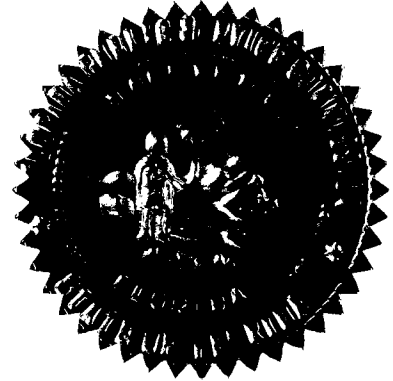


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 000824-EI

In the Matter of

REVIEW OF FLORIDA POWER  
CORPORATION'S EARNINGS, INCLUDING  
EFFECTS OF PROPOSED ACQUISITION  
OF FLORIDA POWER CORPORATION  
BY CAROLINA POWER & LIGHT



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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER BRAULIO L. BAEZ  
Prehearing Officer

DATE: Monday, March 4, 2002

TIME: Commenced at 1:35 p.m.  
Concluded at 3:30 p.m.

PLACE: Betty Easley Conference Center  
Room 152  
4075 Esplanade Way  
Tallahassee, Florida

REPORTED BY: LINDA BOLES, RPR  
Official FPSC Reporter  
(850) 413-6734

DOCUMENT NUMBER - DATE

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## 1 APPEARANCES:

2 CHARLES J. BECK, Associate Public Counsel, Office of  
3 Public Counsel, c/o The Florida Legislature, 111 W. Madison  
4 Street, Suite 812, Tallahassee, Florida 32399, appearing on  
5 behalf of the Citizens of the State of Florida.

6 VICKI GORDON KAUFMAN, McWhirter, Reeves, McGlothlin,  
7 Davidson, Dekker, Kaufman, Arnold & Steen, 117 South Gadsden  
8 Street, Tallahassee, Florida, appearing on behalf of Florida  
9 Industrial Power Users Group.

10 GARY L. SASSO and JILL H. BOWMAN, Carlton Fields,  
11 P. O. Box 2861, St. Petersburg, Florida 33731-2861, and  
12 JAMES A. MCGEE, Associate General Counsel, Florida Power  
13 Corporation, P. O. Box 14042, St. Petersburg, Florida  
14 33733-4042, and JAVIER PORTUONDO, Manager of Regulatory  
15 Services, Florida Public Service Commission, 100 Central  
16 Avenue, St. Petersburg, Florida 33701, appearing on behalf of  
17 Florida Power Corporation.

18 THOMAS A. CLOUD, Gray, Harris & Robinson, P.A., 301  
19 East Pine Street, Suite 1400, Orlando, Florida 32802,  
20 appearing on behalf of Publix Super Markets, Inc.

21 SEANN M. FRAZIER, Greenberg Traurig, P.A., 101 East  
22 College Avenue, Tallahassee, Florida 32302, appearing on  
23 behalf of Florida Retail Federation.

24

25

1 APPEARANCES CONTINUED:

2           MICHAEL B. TWOMEY, P. O. Box 5256, Tallahassee,  
3 Florida 32314-5256, appearing on behalf of Buddy Hansen and  
4 Sugarmill Woods Civic Association, Inc.

5           MARY ANNE HELTON, ADRIENNE E. VINING, ROSANNE GERVASI  
6 and JENNIFER S. BRUBAKER, Florida Public Service Commission,  
7 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,  
8 appearing on behalf of the Commission Staff.

9 ALSO APPEARING:

10           DALE MAILHOT, FPSC Staff

11           PAT LEE, FPSC Staff

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

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2 COMMISSIONER BAEZ: Y'all go on. Don't mind us.  
3 We'll call the prehearing to order. Mary Anne, can you read  
4 the notice?

5 MS. HELTON: Pursuant to notice issued by the  
6 Commission on January 25th, 2002, the prehearing conference for  
7 Docket Number 000824-EI was set for this time and place. The  
8 purpose of the prehearing conference is more fully set out in  
9 the notice.

10 COMMISSIONER BAEZ: Okay. And we're going to go  
11 ahead and take appearances. Just so -- before -- we're just  
12 going to take appearances and then I'm going to recess to give  
13 you all as much time as, as much time as you reasonably need  
14 anyway to, to make some progress or to continue the progress  
15 that you've been making before I so rudely interrupted,  
16 starting with TECO, I'm sorry, Florida Power. What day is it  
17 today?

18 MR. SASSO: This is Tuesday.

19 COMMISSIONER BAEZ: It is; right?

20 MR. PORTUONDO: This is Javier Portuondo for Florida  
21 Power Corporation.

22 MR. SASSO: Gary Sasso for Florida Power Corporation.

23 MS. KAUFMAN: Vicki Gordon Kaufman of the McWhirter,  
24 Reeves Law Firm on behalf of the Florida Industrial Power Users  
25 Group.

1 MR. CLOUD: Tom Cloud with Gray, Harris & Robinson on  
2 behalf of Publix Supermarkets, Inc.

3 MR. FRAZIER: Seann Frazier for Ronald C. LaFace and  
4 Florida Retail Federation.

5 MR. BECK: Charlie Beck, Office of the Public  
6 Counsel, appearing on behalf of Florida citizens.

7 COMMISSIONER BAEZ: And I don't -- can, can someone  
8 go outside and see if they can catch Mr. Twomey or is it all  
9 right to enter him, you know?

10 MS. HELTON: I think we can --

11 COMMISSIONER BAEZ: Charlie, I don't want to put you  
12 in a, in a bind here, but if you want to go ahead and enter an  
13 appearance for him.

14 MS. HELTON: Here he is.

15 COMMISSIONER BAEZ: Mr. Twomey will rush on up to a  
16 microphone and enter an appearance.

17 MR. TWOMEY: Pardon me, Commissioner. Mike Twomey on  
18 behalf of Bud Hansen and Sugarmill Woods Civic Association,  
19 Inc.

20 COMMISSIONER BAEZ: Thank you, Mr. Twomey. All  
21 right.

22 MS. HELTON: Do I need to make an appearance?

23 COMMISSIONER BAEZ: Yes. Absolutely.

24 MS. HELTON: Mary Anne Helton on behalf of the  
25 Florida Public Service Commission. And I'd also like to make

1 an appearance for Adrienne Vining, Rosanne Gervasi and Jennifer  
2 Brubaker.

3 COMMISSIONER BAEZ: You got the whole team out today,  
4 huh?

5 All right. Mary Anne, before we recess, is there  
6 anything that we need to get out of the way? We can go ahead  
7 --

8 MS. HELTON: No, I don't think so.

9 COMMISSIONER BAEZ: Give me a ball park figure of --

10 MS. HELTON: I'd say we need probably at least  
11 another hour.

12 COMMISSIONER BAEZ: Do you want to --

13 MS. HELTON: You don't -- well, Mr. Mailhot is  
14 disagreeing with me. So how about --

15 COMMISSIONER BAEZ: To the, to the short or long are  
16 you going, Mr. Mailhot?

17 MS. HELTON: I think he thinks I was too  
18 conservative.

19 COMMISSIONER BAEZ: You were too conservative? Okay.  
20 Let's do this. We're going to recess and then you check back,  
21 check back with me in an hour or you let me know when, when  
22 y'all feel you've made enough progress.

