as
18 changed to the same as the position they've taken
19 under Issue 9.

20 **MR. BURGESS:** Commissioner, I'd like to
21 change Public Counsel's position, just the last words.
22 Drop the words, "as revenue credit", and insert the
23 words, "the fuel adjustment clause". So that it would
24 read the entire gain should be passed to the fuel
25 adjustment clause.

1 **MR. CHILDS:** And Florida Power & Light has a
2 handout on that issue.

3 **COMMISSIONER CLARK:** All right. We'll make
4 the change as indicated in the handout.

5 **MR. KEATING:** Commissioner Clark, I would
6 like to make sure that the language that Florida Power
7 Corporation has adopted for Issue 10, when they say
8 they agree with Staff's position, they agree with
9 Staff's position as it's reflected in Staff's handout.

10 **MR. MCGEE:** That's correct.

11 **COMMISSIONER CLARK:** Okay.

12 **MR. KEATING:** And I would also note that
13 Staff has a position on Issue 10 that is reflected in
14 the handout.

15 **COMMISSIONER CLARK:** All right. So does FPC
16 agree with Staff's position on Issue 10 with the same
17 caveat as Issue 9?

18 **MR. MCGEE:** Yes.

19 **COMMISSIONER CLARK:** Issue 11.

20 **MR. CHILDS:** Once again, Florida Power &
21 Light -- Commissioner, I don't know if you want me to
22 say each time that Florida Power & Light has a
23 handout.

24 **COMMISSIONER CLARK:** Yes. I think it would
25 be helpful so that the Staff knows to look at that.

1 **MR. CHILDS:** All right. We do have a
2 handout on Issue 11.

3 **COMMISSIONER CLARK:** Okay. Any other
4 changes?

5 **MR. KEATING:** Staff's position on the issue
6 is also included in its handout.

7 **COMMISSIONER CLARK:** All right. Staff
8 recommends we eliminate the 20% shareholder incentive.
9 Okay.

10 **MR. KEATING:** Yes.

11 **COMMISSIONER CLARK:** Issue 12.

12 **MR. CHILDS:** Once again, Florida Power &
13 Light has a handout on this issue.

14 **COMMISSIONER CLARK:** Any other changes to
15 12?

16 Issue 13. We'll look at FPL's --

17 **MR. CHILDS:** We have a handout on Issue 13.

18 **COMMISSIONER CLARK:** Any other changes to
19 Issue 13?

20 Issue 14.

21 **MR. CHILDS:** We have a handout on this issue
22 for Florida Power & Light.

23 **COMMISSIONER CLARK:** All right. FPL and
24 Gulf, do you have positions that we just didn't pick
25 up?

1 **MR. WILLIS:** Commissioner, I think that this
2 is an appropriate time to consider -- I believe Staff
3 has a revised position on this issue which states that
4 this issue should be addressed in a separate
5 proceeding along with Issues 15, 19L, 19M, 19N and
6 190. I would suggest that it -- there's also an
7 Issue 29 that would fall in that category.

8 **MR. KEATING:** And our revised position is
9 shown in the handout. That should be revised one more
10 time to add Issue 29.

11 **COMMISSIONER CLARK:** Okay.

12 **MR. WILLIS:** These are -- all of these
13 issues are fairly vaguely worded. They have been --
14 they've come up through just by the statement of the
15 issues here. They are premature. I think they need
16 some additional work.

17 **COMMISSIONER CLARK:** You agree with Staff?

18 **MR. MCGEE:** Yes, we do.

19 **COMMISSIONER CLARK:** Okay. This may be
20 easy.

21 **MR. STONE:** We agree that they are not
22 appropriate for discussion here and we may be able to
23 reach ultimate agreement on the wording of issues in a
24 subsequent proceeding. I just don't want to lock in
25 this wording of issues.

1 **COMMISSIONER CLARK:** Is there anyone who
2 disagrees that 14, 15, 19L, M, N O and Issue 29 should
3 be dropped?

4 **MS. KAUFMAN:** The majority of these issues,
5 I believe, are FIPUG issues and we welcome a separate
6 investigation into these issues.

7 **COMMISSIONER CLARK:** All right.

8 **MR. CHILDS:** Florida Power & Light would
9 state the position that we don't believe that this
10 issue is appropriate. I don't even know that I
11 understand Issue 14 as an issue.

12 **COMMISSIONER CLARK:** Well, is there an
13 objection to dropping them from this proceeding?

14 **MR. CHILDS:** No objection to dropping them,
15 but I do not believe that they ought to be
16 automatically transferred to another proceeding so far
17 as it relates to FPL which is Issue 14 at this point.

