

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 020953-EI

In the Matter of

PETITION TO DETERMINE NEED FOR
HINES UNIT 3 IN POLK COUNTY BY
FLORIDA POWER CORPORATION.



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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER BRAULIO L. BAEZ
Prehearing Officer

DATE: Wednesday, November 20, 2002

TIME: Commenced at 8:35 a.m.
Concluded at 9:05 a.m.

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

REPORTED BY: TRICIA DeMARTE
Official FPSC Reporter
(850) 413-6736

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FPSC-COMMISSION CLERK

1 APPEARANCES:

2 GARY L. SASSO and JILL H. BOWMAN, Carlton Fields,
3 P.A., P. O. Box 2861, St. Petersburg, Florida 33731-2861,
4 appearing on behalf of Florida Power Corporation.

5 JON MOYLE, JR., Moyle Law Firm, The Perkins House,
6 118 North Gadsden Street, Tallahassee, Florida 32301, appearing
7 on behalf of Florida Partnership for Affordable Competitive
8 Energy.

9 LAWRENCE D. HARRIS, FPSC General Counsel's Office,
10 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,
11 appearing on behalf of the Commission Staff.

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P R O C E E D I N G S

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COMMISSIONER BAEZ: Okay. We'll call it to order.
You want to read the notice?

MR. HARRIS: Pursuant to notice issued October 23rd, 2002, this time and place has been noted for a prehearing conference in Docket 020953-EI, petition to determine need for the Hines Unit 3 in Polk County by Florida Power Corporation.

COMMISSIONER BAEZ: Okay. Let's take appearances.

MR. SASSO: Gary Sasso here to represent Florida Power Corporation.

MS. BOWMAN: Jill Bowman for Florida Power Corporation.

MR. HARRIS: Lawrence Harris representing the Commission.

COMMISSIONER BAEZ: All right. There is one outstanding motion that I'm showing, and I'd like to take that up even though we've got it deep in the draft order. I'd like to take that up first so that maybe we can, you know, move on. And as to the intervention, now there has been a lot of back and forth on this. This is an amended petition for intervention. And the issue that I'm wrestling with, outside of all the legalities and the propriety, the issue that I'm wrestling with is to air on the side of caution.

Now, I think procedurally we're deep into the procedural schedule such that the only thing that would be

1 available to an intervenor would be obviously they'll take the
2 case as they find it, and I think that the only thing available
3 would be to be crossing it at hearing. I feel that that's
4 going to provide the Commission with a little bit more flushed
5 out record. I think that to the extent that the company has
6 their case to make, I'm not seeing all the fear of
7 cross-examination. If nothing else, it's going to provide us
8 with better issues to discuss.

9 Now, for that reason, I'm going to allow intervention
10 but with those limitations, Mr. Moyle. And I'll let you go
11 ahead and enter an appearance shortly. But the deal is going
12 to be this: We're not changing procedural schedules, only to
13 the extent to allow a few days for discovery to get the
14 discovery in. And by that I mean there's not going to be any
15 additional discovery propounded.

16 Florida Power, you're going to have till Friday to
17 submit your objections to the discovery, and I'm going to rule
18 by Monday. By the next Wednesday, you're going to provide the
19 discovery. And I'm sorry, you're poising for a question,
20 Mr. Sasso.

21 MR. SASSO: Yes. I'm troubled by what I think I'm
22 hearing. If intervention has been granted, that means that
23 today is the first day that PACE would be a participant in this
24 proceeding. PACE has not propounded any timely discovery.
25 Today is the close of discovery. Now, at the time that PACE

1 sought to intervene initially, they had filed some discovery
2 which was not effective because they were not a party. And at
3 this time, there is no outstanding discovery served that has
4 been served on a timely basis.

5 Today, under the Prehearing Officer's prehearing
6 order today is the last day provided for discovery. And if the
7 intervenor takes the case as they find it, they must come in
8 today and go to the hearing and participate in
9 cross-examination as you've indicated, but discovery should be
10 out of the question.

11 COMMISSIONER BAEZ: Do you have discovery before you?
12 Let's set aside timely or not. Do you have some discovery
13 propounded that you could take a shot at objecting to and --

14 MR. SASSO: PACE had served some written discovery
15 which was massive.

16 COMMISSIONER BAEZ: I understand the massive part.
17 And what I intend on giving you is as much opportunity as I can
18 with the short time frame for you to object to as much as you
19 think is appropriate, and we're going to have one shot at it.

