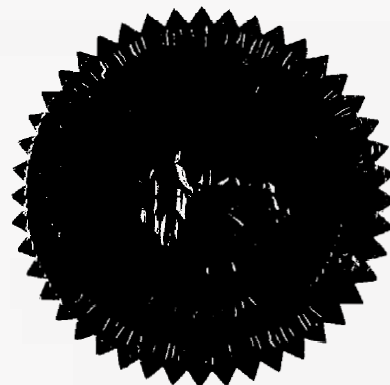


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 040817-EI

In the Matter of:

PETITION FOR DETERMINATION OF  
NEED FOR HINES 4 POWER PLANT  
IN POLK COUNTY BY PROGRESS  
ENERGY FLORIDA, INC.



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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER RUDOLPH "RUDY" BRADLEY  
Prehearing Officer

DATE: Monday, October 18, 2004

TIME: Commenced at 9:40 a.m.  
Concluded at 9:50 a.m.

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

REPORTED BY: JANE FAUROT, RPR  
Chief, Office of Hearing Reporter Services  
FPSC Division of Commission Clerk and  
Administrative Services  
(850) 413-6732

DOCUMENT NUMBER: 040817-EI

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## 1 APPEARANCES:

2 GARY SASSO, ESQUIRE, and JAMES WALLS, ESQUIRE,  
3 Carlton Fields Law Firm, P.O. Box 3239, Tampa, Florida  
4 33607-5736, appearing on behalf of Progress Energy Florida,  
5 Inc.

6 COCHRAN KEATING, ESQUIRE, FPSC General Counsel's  
7 Office, 2540 Shumard Oak Boulevard, Tallahassee, Florida  
8 32399-0850, 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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2 COMMISSIONER BRADLEY: Good morning. The first order  
3 of business is to call this prehearing conference to order.

4 Staff, would you please read the notice.

5 MR. KEATING: Pursuant to notice, this time and place  
6 have been set for a prehearing conference in Docket Number  
7 040817-EI, petition for determination of need for Hines 4 Power  
8 Plant in Polk County by Progress Energy Florida.

9 COMMISSIONER BRADLEY: Thank you. Let's take  
10 appearances.

11 MR. WALLS: Mike Walls for Progress Energy Florida  
with Carlton Fields.

MR. SASSO: Gary Sasso with Progress Energy Florida.

MR. KEATING: Cochran Keating on behalf of the  
Commission.

COMMISSIONER BRADLEY: Thank you.

Are there any preliminary matters to be addressed?

MR. KEATING: There are none that I'm aware of. I  
would point out that the company and staff are proposing  
stipulation of all the issues as reflected in the draft  
prehearing order. And other than that, unless the Company has  
any preliminary matters to bring up, I'm not aware of any.

COMMISSIONER BRADLEY: Thank you.

MR. WALLS: We have no preliminary matters.

MR. SASSO: None, Commissioner.

1 COMMISSIONER BRADLEY: Okay. Thank you.

2 I would like to proceed through the draft prehearing  
3 order section-by-section as quickly as possible. Are there any  
4 questions, clarifications, or changes to make -- I'm sorry, if  
5 there are any questions, clarifications, or changes to make,  
6 please let me know as we reach the appropriate section, if  
7 there are.

8 MR. KEATING: Okay.

9 COMMISSIONER BRADLEY: Let's start with Sections I  
10 through VI. Any comments concerning anything in these sections  
11 of the draft prehearing order?

12 MR. KEATING: None.

13 MR. SASSO: No, Commissioner.

14 MR. WALLS: No.

15 COMMISSIONER BRADLEY: Thank you.

16 Section VII, order of witnesses.

17 MR. KEATING: In light of the proposed stipulation,  
18 staff believes that each witness can be excused if none of the  
19 Commissioners on this panel seek to cross-examine the  
20 particular witness. At this time it appears that the witnesses  
21 could be excused, but we will have to confirm that with each of  
22 the Commissioners.

23 And what staff would propose to do is once we have  
24 gotten word from each Commissioner, contact the Company and let  
25 them know in advance of the hearing if any of the witnesses are

1 necessary at the hearing.

2 COMMISSIONER BRADLEY: Okay. I think that is  
3 appropriate.

4 Is that fine with the Company?

5 MR. WALLS: Yes, it is. I did have a couple of  
6 corrections on the issues that the witnesses are identified to  
7 testify on. So if we do end up with some witnesses being  
8 called back, I want to make sure we have the right people there  
9 for the issues.

