

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 050002-EG

In the Matter of

ENERGY CONSERVATION COST  
RECOVERY CLAUSE.



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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: RUDOLPH "RUDY" BRADLEY  
Prehearing Officer

DATE: Monday, October 24, 2005

TIME: Commenced at 9:30 a.m.  
Concluded at 12:55 p.m.

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

REPORTED BY: LINDA BOLES, RPR, CRR  
FPSC Division of Commission Clerk and  
Administrative Services  
(850) 413-6734

DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION 10452 OCT 28 05

FPSC-COMMISSION CLERK

## 1 APPEARANCES:

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

6 JEFFREY A. STONE, ESQUIRE, RUSSELL BADDERS, ESQUIRE,  
7 and STEVEN R. GRIFFIN, ESQUIRE, Beggs & Lane Law Firm, Post  
8 Office Box 12950, Pensacola, Florida 32591-2950, appearing on  
9 behalf of Gulf Power Company.

10 JOHN W. MCWHIRTER, JR., ESQUIRE, McWhirter, Reeves &  
11 Davidson, P.A., 400 North Tampa Street, Suite 2450, Tampa,  
12 Florida 33601-3350, and TIMOTHY J. PERRY, ESQUIRE, McWhirter,  
13 Reeves & Davidson, P.A., 117 South Gadsden Street, Tallahassee,  
14 Florida 32301, appearing on behalf of Florida Industrial Power  
15 Users Group.

16 R. WADE LITCHFIELD, ESQUIRE and NATALIE F. SMITH,  
17 ESQUIRE, Florida Power & Light Company, 700 Universe Boulevard,  
18 Juno Beach, Florida 33408-0420, appearing on behalf of Florida  
19 Power & Light Company.

20 GARY V. PERKO, ESQUIRE, Hopping, Green & Sams, P.A.,  
21 Post Office Box 6526, Tallahassee, Florida 32314-6526,  
22 appearing on behalf of Progress Energy Florida, Inc.

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1 APPEARANCES CONTINUED:

2                   NORMAN H. HORTON, JR., ESQUIRE, Messer, Caparello &  
3 Self, P.A., Post Office Box 1876, Tallahassee, Florida  
4 32302-1876, appearing on behalf of Florida Public Utilities  
5 Company.

6                   CHARLES J. BECK, ESQUIRE, JOSEPH A. MCGLOTHLIN,  
7 ESQUIRE, and PATRICIA CHRISTENSEN, ESQUIRE, Office of Public  
8 Counsel, c/o The Florida Legislature, 111 W. Madison St., Room  
9 812, Tallahassee, Florida 32399-1400, appearing on behalf of  
10 the Citizens of the State of Florida.

11                   MARTHA CARTER BROWN, ESQUIRE, FPSC General Counsel's  
12 Office, 2540 Shumard Oak Boulevard, Tallahassee, Florida  
13 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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COMMISSIONER BRADLEY: Next we'll go to Docket 02.

MS. BROWN: Yes, Commissioner.

COMMISSIONER BRADLEY: All right. We're on Docket 02, energy conservation cost recovery. Are there any preliminary matters by any of the parties?

MS. BROWN: Once again, Commissioner, it's my understanding that this docket will be completely stipulated. The prehearing order doesn't reflect that right now but it will in the final version. And I would also point out that the only issue outstanding was Issue 5, which is a Florida Power & Light Company specific issue. And Ms. Smith can confirm, but I think they're going to withdraw that issue.

MS. SMITH: Yes, Commissioner. Natalie Smith on behalf of Florida Power & Light. We withdrew Issue 5 this morning.

MS. BROWN: And in light of that withdrawal, I think we have another stipulated case.

COMMISSIONER BRADLEY: Okay. Well, what I'm going to do is the same as I've done previously --

MS. BROWN: Sure.

COMMISSIONER BRADLEY: -- go through and, and make it official. So we're going to go through the prehearing, draft prehearing order. And let's get started with Section I, conduct of proceedings, stipulated.

1 Section II, case background, stipulated also.

2 Section III, jurisdiction, stipulated.

3 Section IV, procedure for handling confidential  
4 information, stipulated.

5 Section V, posthearing procedures, stipulated.

6 Section VI, prefiled testimony and exhibits,  
7 witnesses, stipulated.

8 Section VII, order of witnesses, stipulated.

9 Section VIII, basic positions, stipulated.

10 Section IX, issues and positions. We have Issues  
11 1 through 5, 1, 2, 3, 4, 5.

12 MS. BROWN: Well, it's actually 1 through 4 now.

13 COMMISSIONER BRADLEY: 1 through 4.

14 Section X, exhibit list.

15 Section XI, proposed stipulations.

16 Section XII, pending motions.

17 Section XIII, pending confidentiality matters.

18 Section XIV, rulings. Staff, are there any other  
19 rulings that need to be included in this section?

20 MS. BROWN: The only ruling would be if opening  
21 statements are needed, they shouldn't exceed ten minutes, but I  
22 don't think they'll be needed.

23 COMMISSIONER BRADLEY: That would be my ruling.

24 Are there any other matters to come before the  
25 prehearing officer at this time?

1 MS. BROWN: Staff is not aware of any in this docket.

2 COMMISSIONER BRADLEY: And as it relates to  
3 attendance, again, as I previously ruled, I would urge everyone  
4 to attend, but I'm going to leave it up to the individual  
5 attorneys. But I would advise you to be here.

6 MR. STONE: Okay. Commissioner Bradley, may I  
7 clarify? My understanding is that the witnesses will be  
8 excused; that you're only asking counsel to attend at this  
9 point.

10 COMMISSIONER BRADLEY: Well, I'm going to leave that  
11 up to your discretion, but I think it's a good idea to, to be  
12 here just in case something develops that maybe we can't  
13 predict at this time. Yes.

14 MS. BROWN: Commissioner --

15 COMMISSIONER BRADLEY: And we are excusing witnesses.

16 MS. BROWN: That's just what I wanted to clarify.

17 COMMISSIONER BRADLEY: Yes.

18 MR. STONE: So the witnesses will --

19 MS. BROWN: So the witnesses will be excused pending  
20 the panel's --

21 MR. STONE: Understanding if it turns out there's  
22 questions, you'll let us know.

23 MS. BROWN: Yes.

24 COMMISSIONER BRADLEY: But our attorney is going to  
25 talk with each Commissioner to see if they might have a

1 question.

2 MS. BROWN: Yes, I will.

3 COMMISSIONER BRADLEY: Okay. But I would advise the  
4 attorneys to be here. That would be my advice to you.

5 (Prehearing Conference in Docket 050002-EG  
6 concluded.)

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1 STATE OF FLORIDA )  
2 COUNTY OF LEON )

CERTIFICATE OF REPORTER

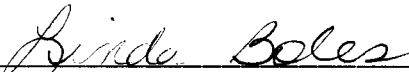
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I, LINDA BOLES, RPR, CRR, Official Commission Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

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 28TH DAY OF OCTOBER, 2005.

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