

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of

ENERGY CONSERVATION COST RECOVERY Docket No. 030002-EG
CLAUSE /

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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER BRAULIO L. BAEZ
Prehearing Officer

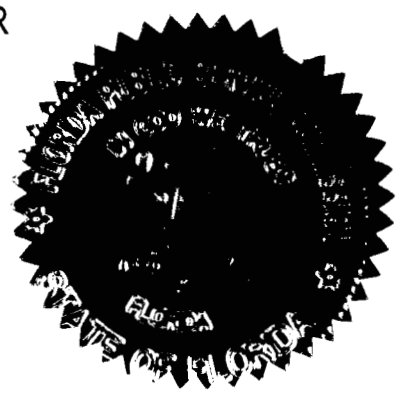
DATE: Thursday, October 23, 2003

TIME: Commenced at 9:40 a.m.
Concluded at 12:42 p.m.

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

REPORTED BY: LINDA BOLES, RPR
OFFICIAL FPSC REPORTER
(850) 413-6734

10552 00128
FPSC-001-2003-010



1 APPEARANCES:

2 JAMES BEASLEY, ESQUIRE, LEE WILLIS, ESQUIRE, and
3 KENNETH R. HART, ESQUIRE, Ausley & McMullen, P.O. Box 391,
4 Tallahassee, Florida 32302, appearing on behalf of Tampa
5 Electric Company.

6 VICKI KAUFMAN, ESQUIRE, and JOHN McWHIRTER, JR.,
7 ESQUIRE, McWhirter Reeves Law Firm, 117 S. Gadsden,
8 Tallahassee, Florida 32301, appearing on behalf of the Florida
9 Industrial Power Users Group.

10 RUSSELL BADDERS, Beggs & Lane, P.O. Box 12950,
11 Pensacola, Florida 32520-0780, appearing on behalf of Gulf
12 Power Company.

13 ROB VANDIVER, ESQUIRE, Office of Public Counsel,
14 c/o The Florida Legislature, 111 W. Madison St., #812,
15 Tallahassee, Florida 32399-1400, appearing on behalf of the
16 Office of Public Counsel.

17 JAMES MCGEE, Progress Energy Florida, Inc.,
18 (St. Petersburg), P.O. Box 14042, St. Petersburg, Florida
19 33733-4042, appearing on behalf of Progress Energy Florida,
20 Inc.

21 RONALD C. LAFACE, ESQUIRE, Greenberg Traurig,
22 101 East College Avenue, Tallahassee, Florida 32301, and JOHN
23 ROGERS, GENERAL COUNSEL, Florida Retail Federation, 227 South
24 Adams Street, Tallahassee, Florida 32301, appearing on behalf
25 of the Florida Retail Federation.

1 APPEARANCES CONTINUED:

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

5 NORMAN H. HORTON, JR., ESQUIRE, Messer, Caparello &
6 Self, 215 South Monroe Street, Suite 701, Tallahassee, Florida
7 32302-1876, appearing on behalf of Florida Public Utilities and
8 Sebring Gas Company.

9 LORENA HOLLEY, ESQUIRE, FPSC General Counsel's Office,
10 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,
11 appearing on behalf of Commission Staff.

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P R O C E E D I N G S

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2 COMMISSIONER BAEZ: All right. We'll call the
3 hearing to order. Counsel, can you read the notice.

4 MS. FLEMING: Pursuant to notice issued by the clerk
5 of the Commission on September 24th, 2003, this time and place
6 has been set for a prehearing in Docket Numbers 030001-EI,
7 030002-EG, 030003-GU, 030004-GU, 030007-EI.

8 COMMISSIONER BAEZ: All right. And we're going to
9 take appearances. And, as you can see, we've got, by my count,
10 five dockets. So if you would kindly enter your appearance and
11 declare the dockets that you're entering an appearance for.

12 Mr. Beasley, we can start with you.

13 MR. BEASLEY: Yes, sir, Commissioner. I'm James D.
14 Beasley appearing with Lee L. Willis and Kenneth R. Hart from
15 the law firm of Ausley & McMullen in Tallahassee, and we're
16 representing Tampa Electric Company in Docket Numbers 030001,
17 2 and 7.

18 MR. BADDERS: Good morning. I'm Russell Badders.
19 I'm appearing on behalf of Gulf Power Company in the 01, 02 and
20 07 dockets.

21 MR. PERKO: Good morning. I'm Gary Perko of the
22 Hopping, Green & Sams Law Firm. I'm appearing on behalf of
23 City Gas Company of Florida in the 03 and 04 dockets, and
24 Progress Energy Florida in the 07 docket.

