

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of : DOCKET NO. 000002-EG
:
ENERGY CONSERVATION :
COST RECOVERY CLAUSE. :

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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER LILA A. JABER
Prehearing Officer

DATE: Friday, November 3, 2006

TIME: Commenced at 1:30 p.m.
Concluded at 4:05 p.m.

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

REPORTED BY: TRICIA DeMARTE
Official Commission Reporter



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FPSC-RECORDS/REPORTING

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4 815, Tallahassee, Florida 32301, appearing on behalf of
5 Chesapeake Utilities Corporation (CUC).

6 MICHAEL A. PALECKI, NUI Corporation, 955
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8 behalf of City Gas Company of Florida (CGC).

9 JOHN McWHIRTER, JR., McWhirter, Reeves,
10 McGlothlin, Davidson, Decker, Kaufman, Arnold &
11 Steen, Post Office Box 3350, Tampa, Florida
12 32601-3350, and JOSEPH A. MCGLOTHLIN and VICKI
13 GORDON-KAUFMAN, McWhirter Reeves Law Firm, 117 South
14 Gadsden Street, Tallahassee, Florida 32301,
15 appearing on behalf of Florida Industrial Power
16 Users Group (FIPUG).

17 ANSLEY WATSON, JR., MacFarlane, Ferguson &
18 McMullen, P. O. Box 1531, Tampa, Florida 33601,
19 appearing on behalf of Peoples Gas System (PGS) and
20 (PGS-WFD).

21 MR. STUART L. SHOAF, PRESIDENT, P. O. Box
22 549, Port St. Joe, Florida 32457-0549 and D. BRUCE
23 MAY, Holland & Knight, LLP, P. O. Drawer 810,
24 Tallahassee, Florida, 32302, appearing on behalf of
25 St. Joe Natural Gas Company (SJNG).

1 APPEARANCES CONTINUED:

2 NORMAN H. HORTON, JR., Messer, Caparello &
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5 Florida Public Utilities Company (FPUC).

6 STEPHEN C. BURGESS, Deputy Public Counsel,
7 Office of Public Counsel, 111 West Madison Street,
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9 on behalf of the Citizens of the State of Florida
10 (OPC).

11 JAMES D. BEASLEY, Ausley & McMullen, Post
12 Office Box 391, Tallahassee, Florida 32302,
13 appearing on behalf of Tampa Electric Company
14 (TECO).

15 JAMES A. MCGEE, Florida Power Corporation,
16 Post Office Box 14042, St. Petersburg, Florida
17 33733-4042, appearing on behalf of Florida Power
18 Corporation (FPC).

19 JEFFREY A. STONE and RUSSELL A. BADDERS,
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21 Street, Post Office Box 12950, Pensacola, Florida
22 32576-2950, appearing on behalf of Gulf Power
23 Company (GULF).

24
25

1 APPEARANCES CONTINUED:

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

6 MARLENE STERN, Florida Public Service
7 Commission, Division of Legal Services, 2540 Shumard
8 Oak Boulevard, Tallahassee, Florida 32399-0870,
9 appearing on behalf of the Commission Staff (STAFF).

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P R O C E E D I N G S

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COMMISSIONER JABER: Mr. Keating, why don't you go ahead and read the notice?

MR. KEATING: Pursuant to notice issued September 29th, 2000, and amended October 6th, 2000, this time and place have been set for a prehearing conference in Docket Number 000001-EI, fuel and purchased power cost recovery clause and generating performance incentive factor; Docket Number 000002-EG, energy conservation cost recovery clause; Docket Number 000003-GU, purchased gas adjustment true-up; and Docket Number 000007-EI, environmental cost recovery clause.

COMMISSIONER JABER: Let's take appearances.

MR. WATSON: I'm Ansley Watson, Jr., MacFarlane, Ferguson & McMullen, P. O. Box 1531, Tampa, Florida 33601, appearing for Peoples Gas System.

MR. HORTON: Norman H. Horton, Jr., Messer, Caparello & Self, 215 South Monroe, Tallahassee, Florida, appearing on behalf of Florida Public Utilities.