20 Now, I'm going to rule, and hopefully that will be
21 it. My interest in it, and this goes to everybody, my interest
22 in this is to not have fishing expeditions. I'm not going to
23 be very liberal with the discovery. We're going to take a hard
24 look at everything, including your objections, obviously, and
25 try to get something out no later than Monday midday so that

1 you can provide the documents that Mr. Moyle needs.

2 Now, that's a short -- I'm sorry, go ahead.

3 MR. SASSO: Yes, sir. There is no practical way we
4 could provide the kind of discovery that PACE has asked for
5 probably even before the hearing. The requests are very
6 intrusive and --

7 COMMISSIONER BAEZ: To the extent that the requests
8 are intrusive, I would expect to see an objection that I can
9 take a look at. I have to suspect that with a discovery before
10 you -- a discovery request before you that is so massive, that
11 there may be something left behind. And that's what we're
12 going to try and work with. In any case, that's my ruling.

13 Mr. Moyle, you don't get witnesses. You don't get
14 testimony. The discovery limited to what may turn out to be is
15 what's going to be afforded to you, and your case is going to
16 be mainly cross-examination. As to the allegations that are
17 made in the petition, I don't see -- while subject to later
18 weighing of their relevance and importance at hearing, I don't
19 see anything that cannot be subsumed or any points that can't
20 be made under the current issues as they are laid out. So
21 we're not going to entertain any changing of issues, any
22 proposed language on issues or anything else. I mean, this is
23 bare-bones intervention here.

24 In any case, Mr. Harris, can you set out some dates
25 for the record?

1 MR. HARRIS: Yes, Commissioner.

2 COMMISSIONER BAEZ: We were talking about Friday.

3 MR. HARRIS: This Friday would be the 22nd of
4 November. The following Monday would be the 25th of November.

5 COMMISSIONER BAEZ: Okay. And then that Wednesday?

6 MR. HARRIS: And that Wednesday would be the 27th of
7 November.

8 COMMISSIONER BAEZ: All right. 22nd November is the
9 date on which to file your objections, Mr. Sasso. 25th
10 November I'll have a ruling, and 27th is when discovery will be
11 due.

12 Are there any other dates that we have to --

13 MR. HARRIS: I don't believe so, Commissioner.

14 COMMISSIONER BAEZ: Okay. As to the prehearing
15 positions, Mr. Moyle, we're going to allow your positions to be
16 entered after the 27th.

17 And, Mr. Harris, I'm --

18 MR. HARRIS: That would be -- December 2nd will be
19 the Monday before the hearing.

20 COMMISSIONER BAEZ: December 2nd is the Monday -- and
21 the hearing starts?

22 MR. HARRIS: Tuesday the 3rd.

23 COMMISSIONER BAEZ: Tuesday the 3rd. Okay.
24 December 2nd to provide your positions. That way there's not
25 going to be any unfairness -- as little unfair surprise as

1 possible as to the intervenor's positions. Hopefully they will
2 get flushed out.

3 MR. HARRIS: And could you put a time for that,
4 Commissioner? Do you mean the close of business or the morning
5 of the 2nd?

6 COMMISSIONER BAEZ: Well, I'd like it earlier,
7 so by --

8 MR. MOYLE: Noon.

9 COMMISSIONER BAEZ: -- noon. Okay.

10 Any questions?

11 MR. SASSO: Yes. We would respectfully object to
12 this procedure. We won't be advised of the intervenor's
13 position until the day before the hearing which prejudices our
14 rights in this proceeding. We need to have time to prepare for
15 the hearing the following day. Our witnesses have to be
16 apprised of the issues they are going to be expected to address
17 at the hearing. And with all respect, at most, one day's
18 notice -- and for all we know, they will file at the close of
19 business on the 2nd and virtually give us no notice -- is not
20 adequate notice.

21 COMMISSIONER BAEZ: There's not going to be filing
22 close of business. Mr. Moyle --

23 MR. MOYLE: I said noon.

24 COMMISSIONER BAEZ: -- we said noon. On your point,
25 we're working on very short time frames, and I understand that

1 that puts you at some discomfort. However, I think that, you
2 know, you've seen the allegations that PACE has made.
3 Certainly there's a history of the types of allegations that
4 PACE has made. I think that all that taken together there's a
5 fair amount of anticipation that can be had as to what's going
6 to get raised.