18 **COMMISSIONER CLARK:** We will drop them from
19 this proceeding, all the ones I mentioned. Then, as I
20 understand it, does Staff -- is it Staff's view that
21 they should be looked at or do I have to indicate to
22 FIPUG who raised them that they'd have to -- that they
23 should file something else to get a separate
24 proceeding?

25 **MR. KEATING:** If I could have just a minute.

1 **COMMISSIONER CLARK:** Yes.

2 **MR. KEATING:** It's Staff's recommendation
3 that these issues be spun off into a separate
4 proceeding, and that we would set a procedural
5 schedule to hear those issues.

6 **MS. KAUFMAN:** That's perfectly acceptable
7 with FIPUG.

8 **COMMISSIONER CLARK:** All right. We will
9 drop those issues based on the Staff's representation
10 that they will be spun off into other dockets so that
11 drops 14 and 15? No. Yes. 14 and 15.

12 **MR. KEATING:** And I think we included in
13 there 19L, M, N, O and 29.

14 **COMMISSIONER CLARK:** Yes. 19 -- 14, 15,
15 19L, 19M, 19N, 19O and 29.

16 Item 16.

17 **MR. KEATING:** On 16A -- never mind. Staff
18 has no change to its position right now on 16A.

19 **COMMISSIONER CLARK:** Okay. 16B.

20 **MS. KAUFMAN:** Excuse me. Commissioner
21 Clark, back on 16A, FIPUG would change its position to
22 agree with OPC.

23 **COMMISSIONER CLARK:** Okay. 16B.

24 **MR. KEATING:** Issue 16B is an issue that
25 Staff raised. After conducting discovery we are

1 comfortable with the fuel price forecast used by
2 Florida Power & Light and as far as we're concerned we
3 believe the issue can be withdrawn.

4 **MR. CHILDS:** And we did have a handout on
5 16B.

6 **COMMISSIONER CLARK:** I guess Staff is
7 recommending the issue be withdrawn.

8 **MR. CHILDS:** That would be very acceptable.

9 **COMMISSIONER CLARK:** We'll show it as
10 withdrawn. 16C.

11 **MR. KEATING:** Staff believes that the issue
12 16C should be spun out of this hearing and into a --
13 considered separately by the full Commission.

14 **MR. CHILDS:** We ask that you not do that.
15 That you go ahead with it as an issue and address it
16 in this proceeding.

17 **COMMISSIONER CLARK:** I believe it would be
18 appropriate to leave it as an issue and we will, of
19 course, have Staff's view on it and in my view that
20 kind of leaves it pending to be decided or not to be
21 decided.

22 **MR. CHILDS:** Right.

23 **COMMISSIONER CLARK:** 17A, I believe that's
24 stipulated.

25 **MR. KEATING:** If there's no objection from

1 FIPUG or Public Counsel.

2 **COMMISSIONER CLARK:** All right. We'll show
3 OPC and FIPUG as no position and then we'll show it
4 stipulated.

5 17B.

6 **MS. KAUFMAN:** FIPUG would take no position
7 on that.

8 **COMMISSIONER CLARK:** Same with OPC?

9 **MR. BURGESS:** Correct.

10 **MR. CHILDS:** I am behind you. 17A and
11 you're now on 17B as well?

12 **COMMISSIONER CLARK:** 17A has a stipulation.

13 **MR. CHILDS:** Okay. Because there are some
14 places on here where it lists FPL for a position. I
15 wanted to note that it's not at issue for us.

16 **COMMISSIONER CLARK:** Right.

17 **MR. WILLIS:** The same is true with respect
18 to Tampa Electric with the positions stated on the
19 individual company witnesses -- I mean company
20 positions. I think --

21 **COMMISSIONER CLARK:** I would understand that
22 these are Florida Power specific issues and there is
23 no need to list FPL, Gulf or TECO.

24 **MR. KEATING:** We can remove them from the
25 Prehearing Order under issues that don't pertain to

1 them.

2 **COMMISSIONER CLARK:** All right. So all the
3 issues that don't effect them, they'll just be
4 deleted.

5 **MR. KEATING:** Anything listed as a
6 company-specific issue. I don't want anybody to argue
7 that may be one that we think effects everybody that
8 doesn't effect them, not that anybody would.

9 **COMMISSIONER CLARK:** I'm not sure I
10 understood what you just said.

11 **MR. CHILDS:** And he wouldn't do it, either.

12 **COMMISSIONER CLARK:** On company-specific
13 issues the companies to which it doesn't apply will
14 simply be deleted as being even listed for having a
15 position?

16 **MR. KEATING:** Correct.