10 COMMISSIONER BRADLEY: Okay.

11 MR. WALLS: Mr. Waters, the first witness, has an  
12 issue on Issues 1, 2, 3, 4 and 6, but not 5. Mr. Roeder is a  
13 witness on Issues 2, 4 and 6, but not 3. Ms. Murphy is a  
14 witness on Issues 1, 2, 5 and 6, but not 7. And Mr. Robinson  
15 is a witness on Issues 2, 5, 6 and 7.

16 COMMISSIONER BRADLEY: Mr. Keating, will those  
17 explanations suffice?

18 MR. KEATING: Yes. We will reflect that in the  
19 prehearing order.

20 COMMISSIONER BRADLEY: Thank you.

21 Section VII, basic positions.

22 MR. KEATING: Staff has no comment.

23 COMMISSIONER BRADLEY: Any comments?

24 MR. SASSO: No comments. We had one typo which we  
25 can let staff know about after the prehearing.

1 COMMISSIONER BRADLEY: Okay.

2 Issue 9, issues and positions.

3 MR. KEATING: Staff has no comments on this section.

4 I would just note that all the issues are shown in the proposed  
5 stipulation section later in the order. As I said earlier,  
6 staff and the Company have reached an agreement on all issues.

7 COMMISSIONER BRADLEY: Okay.

8 MR. WALLS: We have no comment.

9 COMMISSIONER BRADLEY: Thank you.

10 Section X, exhibits. Cochran?

11 MR. KEATING: No changes.

12 COMMISSIONER BRADLEY: Okay. Now, according to the  
13 information that has been presented to me, I thought maybe  
14 staff was going to introduce a stipulated composite.

15 MR. KEATING: Thank you. I had overlooked that on my  
16 notes.

17 Staff has discussed this with the Company, and what  
18 we intend to do is introduce a stipulated composite exhibit  
19 consisting of some of the discovery responses we received in  
20 this docket from the Company. And we would like to reflect  
21 that in the draft prehearing order as a stipulated exhibit.

22 COMMISSIONER BRADLEY: Okay. Thank you, Cochran.  
23 Is that agreeable?

24 MR. WALLS: Yes, it is.

25 COMMISSIONER BRADLEY: Section XI.

1 MR. KEATING: Staff has no changes.

2 COMMISSIONER BRADLEY: Section XII, pending motions.

3 MR. KEATING: There are no pending motions at this  
4 time.

5 MR. SASSO: That's correct.

6 COMMISSIONER BRADLEY: Section XIII, pending  
7 confidentiality matters.

8 MR. KEATING: I believe this section covers all the  
9 confidentiality filings that we have had thus far in this  
10 docket. Staff intends to have each of these addressed within  
11 this week.

12 COMMISSIONER BRADLEY: Now, my information indicates  
13 that there are three pending confidentiality requests, and that  
14 staff intends to have each of those addressed within a week.  
15 Has that been taken care of?

16 MR. KEATING: We are working on addressing those. We  
17 will either have prepared orders addressing each of the  
18 requests, or otherwise resolve the requests by returning the  
19 information if it is not needed.

20 MR. WALLS: That's fine with us.

21 COMMISSIONER BRADLEY: Thank you.

22 Section XIV, rulings.

23 MR. KEATING: Staff would just suggest that the  
24 prehearing officer make a ruling as reflected in the draft  
25 prehearing order that opening statements, if any, and it looks

1 in this case like we probably won't have any if things remain  
2 status quo, that opening statements should not exceed ten  
3 minutes per party.

4 COMMISSIONER BRADLEY: Are there any other matters  
5 that require ruling at this time?

6 MR. KEATING: I don't believe so.

7 COMMISSIONER BRADLEY: Thank you.

8 MR. WALLS: There are no other matters that we are  
9 aware of.

10 COMMISSIONER BRADLEY: Thank you.

11 Is there anything else to come before the prehearing  
12 officer at this time?

13 MR. SASSO: Nothing at this time.

14 MR. KEATING: Staff is not aware of anything.

15 COMMISSIONER BRADLEY: Okay. Well, if there is  
16 nothing else then, thank you for your participation. This  
17 prehearing conference is adjourned.

18 MR. SASSO: Thank you, Commissioner.

19 (The prehearing concluded at 9:50 a.m.)  
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COUNTY OF LEON        )


CERTIFICATE OF REPORTER

I, JANE FAUROT, RPR, Chief, Office of Hearing Reporter Services, FPSC Division of Commission Clerk and Administrative Services, 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' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 20th day of October, 2004.



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JANE FAUROT, RPR  
Chief, Office of Hearing Reporter Services  
FPSC Division of Commission Clerk and  
Administrative Services  
(850) 413-6732