23 MS. HELTON: If it's quicker than that, I'll give you  
24 a call.

25 COMMISSIONER BAEZ: If quicker, I'm all for it.

1 Okay. We stand in recess. Thank you.

2 (Recess taken.)

3 COMMISSIONER BAEZ: We're back on the record.

4 Mary Anne, what do we have? What good things did  
5 y'all come up with?

6 MS. HELTON: We, we tried to stipulate to some more  
7 issues and I think we were successful in a few. My suggestion  
8 would be if you want to just go ahead and start from the  
9 beginning of the prehearing order.

10 COMMISSIONER BAEZ: All right. We're going to go  
11 quickly over the first few sections, if anyone has any, any  
12 changes or -- so we can just go through the first, the first  
13 three sections, if anyone has any changes. I'm pretty sure  
14 there shouldn't be, but.

15 Section 4, Post-Hearing. Mary Anne, I'm showing here  
16 that you've got 50 words --

17 MS. HELTON: Yes.

18 COMMISSIONER BAEZ: -- as we have discussed. You  
19 want to go ahead and change that?

20 MS. HELTON: In the Gulf order I know that that was  
21 changed to 75 words.

22 COMMISSIONER BAEZ: Yeah.

23 MS. HELTON: And my recommendation would be, as far  
24 as the page limit goes, would be to wait until the conclusion  
25 of the proceeding and kind of see where we are then.

1           COMMISSIONER BAEZ: So we'll go ahead and make a  
2 change to the prehearing positions or have, have "50" reflect  
3 "75" instead? And we're not going to make a change to the  
4 post-hearing brief page limits right now, but we will be  
5 handling them at the end of the, we'll be resetting them  
6 according to whatever might be appropriate at the time  
7 depending on how the hearing turns out at that time. So 40  
8 pages is not a hard number. Okay?

9           Section 5. All right. Order of witnesses. Are  
10 we -- we're not anticipating taking direct and rebuttal  
11 together on these, on these hearings, or is that something we  
12 need to discuss?

13           MS. HELTON: It's my understanding that the company  
14 wants to keep that separate.

15           COMMISSIONER BAEZ: Very well. We'll keep it in the  
16 order. Florida Power, do you have any changes to your witness,  
17 this list? Is this where we're going to --

18           MR. SASSO: No. No changes right now.

19           COMMISSIONER BAEZ: No changes. Is this where we're  
20 going to go over whatever witnesses are going to be --

21           MS. HELTON: We have -- I think there might be a  
22 couple of witnesses where the parties agree that there's no,  
23 will be no cross-examination. That's Dale Williams and Jan  
24 Umbaugh.

25           Would you like me to contact the other Commissioners



1 to see whether they will have cross?

2 COMMISSIONER BAEZ: Do that. We're going to, we're  
3 going to hold those names in a preliminary list. We're going  
4 to circulate them to the other Commissioners, and depending on  
5 whether they may have questions or not, we'll be able to spread  
6 the word that those witnesses can be excused.

7 MS. HELTON: And if I learn of other witnesses where  
8 there may not be cross-examination, do the same procedure?

9 COMMISSIONER BAEZ: Absolutely. It's a work in  
10 progress, so keep working at it.

11 MR. SASSO: Mary Anne, did we -- we have two others  
12 that we could add to the list today. I know Charlie indicated  
13 no questions for Mike Williams and that he might be able to  
14 handle Dale Young in deposition.

15 MS. HELTON: I don't know that Staff can yet agree.  
16 That may be very well the case. But the only two that Staff  
17 are able to confirm up to this point in time was Dale Williams  
18 and Jan Umbaugh. But we're, we're working towards that end.

19 And, Commissioner Baez, I just wanted to make sure  
20 that you saw that we have included scheduling difficulties on  
21 Page 10 of the draft, and witness, any potential problems with  
22 witness availability is listed there.

23 COMMISSIONER BAEZ: All right.

24 MS. HELTON: If that's okay with you, that's how  
25 we'll leave it.

1 COMMISSIONER BAEZ: That's fine.

2 MR. BECK: Mary Anne, I have one more on that. Do  
3 you want me to just E-mail?

4 MS. HELTON: Yes.

5 MR. BECK: Okay.

6 COMMISSIONER BAEZ: I'm sorry, Mr. Beck.

7 MR. BECK: I have one more witness that's not  
8 available on one of the hearing days.

9 COMMISSIONER BAEZ: Oh, okay. All right. If there  
10 are any changes to the availability schedules as they're set  
11 forth in this draft, please make Staff counsel aware of them by  
12 E-mail. That will be fine.

13 Mr. Cloud, you were poised to say something?

14 MR. CLOUD: No. In the next section.

15 COMMISSIONER BAEZ: Oh, okay.

16 MR. SASSO: I do have a question. I'm struggling to  
17 try to find the reference here in which portion of the  
18 prehearing, I know I've seen it, but there's a limitation on  
19 the time for opening statements.

20 MS. HELTON: That's in the last --

21 MR. SASSO: Okay. It's at the end?

22 MS. HELTON: It's the very end. It's on Page 142,  
23 the last section.

24 MR. SASSO: Okay. Then we'll wait.

25 COMMISSIONER BAEZ: Let's not get ahead of ourselves.

1 We've got so much to cover.

2 Moving along. Section 7, we have basic positions.

3 And we'll go in order. Florida Power, do you have any changes  
4 to your basic position?

5 MR. SASSO: No.

6 COMMISSIONER BAEZ: Mr. Beck?

7 MR. BECK: No changes, Commissioner.

8 COMMISSIONER BAEZ: Mr. Cloud?

9 MR. CLOUD: Yes, sir. We E-mailed a change to the  
10 Staff today. If you need me to read it, I'd be glad to, but --

11 COMMISSIONER BAEZ: That's not necessary. As long as  
12 the Staff has it --

13 MR. CLOUD: Okay.

14 COMMISSIONER BAEZ: -- we'll reflect it on the, on  
15 the final order.

16 No additional changes, Mr. Cloud? Just what you've  
17 provided?

18 MR. CLOUD: That's correct.

19 COMMISSIONER BAEZ: Okay. Thank you. Ms. Kaufman.

20 MS. KAUFMAN: No changes, Commissioner.

21 COMMISSIONER BAEZ: Does the Retail Federation,  
22 Mr. Frazier?

23 MR. FRAZIER: No.

24 COMMISSIONER BAEZ: Okay. And Mr. Twomey has  
25 informed me that there weren't any changes. And, Staff, your

1 position, I'm assuming, hasn't changed?

