

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :  
Energy Conservation :  
Cost Recovery Clause :  
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DOCKET NO. 990002-EG



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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.  
  
PLACE: Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida  
  
REPORTED BY: KIMBERLY K. BERENS, CSR, RPR  
FPSC Commission Reporter

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

21                   **GRACE A. JAYE**, Florida Public Service  
22   Commission, Division of Legal Services, 2540 Shumard  
23   Oak Boulevard, Tallahassee, Florida 32399-0870,  
24   appearing on behalf of the **Commission Staff**.

25

1 APPEARANCES CONTINUED:

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

6 DAVID M. NICHOLSON, People's Gas System,  
7 Post Office Box 111, Tampa, Florida 33601, appearing  
8 on behalf of **People's Gas System.**

9 NORMAN H. HORTON and FLOYD R. SELF, Messer,  
10 Caparello, Metz, Maida & Self, 215 South Monroe  
11 Street, Post Office Box 1876, Tallahassee, Florida  
12 32302-1876 appearing on behalf of **Florida Public**  
13 **Utilities Company.**

14 MICHAEL A. PALECKI, 311-20 Mahan Drive,  
15 Tallahassee, Florida 32308, appearing on behalf of **NUI**  
16 **Corporation.**

17 WAYNE SCHIEFELBEIN, Post Office Box 13688,  
18 Tallahassee, Florida 32317, appearing on behalf of  
19 **Chesapeake Utilities Corporation.**

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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:** 02.

18 **MS. JAYE:** Commissioner, Staff has a few  
19 changes to make to the draft Prehearing Order in the  
20 02 docket. We would like to include the actual end of  
21 period true-up amounts for both Gulf Power Company and  
22 Tampa Electric Company into Issue 1. They are  
23 reflected in Issue 3 now.

24 **COMMISSIONER CLARK:** Ms. Jaye, let me ask  
25 you what you think would be the most efficient way to

1 go through this. Should be go issue by issue and then  
2 have everyone state if they have changes or would you  
3 prefer to go --

4 **MS. JAYE:** I believe issue by issue would  
5 work best, Commissioner. Staff has a few other  
6 changes before we get into that.

7 **COMMISSIONER CLARK:** Then, let's -- let me  
8 just ask a question. Is there someone here  
9 representing St. Joe Natural Gas Company?

10 **MS. BULECZA-BANKS:** No, there is not. The  
11 number that they have that's listed in Issue 3, the  
12 Staff accidentally pulled the wrong number. The  
13 number will agree with Staff. It is 10,555 over  
14 recovery. They do match us.

15 **COMMISSIONER CLARK:** All right. But we  
16 should be unconcerned with the fact that there's no  
17 representative here today?

18 **MS. BULECZA-BANKS:** There has never been  
19 anything in every single year.

20 **COMMISSIONER CLARK:** Sometimes I forget.  
21 Thanks.

22 **MS. BULECZA-BANKS:** They believe us.

23 **COMMISSIONER CLARK:** Okay. Are there any  
24 changes to the Prehearing Order through the order of  
25 witnesses on Page 6?

1           **MR. SCHIEFELBEIN:** Commissioner Clark, some  
2 very minor items on Page 1. If my address could be  
3 corrected to read P.O. Box 13688. That's Wayne  
4 Schiefelbein.

5           **COMMISSIONER CLARK:** Okay.

6           **MR. SCHIEFELBEIN:** And were you just going,  
7 you said through the first four pages?

8           **COMMISSIONER CLARK:** Through the first six  
9 pages to the Order of Witnesses. Any changes?

10          **MR. SCHIEFELBEIN:** There may be some changes  
11 in the witness and issue table there depending on  
12 what's done to the issues.

13          **COMMISSIONER CLARK:** Okay. Any changes to  
14 basic positions.