7 I'm trying to keep it fair for everybody. I think
8 it's important for this Commission to have as much
9 participation as is fair. This is very late in the game, and I
10 really wish it wasn't that way, the next time around, if there
11 ever is one. But I am less comfortable with keeping an
12 intervenor out that has, in my mind, some standing to
13 participate than to let them in despite the difficulties that
14 that creates for all of us.

15 MR. SASSO: Well, again, with all respect, the
16 emergency is of the intervenor's creation. This case was filed
17 two months ago. Commissioner Baez, you entered a prehearing
18 order. We have an order governing procedure that provided for
19 the close of discovery as of today. It provided for the
20 statement of positions today or they're waived. And that order
21 was entered to provide notice to all interested persons to
22 protect our procedural and due process rights, to protect the
23 rights of anybody who believed they had an interest in
24 participating in this case. That order gave fair notice and
25 provided for fairness to all parties.

1 The reason we have a problem is because for whatever
2 reason PACE has waited until the 11th hour to intervene and now
3 we bear the consequences of that, and that is not fair.

4 COMMISSIONER BAEZ: Well, here's the way I see it,
5 Mr. Sasso. Whether intervention was granted -- and I will
6 admit that our process is slow, and it creates these types of
7 situations, and I don't mean to discard certainly the
8 Commission's partial responsibility to all of that, but that's
9 the process that we use, and we've sort of got to live with it.

10 Notwithstanding the fact that intervention hadn't
11 been granted or ruled upon in any way leading up to it, you
12 know, I also think that the arguments of timeliness when you
13 actually have discovery before you and not trying to anticipate
14 one way or the other, I mean, don't we all have to be prepared
15 on some level for all the alternative outcomes? And I think
16 that the same way that you say late in the game that prejudices
17 you, I also think that you did have something in hand that you
18 could be working on in the event that intervention was granted.
19 So I have trouble accepting the fact that now all of a sudden
20 you're going to get down to reading this discovery.

21 You certainly know enough to render your judgment on
22 the validity of the discovery. You had to have looked at it.
23 You have to know what you're up against no matter. So I don't
24 believe that you're being surprised in that sense. I don't
25 believe that you're being asked to do something that you

1 probably have already done this late in the game.

2 MR. SASSO: We have looked at the discovery. We have
3 concluded that it's unreasonable. We have concluded that we
4 could not practicably comply, but we also have an expectation
5 that the rules will be enforced and that the intervenor will be
6 expected to abide by them just as we are.

7 At a minimum, Commissioner Baez, we would ask that
8 the intervenor be limited to the issues stated in the amended
9 petition to intervene.

10 COMMISSIONER BAEZ: And I think that those issues, as
11 I've said, the issues that have been laid out fall under these
12 issues. Now, I think if that's what the intervenor has, then
13 some thought is going to be given to limiting their
14 participation or their contestations to the issues that they
15 have described. But again, there's a set of issues here that
16 intervention provides them the opportunity to weigh in on. To
17 the extent that the discovery that's already been propounded
18 matches up with those, and that's the yardstick that you're
19 going to be using as well, I would assume, to the extent that
20 the discovery matches up to those issues, that's where you have
21 something to look at.

22 On the basis of that, I would expect your objections,
23 and I'm going to be as tight on this as I've tried to make
24 clear to everybody involved, is that there's -- it's going to
25 be a pretty strict application of whether the discovery is

1 appropriate according to the issues or not. I'm not kidding
2 about that. Okay. So if you can take that to mean that I'm
3 trying to be sensitive to the situation that in our discretion
4 we're creating for purposes of having a little bit more
5 complete record for purposes of I and the rest of the
6 Commissioners to be able to have a better picture of the issues
7 that we have to decide, I think I'm going to try and protect
8 against the inconvenience. Okay. I recognize that it is one,
9 but there it is.

