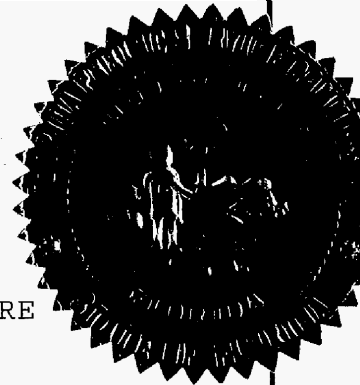


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 040002-EG

In the Matter of  
ENERGY CONSERVATION COST  
RECOVERY CLAUSE.



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PROCEEDINGS:	PREHEARING
BEFORE:	RUDOLPH "RUDY" BRADLEY Prehearing Officer
DATE:	Monday, October 25, 2004
TIME:	Commenced at 9:40 a.m. Concluded at 11:40 a.m.
PLACE:	Betty Easley Conference Center Room 148 4075 Esplanade Way Tallahassee, Florida
REPORTED BY:	LINDA BOLES, RPR Official FPSC Reporter (850) 413-6734

## 1 APPEARANCES:

2 LEE WILLIS, ESQUIRE, and JAMES BEASLEY, ESQUIRE,  
3 Ausley & McMullen, Post Office Box 391, Tallahassee, Florida  
4 32302, appearing on behalf of Tampa Electric Company.

5 JEFFREY A. STONE, ESQUIRE, and RUSSELL A. BADDERS,  
6 ESQUIRE, Beggs & Lane, Post Office Box 12950, Pensacola,  
7 Florida 32591-2950, appearing on behalf of Gulf Power Company.

8 R. WADE LITCHFIELD, ESQUIRE, and NATALIE F. SMITH,  
9 ESQUIRE, Florida Power & Light Company, 700 Universe Boulevard,  
10 Juno Beach, Florida 33408-0420, appearing on behalf of Florida  
11 Power & Light Company.

12 VICKI GORDON KAUFMAN, ESQUIRE, and TIMOTHY J. PERRY,  
13 ESQUIRE, McWhirter Law Firm, 117 South Gadsden Street,  
14 Tallahassee, Florida 32301, appearing on behalf of Florida  
15 Industrial Power Users Group.

16 NORMAN H. HORTON, JR., ESQUIRE, Messer Law Firm,  
17 Post Office Box 1876, Tallahassee, Florida 32302-1876,  
18 appearing on behalf of Florida Public Utilities Company.

19 PATRICIA A. CHRISTENSEN, ESQUIRE, Office of the  
20 Public Counsel, c/o The Florida Legislature, 111 West Madison  
21 Street, Room 812, Tallahassee, Florida 32399-1400, appearing on  
22 behalf of the Citizens of the State of Florida.

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1 APPEARANCES CONTINUED:

2           BONNIE E. DAVIS, ESQUIRE, Progress Energy Florida,  
3 Inc., 106 East College Avenue, Suite 800, Tallahassee, Florida  
4 32301-7740, appearing on behalf of Progress Energy Florida,  
5 Inc.

6           JAMES A. MCGEE, ESQUIRE, Post Office Box 14042, St.  
7 Petersburg, Florida 33733-4042, appearing on behalf of Progress  
8 Energy Florida, Inc.

9           MARTHA BROWN, ESQUIRE, 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 BRADLEY: Let's move on to Docket 02. We're now on Docket 02, energy conservation. Are there any preliminary matters by any of the parties at this time?

MS. BROWN: Commissioner, it's my understanding that there are no preliminary matters at this time. I would also like to mention that it appears that this docket also is stipulated. We will reflect those positions in the prehearing order that we'll present to you for your signature. The current draft does not reflect the wording of every one of those stipulations.

COMMISSIONER BRADLEY: Thank you. Let's proceed through the draft prehearing order. If there are any questions, clarifications or changes, please let me know at the appropriate time.

Section I, conduct of proceedings.

MS. BROWN: Staff is not aware of any changes.

COMMISSIONER BRADLEY: **Section II, case background.**

MS. BROWN: No changes.

COMMISSIONER BRADLEY: Section III, jurisdiction.

MS. BROWN: No changes.

COMMISSIONER BRADLEY: Section IV, procedure for handling confidential information.

MS. BROWN: No changes, Commissioner.

COMMISSIONER BRADLEY: Section V, post-hearing

1 procedures.

