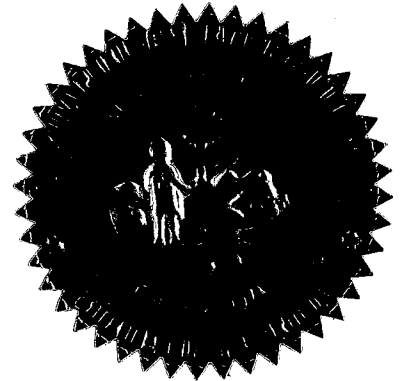


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 060155-EM

In the Matter of:

PETITION FOR DETERMINATION OF NEED FOR  
PROPOSED STANTON ENERGY CENTER COMBINED  
CYCLE UNIT B ELECTRICAL POWER PLANT IN  
ORANGE COUNTY, BY ORLANDO UTILITIES  
COMMISSION.



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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER MATTHEW M. CARTER, II

DATE: Monday, May 8, 2006

TIME: Commenced at 9:30 a.m.  
Concluded at 9:37 a.m.

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

REPORTED BY: LINDA BOLES, RPR, CRR  
Official Commission Reporter  
(850) 413-6734

DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION 04115 MAY 10 8

FPSC-COMMISSION CLERK

1 PARTICIPATING:

2 ROY C. YOUNG, ESQUIRE, Young Law Firm, Post Office  
3 Box 1833, Tallahassee, Florida 32302-1833, and THOMAS B. TART,  
4 ESQUIRE, Orlando Utilities Commission, 500 South Orange Avenue,  
5 Orlando, Florida 32801, appearing on behalf of Orlando  
6 Utilities Commission.

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

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## P R O C E E D I N G S

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2 COMMISSIONER CARTER: On the record. We'll call the  
3 hearing to order.

4 Ms. Brown, would you please read the notice.

5 MS. BROWN: By notice issued March 14th, 2006, this  
6 time and place was set for a prehearing conference in Docket  
7 Number 060155-EM, Petition of Orlando Utilities Commission for  
8 determination of need of the proposed Stanton Energy Center  
9 Combined Cycle Unit B. The purpose of the prehearing  
10 conference is set out in the notice.

11 COMMISSIONER CARTER: Okay. Appearances.

12 MR. YOUNG: Yes, sir. My name is Roy Young. I'm  
13 with the law firm of Young van Assenderp here in Tallahassee,  
14 and we are the attorneys on behalf of Orlando Utilities  
15 Commission. And I'm happy to say this morning we have our  
16 General Counsel for the Orlando Utilities Commission with us,  
17 Mr. Tart.

18 MR. TART: Yes. Good morning, Commissioner Carter.  
19 I'm Thomas Tart, General Counsel of Orlando Utilities. I've  
20 been employed there, this is my 25th year, and I'm honored to  
21 be back here with your folks.

22 MS. BROWN: And Martha Carter Brown for the  
23 Commission.

24 COMMISSIONER CARTER: Okay.

25 MS. BROWN: Preliminary matters, Commissioner, I

1 don't think we have any this morning.

2 COMMISSIONER CARTER: No preliminary matters.

3 The prehearing draft order, let's go through that  
4 now. As I identify the sections, the parties will let me know  
5 if there's any corrections or changes.

6 First, let's just kind of for the sake of efficiency,  
7 Sections 1 through VII, are there any corrections or changes?

8 MR. YOUNG: No, sir.

9 MS. BROWN: Not on our part, Commissioner.

10 COMMISSIONER CARTER: Okay. Any on the part of OUC?

11 MR. YOUNG: No, sir. We're fine.

12 COMMISSIONER CARTER: Okay. All righty. That takes  
13 us through Section VIII, issues and positions.

14 MS. BROWN: Staff's position is as stated. I don't  
15 know whether OUC has some comments to make here.

16 COMMISSIONER CARTER: Do you have any changes to the

17 --

18 MR. YOUNG: No, sir. In fact, we are perfectly  
19 willing and prepared to accept staff's position on each of  
20 those issues.

21 COMMISSIONER CARTER: On each of the Issues I through  
22 V for the record?

23 MR. YOUNG: Yes, sir.

24 MS. BROWN: So, Commissioner, I'll reflect that in  
25 the prehearing order that the issues are proposed stipulations

1 and we'll use staff's language as the stipulated position.

2 COMMISSIONER CARTER: Okay. So let the record  
3 reflect that.

4 Section IX, our exhibit list. Were there any -- did  
5 we -- were there any other recommendations in terms of  
6 Section VIII in terms of the issues or position? Did we cover  
7 all of that?