10 Any other questions before we move on to the draft
11 statement? Mr. Moyle.

12 MR. MOYLE: John Moyle on behalf of PACE.

13 COMMISSIONER BAEZ: I'll count that as your --

14 MR. MOYLE: Yeah, I appreciate it. And I apologize,
15 we were running a couple of minutes late. Just briefly, I
16 think with respect to discovery, you know, not a lot of new
17 ground is necessarily being plowed. I know Florida Power Corp
18 followed the Florida Power & Light case. A lot of the
19 discovery is stuff that is very similar to what's already been
20 served and in most cases responded to in Power & Light. So
21 it's not -- I don't think the limit of the surprise, I don't
22 think that is completely there.

23 The other question, I guess, we -- when we
24 first filed the original petition to intervene, I contacted
25 counsel for Power Corp and said that there was one deposition

1 that I wanted to take. Power Corp didn't want to talk about
2 any dates until the ruling on the petition was granted. So in
3 order to kind of preserve the record, I sent a letter to them
4 indicating the person I wanted to depose and the date on which
5 I wanted to depose him. It was the gentleman who conducted the
6 RFP, and that was it. That was limited to that.

7 And given where we find ourselves with the
8 interrogatories and the rationale espoused for that and the
9 request for production, I would ask that there be consideration
10 to allowing one deposition of the gentleman who conducted the
11 RFP process as set forth in my letter -- I think my letter was
12 probably 15 days ago -- to Power Corp.

13 COMMISSIONER BAEZ: And what was the date that you
14 proposed?

15 MR. MOYLE: Well, I had originally proposed Monday
16 the 18th because my contemplation was that intervention would
17 be ruled on and we would have until the 20th in which to take
18 the deposition which is today. So I originally proposed the
19 18th, but given the circumstances, you know, we could do it
20 telephonically, or if he's in St. Pete, we could do it maybe
21 that Wednesday when we go down and look at documents.

22 COMMISSIONER BAEZ: I'm sorry, Wednesday when you go
23 and see the documents?

24 MR. MOYLE: When we go to look at documents down
25 there, I guess the 27th, if I understand your previous ruling.

1 COMMISSIONER BAEZ: Right. Subject to your
2 scheduling, the witness will be made available for deposition
3 no later than -- what was that Wednesday? Is that the 20--

4 MR. HARRIS: Next --

5 COMMISSIONER BAEZ: Is that the 27th that we're
6 talking about?

7 MR. HARRIS: The 27th was Friday, Commissioner.

8 COMMISSIONER BAEZ: What was the Wednesday?

9 MR. HARRIS: Sorry. 27th was the Wednesday, yes.

10 COMMISSIONER BAEZ: Okay. No later than the 27th.

11 MR. SASSO: May we be heard on this, Commissioner
12 Baez?

13 COMMISSIONER BAEZ: Yes, Mr. Sasso.

14 MR. SASSO: Again, we would urge that the intervenor
15 takes the case as it finds it. Discovery is closed today.
16 Mr. Roeder, who Mr. Moyle wants to dispose, is not available
17 next week. It's Thanksgiving week. We all have full
18 calendars. It's very difficult to turn on a dime to respond to
19 a last-minute intervenor's request for a deposition. And with
20 all respect, we would oppose that request, and we would ask
21 that the intervenor be held to the prehearing order on this
22 issue.

23 COMMISSIONER BAEZ: Can you make him available by
24 telephone?

25 MR. SASSO: He's with his family for Thanksgiving

1 week. I'm not inclined to agree to have him give a deposition
2 with his family while I'm not able to be with him as counsel.
3 I don't know what his calendar is. I don't even
4 know whether --

5 COMMISSIONER BAEZ: Where is he with his family,
6 Mr. Sasso?

7 MR. SASSO: Chicago.

8 COMMISSIONER BAEZ: Chicago.

9 MR. SASSO: Yes, sir.

10 COMMISSIONER BAEZ: It's a fine town. I want to
11 grant the opportunity to depose. The scheduling is going to be
12 a problem, Mr. Moyle. I think at this point a telephone
13 deposition is the only thing that's going to be possible. The
14 27th may not be available. You should be -- we should look at
15 dates perhaps the day before.

16 MR. MOYLE: I'm fine with working on counsel. I
17 think that the fact that we are able to depose him I think
18 you've made clear, and we'll work as to what can be
19 accomplished to accommodate his schedule. I mean, I'm not
20 adverse to working the weekend before the hearing.