MR. BEASLEY: James D. Beasley with the law firm of Ausley & McMullen, P. O. Box 391, Tallahassee, Florida 32302, representing Tampa Electric Company.

MR. MCGEE: James McGee, Post Office Box 14042, St. Petersburg, 33733, appearing on behalf of Florida Power Corporation.

1 MR. STONE: Jeffrey A. Stone and with me is
2 Russell A. Badders. We're with the law Firm of Beggs &
3 Lane, and we're appearing on behalf of Gulf Power Company.
4 The address is as stated in the draft prehearing order.

5 MR. GUYTON: Charles A. Guyton with the law firm
6 of Steel, Hector & Davis, LLP, Suite 601, 215 South Monroe
7 Street, Tallahassee, Florida 32301, appearing on behalf of
8 Florida Power & Light Company.

9 MR. BURGESS: Steve Burgess here for the Office
10 of Public Counsel, representing the citizens of the state
11 of Florida.

12 MR. PALECKI: Michael Palecki, 3539 Apalachee
13 Parkway, Tallahassee, Florida 32311, appearing on behalf
14 of City Gas Company of Florida.

15 MS. GORDON-KAUFMAN: Vicki Gordon-Kaufman of the
16 McWhirter Reeves Law Firm, 117 South Gadsden, Tallahassee,
17 Florida 32301. I'm appearing on behalf of the Florida
18 Industrial Power Users Group.

19 MR. SCHIEFELBEIN: Wayne Schiefelbein, appearing
20 on behalf Chesapeake Utilities Corporation.

21 MS. STERN: Marlene Stern on behalf of the
22 Commission Staff.

23 COMMISSIONER JABER: All right. Ms. Stern, are
24 there any preliminary matters?

25 MS. STERN: None that I'm aware of.

1 MR. PALECKI: City Gas Company of Florida has
2 one preliminary matter. We would move orally to file our
3 prehearing statement out of time. It was due on the 25th
4 of October; we filed on October 27th.

5 COMMISSIONER JABER: Any objections?

6 MS. STERN: No.

7 COMMISSIONER JABER: Okay. It is granted. Make
8 sure it's reflected in the ruling section of the order.

9 Ms. Stern, are you aware of any other matters
10 related to prehearing statements or parties needing to be
11 excused from today's prehearing conference?

12 MS. STERN: No, I am not.

13 COMMISSIONER JABER: All right. With this one,
14 I'd like to go page by page. I saw there were some things
15 missing in this prehearing order that I'd like to insert.

16 MS. STERN: Okay.

17 COMMISSIONER JABER: I think, again, you need to
18 add some language in the prehearing order that puts
19 parties on notice that there might be bench decisions in
20 this docket as well.

21 MR. STONE: Commissioner Jaber, if I may speak
22 to that issue briefly?

23 COMMISSIONER JABER: Uh-huh.

24 MR. STONE: These are cost recovery hearings,
25 and the end result will be new cost recovery factors that

1 will be effective January 1 of the year 2001. It has been
2 tradition that they be bench decisions on those factors.
3 In fact, if we don't have a bench decision, we would not
4 be able to implement the factors on the effective date.

5 So I just wanted to make sure I understood when
6 you say there's possibility of a bench decision, I would
7 hope that we would continue with tradition and there would
8 be an emphasis on a bench decision at least as far as the
9 factors are concerned.

10 COMMISSIONER JABER: I think I said in the
11 previous docket that there would be a bench decision. I
12 wanted to make sure the parties were aware of that.

13 MR. STONE: I misunderstood. I thought you said
14 there was a possibility of one, and that's what I was
15 concerned about.

16 COMMISSIONER JABER: I think with this I said
17 there would be a possibility. It's my understanding that
18 not all issues necessarily dictate a bench decision, but
19 to the degree that parties need to be made aware, we're
20 attempting to make them aware.

21 MR. STONE: Thank you.

22 COMMISSIONER JABER: Are there any changes to
23 Page 2 or Page 3?

24 MR. PALECKI: One change on Page 1. If you
25 would add the appearance of Michael Palecki on behalf of

1 City Gas Company of Florida in the appearances section.

2 COMMISSIONER JABER: Yes. Okay.

3 MS. GORDON-KAUFMAN: And, Commissioner Jaber, if
4 Mr. McWhirter and Mr. McGlothlin could be shown as
5 entering an appearance as well as myself on behalf of
6 FIPUG on Page 2.