15          **MR. SCHIEFELBEIN:** Wayne Schiefelbein again.  
16 I apologize. If after the second -- on Page 7, under  
17 CUC, if after the second paragraph of that the factors  
18 could be inserted that would be helpful, and I believe  
19 those will be stipulated to.

20          **COMMISSIONER CLARK:** So it would be the  
21 factors listed where?

22          **MR. SCHIEFELBEIN:** In our position on Page  
23 11 which, I guess, is Issue 3 if I'm not mistaken.  
24 Issue 2, I beg your pardon.

25          **COMMISSIONER CLARK:** So you want to insert

1 the factors from Page 11 on Page 7?

2 **MR. SCHIEFELBEIN:** Right, under that second  
3 paragraph. Thank you.

4 **COMMISSIONER CLARK:** Okay.

5 **MR. STONE:** Commissioner Clark, I apologize  
6 for being one step behind. But on the Order of  
7 Witnessss we have some additional issues that would be  
8 listed by Ms. Neyman.

9 **COMMISSIONER CLARK:** Do you have them now?

10 **MR. STONE:** Yes, I do. They're Issues 10,  
11 11 and 12.

12 **COMMISSIONER CLARK:** Okay.

13 **MR. GUYTON:** Commissioner Clark, Charles  
14 Guyton on behalf of Florida Power & Light Company. We  
15 hadn't listed issues and I guess we'd like to see  
16 which issues survive before we do.

17 **COMMISSIONER CLARK:** All right. We'll come  
18 back to the witness list then. No other changes to  
19 basic positions?

20 Issue 1. Any changes to Issue 1?

21 **MR. MCGEE:** Commissioner Clark, on Florida  
22 Power's position that reflects a typo that was  
23 contained in our prehearing statement and the proper  
24 number agrees with Staff's number 1,359,603.

25 **COMMISSIONER CLARK:** Okay.

1           **MR. BEASLEY:** Commissioner, Tampa Electric  
2 concurs in the Staff's previously mentioned move of  
3 our position from Issue 3 to Issue 1.

4           **MR. STONE:** Gulf also concurs with that same  
5 move on its behalf.

6           **COMMISSIONER CLARK:** So your position from  
7 Issue 3 would be moved to Issue 1?

8           **MR. BEASLEY:** Yes, ma'am.

9           **MR. STONE:** Yes, ma'am.

10          **COMMISSIONER CLARK:** Anyone else on Issue 1?  
11 Issue 2.

12          **MR. MCGEE:** For Florida Power, Commissioner  
13 Clark, we have submitted revised figures for Issue 2  
14 from our prehearing statement. Those revised numbers  
15 conform with Staff's factors listed on Page 12.

16          **COMMISSIONER CLARK:** Okay. Anything else?  
17 Anyone else on issue --

18          **MR. SELF:** Commissioner Clark, the Staff has  
19 put FPUC's Issue 3 position under Issue 2, which is  
20 fine.

21          **COMMISSIONER CLARK:** Okay. Any other  
22 changes to Issue 2? Staff, on Page 12 I think you  
23 have an Issue 3 listed there with a colon. It just  
24 needs to be deleted, I think.

25          **MS. JAYE:** Very good. The Prehearing Order

1 will reflect that.

2           **COMMISSIONER CLARK:** All right. Any changes  
3 to Issue 3? Issue 4.

4           **MS. BULECZA-BANKS:** Excuse me. On behalf of  
5 the position for St. Joe Natural Gas, it should be  
6 stated as 10,555 overrecovery.

7           **COMMISSIONER CLARK:** Okay.

8           **MR. BEASLEY:** And correspondingly Tampa  
9 Electric would have no position on Issue 3. That's  
10 been moved to Issue 1.

11           **MR. STONE:** That would also apply to Gulf.

12           **MR. GUYTON:** As well as Florida Power &  
13 Light Company.

14           **MR. MCGEE:** And Florida Power.

15           **COMMISSIONER CLARK:** I guess I'm getting a  
16 little confused. With respect to Issue 3, on the  
17 positions, I don't show Florida Power & Light or Power  
18 Company under that issue.