17 **COMMISSIONER CLARK:** All right. Thank you.
18 17C. Wait a minute. Is there -- then is B
19 stipulated?

20 **MR. KEATING:** Yes.

21 **COMMISSIONER CLARK:** Okay. 17C.

22 **MR. KEATING:** I believe the same is true for
23 17C.

24 **COMMISSIONER CLARK:** All right. We'll show
25 that stipulated but OPC and FIPUG will simply be no

1 position. 17D.

2 **MR. KEATING:** 17D is an issue that Staff
3 raised and after discovery on this issue we are
4 comfortable.

5 **COMMISSIONER CLARK:** We'll withdraw it as a
6 an issue?

7 **MR. KEATING:** Yes.

8 **COMMISSIONER CLARK:** Okay. 17E.

9 **MR. KEATING:** 17E, Staff's position was that
10 this be treated similarly to Issue 16C, and that is
11 that it be spun out for the full Commission to hear
12 and I suppose we will handle that one the same way
13 we --

14 **COMMISSIONER CLARK:** FPC's position is that
15 now is the appropriate time to take it up?

16 **MR. MCGEE:** FPC does not object to it being
17 deferred to a future proceeding for the full
18 Commission.

19 **COMMISSIONER CLARK:** Okay. Then we'll show
20 it stipulated. 18A.

21 **MR. STONE:** Commissioner, we provided Staff
22 with some discovery over the last couple of days.
23 We're still hopeful that we can resolve this issue
24 between now and next Wednesday.

25 **COMMISSIONER CLARK:** All right. We'll just

1 simply leave it as is and if it can be, we will show
2 it as stipulated.

3 **MR. KEATING:** Yes.

4 **COMMISSIONER CLARK:** Same is true with 18B?

5 **MR. STONE:** Yes, Commissioner.

6 **COMMISSIONER CLARK:** All right. Now we're
7 on 19A. I think that can be stipulated. If it is
8 shown -- if FIPUG and OPC have no position.

9 **MR. WILLIS:** That should be a stipulation on
10 19A.

11 **COMMISSIONER CLARK:** Okay. We'll show it
12 that way, but with those two entities showing no
13 position.

14 **MR. WILLIS:** I believe that 19B also can be
15 stipulated. I think that the FIPUG and OPC positions
16 were probably taken in relation to the question before
17 our response was made. That is, the question says,
18 have we justified costs above the benchmark and we're
19 not proposed to recover costs above the benchmark.
20 Can that be stipulated?

21 **COMMISSIONER CLARK:** Can it be deleted?

22 **MS. KAUFMAN:** Does Staff have a position on
23 this issue?

24 **MR. WILLIS:** Yes. It's stated at the top of
25 Page 38.

1 **MS. KAUFMAN:** Okay.

2 **MR. KEATING:** I believe that our position is
3 in agreement with TECO.

4 **COMMISSIONER CLARK:** Everyone agrees that
5 they have not asked for anything above the benchmark.

6 **MS. KAUFMAN:** So we would take no position.

7 **COMMISSIONER CLARK:** Well, I think we will
8 delete it as an issue.

9 **MS. KAUFMAN:** That's fine.

10 **COMMISSIONER CLARK:** 19C.

11 **MR. WILLIS:** That should be a stipulation as
12 well.

13 **COMMISSIONER CLARK:** Okay. But with FIPUG
14 and OPC having no position. 19D.

15 **MR. WILLIS:** That should be eliminated as an
16 issue because -- for the same reason as the previous
17 one. There's no --

18 **COMMISSIONER CLARK:** All right. We'll
19 eliminate it.

20 19E. That remains an issue.

21 19F.

22 **MR. WILLIS:** Looks like that 19F and G could
23 be combined and stipulated.

24 **MR. KEATING:** From Staff's position, yes.

25 **MR. BURGESS:** Commissioner, I looked at

1 Staff's position and I think I agree with their
2 analysis. I've got a couple of other questions as far
3 as treatment of the same amounts elsewhere. May I
4 have the opportunity to follow that up and at the same
5 close of business on Wednesday?

6 **COMMISSIONER CLARK:** Yes, and that would be
7 for F and G?

8 **MR. BURGESS:** It was G that I was concerned
9 about.

10 **COMMISSIONER CLARK:** Okay. Let me deal with
11 F. Is this a stipulated issue?

12 **MR. KEATING:** Staff agrees to the position
13 on the issue.

14 **COMMISSIONER CLARK:** All right. Show it as
15 stipulated. Show FIPUG and OPC has having no
16 position.

17 All right. 19G.

18 **MR. BURGESS:** F was what the amount was and
19 then G is the treatment and we weren't taking any
20 issue with the amount.