7 COMMISSIONER JABER: Okay. We'll add
8 Mr. McGlothlin and Mr. McWhirter?

9 MS. GORDON-KAUFMAN: Yes, ma'am.

10 COMMISSIONER JABER: Staff, do you have that?

11 MS. STERN: Yes.

12 COMMISSIONER JABER: Okay. Page 3. Page 4.
13 Page 5. I don't expect oral summaries of testimony or
14 anything like that, so it's safe to take out any
15 references to opening statements and oral summaries, I
16 think. Are parties in agreement in that regard?

17 MR. STONE: Commissioner, to the extent that the
18 witnesses are stipulated, certainly I agree with that. If
19 in the event there is a contested hearing, we would like
20 the opportunity for either an opening statement or witness
21 summaries or perhaps both, but I think all witnesses are
22 stipulated as far as Gulf is concerned.

23 COMMISSIONER JABER: All right. Ms. Stern, I
24 think in all of these prehearing orders, let's start
25 adding that if parties wish to make opening statements,

1 they will be limited to ten minutes each, and if there are
2 oral summaries, five minutes.

3 MS. STERN: Okay.

4 COMMISSIONER JABER: In Section 6, I'm on
5 Page 5, I think you need to add the same language that
6 Cochran had about the order of witnesses, that we will
7 indicate to the parties to the degree there are any issues
8 that are stipulated and witnesses aren't necessary,
9 Ms. Stern, that parties will be contacted by
10 November 13th. Is that sufficient, Parties?

11 MR. STONE: Yes, ma'am.

12 COMMISSIONER JABER: Cochran, why don't you make
13 sure she has got a copy your order? Page 6.

14 MR. SCHIEFELBEIN: Yes. The sixth name from the
15 top on Page 6, the last name is spelled B-A-U-C-K.

16 COMMISSIONER JABER: Thank you.

17 MR. STONE: Commissioner Jaber, for Michael J.
18 McCarthy, he should be shown as providing testimony on
19 Issue 2 and Issue 4.

20 COMMISSIONER JABER: Thank you.

21 MS. STERN: Excuse me. Can I ask -- Issue 4,
22 meaning the effective date?

23 MR. STONE: Yes, although we're stipulating to
24 that. I just -- I mean --

25 MS. STERN: Okay.

1 COMMISSIONER JABER: Staff --

2 MR. STONE: I'd also --

3 COMMISSIONER JABER: I'm sorry, Mr. Stone. I
4 was going to ask you about that, Staff, when we got to
5 Page 16. Parties' positions, even if it is a stipulation,
6 I think it would be helpful to the Commissioners reading
7 this prehearing order to know what the positions are even
8 if it agrees with Staff. Page 16, Issue 4, the only
9 position that's reflected is that of Staff's.

10 MS. STERN: That's because it was added late by
11 Staff.

12 COMMISSIONER JABER: All right. So you can go
13 back and incorporate the changes from today.

14 MS. STERN: Yeah.

15 COMMISSIONER JABER: Fix that. And, Parties, to
16 the degree any of these witnesses need to be reflected for
17 Issue 4, you need to let us know.

18 MR. STONE: Commissioner Jaber, this may be an
19 appropriate time to bring this up. Again, we are
20 assuming, based on discussions prior to the prehearing
21 conference, that all of Gulf's issues will be stipulated,
22 and it will not become necessary for a witness to attend,
23 but in the event that a witness does need to attend,
24 Mr. McCarthy would intend to adopt the testimony of
25 Ms. Neyman and would be presenting both sets of testimony

1 on behalf of Gulf Power Company.

2 COMMISSIONER JABER: So you're putting Staff and
3 the parties on notice that that testimony will be adopted?

4 MR. STONE: By Mr. McCarthy, yes, Commissioner.

5 COMMISSIONER JABER: Any objections to that?
6 Staff.

7 MS. STERN: Well, I'm a little confused. I
8 think that there were some discrepancies on Issue 1.
9 Gulf's final end of the period true-up amount for
10 1999 differed from the Staff's, although the recovery
11 factors were the same. So I'm not sure, are you saying
12 you agree with Staff?

