



## 1 APPEARANCES:

2 F. MARSHALL DETERDING, Rose, Sundstrom &  
3 Bentley, 2548 Blairstone Pines Drive Tallahassee,  
4 Florida 32301, appearing on behalf of Aloha  
5 Utilities, Inc.

6 HAROLD McLEAN, Associate Public Counsel,  
7 Office of Public Counsel, 111 West Madison Street,  
8 Room 812, Tallahassee, Florida 32399-1400, appearing  
9 on behalf of the Citizens of the State of Florida  
10 and Representative Mike Fasano.

11 RALPH R. JAEGER, and JASON FUDGE, Florida  
12 Public Service Commission, Division of Legal  
13 Services, 2540 Shumard Oak Boulevard, Tallahassee,  
14 Florida 32399-0870, appearing on behalf of the  
15 Commission Staff.

16

17

18

19

20

21

22

23

24

25

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

1  
2 COMMISSIONER CLARK: We'll call the prehearing  
3 to order. Would you read the Notice?

4 MR. JAEGER: Okay. Pursuant to amended Notice  
5 issued March 7th this year, this time and place has been  
6 set for a second prehearing conference in docket number  
7 960545-WS, investigation of utility rates and quality of  
8 service of the Seven Springs division of Aloha utilities  
9 Inc. in Pasco County.

10 COMMISSIONER CLARK: Take appearances.  
11 Mr. Deterding.

12 MR. DETERDING: F. Marshall Deterding here on  
13 behalf of Aloha utilities.

14 MR. MCLEAN: Harold McLean, 111 West Madison  
15 Street, Tallahassee, Florida, appearing on behalf of the  
16 citizens of the state of Florida and insofar as prehearing  
17 conference is concerned, the interest of Mr. Mike Fasano,  
18 who is an intervenor.

19 MR. JAEGER: I'm Ralph Jaeger, and with me is  
20 Jason Fudge on behalf of Commission staff, 2540 Shumard  
21 Oak Boulevard, Tallahassee, Florida 32399-0850.

22 COMMISSIONER CLARK: Okay, Mr. Jaeger, what do  
23 we need to do? I didn't see anything in the prehearing  
24 order that indicated that there was a lot we had to do  
25 today.

1 MR. JAEGER: There are two pending matters,  
2 actually. And both of them involved DEP witnesses.

3 COMMISSIONER CLARK: Okay.

4 MR. JAEGER: Michael D. LeRoy initially asked  
5 that he just be allowed to testify on the afternoon of the  
6 29th, but he's now become available on both days. So,  
7 he's withdrawn that request. So, that part of the  
8 prehearing is on page 15, I think, pending matters -- or  
9 14, I'm sorry. So, the first sentence, he's withdrawn  
10 that request. And I think we can just cross through that.

11 And then staff witness, Peter Screnock, he has a  
12 conflict on the 29th. And he requests that he be allowed  
13 to just come on the 30th and testify on the morning of  
14 30th. And I think all the parties agreed that that would  
15 be acceptable.

16 COMMISSIONER CLARK: Okay. We'll show that in  
17 the listing of witnesses that indicate that next to that  
18 witness that he will testify the morning of the 30th.

19 MR. JAEGER: Okay.

20 MR. MCLEAN: Commissioner, I might be odd man  
21 out on this deal, but -- pardon me.

22 For those two witnesses, I'm not going to have  
23 any questions for them that would require their  
24 appearance. If they come, I'll probably have a question  
25 or two, but they don't need to show up for me.

1 MR. DETERDING: I am.

2 MR. JAEGER: Do you need both of them, Marty,  
3 Peter Screnock, too?

4 MR. DETERDING: Yeah. You know, their  
5 testimony, to some degree --

6 COMMISSIONER CLARK: That's fine, Mr. Deterding.  
7 If you need them there, they'll be there.

8 MR. DETERDING: Just wanted to explain.

9 MR. JAEGER: We discussed Michael LeRoy, but we  
10 hadn't discussed Peter Screnock.

11 I'd like to thank the parties for agreeing to  
12 allow Commissioner Jaber to participate as a hearing  
13 officer in this proceeding.

14 COMMISSIONER CLARK: As would I.

15 Is there anything -- have you read over the  
16 prehearing order, and is there anything that needs to be  
17 changed?

18 MR. MCLEAN: I think there's a bit of confusion.  
19 Let me see if I can -- page 14 of the facts of the  
20 prehearing order -- let me see if I can. There's  
21 reference there to a exhibit, SGW-2. I didn't bring  
22 Mr. Watford's testimony, but I believe that -- I don't  
23 think there is an SGW-2 rebuttal. I think that should  
24 read "SGW-1," but --

25 MR. JAEGER: Okay. What I --

1 MR. MCLEAN: Mr. Watford had a rebuttal exhibit  
2 addressing the expenses. And that was stricken. I think  
3 that's SGW-1R, but for some reason I didn't bring it.