2 MS. HELTON: No, it hasn't changed.

3 COMMISSIONER BAEZ: All right. Issues. Is this  
4 where you give me the good news or the bad news or both?

5 MS. HELTON: What I would propose is we can hit upon  
6 the issues that we talked about earlier, unless there's any  
7 other issues that the parties want to address.

8 COMMISSIONER BAEZ: If, if there's -- and I'm  
9 wondering how to do this. Is there, is there a chance that we  
10 can just get -- let's, let's start identifying the issues that  
11 have been, that are going to be excluded, you know, excluded,  
12 withdrawn, stipulated, whatever, so that we can make the  
13 notations, and then I guess maybe we can double -- or has  
14 everything been covered, any changes that need making or  
15 anything? We're going to have to do them again; right?

16 MS. HELTON: I don't know. Maybe we're talking past  
17 each other. I was just going to identify those issues that we  
18 can drop or stipulate.

19 COMMISSIONER BAEZ: Exactly. And then we can double  
20 back for whatever changes might, might be necessary. Is  
21 that --

22 MS. HELTON: That works for me.

23 COMMISSIONER BAEZ: Just to keep it organized in my  
24 mind anyway I like to know what we're working with.

25 MS. HELTON: Okay. Okay.

1 COMMISSIONER BAEZ: Okay. So then you lead me  
2 through what --

3 MS. HELTON: On Issue 1, just for your information,  
4 we are diligently working towards a stipulation but we're not  
5 there yet. So we're --

6 COMMISSIONER BAEZ: Okay.

7 MS. HELTON: Issue 17, we have a stipulation.

8 COMMISSIONER BAEZ: And can you -- Mary Anne, I'm  
9 wondering if -- we, we can settle, we can settle on having the  
10 stipulations be categorized. That's okay with me. I think  
11 it'll probably lend a little bit more clarity in the end.

12 MS. HELTON: Okay.

13 COMMISSIONER BAEZ: So if you'll just let me know  
14 where we're at.

15 MS. HELTON: Issue 17 is what I believe has been  
16 identified as a Category 1 stipulation. That means it's  
17 between the company or the FPC and Staff.

18 COMMISSIONER BAEZ: Okay. Can I confirm it, can I  
19 confirm it with the rest of the parties? Yes. Thank you.  
20 Okay.

21 MS. HELTON: Issue 29 we have dropped because any  
22 issues raised therein can be raised in Issue 32.

23 COMMISSIONER BAEZ: Show Issue 29 withdrawn.

24 MS. HELTON: Issue 35 we have stipulated, and it is  
25 another -- actually this would be a stipulation between FPC,

1 OPC and Staff. And I'm not sure that we have designated a  
2 category for that, but we will designate a category by the time  
3 you are able to sign the order.

4 COMMISSIONER BAEZ: Show Issue 35 stipulated;  
5 category to be announced.

6 MS. HELTON: Issue 36 is a stipulation between FPC,  
7 Staff -- between just FPC and Staff, so it's a Category 1  
8 stipulation.

9 COMMISSIONER BAEZ: I'm sorry. Did you say Issue 36?

10 MS. HELTON: Yes, sir.

11 COMMISSIONER BAEZ: Okay.

12 MS. HELTON: Issue 37 is also a Category 1  
13 stipulation between FPC and Staff.

14 Issue 38 is also a Category 1 stipulation between FPC  
15 and Staff.

16 COMMISSIONER BAEZ: Show Issue 38 stipulated.

17 MS. HELTON: Issue 40 has been reworded.

18 COMMISSIONER BAEZ: Okay.

19 MS. HELTON: The rewording is, "Is it appropriate to  
20 use the traditional O&M benchmark to evaluate test year  
21 expenses?" And in rewording Issue 40 we can then drop Issue  
22 41.

23 MR. SASSO: Now we do have a restated position with  
24 the restated issue. How would you like us to provide that?

25 MS. HELTON: By E-mail.

1 COMMISSIONER BAEZ: That will be fine.

2 MS. HELTON: Unless for some reason you wanted to  
3 hear it.

4 COMMISSIONER BAEZ: No. You can, you can handle  
5 those details off-line. And any of the other parties, if -- no  
6 one has positions; right? Just OPC?

7 MR. BECK: On 40?

8 COMMISSIONER BAEZ: I'm sorry. No. We're on 41,  
9 aren't we? I'm sorry. We're on 40. Do anybody else's  
10 positions have to change?

11 MR. BECK: We -- yes. We took a position and it's  
12 the same as Staff.

13 COMMISSIONER BAEZ: Okay. And, Mr. Cloud, I'm  
14 showing a position for Publix here. If you need to change your  
15 position --

16 MR. CLOUD: We're not changing.

17 COMMISSIONER BAEZ: You're not changing. Okay.

18 MR. CLOUD: Yes.

19 COMMISSIONER BAEZ: Very well. I'm sorry.

20 Ms. Helton, you said 41 --

21 MS. HELTON: 41 then we're dropping.

22 COMMISSIONER BAEZ: Okay. Show Issue 41 withdrawn.

23 MS. HELTON: Issue 47 we're also dropping because  
24 it's subsumed within -- we can address it in Issue 44.

25 COMMISSIONER BAEZ: Okay.

1 MS. HELTON: Now just so the record is clear, Staff  
2 does have some changes to a few other positions. But I was  
3 thinking that we could just make those changes in the  
4 prehearing order, the parties already know about them, so that  
5 we don't have to clutter this record.

6 COMMISSIONER BAEZ: As long as no one is getting  
7 surprised by it and we all know which issues are getting  
8 changed, that's fine.

9 MS. HELTON: I believe that my notes reflect that  
10 Issue 60 is the next stipulated issue.

11 MR. FRAZIER: 51.

12 MS. HELTON: I don't think that we were able to  
13 stipulate 51.

14 MR. FRAZIER: Okay.

15 MS. HELTON: If I'm wrong, please --

16 COMMISSIONER BAEZ: Nice try, Mr. Frazier. That's  
17 the spirit.

18 I'm sorry. You said 60; right?

19 MS. HELTON: 60 is stipulated, and the stipulation is  
20 between Staff, FPC, OPC and FIPUG, and we're stipulating to  
21 Staff's position.

22 MR. FRAZIER: And Retail Federation joins.

23 MS. HELTON: Okay. And I believe then we need to  
24 next visit Issue 76.

25 MR. MCGEE: Mary Anne, did we stipulate on 69?



1 Sorry.

2 MS. HELTON: Double check with me.

3 76 and 77 can be dropped.

4 Issue 86 is a stipulation to, between Staff and FPC.

5 So it would be a Category 1 stipulation.

6 And then I'm ready to go to Issue 109. It's another

7 Category 1 stipulation between FPC and Staff, and we're

8 stipulating to FPC's position.