13 MR. STONE: It's my understanding that we agree
14 with Staff. They may be pulling numbers from different
15 places in the filings, but it's my understanding that the
16 numbers agree with Staff. The positions of the company
17 agrees with Staff.

18 MS. STERN: Okay.

19 MR. STONE: But what I'm asking is to place the
20 parties on notice that Ms. Neyman's testimony, which was
21 the final true-up for 1999, will be adopted by
22 Mr. McCarthy, and if there are any questions, he would be
23 the one to address those on cross-examination.

24 COMMISSIONER JABER: Staff, I would imagine
25 you're the only group that could possibly have an

1 objection to that. Is there any problem with adopting
2 Mr. Neyman's testimony and FIPUG, of course, OPC, FIPUG?

3 MS. STERN: No, there's no objection.

4 COMMISSIONER JABER: Then I think to make it
5 easier for the other Commissioners, why don't you put an
6 asterisk or some sort of indication by Mr. McCarthy's
7 name -- or actually Mr. Neyman's -- Ms. Neyman's name, and
8 indicate that her testimony will be adopted by
9 Mr. McCarthy.

10 Is that sufficient, Mr. Stone?

11 MR. STONE: Yes, Commissioner. Thank you.

12 MR. GUYTON: Commissioner, in light of the
13 earlier discussion, FPL has a similar situation with
14 Mr. Reynolds. We indicate in our prehearing statement
15 that Mr. Reynolds, if testimony became necessary, would
16 adopt the testimony of Ms. Santos. If not necessarily, it
17 can simply be stipulated in as if it were read.

18 COMMISSIONER JABER: Are these witnesses not
19 available? Is that what the problem is, Ms. Santos?

20 MR. GUYTON: Yeah, Ms. Santos' job and
21 responsibilities have changed in the intervening months,
22 and Mr. Reynolds has assumed the responsibility.

23 MR. STONE: And the similar situation applies to
24 Mr. McCarthy.

25 COMMISSIONER JABER: And this is information

1 that was in your prehearing statement?

2 MR. GUYTON: Yes, Commissioner.

3 COMMISSIONER JABER: Okay. Staff do you have
4 any problem with the adoption of that testimony?

5 MS. STERN: No.

6 COMMISSIONER JABER: Mr. Burgess. Ms. Kaufman.

7 MR. BURGESS: No.

8 MS. GORDON-KAUFMAN: No objection.

9 COMMISSIONER JABER: I don't mean to leave the
10 parties out, but --

11 MR. GUYTON: And we would also then add Issue 4
12 to Mr. Reynolds.

13 COMMISSIONER JABER: All right. Then make that
14 same notation on the prehearing order, Ms. Stern.

15 MS. STERN: Okay.

16 MR. BEASLEY: Commissioner, Tampa Electric would
17 add Issue 4 to Mr. Bryant's list of issues.

18 COMMISSIONER JABER: Thank you.

19 MR. BEASLEY: And we agree with Staff on that
20 issue.

21 COMMISSIONER JABER: Okay.

22 MR. WATSON: Commissioner, Peoples Gas would add
23 Issue 4 to the issues listed for J. Brent Caldwell and
24 would agree with Staff on the issue.

25 COMMISSIONER JABER: Okay.

1 MR. MCGEE: The same would be the case with
2 Florida Power's witness, Mr. Jacob. He's indicated he's
3 responsible for Issues 1 and 2; if we could add 4 to his
4 name.