21 MR. SASSO: Out of courtesy to the witness, could we
22 at a minimum agree to a time limitation on the deposition?

23 COMMISSIONER BAEZ: What would be a reasonable time
24 limitation? And I've got to confess ignorance on these. I
25 know depositions can take all day, and that's not what I'm

1 interested in creating. You do have a limited number of issues
2 that you're raising, and I would suspect that a reasonable time
3 can be agreed upon.

4 MR. MOYLE: Yeah, I -- just making that judgment on
5 the fly is -- I mean, it's pretty extensive --

6 COMMISSIONER BAEZ: We're all working on the fly
7 here, Mr. Moyle. I think you're going to have to make that
8 judgment.

9 MR. MOYLE: I would probably need at least a half a
10 day with him.

11 COMMISSIONER BAEZ: By half a day, you mean four
12 hours?

13 MR. MOYLE: Yes.

14 COMMISSIONER BAEZ: Mr. Sasso, I know you think
15 that's too long.

16 MR. SASSO: I do. In most Public Service Commission
17 proceedings depositions rarely extend to half a day.
18 Occasionally you will have a full day or a half a day
19 deposition of an expert but it's rare. And so what we're
20 talking about is a very generous estimate of a deposition
21 rather than a concession to the circumstances and an agreement
22 to limit the deposition.

23 COMMISSIONER BAEZ: We'll limit it to two, Mr. Moyle.
24 Okay. Mr. Harris, are there any other issues that we need to
25 take up before we get to the draft?

1 MR. HARRIS: I don't believe so.

2 COMMISSIONER BAEZ: No? All right. We're going to
3 move real quickly to this. As I said, Mr. Moyle, we're not
4 entertaining changes to the issues at this point.

5 MR. MOYLE: That will make it easy for me.

6 COMMISSIONER BAEZ: That's it. You're just going to
7 sit there, huh? All right.

8 Sections I and II. If there's any changes just,
9 Mr. Sasso, you can let me know.

10 MR. SASSO: Just a comma missing after Chapter 120
11 under -- that's under Section, I'm sorry, under Section III.

12 COMMISSIONER BAEZ: Okay. Under Section III we've
13 got a typo that we need to note. Section IV. Section V.
14 Section VI. Section VII. Mr. Sasso, do you have any changes
15 to your order of witnesses?

16 MR. SASSO: No, sir.

17 COMMISSIONER BAEZ: Okay.

18 MR. SASSO: Oh, I'm sorry.

19 COMMISSIONER BAEZ: You do?

20 MR. SASSO: Yes, we do. We're going to invert James
21 Murphy and Pamela Murphy.

22 COMMISSIONER BAEZ: Okay. Did you note that,
23 Mr. Harris?

24 MR. HARRIS: Yes, sir.

25 COMMISSIONER BAEZ: Okay. The Murphys are inverted.

1 That didn't sound right, did it? All right. Moving on to
2 basic positions, Section VIII. Mr. Sasso, you can direct me to
3 wherever it is that you need to make changes.

4 MR. SASSO: We have no changes.

5 COMMISSIONER BAEZ: On the issues and positions,
6 Section IX.

7 MR. SASSO: Again, just a formatting typographical
8 error under our position on Issue 1.

9 COMMISSIONER BAEZ: Can you point Mr. Harris to it,
10 please.

11 MR. SASSO: It's just -- I think it's the way it's
12 printed out. It's not a substantive issue.

13 COMMISSIONER BAEZ: Oh, okay. That's right side
14 justification for you.

15 MR. SASSO: Right.

16 COMMISSIONER BAEZ: Any other issues, Mr. Sasso?

17 MR. SASSO: No.

18 COMMISSIONER BAEZ: Section X. Changes to the
19 exhibits?

20 MR. SASSO: Again, we would need to make conforming
21 changes on the two Murphys.

22 COMMISSIONER BAEZ: Okay. And what you can do is
23 just get in touch with counsel off-line with whatever according
24 changes.

25 MR. SASSO: We would just invert the order, that's

1 all.

2 COMMISSIONER BAEZ: Okay. Mr. Harris, you got that?

3 MR. HARRIS: Yes, sir.

4 COMMISSIONER BAEZ: If you need any other
5 information, just talk to Mr. Sasso after the prehearing.

6 Section XI, I've got a proposed stipulation here.
7 Now, I don't know how the intervention affects that, whether we
8 need to accept it. I would accept it with the stipulation as
9 stated, although I'm not sure how the intervention affects
10 that.