25 MR. MCGEE: I'm James McGee, Post Office Box 14042,

1 St. Petersburg, 33733, appearing on behalf of Progress Energy
2 in the 01 and 02 dockets.

3 MR. HORTON: I'm Norman H. Horton, Jr., of Messer,
4 Caparello & Self. I'm appearing on behalf of Florida Public
5 Utilities Companies in the 01, 02, 03 and 04 docket, and
6 Sebring Gas System in the 03 docket.

7 MR. VANDIVER: Robert Vandiver appearing on behalf of
8 the citizens of the State of Florida in the 01, 02, 03 and 07
9 dockets.

10 MS. KAUFMAN: Good morning, Commissioner. Vicki
11 Gordon Kaufman with John McWhirter, Jr., of the McWhirter,
12 Reeves Law Firm. We're appearing on behalf of the Florida
13 Industrial Power Users Group in the 01, 02 and 07 dockets.

14 MR. WRIGHT: Thank you, Commissioner. Robert
15 Scheffel Wright and John T. LaVia, III, Landers & Parsons,
16 310 West College Avenue, Tallahassee, appearing on behalf of
17 CSX Transportation in the fuel and purchased power cost
18 recovery docket. We filed our petition to intervene in that
19 docket this morning.

20 MR. COSTA: Matt Costa, TECO Energy, here on behalf
21 of Peoples Gas in the 03 and 04 dockets.

22 COMMISSIONER BAEZ: I'm sorry. Mr.?

23 MR. COSTA: Costa.

24 COMMISSIONER BAEZ: Costa, C-O-S-T-A?

25 MR. COSTA: Yes, sir.

1 COMMISSIONER BAEZ: Thank you.

2 MR. SCHIEFELBEIN: Good morning. Wayne Schiefelbein,
3 Rose, Sundstrom & Bentley, appearing on behalf of the Florida
4 Division of Chesapeake Utilities Corporation in the 04 docket.

5 COMMISSIONER BAEZ: Is there anyone else that needs
6 to enter an appearance?

7 MR. TWOMEY: Ron, you need to use a mike so the court
8 reporter can hear you.

9 COMMISSIONER BAEZ: Can you step up -- I'm sorry, Mr.
10 Twomey. Can you step up to a microphone, Mr. Rogers.

11 MR. LAFACE: I'm sorry. Ron LaFace and John Rogers
12 appearing for the Florida Retail Federation in the 01, 02 and
13 07 (sic.) docket.

14 MR. GUYTON: Charles Guyton and John Butler with the
15 law firm of Steel, Hector & Davis, appearing on behalf of
16 Florida Power & Light Company. I'm appearing in the 02 docket.
17 Mr. Butler is appearing in the 01 and the 07 dockets.

18 MR. TWOMEY: Good morning, Commissioner. Mike
19 Twomey, Post Office Box 5256, Tallahassee 32314-5256, appearing
20 in the 01 docket on behalf of Katherine Claypool and
21 eight other residential ratepayers of TECO Electric.

22 COMMISSIONER BAEZ: Is that everybody? Mike, we
23 don't have anyone participating on the phone that you know of?
24 Okay. Great. All right.

25 MR. KEATING: We do need to enter appearances for the

1 staff counsel.

2 COMMISSIONER BAEZ: I'm sorry. After so many of them
3 today.

4 MR. KEATING: Cochran Keating on behalf of the
5 Commission in Docket 01.

6 MS. FLEMING: Katherine Echternacht-Fleming on behalf
7 of the Commission in Docket 03.

8 MS. HOLLEY: Lorena Holley on behalf of the
9 Commission for Dockets 02 and 04.

10 MS. STERN: Marlene Stern and Adrienne Vining on
11 behalf of the Commission in Docket 07.

12 COMMISSIONER BAEZ: All right. Just a quick, a quick
13 note here for all the parties. We're going to try and follow
14 some order and get certain dockets out of the way first.

15 We're going to be following the following order:
16 It's 03, 04, 02, 07 and 01. We'll see if we can get some of
17 you all out on time.

18 Counsel, we need to address some excusals, I believe.

19 MS. FLEMING: Yes. That is correct. St. Joe Natural
20 Gas Company has requested to be excused from the prehearing and
21 hearing in the 03 and 04 dockets.

22 COMMISSIONER BAEZ: All right. Let the record
23 reflect that St. Joe Natural Gas has been excused from the
24 prehearing conference and the hearing in the 03 and 04 dockets.

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1 COMMISSIONER BAEZ: Moving on. Excuse me. We're on
2 the 02 docket. Again, any changes to the order of witnesses?

3 MS. HOLLEY: Not to the order. But pursuant to a
4 recent proposed stipulation with FPUC, Michael A. Peacock
5 should be shown with an asterisk next to his name for possible
6 excusal.