5 COMMISSIONER JABER: Thank you.

6 MS. STERN: Could you repeat that? Who did you
7 just --

8 COMMISSIONER JABER: Mr. Jacob will be
9 testifying on Issue 4.

10 MS. STERN: Okay.

11 COMMISSIONER JABER: Right? Was that your
12 question, Ms. Stern?

13 MS. STERN: Yes.

14 COMMISSIONER JABER: And what about Florida
15 Public Utilities?

16 MR. HORTON: Commissioner, Mr. Peacock and
17 Mr. Smith would also be added to Issue 4, and we concur
18 with Staff.

19 COMMISSIONER JABER: Thank you.

20 MR. MAY: Commissioner Jaber?

21 COMMISSIONER JABER: Uh-huh.

22 MR. MAY: Again, on behalf of St. Joe Natural
23 Gas, if I would be shown, Bruce May with the law firm of
24 Holland & Knight, appearing for St. Joe Natural Gas in
25 lieu of Mr. Shoaf. We would like Mr. Shoaf to continue to

1 be shown on the prehearing order.

2 COMMISSIONER JABER: So we'll add you.

3 MR. MAY: Yes, please. Thank you.

4 COMMISSIONER JABER: Anything else on Page 6?

5 Page 7.

6 MR. SCHIEFELBEIN: Commissioner, for CUC, the
7 fourth line of the basic position, there's an extra digit
8 in there on the date, December 31, 1999.

9 COMMISSIONER JABER: Thank you.

10 MR. SCHIEFELBEIN: Thank you.

11 COMMISSIONER JABER: Page 8. Page 9.

12 MR. SCHIEFELBEIN: Yes, Commissioner. For CUC
13 on Issue 1, we would like to change our position. The
14 position should be, "agree with Staff."

15 COMMISSIONER JABER: Issue 1 under CUC change to
16 agree with Staff?

17 MR. SCHIEFELBEIN: Yes.

18 MR. WATSON: Commissioner, also on Page 9 under
19 Issue 1, the positions for PGS except West Florida and PGS
20 West Florida should be, "accept Staff position." I don't
21 want to say we agree with Staff because we can't figure
22 out where the \$4 difference comes from.

23 COMMISSIONER JABER: I appreciated the
24 difference.

25 MS. GORDON-KAUFMAN: Commission Jaber, FIPUG on

1 Page 10 would take no position on this issue.

2 COMMISSIONER JABER: On Page 10?

3 MS. GORDON-KAUFMAN: Yes, ma'am.

4 COMMISSIONER JABER: Okay. So change FIPUG's
5 position, Marlene, to no position.

6 MS. STERN: Okay. Can I ask a question?

7 COMMISSIONER JABER: Of course.

8 MS. STERN: St. Joe Natural Gas, the position on
9 Issue 1 differs from Staff's --

10 COMMISSIONER JABER: Mr. May, you may want to
11 grab one of those microphones over there. That's not a
12 problem.

13 MS. STERN: -- by quite a bit. We have
14 St. Joe's issue as \$24,711, and Staff's position on the
15 final amount is \$5,622.

16 MR. MAY: I have nothing really to reflect back
17 on that. I'll have to talk with Mr. Shoaf and get back
18 with you. It's my understanding that there is that
19 difference, but I can't explain it at this time.

20 MS. STERN: Okay.

21 COMMISSIONER JABER: If you find out in the next
22 day or two that it is different, just give the new
23 position to Staff. And, Staff, you have my permission to
24 incorporate the change and have it reflected in the
25 prehearing order.

1 MS. STERN: Okay.

2 MR. MAY: Mr. Shoaf should be back in town on
3 Monday, hopefully, and I'll make sure that we get in touch
4 with you if there is some agreement there.

5 COMMISSIONER JABER: Thank you.

6 MR. BURGESS: Commissioner Jaber, OPC would
7 accept Staff's position on the issue, Issue 1, Page 10.

8 COMMISSIONER JABER: Thank you.

9 MR. STONE: Commissioner Jaber, Gulf Power
10 Company would conform its number under Issue 1 to that of
11 Staff's, and therefore, we would be in agreement with
12 Staff.

13 COMMISSIONER JABER: Okay. So we'll change your
14 position to agree with Staff.

15 Changes to TECO?

16 MR. BEASLEY: We have no changes, and I think
17 we're in agreement with Staff on that number.

18 COMMISSIONER JABER: All right. CGC, what is
19 that Chesapeake, City Gas?

20 MR. PALECKI: We agree with Staff, and we have
21 no changes.

22 COMMISSIONER JABER: All right. Page 10.
23 Staff, on Page 10, your position, GPC is Gulf; sometimes I
24 see it as Gulf; sometimes I see it as GPC. Can we just
25 make it consistent?