19           **MR. GUYTON:** And I think that's because this  
20 is an issue that really pertains to gas companies as  
21 opposed to electric utilities; their true-up periods  
22 being calendar and the gas company's being April to  
23 March.

24           **COMMISSIONER CLARK:** All right. So it's  
25 just the Gulf and TECO positions we need to move.

1           **MR. GUYTON:** Yes. That's correct.

2           **COMMISSIONER CLARK:** Okay. Issue 4. Any  
3 changes?

4           **MR. GUYTON:** I have been led to believe that  
5 Staff may be in agreement with FPL on Issue 4.

6           **MS. JAYE:** Commissioner, Staff is in  
7 agreement with the company on this issue.

8           **COMMISSIONER CLARK:** Okay. So we'll show it  
9 as a stipulated issue.

10          **MR. BURGESS:** Commissioner --

11          **COMMISSIONER CLARK:** Maybe not.

12          **MR. BURGESS:** Let me start with the  
13 admission that this is not an issue upon which we  
14 filed testimony nor taken discovery. Our position was  
15 initially agreeing with Staff when they were  
16 indicating that it should be based upon evidence  
17 adduced at hearing. I have received a response to  
18 discovery that was supplied by Mr. Guyton. That  
19 appears to be a comprehensive answer to the issue of  
20 whether this should be passed through.

21                 It still seems to me, however, a bit  
22 troublesome that this should be passed through at this  
23 point, that it should travel with the savings that it  
24 could afford or perhaps great expansion of  
25 explanation.

1           That said, I guess what I would ask your  
2 indulgence on is if -- I'd be perfectly willing to  
3 look at it a little bit more closely and see if we  
4 could agree with a stipulation in the next day or so  
5 if that's all right. But for the time being, it seems  
6 to me it's an issue that the Commission may want to  
7 look at.

8           **COMMISSIONER CLARK:** All right. We'll  
9 indicate that Staff agrees with Florida Power & Light  
10 and we'll just indicate no pending review of  
11 discovery.

12           **MR. BURGESS:** And I'm saying for the record,  
13 I do intend to discuss this in depth with Florida  
14 Power & Light very shortly and see if it can be agreed  
15 such that we would simply agree with a stipulation or  
16 step out of the way.

17           **COMMISSIONER CLARK:** Okay. That's fine.

18           **MR. GUYTON:** Commissioner Clark, at the risk  
19 of expanding this, we certainly hope that we'll reach  
20 that stipulation, but if in the event that we do not,  
21 we would suggest that this matter is not ripe for  
22 hearing. Hopefully we won't get there, but if we do  
23 find that situation we would suggest that perhaps it  
24 should not go to hearing in the next scheduled  
25 hearing.

1           **COMMISSIONER CLARK:** That's fine. That's an  
2 option, too.

3           Issue 5.

4           **MR. STONE:** I've been led to believe that we  
5 have a stipulation.

6           **MS. JAYE:** Staff is in agreement with Gulf  
7 Power on this issue.

8           **COMMISSIONER CLARK:** All right. We'll show  
9 it as stipulated.

10          Issue 6.

11          **MR. STONE:** I also have been led to believe  
12 that there's agreement with Staff.

13          **MS. JAYE:** Yes.

14          **COMMISSIONER CLARK:** OPC? You agree with  
15 Staff on this?

16          **MR. BURGESS:** Excuse me, Commissioner. We  
17 would not seek to make it an issue.

18          **COMMISSIONER CLARK:** Well, let me ask you  
19 this. Should we show it as stipulated between the  
20 Staff and the company, and FIPUG and OPC would be  
21 simply be shown as having no position.

22          **MS. KAUFMAN:** That would be fine with FIPUG.

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

24          **MR. STONE:** We discussed some rewording of  
25 the issue with Staff. Unfortunately it's on her copy.