21 **COMMISSIONER CLARK:** And you may not take
22 issue with the treatment?

23 **MR. BURGESS:** That's correct, Commissioner.

24 **COMMISSIONER CLARK:** Where is TECO's
25 position on that?

1 **MR. WILLIS:** Well, our position is really
2 stated in 19F.

3 **COMMISSIONER CLARK:** We will put a note that
4 says see position in 19F, and then if it can be
5 stipulated it will be stipulated. Okay.

6 19H.

7 **MR. KEATING:** Staff's position on 19H is
8 shown in the handout. Basically states that Staff
9 does not oppose Tampa Electric recovering the costs --
10 the energy costs associated with these five purchased
11 power agreements at this time, but it would like to
12 have the ability to continue to perform discovery on
13 this issue and perhaps raise this issue on a future
14 fuel docket if we believe it's necessary.

15 **MR. BURGESS:** Commissioner, I would like to
16 change Public Counsel's position to agree with FIPUG.

17 **COMMISSIONER CLARK:** So it needs to remain
18 an issue. Okay. 19H.

19 **MR. KEATING:** I think we just did 19H. I
20 think we are on 19I.

21 **COMMISSIONER CLARK:** Yes, I'm sorry. 19I.

22 **MR. KEATING:** Again, Staff's position is
23 reflected in the handout and its position is similar
24 to that on 19H. Staff does not oppose TECO recovering
25 these costs at this time. However, Staff would --

1 **COMMISSIONER CLARK:** All right. We'll leave
2 them as issues then.

3 **MS. KAUFMAN:** Commissioner Clark, on 19I,
4 FIPUG would agree with Public Counsel.

5 **COMMISSIONER CLARK:** Okay. 19J. All right.
6 We'll leave that an issue.

7 19K, does this get deleted?

8 **MR. WILLIS:** Staff has suggested that this
9 be deleted. We have no objection to that.

10 **COMMISSIONER CLARK:** All right. We'll show
11 it as deleted. 19L.

12 **MR. WILLIS:** That's one of the ones that has
13 been deferred, hasn't it? Yes, that was deferred.

14 **COMMISSIONER CLARK:** Yes. All right. L, M,
15 N and O. There is no P. How about 20A? 20A.

16 **MR. KEATING:** Staff's position on 20A is
17 reflected in the handout. There's a five page
18 attachment. Copies of the attachment are also on the
19 railing with the prehearing orders.

20 **MR. CHILDS:** I think -- Excuse me. I'm
21 sorry.

22 **COMMISSIONER CLARK:** Mr. Cochran, speak a
23 little louder.

24 **MR. KEATING:** Okay. Staff's position on
25 Issues 20A, 20B, 20C and 21 are included in the

1 handout that was provided. There is -- they actually
2 are not in the same packet with the handout that
3 contains all the positions. They are in a separate
4 stapled packet, five pages, with the header on the
5 first page, GPIF rewards penalties. And those packets
6 are available on the railing next to the draft
7 prehearing orders.

8 **MR. CHILDS:** I believe that as to 20A that
9 Staff and Florida Power & Light are in agreement.
10 That's shown at the very top of Staff's Attachment 1,
11 Page 1.

12 **COMMISSIONER CLARK:** All right. Let me
13 ask -- all right. So 20A we can show a stipulation,
14 but show FIPUG and OPC as no position.

15 All right. 20B.

16 **MR. KEATING:** I believe that can be --

17 **COMMISSIONER CLARK:** We can show that as
18 stipulated. Can we show that as stipulated for Power
19 Corp., TECO and Gulf Power?

20 **MR. KEATING:** Commissioner Clark, I ask for
21 just a minute again. I'd like to verify that Staff
22 does agree with the companies on all those issues.
23 I've just been told that we do.

24 **COMMISSIONER CLARK:** Okay. Would that be on
25 all the 20 and 21?

1 **MR. KEATING:** Yes. 20A, 20B, 20C and 21.
2 All the GPIF -- generic GPIF issues.

3 **MS. KAUFMAN:** Excuse me, Commissioner Clark.
4 I don't think that 21 is stipulated because FIPUG has
5 a different position.

6 **COMMISSIONER CLARK:** Well, go ahead and take
7 a minute and see if you can verify at least with
8 respect to Staff.

9 **MS. KAUFMAN:** Commissioner Clark, I'm going
10 to have to take Staff's handout and review it with my
11 expert. So if it would be all right, I will get back
12 to Staff on that. I don't believe that we can
13 stipulate at this point in time to 21.