1 MS. STERN: Yes.

2 COMMISSIONER JABER: Page 11. Page 12.

3 MR. PALECKI: City Gas Company of Florida has
4 one change on Page 12. The first number should be
5 .06005 rather than 055, and that would make our issue
6 conform with Staff.

7 MR. SCHIEFELBEIN: Commissioner, on Chesapeake's
8 position, CUC on Issue 2, that should be changed to agree
9 with Staff.

10 COMMISSIONER JABER: Thank you. Ms. Stern, you
11 have that?

12 MS. STERN: Yes.

13 COMMISSIONER JABER: Okay. Page 13.

14 MR. BURGESS: Commissioner, OPC would accept
15 Staff's position.

16 COMMISSIONER JABER: Thank you.

17 MS. GORDON-KAUFMAN: And Commissioner, FIPUG
18 takes no position on that issue.

19 COMMISSIONER JABER: Thank you.

20 MS. STERN: St. Joe, there's some discrepancy
21 again, so I guess could --

22 MR. MAY: I think the same understanding would
23 apply here too.

24 MS. STERN: Okay.

25 MR. MAY: I will get back with you when I

1 discuss this with Mr. Shoaf on Monday.

2 MS. STERN: Okay.

3 COMMISSIONER JABER: We'll allow Ms. Stern to
4 point them out to you, though, so that there is
5 clarification with respect to what additional information
6 you need from St. Joe, and at the end we will establish a
7 time certain.

8 MR. MAY: Thank you.

9 COMMISSIONER JABER: Page 15. 16.

10 MR. GUYTON: On Page 16, Florida Power & Light
11 Company agrees with Staff on Issue 4.

12 MR. SCHIEFELBEIN: Excuse me. On Issue 4,
13 Chesapeake would also agree with Staff.

14 MR. PALECKI: City Gas Company of Florida would
15 also agree with Staff.

16 MR. STONE: Gulf Power Company agrees with
17 Staff.

18 MR. MCGEE: As does Florida Power Corporation.

19 MR. BURGESS: Commissioner, OPC would agree with
20 Staff on Issue 4 and take no position on Issue 3.

21 MR. WATSON: I'm lost.

22 COMMISSIONER JABER: All right. We'll go back.

23 MR. WATSON: I thought we were on Page 15.

24 COMMISSIONER JABER: We left -- that's all
25 right. We'll go back to Page 15. We were on 16.

1 MR. WATSON: Okay.

2 COMMISSIONER JABER: Page 15.

3 MR. WATSON: I think the Staff's position for
4 Peoples Gas and probably all of the other gas utilities on
5 Page 15 is incorrect by a multiple of 100. Those
6 decimals, if the factors are going to be stated with the
7 word "cents per therm" afterward, the decimals need to
8 move two places to the right.

9 MS. STERN: We have a handout actually with
10 those changes. Thank you for pointing that out to us.

11 MR. WATSON: Okay. I just hadn't seen it yet.

12 MS. STERN: Yeah, okay. We'll pass it out right
13 now.

14 MR. BEASLEY: Commissioners, Tampa Electric
15 agrees with Staff on Issue 4.

16 COMMISSIONER JABER: All right. Ms. Stern, the
17 handout you are passing out right now needs to be
18 incorporated into the positions for Issue 2 on Page 15.

19 MS. STERN: Yes, it will be incorporated.

20 COMMISSIONER JABER: All right. Page 16. Issue
21 3, OPC, no position?

22 MR. BURGESS: Correct, no position on Issue 3,
23 and we agree with Staff on Issue 4.

24 MS. GORDON-KAUFMAN: The same would be true for
25 FIPUG, Commissioner Jaber.

1 COMMISSIONER JABER: Okay. Thank you.

2 MR. BEASLEY: Commissioners, could I inquire if
3 Staff has a position on Issue 3?

4 MS. STERN: Staff does not have a position at
5 this time.

6 COMMISSIONER JABER: Whose issue is it? Who
7 identified the issue?

8 MR. BEASLEY: It's a Tampa Electric issue, and
9 we didn't know if we could -- if you could stipulate this
10 witness or get some indication by the 13th that the Staff
11 does have a position, I think that would be useful.