1           **MS. JAYE:** Yes, the proposed rewording of  
2 Issue 7 would be to strike, "should Gulf be allowed to  
3 recover" and insert "has Gulf properly adjusted to  
4 remove", and change the word "through" in the next  
5 line to read "from".

6           **MR. STONE:** And with that I believe that  
7 Staff is in agreement that we've made the proper  
8 adjustment.

9           **MS. JAYE:** That is correct.

10          **COMMISSIONER CLARK:** Okay. OPC? FIPUG?

11          **MR. BURGESS:** We'll continue our agreement  
12 with Staff.

13          **MS. KAUFMAN:** And we'll take no position.

14          **COMMISSIONER CLARK:** So this is stipulated  
15 as well. Issue 8.

16          **MS. JAYE:** The wording should be changed on  
17 Issue 8 to strike the word "what", "the appropriate",  
18 and "should be allowed to charge to", and change the  
19 sentence to read, "are legal fees that Gulf has  
20 included in the ECCR appropriate". With that change  
21 Staff is in agreement with Gulf.

22          **MR. STONE:** Commissioner, we seem to have an  
23 agreement with Staff. FIPUG's position was based on  
24 the previous wording of the issue. I don't know that  
25 there's been any specific question raised by FIPUG

1 with regard to what Gulf has included in its factors  
2 and this issue was raised as a result of an audit and  
3 there is no testimony on the issue. So if FIPUG is  
4 not willing to take no position, I think we may need  
5 to talk about whether this issue is ripe for ruling at  
6 this hearing.

7 **COMMISSIONER CLARK:** Ms. Kaufman.

8 **MS. KAUFMAN:** Can I inquire as to what the  
9 amount is of these fees?

10 **MR. COLSON:** The fees that were included in  
11 the audit was, I think 920 some odd dollars.

12 **MS. KAUFMAN:** \$928.

13 **MR. COLSON:** I believe so. Hold on one  
14 second. This was filed in the audit disclosure,  
15 number six, and its said the company erroneously  
16 charged \$926 to legal fees and it's my understanding  
17 Gulf has adjusted that.

18 **MS. KAUFMAN:** Okay. Maybe I'm not  
19 understanding. I think since Ms. Jaye changed the  
20 issue to something like, has -- are the legal fees  
21 that Gulf included in the ECCR appropriate, I'm  
22 assuming that there's some amount included in there.  
23 I just wondered what it was. Or are you saying that  
24 all the fees have been adjusted out?

25 **MR. COLSON:** No. It was just the \$926 that

1 the auditors picked up in the legal fees that they  
2 thought was inappropriate and that is what is at issue  
3 here.

4 **MS. KAUFMAN:** So what is the amount that's  
5 being included through the ECCR, that's my question.

6 **COMMISSIONER CLARK:** Mr. Stone.

7 **MR. STONE:** Again, we were focusing on the  
8 audit disclosure and so I don't know that I know that  
9 number. I know I don't know that number right now. I  
10 don't know that any one has that number identified.  
11 The type of programs that may have attorney's fees  
12 associated with them are listed in our position and  
13 they are -- the attorney's fees that would be included  
14 in this program would be essentially in the form of  
15 consultant fees associated with those programs and no  
16 difference in form. It's just that the consultant  
17 happens to be an attorney.

18 **MS. KAUFMAN:** Commissioner Clark, maybe what  
19 we can do is the same thing that Mr. Burgess did, and  
20 pass this issue and get with Gulf and find out what  
21 that number is and hopefully be able to stipulate.

22 **MR. STONE:** We'll be happy to get with FIPUG  
23 on that issue. The only question I have is if we're  
24 not able to reach a stipulation, we may need to be  
25 talking, not deferring the issue, since there is no

1 testimony on the subject.

2 **COMMISSIONER CLARK:** Okay. Issue 9. Any  
3 change to that issue?

4 **MS. KAUFMAN:** FIPUG would take no position  
5 on that issue.