9 Issue 110 is another Category 1 stipulation between  
10 Staff and FPC. We are stipulating to FPC's position.

11 COMMISSIONER BAEZ: Okay.

12 MS. HELTON: Issue 119, on Page 86 of the draft  
13 prehearing order it's currently reflected as stipulated. Upon  
14 further reflection, Staff has gone back and we, we believe that  
15 the stipulation should read differently than it is reflected on  
16 Page 140 of the draft of the prehearing order under Item Number  
17 8. The company may disagree with what Staff would now, how  
18 Staff would now like to see the issue stipulated, so we may  
19 have a issue that was stipulated that's no longer stipulated.  
20 And we'll know that by the time the prehearing order gets  
21 issued.

22 COMMISSIONER BAEZ: Very well.

23 MS. HELTON: Then I think that brings us to Issue  
24 131. The parties have agreed to reword Issue 131 so that it  
25 reads, "Are the Progress Energy Service Company cost

1 allocations and allocation methodology appropriate?"

2           And in rewording Issue 131, we've agreed to drop  
3 Issues 132 and 138.

4           COMMISSIONER BAEZ: I'm sorry. Which issues?

5           MS. HELTON: 132 and 138 would then be dropped.

6           COMMISSIONER BAEZ: Okay.

7           MS. HELTON: And then I need to go back to Issue --  
8 oh, wait, wait, wait.

9           Go back to Issue 135. We had to leave something for  
10 you to decide today.

11           COMMISSIONER BAEZ: How about that?

12           MS. HELTON: Staff's preference would be for Issue  
13 135 to be dropped completely. I think some of the parties  
14 would like to see Issue 135 changed and FIPUG also has -- at  
15 least to see 135 remain in the proceeding, and FIPUG also has  
16 some suggested changes to the wording of 135. Which, Vicki, do  
17 you want me to -- do you want to read that or --

18           MS. KAUFMAN: Well, we are happy to keep the wording  
19 as it's reflected here. When we last met, we discussed this  
20 issue and there was talk about rewording it, so we provided  
21 some alternative language.

22           The bottom line is we think there should be an issue  
23 that addresses the impact of the acquisition, whether it's the  
24 language Staff has here or I'd be glad to read you the language  
25 that we provided, either way.

1 COMMISSIONER BAEZ: Ms. Helton, remind me which --  
2 because I'm reading this. Just on the face of it, it leaves an  
3 answer without any, provides an answer without any purpose.  
4 And I remember in going over it there may be an issue that we  
5 might be able to combine this with so that it actually has  
6 some --

7 MS. HELTON: It's Staff's position that the  
8 acquisition adjustment is already addressed or will already be  
9 addressed in Issues 136 and 137.

10 COMMISSIONER BAEZ: Right.

11 MS. HELTON: And potentially 139.

12 COMMISSIONER BAEZ: Ms. Kaufman, you, you wanted to  
13 suggest something or you had suggested something?

14 MS. KAUFMAN: Yes. This was the alternative language  
15 that I sent to Staff for 135.

16 "Has FPC proven that retail customers will benefit  
17 from the acquisition of FPC by Carolina Power & Light? If  
18 there are benefits, will retail customers receive a fair share  
19 of those benefits?"

20 MS. HELTON: And if you want an issue to stay in, we,  
21 we would prefer the issue as it's currently worded in the draft  
22 over FIPUG's suggested rewording of the issue.

23 COMMISSIONER BAEZ: Well, it's -- yeah. It's kind  
24 of -- it's more compounding than I had, than I had probably  
25 anticipated. So, you know, I'm more inclined to leave it in

1 that way as long as, I guess, there's a general understanding  
2 that answers to, you know, the essential answers to that  
3 question are going to, that's going to somehow become  
4 incorporated into those other, you know, 136 --

5 MS. HELTON: 137.

6 COMMISSIONER BAEZ: 137 and 139. So I'm not sure  
7 that that language simplifies any --

8 MS. KAUFMAN: It may not. And as I said, we were  
9 just trying to provide an alternative.

10 COMMISSIONER BAEZ: We'll let 135 remain as is.

11 MR. CLOUD: Your Honor, if I could for the record  
12 note that we are changing our position on 135 to be adopting  
13 FIPUG's position.

14 MR. SASSO: 135 does seem to be redundant of these  
15 other issues, and we're not sure that it has any value. So I  
16 guess we would agree with Staff on this.

17 COMMISSIONER BAEZ: I'm, I'm not -- understand that  
18 it's, we're not -- I, I don't have a strong feeling with  
19 leaving it in. I'm also not going to -- if, you know, FIPUG  
20 feels strongly that some, somehow that, that kind of issue  
21 should be addressed, I'm also not adverse to, to taking it out.  
22 It seemed to me, Ms. Kaufman -- and, you know, I'll rule that  
23 it stays in. It seemed to me that somehow the answer that  
24 comes out of this, you know, what is, what is the impact,  
25 leaves you with an answer that has no implementation anywhere.

1 MR. SASSO: Well, the Commission is going to decide  
2 it in this case.

3 COMMISSIONER BAEZ: Yeah. I mean, it's going to get  
4 answered. It may get answered three times instead of two,  
5 Mr. Sasso. So we'll, we'll work with what's there.

6 Ms. Helton?

7 MS. HELTON: Then I need to take you to Page 140, the  
8 Category 1 stipulation, Number 4. We further refined that  
9 stipulation --

10 COMMISSIONER BAEZ: Okay.

11 MS. HELTON: -- so that the language after the system  
12 number until the end of the sentence would all be stricken.

13 COMMISSIONER BAEZ: Everything after the  
14 parenthetical?

15 MS. HELTON: That's correct.

16 COMMISSIONER BAEZ: Okay.

17 MS. HELTON: I maybe jumped us ahead a little bit of  
18 where you wanted to be, but that's the result of --

19 COMMISSIONER BAEZ: We're going to have to come back  
20 anyway, aren't we?

21 MS. HELTON: That's the result of our discussions  
22 this afternoon.

23 COMMISSIONER BAEZ: Well, that's pretty productive  
24 for an afternoon, don't you think?

25 MS. HELTON: I think so.

1 COMMISSIONER BAEZ: I commend, I commend everyone.

2 All right. Now we're going to go back to the  
3 beginning, as someone once said. Let me see if I can negotiate  
4 all these pages without cutting myself to shreds.

5 All right. Issue 1, are there any changes that any  
6 of the parties need to make to their positions or is there any  
7 discussion on Issue 1 for that matter?

8 No? Issue 2? Issues 4, 5, 6, 7? Y'all stop me when  
9 I hit one. 8, 9, 10, 12.

10 MR. SASSO: Yes. I wanted to get in quick.

11 COMMISSIONER BAEZ: You're catching on, sir.

12 MR. SASSO: There are four issues, 12, 13, 51 and 52,  
13 that Publix seeks to raise that we believe have already been  
14 litigated and decided by the Commission in a prior proceeding,  
15 and we don't think they're proper issues, therefore, in this  
16 case.