2 MS. BROWN: No changes there, Commissioner.

3 COMMISSIONER BRADLEY: Section VI, prefiled testimony  
4 and exhibits; witnesses.

5 MS. BROWN: No changes that staff is aware of.

6 COMMISSIONER BRADLEY: Section VII, order of  
7 witnesses.

8 MS. BROWN: Commissioner, let me mention here that  
9 witnesses can be excused if no Commissioner on the panel seeks  
10 cross-examination. At this time it appears the witnesses will  
11 be excused, with the possible -- well, no. Excuse me. It  
12 appears that all witnesses will be excused, but staff will  
13 confirm this with each Commissioner and contact the parties by  
14 November 3rd.

15 COMMISSIONER BRADLEY: Does that include Florida  
16 Public Utilities?

17 MS. BROWN: Yes, it does, Commissioner. Florida  
18 Public Utilities and the staff have reached agreement on all  
19 outstanding FPUC issues, and those will be reflected in the  
20 prehearing order for your signature.

21 COMMISSIONER BRADLEY: Thank you.

22 MR. HORTON: That's correct, sir.

23 COMMISSIONER BRADLEY: Thank you. Section VIII,  
24 basic positions.

25 MS. BROWN: Staff isn't aware of any changes there.

1 COMMISSIONER BRADLEY: Section IX, issues and  
2 positions.

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7 FPUC. And beyond that, the parties have reached agreement on  
8 all other issues as well, and a corrected prehearing order will  
9 be presented to you for signature.

10 COMMISSIONER BRADLEY: Thank you.

11 MS. KAUFMAN: Commissioner Bradley.

12 COMMISSIONER BRADLEY: Section -- yes.

13 MS. KAUFMAN: Excuse me. Vicki Kaufman for FIPUG.

14 We would just like our position on all the issues in this  
15 docket to be reflected as no position. We're not intending to  
16 raise any of these issues at the hearing. And I think in the  
17 past that has been how FIPUG has been treated, so we would  
18 appreciate it if the, rather than showing FIPUG as stipulating,  
19 the prehearing order would reflect that we have taken no  
20 position.

21 MS. BROWN: Commissioner, we will, we will do that.  
22 We will also do it for OPC.

23 MS. CHRISTENSEN: Thank you.

24 COMMISSIONER BRADLEY: Okay. I'll accept that  
25 suggestion. Let the record reflect that the prehearing officer

1 did accept the recommended modifications.

2 Section XI, proposed stipulations. I guess that --  
3 I'm sorry.

4 Section XII, I'm sorry, pending motions.

5 MS. BROWN: There are no pending motions.

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

8 MS. BROWN: There are several of those, Commissioner,  
9 five pending, and they will be resolved by the prehearing.

10 COMMISSIONER BRADLEY: Thank you. Section XIV,  
11 rulings.

12 MS. BROWN: Commissioner, once again, we don't -- I  
13 don't think that this case will go to hearing, but if it does,  
14 we suggest that you make a ruling that opening statements, if  
15 any, not exceed ten minutes per side. And also St. Joe has  
16 been excused from the prehearing and the hearing conference.  
17 Peoples Gas -- no, that's right. Just St. Joe here.

18 COMMISSIONER BRADLEY: Let the record reflect that  
19 the prehearing officer agrees with staff as it relates to  
20 rulings. Is there anything else to come before the prehearing  
21 officer at this time?

22 MS. BROWN: Not that we are aware of, Commissioner.

23 MR. BADDERS: Commissioner --

24 COMMISSIONER BRADLEY: Again, thank you for your  
25 participation. This prehearing conference is adjourned.

(Prehearing conference adjourned.)

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

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

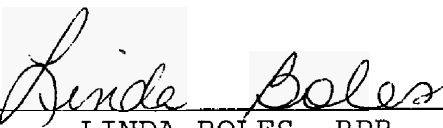
6                    IT IS FURTHER CERTIFIED that I stenographically  
 reported the said proceedings; that the same has been  
 7 transcribed under my direct supervision; and that this  
 transcript constitutes a true transcription of my notes of said  
 8 proceedings.

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

12                    DATED THIS 28th DAY OF OCTOBER , 2004.

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 \_\_\_\_\_  
 LINDA BOLES, RPR  
 FPSC Official Commission Reporter  
 (850) 413-6734

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