6 **MS. JAYE:** Commissioner, I understand that  
7 Commission Staff is working with the company in order  
8 to get some final questions cleared up and there could  
9 be a possible stipulation to this before the  
10 Prehearing Order comes out.

11 **COMMISSIONER CLARK:** Well, FIPUG and OPC  
12 simply want to be stated as no position on these  
13 issue. Okay. And then if you can work it out that's  
14 fine, but at this point we'll leave it no position  
15 pending the evidence adduced at hearing. And if you  
16 can reach a stipulation on that, then it would be a  
17 stipulated issue.

18 Issue 10.

19 **MR. BEASLEY:** Which utilities would Issue 10  
20 pertain to? We were uncertain as to the purpose for  
21 Issue 10. I see there's -- most of the utilities have  
22 not stated a position nor has Tampa Electric Company  
23 and I was just trying to --

24 **MS. JAYE:** This is not a Staff issue so it's  
25 in here merely because we did not have a matching

1 issue and --

2 **MS. BULECZA-BANKS:** Because St. Joe has the  
3 same factors that we do, the issue for St. Joe's  
4 portion is really unnecessary. The issue actually is  
5 unnecessary because we already agree on the factors  
6 and if you agree on the final amount of the true-up  
7 and the projected amount that you're going to spend,  
8 then you're going to get the same factors. Really, I  
9 don't see where the issue is necessary.

10 **COMMISSIONER CLARK:** Isn't it covered in 2?

11 **MS. BULECZA-BANKS:** Inherently it's  
12 incorporated in all of the issues. The first one, two  
13 and three issues.

14 **COMMISSIONER CLARK:** All right. We'll show  
15 Issue 10 deleted.

16 Issue 11.

17 **MR. BEASLEY:** Tampa Electric would agree  
18 with the position stated there for People's Gas.

19 **MR. STONE:** As does Gulf.

20 **COMMISSIONER CLARK:** Let me ask this. Is  
21 this a stipulated issue?

22 **MS. JAYE:** It should be, Commissioner.

23 **COMMISSIONER CLARK:** Okay. Show it as  
24 stipulated.

25 Issue 12.

1           **MR. GUYTON:** Once again, Commissioner, I  
2 think this is probably subsumed by Issue 2 in the  
3 factors.

4           **COMMISSIONER CLARK:** All right. We'll show  
5 Issue 12 as deleted. Now, anything else on -- you  
6 wanted us to come back to the witness list and list  
7 the issues, at least for FP&L?

8           **MR. GUYTON:** Those would be Issues 1 through  
9 4 and if 4 is stipulated then just 1 through 3. I  
10 guess, 1 through 4.

11           **COMMISSIONER CLARK:** Okay.

12           **MR. BEASLEY:** And for Tampa Electric  
13 Company, for Mr. Bryant we can delete Issue 3 and add  
14 Issue 11.

15           **COMMISSIONER CLARK:** Okay.

16           **MR. GUYTON:** I apologize, Commissioner  
17 Clark. I guess it would be Issues 1 through 4, and  
18 then the stipulated issue that was identified as 11  
19 but I guess that will be renumbered with the deletion  
20 of 10.

21           **COMMISSIONER CLARK:** Okay.

22           **MR. MCGEE:** Commissioner Clark, for witness  
23 Michael F. Jacob, for Florida Power it would be Issues  
24 1, 2 and 9.

25           **MR. SCHIEFELBEIN:** And for Beverly Bauck

1 appearing for Chesapeake, she'd be appearing for  
2 stipulated Issues 2 and 3.

3 **MR. SELF:** Commissioner Clark, Michael  
4 Peacock for FPUC would then be just Issues 1 and 2.

5 **MR. PALECKI:** Commissioner Clark, Carl Smith  
6 for City Gas Company would be stipulated Issues 2 and  
7 3.