17 COMMISSIONER BAEZ: I'm sorry. Those were 12 --

18 MR. SASSO: These are 12, 13, 51 and 52.

19 COMMISSIONER BAEZ: Okay. Mr. Cloud, your response?

20 MR. CLOUD: My response is we have studied the four  
21 corners of the order that they reference and what, in fact, the  
22 order says is that, and it deals with the last core nuclear  
23 issue, that it's an issue that could be revisited at any time  
24 by the Commission. And what's happened since the rendition of  
25 that order is there is a, there's been an intent stated on the

1 part of Florida Power Corporation to file to renew the license  
2 for another 20 years, which extends the time period out from  
3 2012 to 20 more years. So it's not at all clear that that was  
4 ever considered in the order. We think it should be considered  
5 as a statement of reality. They are going -- and there doesn't  
6 appear to be any problem in getting extensions to those, and so  
7 the amortization schedule needs to be lengthened.

8 COMMISSIONER BAEZ: Ms. Helton, the reworking, the  
9 reworking of the amortization schedule, is that usually  
10 something that's initiated by the Commission or by the company?

11 MS. HELTON: I, I don't know.

12 COMMISSIONER BAEZ: For instance, the '99 docket, I  
13 mean, the most recent docket that Mr. Cloud refers to, do you  
14 know if it's something that the Commission looks at on a  
15 regular basis or is it something that has to get triggered by,  
16 by some action on the part of the company?

17 MR. PORTUONDO: Commissioner --

18 COMMISSIONER BAEZ: Yeah.

19 MR. PORTUONDO: -- as part of that order, both of  
20 these issues would be reviewed when the company files its  
21 nuclear decommissioning study every five years.

22 COMMISSIONER BAEZ: Every five years?

23 MR. PORTUONDO: Yes, sir. And to Publix's concern  
24 that the notice that the company was reviewing license  
25 extension was not addressed by the Commission, that is not

1 factually correct. The Commission, in fact, their Staff  
2 reviewed all the correspondence between the company and the  
3 NRC, and I believe they did reference their review of those  
4 documents in their analysis.

5 MR. SASSO: And it wasn't a subsequent event, not a  
6 changed circumstance anyway, that predated the hearing and the  
7 order.

8 COMMISSIONER BAEZ: Mr. Cloud, here's, here's the way  
9 I'm thinking of it. That application hasn't been granted, so  
10 whatever effect, whatever effect the extension of the license  
11 is going to have on the decommissioning hasn't, hasn't been  
12 realized yet, although everyone acknowledges that the  
13 possibility is good.

14 Given that and the fact that the Commission does,  
15 that there are, there are decommissioning studies filed every  
16 five years, which I'm presuming the next one is going to come  
17 well, probably contemporaneous with some decision on the,  
18 decision on the extension of the license, we're probably going  
19 to be able to match effects a little closer at that point.

20 So for now I'm going to rule that whatever the  
21 decision, whatever the decision is in the most recent docket is  
22 what's going to stand, and that this, we don't need to  
23 reconsider it again mid-period, which is what I believe you're  
24 suggesting.

25 MR. CLOUD: Well, no. What I'm suggesting is that



1 while it may be true that this thing was submitted in boxes of  
2 discovery in this thing, there's nothing in the four corners of  
3 the order that reflects that it was ever considered by the  
4 Commission in its decision.

5           COMMISSIONER BAEZ: And, and I guess what I'm trying  
6 to say is that whether -- I'm not going to argue whether we did  
7 or we didn't because I don't have the order in front of me. It  
8 seems from a practical standpoint it doesn't matter whether we  
9 considered it or not for purposes of this. I see this more as  
10 a timing issue and it's not something -- you know, our decision  
11 being what it is should carry forward to the next, the next  
12 consideration of the issue, which is probably three years from  
13 now by my count. I don't -- I'm not putting anybody on the  
14 spot to know when it's supposed to be due, I'm sure the company  
15 already does know, but, you know, there's going to be an  
16 interim filing more or less around the time of final decision  
17 on the extension of, of the, of the license would be  
18 forthcoming, and it seems to me that that's probably more an  
19 appropriate time and an appropriate, appropriate time to  
20 dedicate resources and expenses to be dealing with that issue.  
21 I'm not sure it's very appropriate to be taking any, you know,  
22 whatever chance we get to go ahead and look at these things  
23 over when we have a perfect, you know, when we have a perfectly  
24 valid order on the issue already standing.

25           So everything -- that, that issue will be considered

1 again in its due course as, as for that. This issue doesn't  
2 have to be -- I don't know what the effect of that is. Do we  
3 need to withdraw --

4 MS. HELTON: Staff is suggesting some adjustments  
5 under this issue, but in Staff's mind they're more like fallout  
6 issues. We're not taking issue with the substance of the  
7 order.

8 COMMISSIONER BAEZ: How do we, how can we -- is  
9 there, is there a way to manage not having to reach the  
10 substance of the issue, as you indicate, and still preserve  
11 your ability to have fallout, get the benefit of the fallout?

12 MS. HELTON: Well, Staff has suggested that Issues  
13 12, 13, 51 and 52 be stipulated, but unfortunately we were kept  
14 from doing that because of Publix's position. And I don't know  
15 that we can force Publix into stipulating.

16 MR. SASSO: If I may make a suggestion. I'm sorry.  
17 My suggestion would be that with the benefit of the  
18 Commissioner's ruling we don't need a stipulation, but we can  
19 agree on the significance of that ruling in terms of any  
20 fallout issues.

21 COMMISSIONER BAEZ: Yes. That's correct. What I'm  
22 trying -- I mean, I'm not interested in replaying, I don't  
23 think the Commissioners are interested in replaying an issue  
24 that was so recently decided, especially given the fact that  
25 there is, that there is a revisiting of the issue in due

1 course. So whatever we can -- you can massage the issues.

2 MS. HELTON: Maybe the thing to do is to include your  
3 ruling and the ruling section of the prehearing order so that  
4 it's clear to everyone involved in the case that's --

5 COMMISSIONER BAEZ: Right. And then you're going to  
6 have to do some clarification as to exactly what it is you're  
7 expecting to fallout, under, under what remains of these  
8 issues, if I'm understanding what, what your purpose in, in  
9 letting these issues survive.

10 MR. CLOUD: If I could, Commissioner. I suppose if  
11 in that order you reflected that this would be an issue the  
12 next time this filing comes up, then that would, that would  
13 just about address all of us.

14 COMMISSIONER BAEZ: I'm sorry. That which -- the  
15 effect of the length of time?

16 MR. CLOUD: The issues that we've raised here about  
17 the length of the time, in fact, would be addressed in that  
18 later docket.

19 COMMISSIONER BAEZ: I'm -- I have to confess a  
20 certain amount of ignorance, but I think that the fact that if  
21 a license is extended, that that's going to have some effect on  
22 the calculation. I see Ms. Lee, who is more than likely going  
23 to be in charge of this, is nodding yes.