8 MS. BROWN: I think so, Commissioner.

9 COMMISSIONER CARTER: Okay. Section IX, exhibit  
10 list.

11 MS. BROWN: Commissioner, for purposes of the  
12 hearing, staff will also provide a stipulated comprehensive  
13 exhibit list that will include all of these exhibits from OUC  
14 as well as the answers to staff interrogatories that we sent  
15 out, newspaper notice, things like that, so we'll have one  
16 comprehensive list for all of the exhibits that support the  
17 case.

18 COMMISSIONER CARTER: Okay. Any comment? Everything  
19 is fine?

20 MR. YOUNG: No, sir. It seems like a good way to  
21 handle it.

22 COMMISSIONER CARTER: Okay. Good. Let's see,  
23 Section X, proposed stipulations. Staff?

24 MS. BROWN: I will have the prehearing order reflect  
25 that OUC has agreed to staff's positions one through five.

1 COMMISSIONER CARTER: Okay. Is that --

2 MS. BROWN: And, Commissioner, if I might interrupt  
3 here for a moment. With respect to the witnesses, I also  
4 intend, if you so rule, to reflect that Witnesses Fox and  
5 Rollins may be excused from the hearing and that I will go to  
6 the other Commissioners to find out if they have any questions  
7 for any of the other witnesses and notify OUC by Thursday of  
8 this week whether or not the other witnesses in the case can be  
9 excused. And I'll reflect that in the order.

10 COMMISSIONER CARTER: Okay. Any objections?

11 MR. YOUNG: No, sir. Just to point out to you the  
12 two witnesses that we're talking about -- you met Mr. Rollins  
13 here this morning. He has a detached retina that must be dealt  
14 with this week. And after that surgery is done, he will not be  
15 able to read for a couple of weeks and will not be able to  
16 travel, especially by air, for about four weeks. And we were  
17 very appreciative of staff's recommendation that he be excused  
18 from attendance at the hearing for those reasons.

19 Our witness Eric Fox, the other one, is a lot worse  
20 than that. Mr. Fox is fighting for his life, battling a cancer  
21 that's come back with a vengeance with him, and we're also very  
22 appreciative of staff's recommendation that he be excused from  
23 attendance at that hearing.

24 COMMISSIONER CARTER: Okay. Staff, let the record  
25 reflect -- the order reflect that. So we're on Section X. Is

1 that where we are, Section X?

2 MS. BROWN: I think we --

3 COMMISSIONER CARTER: We've covered that?

4 MS. BROWN: We've covered that, Commissioner. We're  
5 on XI now.

6 COMMISSIONER CARTER: Okay. Are there any pending  
7 motions?

8 MS. BROWN: Not to my knowledge.

9 MR. YOUNG: No, sir.

10 COMMISSIONER CARTER: Either party?

11 MR. YOUNG: No, sir.

12 COMMISSIONER CARTER: Okay. Section XIII,  
13 posthearing procedures.

14 MS. BROWN: Commissioner, we have no change to that.

15 My, my guess is that staff will, will suggest that  
16 the Commission could make a bench decision to approve the  
17 stipulations, so we won't really need any posthearing  
18 procedures. But in case that doesn't happen, it should  
19 probably stay in the prehearing order.

20 COMMISSIONER CARTER: Excellent. Excellent. Okay.  
21 All right.

22 Section XIV on the -- I guess in the order you'll put  
23 the rulings within the confines of the document, the four  
24 corners of the document; is that correct?

25 MS. BROWN: Yes. That's, that's exactly correct,

1 Commissioner.

2 COMMISSIONER CARTER: Okay. I see Mr. Harris back  
3 there. Mr. Harris, how are you doing this morning?

4 MR. HARRIS: Fine. Thank you, sir.

5 COMMISSIONER CARTER: Okay. Good. Would you have a  
6 seat over there just in case we have any other matters that are  
7 not covered? I might want to ask you a question.

8 Staff, are there any other matters that --

9 MS. BROWN: No, Commissioner.

10 COMMISSIONER CARTER: See, I brought out the big gun  
11 today. Gentlemen from the OUC, are there any other matters?

12 MR. YOUNG: No, sir. We just want to thank the staff  
13 for its professionalism in working with us on getting the  
14 application to this point and especially thank them for  
15 agreeing to make a recommendation relative to Mr. Fox and  
16 Mr. Rollins.

17 COMMISSIONER CARTER: Thank you so kindly, staff.  
18 Thank you very much. Meeting is adjourned.

19 (Prehearing Conference adjourned at 9:37 a.m.)  
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1 STATE OF FLORIDA )  
2 COUNTY OF LEON )

CERTIFICATE OF REPORTER

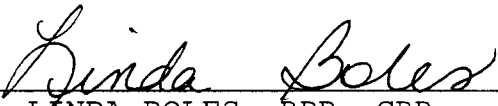
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I, LINDA BOLES, RPR, CRR, Official Commission Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

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 10TH DAY OF MAY, 2006.

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