14 **MR. KEATING:** We will speak with FIPUG after
15 the prehearing and --

16 **COMMISSIONER CLARK:** All right. But are you
17 ready to tell me whether we can reach a stipulation
18 with respect to FPC, Gulf and TECO? Do you still need
19 five minutes?

20 **MR. KEATING:** Staff does agree with the
21 utilities' figures.

22 **COMMISSIONER CLARK:** Okay.

23 **MR. STONE:** Commissioner, with regard to
24 FIPUG taking issue with this -- with Issue 21.

25 **COMMISSIONER CLARK:** Hang on. I'm still on

1 20B.

2 MR. STONE: I'm sorry.

3 COMMISSIONER CLARK: So we can show 20B as
4 stipulated but with FIPUG and OPC having no position
5 and the same would be true for 20C?

6 MR. KEATING: That's correct.

7 MS. KAUFMAN: Yes, I'm sorry. I thought
8 that we had already moved to 21.

9 COMMISSIONER CLARK: All right. 21.

10 MS. KAUFMAN: And that's what my comments
11 were directed towards, 21.

12 COMMISSIONER CLARK: Okay.

13 MR. CHILDS: I'm not aware of testimony --
14 of testimony addressing this for FIPUG.

15 MS. KAUFMAN: That's true. We do not have
16 testimony addressing this issue, but I think we're
17 entitled to develop it through cross-examination of
18 the utility's witnesses.

19 MR. CHILDS: And I think I'm not sure about
20 that and the reason that I'm not sure is that the
21 Commission has had for years a GPIF manual and orders
22 addressing how this is to be done. And I think that
23 it may be that there's -- I don't think the issue
24 ought to be raised and we would object if it's raised
25 to apply to the proposed factors as we go forward.

1 I mean, I think it's been established by the
2 Commission. If someone wants to come in and say, I'm
3 going to put on a case and challenge it, perhaps they
4 can do that and then the parties can react as to
5 whether that's appropriate. We have no testimony. I
6 don't know how to address it.

7 **MR. WILLIS:** I agree with Florida Power &
8 Light's position on this. This is just something that
9 it's a position thrown in here. It's contrary to your
10 policies. It's contrary to the manuals that we
11 follow, and it shouldn't be heard here.

12 **MR. MCGEE:** Florida Power would concur.

13 **MR. STONE:** We concur. We'd also assert
14 that a party that is proposing a change to the manual
15 should bear the burden of proof.

16 **COMMISSIONER CLARK:** What is this manual?
17 Is it part of the rule or --

18 **MR. MCGEE:** It's the GPIF implementation
19 manual that was adopted by the Commission, my
20 recollection is in late 1980 as part of the overall
21 GPIF clause.

22 **COMMISSIONER CLARK:** Is it in a rule?

23 **MR. ELIAS:** Remember, it doesn't have to be.
24 We got a specific exemption for Chapter 6, 366 cost
25 recovery clauses with respect to the requirement that

1 it be incorporated in a rule and it's reflected in a
2 Commission order.

3 **COMMISSIONER CLARK:** Well, I think that the
4 fact that someone said this was adopted in 1980 or
5 even earlier, a lot of changes have occurred in
6 generating technology since then. I think any party
7 to this proceeding, particularly consumer parties who
8 are responsible for paying these rewards, are entitled
9 to the ability to challenge the rewards and I don't
10 think there is any requirement that we have direct
11 testimony on it. We are entitled to cross-examine the
12 utilities who have put on testimony in regards to the
13 GPIF.

14 **MR. CHILDS:** We don't have any witness at
15 all that addresses this point. All the testimony
16 that's filed, to my knowledge, is filed in accordance
17 with the Commission's practice and the manual and the
18 requirements of that.

19 **MS. KAUFMAN:** I thought that every utility
20 had to have a witness to justify any dollars they were
21 trying to collect from ratepayers and I didn't bring
22 all of the utilities' testimony with me, but I recall
23 that they do have witnesses on the GPIF.

24 **MR. CHILDS:** We do, and my point is that all
25 of that testimony I believe -- I will speak for FPL.

1 That that testimony is predicated on the established
2 basis for calculation. The Commission has said this
3 is how you'll do it, and that's how we've done it.

4 **MR. STONE:** I would also add that with
5 regard to Issue 21, we're talking about targets and
6 ranges and we're establishing the targets and ranges
7 for the up coming period. And so, there's been no
8 discussion about changing a methodology for
9 establishing the targets and ranges.

10 **COMMISSIONER CLARK:** Staff, do you have a
11 position on this issue? I would assume that you
12 believe it should be done according to the methodology
13 already in place?