8 **COMMISSIONER CLARK:** Any other changes? I'd  
9 like to ask Ms. Jaye, make sure -- please revise the  
10 issues as the issues that the witnesses will testify  
11 to as we've indicated today and then if they are  
12 renumbering of the issues, please show the numbering  
13 changed on the appropriate issues.

14 **MS. JAYE:** Will do.

15 **COMMISSIONER CLARK:** Anything else on the 02  
16 docket?

17 **MS. JAYE:** Nothing that I'm aware of,  
18 Commissioner.

19 **COMMISSIONER CLARK:** Let's me ask a question  
20 of OPC and FIPUG. On those issues that you want to  
21 take a look at and talk with the companies on, can we  
22 set a time certain that would be resolved?

23 **MR. BURGESS:** That would be fine with me if  
24 you want. Are you asking me --

25 **COMMISSIONER CLARK:** I'm asking for a

1 proposal.

2           **MR. BURGESS:** Charlie, when do you think we  
3 can talk about this?

4           **MR. GUYTON:** I can make time any time.

5           **MR. BURGESS:** I think we can finalize it by  
6 the end of the week.

7           **COMMISSIONER CLARK:** Okay.

8           **MS. KAUFMAN:** I think that would be the case  
9 for me as well, as long as I can get the information  
10 from Gulf.

11           **COMMISSIONER CLARK:** Okay. Well, why don't  
12 we make it close of business next Wednesday because  
13 we -- when is the hearing on this? There is --

14           **MS. JAYE:** It's 22nd and 23rd of November.

15           **COMMISSIONER CLARK:** Okay. That will give  
16 us a little time on it.

17           **MR. BURGESS:** Thank you, Commissioner.

18           **COMMISSIONER CLARK:** 07.

19           **MR. BEASLEY:** In 02, Commissioner, can we  
20 confirm the excusal of all witnesses where the issues  
21 are stipulated?

22           **COMMISSIONER CLARK:** Yes. If the issue is  
23 stipulated and that if all the issues for which the  
24 witnesses appearing are stipulated, then they can be  
25 excused from the hearing. But, again, I would ask the

1 Staff to inform the other Commissioners of the fact  
2 that they were scheduled to appear on issues that have  
3 been stipulated and unless you hear from the other  
4 Commissioners they will be excused from the hearing.

5 **MS. JAYE:** Very well.

6 **MR. BEASLEY:** Thank you.

7 \* \* \* \* \*

8 **COMMISSIONER CLARK:** Going back to 002,  
9 Mr. Stone.

10 **MR. STONE:** Yes, briefly. During the break  
11 we had an opportunity to talk with FIPUG about their  
12 concern on Issue 8. We've reached a stipulation, I  
13 believe, where they'll take no position which would  
14 allow us to have a stipulation on the issue.

15 **MS. KAUFMAN:** That's correct, Commissioner  
16 Clark.

17 **COMMISSIONER CLARK:** Okay. We'll show that  
18 as stipulated and show FIPUG with no position.

19 **MR. STONE:** I believe that with that, that  
20 that means that Gulf's position on Issues 1 and 2 are  
21 now stipulated in the 02 docket, and that would allow  
22 our witness to be excused assuming no Commissioner  
23 requests --

24 **COMMISSIONER CLARK:** All ready. Very good.

25 **MS. JAYE:** Very good.

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MR. STONE: Thank you.

\* \* \* \* \*

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

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

6 DO HEREBY CERTIFY that the Prehearing  
7 Conference in Docket No. 990002-EG 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 by me; and that this transcript,  
13 consisting of 24 pages, constitutes a true  
14 transcription of my notes of said proceedings.

15 DATED this 15th day of November, 1999.

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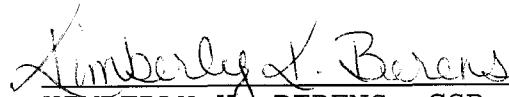
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KIMBERLY K. BERENS, CSR, RPR  
Florida Public Service Commission  
Official Commission Reporter

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