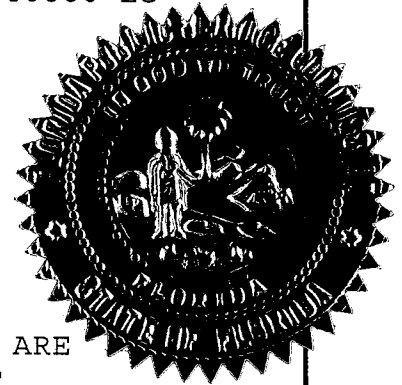


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of

PETITION FOR APPROVAL OF NUMERIC DOCKET NO. 040029-EG
CONSERVATION GOALS BY FLORIDA POWER
& LIGHT COMPANY.

PETITION FOR APPROVAL OF DOCKET NO. 040660-EG
MODIFICATIONS TO BUILDSMART
PROGRAM BY FLORIDA POWER &
LIGHT COMPANY.



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PROCEEDINGS: PREHEARING CONFERENCE
BEFORE: COMMISSIONER J. TERRY DEASON
Prehearing Officer
DATE: Monday, October 3, 2005
TIME: Commenced at 1:35 p.m.
Concluded at 1:40 p.m.
PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida
REPORTED BY: LINDA BOLES, RPR, CRR
Official FPSC Hearings Reporter
(850) 413-6734

DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION

09404 OCT 4 05

FPSC-COMMISSION CLERK

1 APPEARANCES:

2 NATALIE F. SMITH, ESQUIRE, and PATRICK M. BRYAN,
3 ESQUIRE, Florida Power & Light Company, 700 Universe Boulevard,
4 Juno Beach, Florida 33408-0420, appearing on behalf of Florida
5 Power & Light Company.

6 WILLIAM J. TAIT, JR., ESQUIRE, 1061 Windwood Way,
7 Tallahassee, Florida 32311, appearing on behalf of Calcs-Plus.,
8 Dennis Stroer and Jon Klongerbo.

9 MARTHA CARTER BROWN, ESQUIRE, and ADRIENNE VINING,
10 ESQUIRE, FPSC General Counsel's Office, 2540 Shumard Oak
11 Boulevard, Tallahassee, Florida 32399-0850, appearing on behalf
12 of the Florida Public Service Commission Staff.

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P R O C E E D I N G S

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COMMISSIONER DEASON: Call the prehearing conference to order. Could I have the notice read, please.

MS. VINING: Pursuant to notice issued by the Clerk of the Public Service Commission, a prehearing was set for this time and place for Docket 040029-EG and Docket 040660-EG.

COMMISSIONER DEASON: Thank you. Take appearances.

MS. SMITH: Good afternoon, Commissioner. Natalie Smith and Patrick Bryan on behalf of Florida Power & Light Company.

MR. TAIT: Jim Tait on behalf of the Petitioners, Calcs-Plus, Dennis Stroer and Jon Klongerbo.

COMMISSIONER DEASON: Okay. Thank you.

MS. VINING: And Adrienne Vining and Martha Carter Brown appearing on behalf of the Commission.

COMMISSIONER DEASON: Do we have any preliminary matters?

MS. VINING: None that I'm aware of.

COMMISSIONER DEASON: Do either of the parties have any preliminary matters? Ms. Smith?

MS. SMITH: No, sir.

COMMISSIONER DEASON: Mr. Tait?

MR. TAIT: No, sir.

COMMISSIONER DEASON: Very good. It's my intention to proceed through the draft prehearing order section by

1 section. I intend to do it in rather rapid fashion. If there
2 are any questions, concerns, clarifications, corrections or
3 whatever, please do not hesitate to alert me to that and we
4 will give it whatever needed discussion at that point.

5 With that, Section I, conduct of proceedings. II,
6 case background. III, jurisdiction. IV, confidential
7 information. Let me just ask at this point, is there going to
8 be any confidential information produced at hearing?

9 MS. VINING: We're not aware of any.

10 MS. SMITH: Not from FPL.

11 COMMISSIONER DEASON: Mr. Tait?

12 MR. TAIT: Not from the Petitioners.

13 COMMISSIONER DEASON: Very good. Section V,
14 posthearing procedures. Section VI, prefiled testimony and
15 exhibits. Section VII, order of witnesses.