24 So I don't know what more comfort I can give you but  
25 that that's exactly what is getting considered, the effect of

1 an extension and, you know, whatever the life is.

2 And I'm also not going to overreach on this  
3 prehearing order. So you'll just have to take our word, our  
4 Staff's word for it that that is precisely what, the kinds of  
5 things that are getting considered.

6 MR. CLOUD: I guess the only problem is just the  
7 timing issue from the customers' standpoint that, I guess, what  
8 you're saying is can't be addressed because of this five-year  
9 timing thing.

10 COMMISSIONER BAEZ: Well, it's my, it's my, it's my  
11 view that we don't need to get ahead of, we don't need to  
12 invalidate however long we put into the previous docket to come  
13 up with a number in order to spend more resources revisiting it  
14 in mid-period. I think that the, the length of time on these  
15 things is such that we're going to get a look at it in its due  
16 course and that it's not necessary to do it halfway through a  
17 cycle. That's, that's where I'm at.

18 Okay. And, and that the very issue that you're  
19 raising, I think, gets covered as part of the analysis in due  
20 course at the five-year mark, whenever, whenever that is. I'm  
21 doing some quick math. 2004?

22 MS. LEE: 2005.

23 COMMISSIONER BAEZ: 2005. Thank you, Ms. Lee.

24 MS. HELTON: So with that understanding, do we have a  
25 stipulation then on 12, 13, 51 and 52?

1 MR. CLOUD: Well, I, I think that the statement was  
2 that we still believe that it should be an issue, but --

3 COMMISSIONER BAEZ: I think it's going to --

4 MR. CLOUD: -- the Commissioner is free to rule  
5 otherwise.

6 COMMISSIONER BAEZ: It's going to be an issue. I'm,  
7 I'm going to rule that these issues don't have to be  
8 relitigated at this point in time because they're the, they're  
9 the subject, they're the proper subject of a docket that's  
10 going to be opened and considered as part of a, you know, as  
11 part of the normal decommissioning study cycle. And it's my  
12 estimation that we don't have to go through a decommissioning  
13 study now in mid-period. We've already decided it for the Year  
14 2000. Next stop is 2005, and that's the appropriate time;  
15 given, given the immaturity of the, of the previous, of the  
16 previous decision, it should stand.

17 MR. SASSO: I interrupted you at 12, so we would now  
18 be at 14.

19 COMMISSIONER BAEZ: So we're --

20 MR. SASSO: That took care of 12, 13.

21 COMMISSIONER BAEZ: 12, 13, 51 and 52 are dealt with.  
22 We're at 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 30, 32, 33,  
23 34, 42, 43, 44, 45, 48, 50, 51, 52, 53, 54, 55, 59, 64, 65, 67,  
24 69, 70, 71, 72, 73, 74, 75, 78, 79, 81, 82, 84, 85, 89, 90, 92,  
25 93, 94, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107,

1 108, 111, 112, 113, 114, 117, 118, 120, 120A. No?

2 MS. KAUFMAN: I was waiting for 121.

3 COMMISSIONER BAEZ: I haven't hit yours yet, Ms.  
4 Kaufman? 120B, 120B and three-quarters. 121, Ms. Kaufman.

5 MS. KAUFMAN: Yes. I just have a simple change. I  
6 just wanted to insert the word "no" in front of my position  
7 there for 121.

8 COMMISSIONER BAEZ: Okay. That was an easy one.

9 MS. KAUFMAN: I try.

10 COMMISSIONER BAEZ: You're, you're -- all right.  
11 122, 123, 124, 125, 126. No one is going to yell Bingo yet?  
12 No. 127, 129, 130, 131.

13 MS. KAUFMAN: I have a similar change to 131.

14 COMMISSIONER BAEZ: Okay.

15 MS. KAUFMAN: Since we reworded the issue, I just  
16 need to change my "yes" to "no."

17 COMMISSIONER BAEZ: And what does that do to the rest  
18 of your --

19 MS. KAUFMAN: The rest of it remains.

20 COMMISSIONER BAEZ: Remains? Okay. Any other  
21 changes? No.

22 134. 135, I'm showing, Publix, this is the one that  
23 you're adopting the FIPUG position; correct?

24 MR. CLOUD: Yes, sir.

25 COMMISSIONER BAEZ: Okay. No other changes to 135?

1 136, 137, 139. By golly, that's it.

2 All right. The exhibit list. Any changes,  
3 Mr. Sasso?

4 MR. SASSO: Yes, sir. We would like to, we would  
5 like to add two exhibits to the list of our exhibits for  
6 present purposes. I don't have a formal caption, but the first  
7 would be an addendum indicating updated adjustments, which  
8 would be sponsored by Mark Myers.

9 COMMISSIONER BAEZ: And that will be replacing --

10 MR. SASSO: It will be an additional exhibit to the  
11 ones we have here.

12 COMMISSIONER BAEZ: Additional. Okay.

13 MR. SASSO: What we've done is we've prepared a  
14 schedule that reflects all of the adjustments that have been,  
15 that have been occurring or acknowledged during the course of  
16 the case.

17 COMMISSIONER BAEZ: Okay.

18 MR. BECK: Commissioner, I'd like to address that, if  
19 I might. I actually suggested that earlier when we were  
20 discussing their addendum.

21 I think I have some problems with their addendum as a  
22 result of items that were raised today. This was not sponsored  
23 by a witness, it was simply an addendum to the prehearing  
24 statement that Florida Power Corporation filed.

25 It's my understanding that incorporated in there are

1 a new adjustment on pension expense that is different than what  
2 they originally proposed in both of their two sets of direct  
3 testimony. So I have an objection to that exhibit, I guess is  
4 where I'm going. They don't -- they haven't offered that as an  
5 exhibit sponsored by any witness.

6 COMMISSIONER BAEZ: I'm sorry. And you're going to  
7 have to walk me through this. And your objection is to  
8 Mr. Myers sponsoring it?

9 MR. BECK: I have problems to the exhibit, yes,  
10 because it's not, he hasn't adopted that, he didn't propose  
11 that as an exhibit in any of his testimony. And this has been  
12 filed after the fact, after all the testimony has been filed,  
13 so I will probably have an objection. I mean, that's not to  
14 stop you from labeling it as an exhibit.

15 COMMISSIONER BAEZ: Well, I guess that was going to  
16 be my next question.

17 MR. BECK: Yeah.

18 COMMISSIONER BAEZ: Your objection, we're going to  
19 have to battle it out at hearing --

20 MR. BECK: Yes.

21 COMMISSIONER BAEZ: -- whether, whether your  
22 objection is going to stand or not.

23 MR. BECK: Yes.

24 COMMISSIONER BAEZ: And I guess for, for purposes  
25 of -- you know, we've got to give it a name and --



1 MR. BECK: Right.

2 COMMISSIONER BAEZ: And if you don't have an  
3 objection necessarily to having it, to the exhibit having a  
4 sponsor.