4 MR. JAEGER: Okay. There were two exhibits, and  
5 you moved to strike just exhibit one, but both exhibits  
6 did go to somewhat on expenses. So, I think, you know, I  
7 didn't bring Mr. Watford's, but you did not move to strike  
8 exhibit 2 and that has not been stricken, but there is no  
9 issue on rate case expense.

10 And so, I don't know. I think that exhibit does  
11 go to, you know, the expenses that -- but you did not, for  
12 some reason that didn't get stricken, and that was not in  
13 your motion.

14 MR. MCLEAN: I don't think I have SGW-2, but I  
15 can't say, because I didn't bring the testimony.

16 MR. DETERDING: I don't have it either.

17 COMMISSIONER CLARK: Well, it strikes me that we  
18 could take it up at the beginning of the hearing. If it  
19 needs to be stricken, we'll do it then.

20 MR. MCLEAN: Okay.

21 MR. JAEGER: Okay. Nothing further.

22 COMMISSIONER CLARK: Mr. Deterding, anything?

23 MR. DETERDING: No.

24 COMMISSIONER CLARK: Mr. Mclean, anything?

25 MR. MCLEAN: I'll have no questions for

1 Mr. Nixon, unless he comes. If he is there, I may have a  
2 question or two, but I don't have anything important  
3 enough to require his appearance as a witness.

4 MR. JAEGER: Staff doesn't have any cross for  
5 Nixon.

6 COMMISSIONER CLARK: Okay. Then we can  
7 stipulate his testimony into the record at the beginning  
8 of the hearing and indicate parties have waived  
9 cross-examination.

10 If you would -- I was going to say alert the  
11 presiding officer. I guess I'll know, but remind us to do  
12 that at the beginning, and Mr. Nixon will be excused from  
13 appearing, Mr. Deterding?

14 Now, are there any other witness for whom there  
15 might not be cross-examination? Everybody else will be  
16 questioned? Okay.

17 MR. DETERDING: There aren't any others.

18 COMMISSIONER CLARK: Mr. Bidy and --

19 MR. DETERDING: Porter and Watford.

20 COMMISSIONER CLARK: I suppose, if we didn't  
21 have to be there -- what time does it start on the first  
22 day, the 29th?

23 MR. JAEGER: 10:00 is what it's noticed for.

24 COMMISSIONER CLARK: Okay. Well, we'll have to  
25 be there the next day anyway to hear from the last

1 witness.

2 MR. JAEGER: We have the customer testimony that  
3 night, so we were going to be there the nights of --

4 COMMISSIONER CLARK: Good point. All right.  
5 Well, is there anything further to come before us at this  
6 point?

7 MR. MCLEAN: Well, I've always thought it would  
8 be nice to have witness summaries off the record for the  
9 reason that if they talk about something that's not in  
10 their prefiled testimony and it ain't admissible, and if  
11 it's the same as in their prefiled testimony, it's  
12 cumulative. So, in either sense, it seems to me like it's  
13 pointless to put it on the record.

14 COMMISSIONER CLARK: Well, that certainly is a  
15 novel request. I mean, we've always done it that way. I  
16 personally think it's sort of -- it is useful in the sense  
17 in that it reorients the commissioners to what this  
18 particular witness is --

19 MR. MCLEAN: I agree. Just my thought it ought  
20 to be off the record.

21 COMMISSIONER CLARK: I'm sure the witnesses will  
22 keep their summaries confined to their prefiled testimony.

23 With that, this prehearing is adjourned. Thank  
24 you.

25 (Thereupon, the hearing concluded at 8:08 a.m.)

1 STATE OF FLORIDA)

2 : CERTIFICATE OF REPORTER

3 COUNTY OF LEON )

4

5 I, KORETTA E. STANFORD, Official FPSC Commission  
6 Reporter, do hereby certify that the Prehearing  
7 Conference in Docket No. 060545-WS was heard by the  
8 Florida Public Service Commission at the time and place  
9 herein stated.

8 It is further certified that I stenographically  
9 reported the said proceedings; that the same has been  
10 transcribed under my direct supervision; and that this  
11 transcript, consisting of 8 pages, constitutes a true  
12 transcription of my notes of said proceedings.

11 I FURTHER CERTIFY that I am not a relative,  
12 employee, attorney or counsel of any of the parties, nor  
13 am I a relative or employee of any of the parties'  
14 attorneys or counsel connected with the action, nor am I  
15 financially interested in the action.

14 DATED this 22nd DAY OF MARCH, 2000.

15

*Koretta E. Stanford*

16

KORETTA E. STANFORD, RPR  
FPSC Official Commissioner Reporter  
(850) 413-6734

17

18

19

20

21

22

23

24

25

FLORIDA PUBLIC SERVICE COMMISSION