16 MS. SMITH: Commissioner, FPL believes that the
17 appearance of Steven Sim, he's a direct and rebuttal witness,
18 we believe that his appearance could be combined into one
19 appearance.

20 COMMISSIONER DEASON: You propose then to, for
21 Witness Sim, to do the direct and rebuttal at the same time?

22 MS. SMITH: Yes, sir.

23 COMMISSIONER DEASON: Okay. Any objection to doing
24 that?

25 MR. TAIT: We have no objections.

1 COMMISSIONER DEASON: Staff?

2 MS. BROWN: No objection.

3 COMMISSIONER DEASON: Okay. But then for Witness
4 Haywood, that would be direct, then it would be followed by
5 rebuttal after the Intervenor's direct case; correct?

6 MS. SMITH: Yes, sir.

7 COMMISSIONER DEASON: Okay.

8 MS. SMITH: Additionally, we are willing to
9 stipulate -- or we have no questions for Witnesses Moyer, Dixon
10 and Fonorow.

11 COMMISSIONER DEASON: Okay. Is it possible then
12 those witnesses could be excused from appearing?

13 MS. SMITH: From FPL's perspective it is, yes.

14 COMMISSIONER DEASON: Mr. Tait?

15 MS. BROWN: Staff has no questions for those
16 witnesses and would agree to stipulate their testimony into the
17 record.

18 MR. TAIT: Without a cross there's no redirect, and I
19 have no --

20 COMMISSIONER DEASON: Very well. Ms. Brown, show
21 then that those witnesses will be -- do this. We need to ask
22 the other Commissioners whether they have questions. And
23 assuming they do not, well, then those witnesses can be excused
24 and their testimony will be entered into the record along with
25 their accompanying exhibits. If there are questions from

1 Commissioners, obviously there will be the need for them to
2 appear.

3 MS. BROWN: Yes, Commissioner. I'll see that the
4 prehearing order reflects that. And also I will try to get
5 that information to Mr. Tait by tomorrow, the end of business
6 tomorrow so he can let his witnesses know.

7 COMMISSIONER DEASON: Very good. I'm sure they would
8 like to know that as quickly as possible.

9 Okay. Any other questions or clarifications on the
10 order of witnesses?

11 Very well. Section VIII, basic positions. I take it
12 we have no limit on the length of basic positions; is that
13 correct?

14 MS. VINING: That's correct.

15 MS. BROWN: That is correct.

16 COMMISSIONER DEASON: I just noticed that FPL's
17 position was quite lengthy. Just noted for the record.

18 Section IX, issues and positions. We'll begin with
19 Issue 1. Issue 2. Issue 3. Issue 4. Issue 5. Issue 6. And
20 Issue 7. Very good.

21 We'll proceed then to Section IX, exhibit list. I'm
22 sorry. Section X is exhibit list.

23 Section XI, proposed stipulations. We have none
24 other than what we just discussed about possibly stipulating
25 testimony into the record.

1 MS. BROWN: Yes. That's correct.

2 COMMISSIONER DEASON: Okay. Section XII, I
3 understand there are no pending motions at this point.

4 MS. BROWN: No pending motions.

5 COMMISSIONER DEASON: And there are no pending
6 confidentiality matters as addressed in Section XIII.

7 And Section XIV under rulings, the only thing we have
8 is opening statements. I've been advised that five minutes may
9 be sufficient. Is that correct?

10 MS. SMITH: Yes, sir.

11 COMMISSIONER DEASON: Mr. Tait, is five minutes
12 sufficient?

13 MR. TAIT: Yes, sir.

14 COMMISSIONER DEASON: Very good. We'll just change
15 that to five minutes then, Ms. Brown.

16 MS. BROWN: I will.

17 COMMISSIONER DEASON: Okay. Well, that went rather
18 quickly. Are there any matters that need to be brought before
19 the prehearing officer at this time?

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

21 MS. SMITH: No, sir.

22 COMMISSIONER DEASON: Very good. Well, thank you all
23 for the efficiency that we were able to conduct the prehearing
24 conference, and hopefully the hearing will go as efficiently.
25 Thank you all.

This prehearing conference is adjourned.

(Prehearing Conference adjourned at 1:40 p.m.)

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STATE OF FLORIDA)
 :
COUNTY OF LEON)

CERTIFICATE OF REPORTER

I, LINDA BOLES, RPR, CRR, 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 4TH DAY OF OCTOBER, 2005.



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