5 MR. BECK: I don't. But --

6 COMMISSIONER BAEZ: Because you're reserving your  
7 ability, your right to object is still preserved at the  
8 appropriate time?

9 MR. BECK: Yes. Yes.

10 COMMISSIONER BAEZ: Okay.

11 MR. SASSO: And we would go ahead and add Bob  
12 Bazemore as a sponsor as well. Charlie reminded me that we  
13 have an issue there that's covered by Mr. Bazemore. This is  
14 very similar to a demonstrative exhibit that simply sums up  
15 what is in various witnesses' testimony and various schedules.

16 COMMISSIONER BAEZ: Ms. Helton, help me out here. We  
17 need to give it an ID.

18 MS. HELTON: I think maybe that can just be worked  
19 out through me corresponding with Power Corp. as far as where  
20 it should go and the number and everything. I don't know that  
21 we need to do that on the record today.

22 COMMISSIONER BAEZ: And it's not -- you know, you're,  
23 you're going to be adding it or providing it and that's --

24 MR. SASSO: Yes, sir.

25 COMMISSIONER BAEZ: Okay.

1 MR. SASSO: And the next exhibit would be Updated  
2 Cost-Of-Service Study, which would be sponsored by Mr. Slusser.

3 COMMISSIONER BAEZ: Mr. Beck, same comment or --

4 MR. BECK: I, I -- no.

5 COMMISSIONER BAEZ: Okay.

6 MS. KAUFMAN: I probably have the same comment --

7 COMMISSIONER BAEZ: All right.

8 MS. KAUFMAN: -- that Mr. Beck made. You know, I'm  
9 not even sure what we're talking about here. We're talking  
10 about Updated Cost-Of-Service Study. We -- the Cost-Of-Service  
11 Study is filed, as I understand it. I'm not clear on what this  
12 exhibit is, so I guess I would reserve my objection.

13 COMMISSIONER BAEZ: Mr. Sasso, who is going to  
14 sponsor that?

15 MR. SASSO: Bill Slusser.

16 COMMISSIONER BAEZ: Slusser?

17 MR. SASSO: Yeah. There was a request by Staff for  
18 clarification on some issues, so we're filing this to do that.

19 MR. CLOUD: Your Honor, if I might for the record  
20 just reserve our rights to object to it as well.

21 COMMISSIONER BAEZ: Very well. Fair warning,  
22 Mr. Sasso.

23 MR. SASSO: Yes, sir. These are corrections the  
24 witness could make from the stand, but we're simply trying to  
25 make this more evident to everybody for purposes of notice and

1 convenience.

2 COMMISSIONER BAEZ: Somehow they're not as  
3 appreciative as you would expect them to be.

4 MR. SASSO: No good deed goes --

5 MS. KAUFMAN: When is it you were going to provide  
6 this Cost-Of-Service Study?

7 COMMISSIONER BAEZ: That would sort of go hand in  
8 hand, wouldn't it?

9 MR. SASSO: I'm sorry. I don't have a date right  
10 now.

11 By the end of this week, I'm advised.

12 COMMISSIONER BAEZ: By the end of this week?  
13 Ms. Helton, is that something that we need to memorialize or --

14 MS. HELTON: I mean, it can be identified as an  
15 exhibit in the prehearing order. And just because it gets  
16 identified as an exhibit in the prehearing order does not mean,  
17 number one, that the company has to offer that at the hearing.  
18 And, number two, obviously it does not mean that it would  
19 ultimately be admitted into the evidence.

20 COMMISSIONER BAEZ: No. I understand that. But, you  
21 know, several of the parties have indicated their discomfort  
22 with, with not, A, not having it, not having it available at  
23 this point. And Mr. Sasso has at least provided that one of  
24 his purposes is just to get, get things straight in terms of a  
25 notice, you know, give everyone an opportunity to know that

1 this is coming and to the extent that it can be provided.

2 MS. HELTON: It seems to me that the timing of when  
3 the parties get the exhibit might go to whether it's an  
4 objectionable exhibit or not, whether it should go, be admitted  
5 into the record. Whether we can state at this point in time  
6 that we have a problem because of that, I don't, I don't think  
7 that we can.

8 COMMISSIONER BAEZ: And there are no -- I guess my  
9 question more appropriately was is there any, are there any  
10 time constraints or time considerations that attach to the  
11 provision of, of the updated exhibits?

12 MR. SASSO: Again, I would analogize this to the  
13 procedure where a witness takes the stand and ask whether he  
14 has any corrections to make to his testimony. And in both of  
15 these cases each of the witnesses involved could, could  
16 indicate, yes, I have some corrections I'd like to, or some  
17 refinements I'd like to make to my testimony, and do it on the  
18 stand. We're simply trying to provide a document as reasonably  
19 soon as we can in advance of the witnesses taking the stand for  
20 everybody's benefit. We can wait until the witness takes the  
21 stand and have him make corrections at the time, but we'd  
22 prefer to do it this way for convenience.

23 COMMISSIONER BAEZ: I guess I know that you know that  
24 you could, but since we're talking about it now, I think it  
25 would be, you know, in everybody's best interest to have as

1 much lead time as possible. And I think you've had the benefit  
2 of some lead time here as to whatever the potential problems  
3 might be.

4 MR. SASSO: Right. Right. Yes.

5 COMMISSIONER BAEZ: The sooner you can get it into  
6 everybody's hands, the better.

7 MR. SASSO: The first schedule we've already provided  
8 to everybody, and the second one, we'll do our best to get it  
9 out as quickly as we can.

10 COMMISSIONER BAEZ: I'll take you at your word,  
11 Mr. Sasso. Thank you.

12 MS. KAUFMAN: Commissioner, I'd just like to note for  
13 the record that there is a big difference between a witness  
14 correcting something from the stand and making refinements,  
15 especially to a Cost-Of-Service Study after our cost-of-service  
16 witness's testimony is already in. But I understand we'll  
17 argue about that at another time.

18 COMMISSIONER BAEZ: And I suspect you're going to  
19 offer, you're going to offer that at the proper time. Again,  
20 noting Ms. Helton's comments, there's no, there's no telling  
21 what could happen; right?

22 MS. KAUFMAN: Thank you.

23 COMMISSIONER BAEZ: Mr. Sasso, does that, are those  
24 all your additions?

25 MR. SASSO: Yes, sir.

1 COMMISSIONER BAEZ: Okay. We'll just go down the  
2 line. Ms. Kaufman.

3 MS. KAUFMAN: Yes, I just have one correction. This  
4 is on Page 133. And our pages may be a little off because I  
5 printed this out, but this has to do with Mr. Gorman's  
6 exhibits.