14 **MR. KEATING:** Yes. I think we have agreed
15 with the numbers that have been provided by the
16 utilities on this issue. As to whether FIPUG should
17 be allowed to address the issue in this proceeding, we
18 don't have a problem with them addressing it through
19 cross examination. But we don't have --

20 **COMMISSIONER CLARK:** I'll leave it in, but
21 you'll bear the burden of persuading us to do
22 something different.

23 **MS. KAUFMAN:** Yes, ma'am.

24 **COMMISSIONER CLARK:** Okay. Issue 22. Not
25 only the burden that we should do something different,

1 that we can do something different.

2 No. 22.

3 **MR. STONE:** I believe we have a stipulation
4 with Staff on this issue, if FIPUG and OPC would show
5 no position.

6 **MS. KAUFMAN:** We take no position.

7 **COMMISSIONER CLARK:** All right. We will
8 show that as stipulated then.

9 How about Issue 23?

10 **MR. CHILDS:** Florida Power & Light has a
11 handout on this issue.

12 **COMMISSIONER CLARK:** Okay.

13 **MR. KEATING:** And Staff can adopt Florida
14 Power & Light's position on Issue 23 and --

15 **COMMISSIONER CLARK:** So we can show it
16 stipulated with respect to FPL, but not Gulf; is that
17 correct?

18 **MR. KEATING:** We can show it stipulated with
19 respect to Gulf as well. Staff's position with
20 respect to Gulf is reflected -- it's been provided in
21 the handout.

22 **COMMISSIONER CLARK:** All right.. So we can
23 show Issue 23 as stipulated.

24 Issue 24.

25 **MR. WILLIS:** 24 should be a stipulation with

1 respect to Tampa Electric.

2 **MR. MCGEE:** And with respect to Florida
3 Power.

4 **COMMISSIONER CLARK:** Okay. We'll show it
5 stipulated and FIPUG and OPC will simply be no
6 position. 25.

7 **MR. KEATING:** Commissioner Clark, before we
8 go on to 25, I think we need to add a position for
9 Florida Power & Light on 24. Florida Power & Light
10 should be included in the wording of the issue itself
11 so the issue would read, what is the appropriate final
12 capacity cost recovery true-up amount for Florida
13 Power Corporation, Florida Power & Light and Tampa
14 Electric Company.

15 **COMMISSIONER CLARK:** But there is still a
16 stipulation?

17 **MR. KEATING:** Yes.

18 **COMMISSIONER CLARK:** Okay.

19 **MR. KEATING:** And the number, I believe, for
20 Florida Power & Light for Issue 24, Staff's position
21 would be 5,204,837 overrecovery.

22 **COMMISSIONER CLARK:** Okay. Issue 25. That
23 remains no position pending discovery for Staff.

24 **MR. KEATING:** Yes.

25 **COMMISSIONER CLARK:** Okay. Issue 26. Still

1 remains no position pending further discovery for
2 Staff.

3 **MR. KEATING:** Correct.

4 **COMMISSIONER CLARK:** Issue 27.

5 **MR. KEATING:** The same is true with
6 Issue 27.

7 **COMMISSIONER CLARK:** Okay. Issue 28.

8 **MR. WILLIS:** With respect to Issue 28, Tampa
9 Electric has a chart that would conform with the way
10 this is presented with the other companies.

11 **COMMISSIONER CLARK:** Okay. So we'll
12 substitute the chart?

13 **MR. WILLIS:** That's correct.

14 **COMMISSIONER CLARK:** Okay. On Issue 28 show
15 Tampa Electric Company's position changed by the
16 substitution of a chart.

17 **MR. KEATING:** Staff's position remains no
18 position pending further discovery and evidence
19 adduced at hearing.

20 **COMMISSIONER CLARK:** Issue 29 was deleted.
21 Issue 30. I assume that will state, Florida Power &
22 Light would like it decided by this panel but Staff
23 believes it should be moved and we'll decide it as
24 part of the proceedings.

25 Issue 31.

1 **MR. KEATING:** Staff's position on Issue 31
2 is shown in the handout that was provided today. And
3 it essentially states that Staff does not oppose TECO
4 recovering the capacity costs associated with these
5 five purchased power agreements through the capacity
6 cost recovery clause at this time. However, Staff
7 would like to continue to performed discovery on this
8 issue and if it's necessary raise it later.

9 **COMMISSIONER CLARK:** We'll show that change
10 as to Staff's position. Any other changes to that?

11 **MR. BURGESS:** Commissioner, I'd like to
12 change Public Counsel's position to agree with FIPUG.

13 **COMMISSIONER CLARK:** Okay.

14 **MR. BURGESS:** Thank you.

15 **COMMISSIONER CLARK:** Any other changes to
16 the order?