12 COMMISSIONER JABER: I'll tell you what, it's my
13 hope to get the prehearing order out by the 13th so that
14 the Commissioners have it. So why don't we say, Staff,
15 that you'll work on trying to articulate at least a
16 preliminary position for TECO in an effort to work out
17 Issue 3 by next Tuesday.

18 MS. STERN: Okay.

19 MR. BEASLEY: Thank you.

20 COMMISSIONER JABER: All right. On Issue 4, I
21 have FP&L, Chesapeake, City Gas, Florida Power, Gulf, OPC,
22 TECO, and FIPUG agree with Staff.

23 MR. HORTON: Commissioner, Florida Public
24 Utilities would also agree with Staff.

25 COMMISSIONER JABER: Thank you.

1 MR. WATSON: As would Peoples Gas System.

2 COMMISSIONER JABER: Thank you.

3 MR. MAY: And St. Joe Natural Gas would agree
4 with that also.

5 COMMISSIONER JABER: Staff, it sounds like
6 that's a stipulated issue. Is there anyone that is not
7 agreeing on Issue 4? I have Issue 4 can be reflected as a
8 stipulated issue.

9 MS. STERN: Okay.

10 COMMISSIONER JABER: Page 17.

11 MR. GUYTON: Florida Power & Light has one
12 correction to the description of the exhibit of
13 Barbara Santos. The reference to Appendix A should be
14 deleted.

15 COMMISSIONER JABER: Thank you. So her
16 testimony and her exhibits will be adopted at the hearing
17 by the other witness?

18 MR. GUYTON: Yes, Commissioner, if necessary;
19 otherwise, I think we can just reflect she testified if
20 it's stipulated.

21 COMMISSIONER JABER: Sure. Any other changes to
22 Page 17? Page 18.

23 MR. STONE: Commissioner, the same understanding
24 with regard to Mr. McCarthy and Ms. Neyman's testimony and
25 exhibits as was articulated by Mr. Guyton for his witness.

1 COMMISSIONER JABER: Thank you.

2 MR. SCHIEFELBEIN: Yes, on Page 18, the second
3 witness name Bauk should be spelled B-A-U-C-K. Thank you.

4 COMMISSIONER JABER: Page 19. 20. There was a
5 motion for a protective order that was pending.
6 Mr. Guyton, it's my understanding that it's your intent to
7 withdraw that.

8 MR. GUYTON: I think it's been ruled on. We
9 really raised the question of confidentiality by means of
10 a motion for a protection order, and subsequent to filing
11 our prehearing statement, we became aware that it had been
12 ruled upon.

13 COMMISSIONER JABER: There was a request for a
14 confidential classification that I ruled on. Does that
15 make this motion moot?

16 MR. GUYTON: Yes, ma'am. That was the means by
17 which we raised the request for confidential
18 classification.

19 COMMISSIONER JABER: Good.

20 MR. GUYTON: There's a matter that we want to
21 discuss with Staff counsel independent of that, but it is
22 for purposes of the prehearing order.

23 COMMISSIONER JABER: All right. And there
24 was -- Gulf, you filed a notice of intent to seek
25 confidential classification, and the issue associated with

1 that, it's my understanding, has been withdrawn, so --

2 MR. STONE: It is my understanding that the
3 materials will be returned to the company, and that will
4 render the no need to make a ruling on the motion, or
5 rather there will be no need to make a filing of a formal
6 motion.

7 COMMISSIONER JABER: All right. Staff, it's
8 your intent to return the information to Gulf?

9 MS. STERN: Yes. Yes, it is.

10 COMMISSIONER JABER: All right. Anything else
11 on Docket 2?

12 MR. WATSON: I would ask the same question I
13 asked in the 03 Docket. If the witness for a party is
14 excused, may counsel for that party also be excused from
15 attending the hearing?