7 COMMISSIONER BAEZ: Hang on, Ms. Kaufman. Let me get  
8 there. Okay. Mr. Gorman's exhibits.

9 MS. KAUFMAN: And, if you see, his very last exhibit  
10 is called Appendix A, Qualifications.

11 COMMISSIONER BAEZ: Yes.

12 MS. KAUFMAN: The exhibit that's listed right above  
13 that --

14 COMMISSIONER BAEZ: I see it.

15 MS. KAUFMAN: -- just needs to be deleted. There was  
16 a, I guess a word processing problem there.

17 COMMISSIONER BAEZ: Okay. Show the deletion. That's  
18 all for you?

19 MS. KAUFMAN: Yes, sir.

20 COMMISSIONER BAEZ: Mr. Cloud?

21 MR. CLOUD: No, sir.

22 COMMISSIONER BAEZ: Mr. Frazier, you're indicating  
23 no.

24 Mr. Beck.

25 MR. BECK: No changes.

1 MS. HELTON: Commissioner Baez, just so that you  
2 know, Staff is trying to put together a list of exhibits that  
3 we're hoping will be stipulated exhibits. We've already set up  
4 a time frame to do that with the parties. And those exhibits  
5 will be reflected in the prehearing order.

6 COMMISSIONER BAEZ: Great. In the meantime, do you  
7 have anything, any other changes other than that?

8 MS. HELTON: No, sir.

9 COMMISSIONER BAEZ: All right. Mr. Sasso, I did  
10 not -- well, I have rebuttal witnesses here. But you've given  
11 me the balance of your changes --

12 MR. SASSO: Yes, sir.

13 COMMISSIONER BAEZ: -- for all of them? Okay. Just  
14 making sure. That goes for everyone else?

15 All right. We're on to the stipulations. Are they  
16 all accounted for here, Mary Anne? No. You're going to have  
17 whatever you --

18 MS. HELTON: The stipulations we had agreed to last  
19 week are accounted for here. The stipulations that we agreed  
20 to today that are reflected on the record will be included in  
21 the final version of the prehearing order.

22 COMMISSIONER BAEZ: Great. And you're going to  
23 figure out all the --

24 MS. HELTON: I'm going to do my best to figure out  
25 the categories.

1           COMMISSIONER BAEZ: You know, I had started off  
2 thinking, you know, yeah, it might be clearer, but I'm not  
3 entirely convinced. It's one of those it seemed like a good  
4 idea at the time. I'm going to let you take a stab at it  
5 because otherwise I don't have any strong feelings on it one  
6 way or the other. But just looking at the number of parties  
7 and who can, all the permeations of who can stipulate and not,  
8 I wish you well.

9           Confidential -- pending motions.

10          MR. SASSO: We have one addition to make to that  
11 list. We filed a Motion For Temporary Protective Order today  
12 with respect to confidentiality issues concerning documents  
13 produced in response to OPC's 14th request for the production  
14 of documents.

15          COMMISSIONER BAEZ: Mr. Sasso, can you please repeat  
16 yourself? Say that again so that I can --

17          MR. SASSO: Yes, sir. It would, it would be called  
18 Florida Power Corporation's Motion For Temporary Protective  
19 Order filed March 4th, 2002.

20          COMMISSIONER BAEZ: Okay.

21          MS. HELTON: And if any of those motions are ruled  
22 upon prior to the issuance of the prehearing order, then, of  
23 course, they would be eliminated from the pending motions  
24 category.

25          COMMISSIONER BAEZ: Right. Okay. Confidentiality



1 matters, any additions or changes?

2 MS. HELTON: There -- we have, Staff has a couple of  
3 changes to that section.

4 The first one listed there, there was Florida Power  
5 Corporation's Request For Confidential Classification filed on  
6 January the 9th. There is actually an order issued, I think,  
7 on January the 9th. Wait. Within the last two weeks. So that  
8 can be removed.

9 COMMISSIONER BAEZ: Okay.

10 MS. HELTON: And the Fifth Request For Confidential  
11 Classification, that was really as a notice of intent that  
12 doesn't need to be reflected on here at all.

13 COMMISSIONER BAEZ: The 27th here?

14 MS. HELTON: Yes, February the 27th.

15 COMMISSIONER BAEZ: Okay. And show those changes.

16 Lastly -- okay. We went -- did we go over the  
17 opening statements or is this something that we need to  
18 discuss? I mean, ten minutes is plenty fine by me. If anyone  
19 has any objections or any special requests --

20 MR. SASSO: I did have a proposal to make, and that  
21 is if we're successful as we conclude discovery and continue  
22 with our discussions in agreeing on stipulating in testimony of  
23 other witnesses and eliminating cross-examination, it might be  
24 appropriate in those circumstances to expand opening statements  
25 some. Because if we're going to be truncating testimony, we

1 may want to provide an opportunity for the attorneys to  
2 describe to the Commission some of the issues being stipulated  
3 in.

4 COMMISSIONER BAEZ: Let, let me just say this. I  
5 think incentives work both ways. And, and you make a mighty  
6 fine case, but I'm not going to -- you're going to have to take  
7 it up with the Chairman. But I, I recognize your request, I  
8 guess, and I'll certainly keep it in mind when, when somebody  
9 asks me what I think. Okay?

10 MR. SASSO: The point is if we're able to trim down a  
11 day or two of testimony, we might add five more minutes to  
12 opening statement. But we don't need to, to deal with that.

13 COMMISSIONER BAEZ: See, the, the thing about that is  
14 you've got to know that walking in. You've got to know how  
15 much you're trimming so you can cut your deal. But, you know,  
16 if you can pull that off, you got my vote. How about that?

17 Do we have anything else?

18 MS. HELTON: Not, not that I'm aware of other than we  
19 probably should set a time certain when people are going to be  
20 E-mailing me changes that we've discussed today. It would work  
21 best for me if you could get them to us by Wednesday afternoon,  
22 if you would E-mail them to me. I think everybody has my  
23 E-mail address.

24 COMMISSIONER BAEZ: Wednesday afternoon. If not, you  
25 can look it up. Okay. Ms. Helton, anything else?

1 MS. HELTON: Not that I'm aware of.

2 COMMISSIONER BAEZ: That's it? Any of the parties,  
3 Mr. Beck, Mr. Frazier, Mr. Cloud, Ms. Kaufman?

4 MS. KAUFMAN: No, sir.

5 COMMISSIONER BAEZ: Mr. Sasso, et al.?

6 MR. SASSO: No, sir.

7 COMMISSIONER BAEZ: All right. Thank you all for  
8 coming. And kudos for the work. I think y'all made a heck of  
9 a lot of progress and let's hope it continues.

10 Good afternoon. We're adjourned.

11 (Proceeding adjourned at 3:30 p.m.)

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STATE OF FLORIDA )

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CERTIFICATE OF REPORTER

COUNTY OF LEON )

I, LINDA BOLES, RPR, Official Commission Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

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

DATED THIS 7TH DAY OF MARCH, 2002.



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LINDA BOLES, RPR  
FPSC Official Commissioner Reporter  
(850) 413-6734