17 **MR. WILLIS:** We have provided Staff a list
18 of rebuttal exhibits which would be added to the
19 exhibit list.

20 **COMMISSIONER CLARK:** All right. We will --
21 why don't we note that we will add appropriate
22 rebuttal witnesses for, I guess, TECO and Gulf, and we
23 will make sure we update the issues for all witnesses.

24 Now, do we need to come back to Issue 2?

25 **MR. STONE:** As I understand Staff's

1 clarification about their position on Issue 9, I
2 believe it would no longer effect Issue 2 since it's
3 on a going forward basis.

4 **MR. CHILDS:** And I don't -- I may
5 misunderstand. I don't see how -- I don't understand
6 that Issues 9, 10, and 11 affect Florida Power & Light
7 Company on Issue 2. And --

8 **MR. KEATING:** Staff would like to speak with
9 the companies after the prehearing and see if we can
10 get an agreement on Issue 2.

11 **COMMISSIONER CLARK:** So we'll just leave the
12 issue and positions as they are stated, but with the
13 understanding that we may be able to reach
14 stipulations on this issue.

15 **MR. KEATING:** Yes.

16 **COMMISSIONER CLARK:** Okay.

17 **MR. CHILDS:** Well, and is it possible,
18 because I have a similar question as to Issue 3 for
19 Florida Power & Light Company and maybe Issue 4, as to
20 whether all of these -- you know, these are ultimate
21 issues and that perhaps we can indicate to you that
22 there is agreement.

23 **COMMISSIONER CLARK:** That would be fine.

24 **MR. CHILDS:** All right.

25 **COMMISSIONER CLARK:** But we'll try to

1 attempt to do that by close of business on Wednesday,
2 next Wednesday.

3 **MR. KEATING:** There is one Florida Power &
4 Light specific issue, I believe it's 20A, that Staff
5 will be conducting a deposition on next Friday --
6 sorry 16A, Issue 16A. We will be conducting a
7 deposition next Friday, November 12th, and until then
8 I'm not sure that we will have --

9 **COMMISSIONER CLARK:** Okay.

10 **MR. KEATING:** Have a position on some of the
11 other issues that that might effect.

12 **COMMISSIONER CLARK:** When is that? Next
13 Friday?

14 **MR. CHILDS:** He's right. I forgot that.

15 **COMMISSIONER CLARK:** And which issues are
16 those?

17 **MR. KEATING:** It's Issue 16A.

18 **COMMISSIONER CLARK:** Okay. But the other --
19 so that I guess you're suggesting some of those
20 fallout issues, at least with respect to FPL, could
21 not be resolved before that deposition is taken?

22 **MR. KEATING:** I believe that's correct.

23 **COMMISSIONER CLARK:** Well, then we will make
24 an exception for FPL, that it will be the close of
25 business the next Wednesday for resolution of those

1 issues at the deposition, I guess 16A, and then the
2 fallout issues. Okay.

3 **MR. KEATING:** Okay. We can do that. I'm
4 not sure that that would be -- I believe the
5 Prehearing Order is scheduled to go on out on Monday,
6 November 15, which would be a couple days prior to
7 that Wednesday, but we can -- if there is agreement,
8 we can let that be known at the beginning of the
9 hearing.

10 **MR. CHILDS:** Supplement your order.

11 **COMMISSIONER CLARK:** Yes. We can supplement
12 the order or we don't really have to supplement it.
13 We can simply announce it at the beginning of the
14 proceeding. When is this proceeding?

15 **MR. KEATING:** Monday, November 22nd and then
16 the 23rd.

17 **COMMISSIONER CLARK:** All right. Very good.

18 **MR. STONE:** Commissioner, I hate to take up
19 additional time at this point and maybe Staff intends
20 to help us on that, but on Issues 2, 3 and 4, are they
21 simply fallout issues of Staff's position on other
22 issues? And if so, if the witness that simply
23 calculates the number -- we need to know whether she
24 needs to be -- to take the stand.

25 **COMMISSIONER CLARK:** All that is going to be

1 resolved before next Wednesday.

2 **MR. STONE:** Okay.

3 **COMMISSIONER CLARK:** Okay. Mr. Self.

4 **MR. SELF:** Commissioner Clark, with respect
5 to Florida Public Utilities since the Staff and the
6 company are in agreement on all issues, can we agree
7 that those are stipulated so that the FPUC witness
8 would not have to attend the hearing?

9 **COMMISSIONER CLARK:** We can, but with the
10 caveat that you let the other Commissioners know and
11 if they indicate the witness is not needed then
12 they'll be excused.

13 **MR. SELF:** Thank you.

14 **MR. KEATING:** We will do that.