11 MR. HARRIS: I don't think it would unless PACE has
12 not only an argument but some reason to believe that it would
13 significantly change.

14 MR. MOYLE: Well, having been granted intervention, I
15 at least need to know and read the stipulation and have an
16 opportunity to review. I don't even what its contents are.

17 COMMISSIONER BAEZ: It's here. I mean, it's right
18 before you. I don't think there's a whole lot more to it than
19 that.

20 MR. MOYLE: My first guess is it seems pretty
21 innocuous, and it's probably something we could agree to, but
22 I'm a little hesitant to do that without talking to my client.

23 COMMISSIONER BAEZ: Well, you have till the end of
24 today.

25 MR. MOYLE: Okay.

1 COMMISSIONER BAEZ: Any other pending motions?

2 MR. HARRIS: I'm sorry, Commissioner. What would
3 your ruling be for Mr. Moyle?

4 COMMISSIONER BAEZ: I'm going to accept it now that,
5 you know, has a character that differs depending on whether --
6 it's not a true stipulation if everyone is not on board. I
7 think we've taken to classifying the stipulations. I mean,
8 it's the only thing that I can think of at this point how we
9 deal with it, but you can get back to me on that depending --
10 Mr. Moyle, I'm not certain that this affects you in the least.

11 MR. SASSO: Commissioner Baez, I would point out that
12 this draft prehearing order was available on the Commission's
13 Web site since the 15th, and we're going to be held to notice
14 of things that were physically available that the would-be
15 intervenor should be as well.

16 COMMISSIONER BAEZ: I understand, Mr. Sasso. The
17 technicality of it is that I can't accept a stipulation or at
18 least in toto that isn't a true stipulation now given the list
19 of players, if you will. So I don't know, and Mr. Harris,
20 maybe you can educate me, I don't know how we would deal with
21 it to the extent -- and again, Mr. Moyle, I can't see --

22 MR. MOYLE: I don't think it will be a big deal. I
23 just am not comfortable doing it without having a conversation
24 with the client.

25 MR. SASSO: We would suggest that the Prehearing

1 Officer does have the ability to enforce the prehearing order
2 which require that all positions be stated as of the prehearing
3 conference or waived.

4 MR. MOYLE: I can make it easier for Mr. Sasso and
5 say I don't agree to it, and just say it's not something that
6 we would agree to, but I don't want to do that. I want to have
7 an opportunity to talk to my client and hopefully be able to
8 agree to it, to accommodate him.

9 COMMISSIONER BAEZ: Mr. Sasso, we've allowed at this
10 point some leeway on providing prehearing positions; therefore,
11 the whole waiver argument probably isn't applicable in this
12 case. However, we're not going to wait -- we can't wait
13 forever on this. And I --

14 MR. MOYLE: Right. You said close of business today.
15 If staff counsel doesn't hear from me by close, then I think
16 you could consider it stipulated to.

17 COMMISSIONER BAEZ: Very well. No confidentiality
18 matters at this point.

19 MR. HARRIS: No, Commissioner.

20 COMMISSIONER BAEZ: Any other matters that any of the
21 parties need to raise?

22 MR. MOYLE: We'd like to reserve a few minutes for an
23 opening statement at the hearing.

24 COMMISSIONER BAEZ: I think that's -- the prehearing
25 statement says ten minutes, I'm not sure.

1 MR. MOYLE: Okay. It does.

2 COMMISSIONER BAEZ: I don't recall right now what
3 section it is, but --

4 MR. MOYLE: It is under "Rulings." We would probably
5 be able to shorten it to five if --

6 COMMISSIONER BAEZ: Nothing would make me happier.

7 MR. MOYLE: -- there was agreement.

8 COMMISSIONER BAEZ: That's all I have. Thank you all
9 for coming. I'll see most of you in the next room. We're
10 adjourned.

11 (Prehearing concluded at 9:05 a.m.)

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

4
5 I, TRICIA DeMARTE, Official Commission Reporter, do hereby
6 certify that the foregoing proceeding was heard at the time and
7 place 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 constitutes a true transcription of my notes of said
12 proceedings.

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

18 DATED THIS 21st DAY OF NOVEMBER, 2002.

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TRICIA DeMARTE
FPSC Official Commission Reporter
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