16 COMMISSIONER JABER: Absolutely, but let me ask
17 something of Staff. If the counsel is excused, do you --
18 does Staff move the testimony into the record or -- you
19 all do that?

20 MS. STERN: Yes.

21 COMMISSIONER JABER: You can be excused from the
22 hearing, but if I were you, I'd be here for the beginning
23 of the hearing, but that's, you know, that's your call.

24 MR. WATSON: All right.

25 COMMISSIONER JABER: Staff intends to move the

1 witnesses into the record and the exhibits into the
2 record, and if you're comfortable with that, that's fine
3 with me.

4 MR. WATSON: I do have one other matter on Page
5 19. The very last -- or the next to the last exhibit
6 listed on that page is MAP-2, composite for Marianna and
7 Fernandina Beach divisions. That is not Mr. Caldwell's
8 exhibit.

9 COMMISSIONER JABER: Okay.

10 MR. WATSON: I'm not sure whose it is, but it
11 does not belong to Mr. Caldwell.

12 COMMISSIONER JABER: Maybe Michael Peacock,
13 Florida Public Utility?

14 MR. HORTON: It appears it is a listing for
15 Mr. Peacock. I thought I saw his name.

16 COMMISSIONER JABER: Staff, why don't you just
17 move that --

18 MS. STERN: Yes. Yeah, you saw his name for
19 electric, and this, I guess, is gas.

20 MR. GUYTON: Commissioner, there's one other
21 change on Page 17 for Florida Power & Light. The exhibit
22 for Mr. Reynolds is denoted as DR-1, and it should be
23 DR-2.

24 COMMISSIONER JABER: Thank you. All right. So
25 we have three issues left. Staff, you're going to meet

1 with TECO on Issue 3 so that they could understand a
2 little bit more about your position and perhaps work on a
3 stipulation?

4 MS. STERN: Yes.

5 COMMISSIONER JABER: All right. Anything else
6 on this docket?

7 MR. GUYTON: I would just note that it appears
8 that as to many of the companies the first three issues
9 are stipulated as well.

10 COMMISSIONER JABER: Right.

11 MS. STERN: I'm sorry, could you repeat that?

12 COMMISSIONER JABER: Most of the positions are
13 stipulated positions on all issues with, of course, the
14 caveat that Mr. Beasley gave you on Issue 3. He needs to
15 better understand where your position is, but it sounds
16 like he's willing to stipulate. Okay?

17 MS. STERN: Okay.

18 MR. BEASLEY: We are, subject to that issue
19 being resolved with Staff, and I would ask that if we get
20 to the same number with Staff, that my witness be excused
21 from the hearing, Mr. Bryant.

22 COMMISSIONER JABER: We'll add the boilerplate
23 language about Staff getting together with the
24 Commissioners individually by November 13th and letting
25 the parties know which witnesses can be excused.

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MR. BEASLEY: Okay.

COMMISSIONER JABER: If tradition holds true, it doesn't sound like any witnesses will be necessary if these are all stipulated issues. All right. As it relates to Docket 2, the prehearing is over.

(Prehearing conference concluded at 4:05 p.m.)

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1 STATE OF FLORIDA)

2 : CERTIFICATE OF REPORTER

3 COUNTY OF LEON)

4

5 I, TRICIA DeMARTE, Official FPSC Commission Reporter,
6 do hereby certify that the Prehearing Conference in Docket
7 No. 000002-EG was heard by the Florida Public Service
8 Commission at the time and place herein stated.

9

10 It is further certified that I stenographically
11 reported the said proceedings; that the same has been
12 transcribed under my direct supervision; and that this
13 transcript, consisting of 28 pages, constitutes a true
14 transcription of my notes of said proceedings.

15

16 I FURTHER CERTIFY that I am not a relative, employee,
17 attorney or counsel of any of the parties, nor am I a
18 relative or employee of any of the parties' attorney or
19 counsel connected with the action, nor am I financially
20 interested in the action.

21

DATED this 8th day of November, 2000.

22

23

Tricia DeMarte

TRICIA DeMARTE

24

FPSC Official Commission Reporter

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FLORIDA PUBLIC SERVICE COMMISSION