15 **COMMISSIONER CLARK:** Mr. Beasley.

16 **MR. BEASLEY:** Commissioner Clark, if I could
17 revisit Issue 21 briefly. Our witness on the GPIF
18 targets and ranges has not been proffered as a witness
19 to address the policy of GPIF or any potential changes
20 to it. He's simply been our witness who has prepared
21 the calculations in accordance with long-standing
22 Commission practice and policy, and consequently he's
23 not the appropriate person to be asked questions about
24 any potential change that FIPUG may propose and we
25 have no witness to cross examine supporting FIPUG's

1 proposal.

2 So I would suggest to you that that issue
3 should not be in this proceeding. If FIPUG wishes to
4 raise it, they certainly can do so by presenting a
5 witness at the next hearing and presenting testimony
6 on the subject and we can fully air the issue and not
7 have it addressed by a witness who's not the policy
8 maker. He's the person who has prepared the
9 calculations in accordance with Commission practice
10 and policy.

11 **MS. KAUFMAN:** Commissioner Clark, we do not
12 have an objection to deferring this issue as long as
13 it is considered in the next hearing.

14 **COMMISSIONER CLARK:** Well, I will -- let me
15 ask it a different way. Can we dismiss it without
16 prejudice to you raising it at another time and then
17 whether you can raise it in that proceeding would be a
18 matter to be decided then.

19 **MS. KAUFMAN:** Well, this issue, as it's
20 framed, Issue 21, is raised in every fuel adjustment
21 proceeding that I've been ever involved in. What
22 we're suggesting is the time has come to take a look
23 at the GPIF in terms of the new technology. We don't
24 have a problem with doing that in the next fuel
25 adjustment. That would be fine.

1 **COMMISSIONER CLARK:** Well, let me look at it
2 again.

3 **MS. KAUFMAN:** There's nothing magic about
4 the issue. It's the same one we have every time.

5 **COMMISSIONER CLARK:** Why don't we leave it
6 as an issue, show it stipulated, but with the caveat
7 that you intend to raise it in the next proceeding.

8 **MS. KAUFMAN:** That's acceptable.

9 **MR. STONE:** She's raising an issue with
10 regard to the GPIF that's not encompassed in the
11 phrasing of Issue 21.

12 **COMMISSIONER CLARK:** I understand. We will
13 show it as stipulated and we'll indicate that they
14 intend to raise it in an appropriate -- in the next
15 fuel adjustment or appropriate proceeding.

16 **MS. KAUFMAN:** That would be fine.

17 **COMMISSIONER CLARK:** Anything else in 001?

18 **MR. SELF:** Commissioner Clark, one final
19 thing I said, just so I'm clear for Mr. Horton's sake.
20 Assuming none of the witnesses for FPUC, Sebring or
21 South Florida Natural Gas have to appear in the 01, 02
22 and 03 dockets, can we be excused as well? Counsel be
23 excused?

24 **MR. KEATING:** Would you like to make that
25 contingent on the other Commissioners possibly having

1 questions for the witnesses?

2 **COMMISSIONER CLARK:** Yes. It will be
3 contingent on Commissioners having questions.

4 **MR. WILLIS:** Also take it with respect, just
5 as the other dockets, if there are issues that have
6 been stipulated the witnesses that support those
7 issues are excused unless they're notified?

8 **COMMISSIONER CLARK:** Yes.

9 **MR. KEATING:** That will be reflected in the
10 Prehearing Order.

11 **COMMISSIONER CLARK:** I think it would be
12 well to have that information available at the
13 beginning for the presiding officer so for -- if the
14 whole docket is stipulated we can take care of it, but
15 then at the beginning of a proceeding for which the
16 whole docket is not stipulated you can indicate which
17 items are stipulated and which witnesses are excused
18 as a result of this stipulation.

19 Anything further to come up in this
20 prehearing? Thank you very much. This prehearing is
21 adjourned.

22 (Thereupon, the hearing concluded at
23 12:30 p.m.)

24 - - - - -

25

1 STATE OF FLORIDA)
2 COUNTY OF LEON)

CERTIFICATE OF REPORTER

3 I, KIMBERLY K. BERENS, CSR, RPR, Official
4 Commission Reporter,

5 DO HEREBY CERTIFY that the Prehearing
6 Conference in Docket No. 990001-EI was heard by the
7 Prehearing Officer at the time and place herein
8 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 46 pages, constitutes a true
13 transcription of my notes of said proceedings.

14 DATED this 15th day of November, 1999.

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Kimberly K. Berens
KIMBERLY K. BERENS, CSR, RPR
Florida Public Service Commission
Official Commission Reporter

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