7 COMMISSIONER BAEZ: Okay. Thank you.

8 Now that only leaves Mr. Lacaci.

9 MS. HOLLEY: Actually he should not be on there.

10 COMMISSIONER BAEZ: He shouldn't even be on there.

11 MS. HOLLEY: No. No, sir.

12 COMMISSIONER BAEZ: All right. We'll strike
13 Mr. Lacaci from the list of witnesses.

14 To the basic positions, and, again, I'm going in
15 order of the draft that I have before me. So, Ms. Kaufman, do
16 you have any changes to the basic or on the issues that you
17 need to make at this point?

18 MS. KAUFMAN: Commissioner Baez, no, FIPUG is going
19 to take no position on these issues. Thank you.

20 COMMISSIONER BAEZ: No position. Okay. Thank you.
21 Florida Power & Light.

22 MR. GUYTON: No changes.

23 COMMISSIONER BAEZ: Mr. Horton, FPUC.

24 MR. HORTON: Yes, sir. We do have some changes to
25 Issue 2 and 5.

1 COMMISSIONER BAEZ: All right. Issue 2.

2 MR. HORTON: It's on my Page 7, Commissioner.

3 COMMISSIONER BAEZ: I have it.

4 MR. HORTON: The consolidated number should be
5 .00054.

6 COMMISSIONER BAEZ: 54, you say?

7 MR. HORTON: Yes, sir.

8 COMMISSIONER BAEZ: Okay.

9 MR. HORTON: And on Page 8, the number shown for
10 Marianna should stay the same. The number for Fernandina Beach
11 should be .00044.

12 COMMISSIONER BAEZ: Very well.

13 MR. HORTON: And I believe that Issue 5 was to be
14 dropped.

15 MS. HOLLEY: That's correct. And this issue will be
16 moved to the proposed stipulation section as well.

17 COMMISSIONER BAEZ: Okay. Is that it, Mr. Horton?

18 MR. HORTON: Commissioner, I understand that staff's
19 position on the Fernandina Beach factor also would be .044,
20 which would put us in agreement.

21 MS. HOLLEY: That's correct.

22 MR. HORTON: Okay. Thank you. And that's it.

23 COMMISSIONER BAEZ: Thank you. Based on that,
24 Ms. Holley, are there any changes that need to be made?

25 MS. HOLLEY: Only that --

1 COMMISSIONER BAEZ: Just move Fernandina Beach down
2 to --

3 MS. HOLLEY: Right. Well, that issue will be
4 completely moved to the proposed stipulation. So there won't
5 be a separate position for staff and FPUC. It'll just be one
6 stipulated issue.

7 COMMISSIONER BAEZ: Very well. Moving on to the
8 exhibit list. Are there any changes?

9 MR. GUYTON: Florida Power & Light has a change. On
10 the exhibit identified for Ken Getchell, we need to remove
11 Appendix A in light of a ruling on confidentiality. That
12 doesn't need to be, become part of the record. And if we could
13 note that for CT-6, that that would be the redacted copy of, of
14 that exhibit.

15 COMMISSIONER BAEZ: Okay. Mr. Horton, any changes?
16 No?

17 MR. HORTON: No, sir.

18 COMMISSIONER BAEZ: Okay. Mr. Badders.

19 MR. BADDERS: Yes, actually. On Issue Number 2 for
20 Gulf Power where we have a listing of the rate classes, I think
21 you'll find that at Page 11, we list rate class GST. That
22 needs to be struck, and we need to add, on the line with GSD
23 and GSDT --

24 COMMISSIONER BAEZ: Yes.

25 MR. BADDERS: -- we need to add GSTOU. It was a

1 typographical error.

2 COMMISSIONER BAEZ: I'm sorry. Can you say that
3 again?

4 MR. BADDERS: Add GSTOU. It's a different -- it's a
5 new rate class. That would be the only change.

6 COMMISSIONER BAEZ: Mr. McGee.

7 MR. MCGEE: No changes.

8 COMMISSIONER BAEZ: No changes. Mr. Beasley.

9 MR. BEASLEY: No changes, sir.

10 COMMISSIONER BAEZ: Thank you. Ms. Holley, I'm not
11 showing any pending motions.

12 MS. HOLLEY: No, sir.

13 COMMISSIONER BAEZ: Okay. And the -- it seems that
14 the -- is the confidentiality matter listed here already taken
15 care of?

16 MS. HOLLEY: Yes, sir.

17 COMMISSIONER BAEZ: Okay. So we can strike --

18 MS. HOLLEY: Strike that.

19 COMMISSIONER BAEZ: Strike that. Any other changes
20 that need to be brought? No? All right. That takes care of
21 the 02.

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1 STATE OF FLORIDA)
2 COUNTY OF LEON)

CERTIFICATE OF REPORTER


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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 28TH OF OCTOBER, 2003.


LINDA BOLES, RPR
FPSC Official Commission Reporter
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