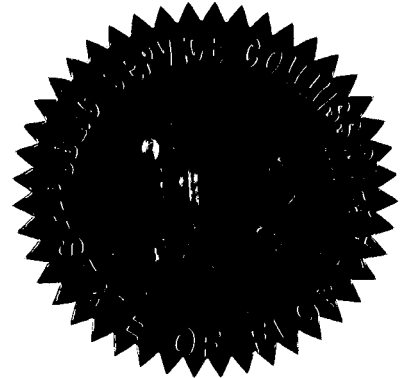


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 060635-EU

In the Matter of

PETITION FOR DETERMINATION OF NEED FOR
ELECTRICAL POWER PLANT IN TAYLOR COUNTY
BY FLORIDA MUNICIPAL POWER AGENCY, JEA,
REEDY CREEK IMPROVEMENT DISTRICT, AND
CITY OF TALLAHASSEE.



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PROCEEDINGS: AGENDA CONFERENCE
ITEM NO. 6

BEFORE: CHAIRMAN LISA POLAK EDGAR
COMMISSIONER MATTHEW M. CARTER, II
COMMISSIONER KATRINA J. MCMURRIAN

DATE: Tuesday, May 22, 2007

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

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

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1 PARTICIPATING:

2 SUZANNE BROWNLESS, ESQUIRE, representing Natural
3 Resources Defense Council, Inc.

4 GARY PERKO, ESQUIRE, appearing on behalf of Florida
5 Municipal Power Agency, JEA, Reedy Creek Improvement District,
6 and the City of Tallahassee.

7 E. LEON JACOBS, JR., ESQUIRE, representing Sierra
8 Club, John Hedrick, Rebecca J. Armstrong and Anthony Viegbesie.

9 JENNIFER BRUBAKER, ESQUIRE, representing Commission
10 Staff.

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P R O C E E D I N G S

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2 CHAIRMAN EDGAR: And we'll give just a minute once
3 again and then, Commissioners, we will be on Item 6, which, as
4 it is a continuation item, will only be for Commissioners
5 Edgar, Carter and McMurrian. And that is the last item for our
6 agenda today.

7 (Pause.)

8 Ms. Brubaker.

9 MS. BRUBAKER: Jennifer Brubaker, legal staff.

10 Commissioners, Item 6 is staff's recommendation on
11 the applicants' motion for limited reopening of the record for
12 the Taylor Energy Center, Docket 060635. Parties are present.
13 Staff is ready to answer any questions you may have on this
14 item.

15 CHAIRMAN EDGAR: Thank you. And, Commissioners, just
16 for the record, once again this is a procedural item, and we
17 can allow at this point in the discussions for participation
18 and comments from the parties. And so, Mr. Perko, we will
19 begin with you.

20 MR. PERKO: Good morning, Madam Chair, Commissioners.
21 My name is Gary Perko. I'm here on behalf of the participants,
22 Florida Municipal Power Agency, JEA, City of Tallahassee and
23 Reedy Creek Improvement Development (sic.)

24 Our motion is relatively straightforward. It came to
25 light after the hearing in this matter and just before the

1 Commission was about to take up deliberations that there were
2 some corrections that needed to be made in some of the modeling
3 that we presented at the hearing. As soon as that came to
4 light, our modelers analyzed the situation and performed
5 additional modeling, and we felt a duty to bring that before
6 the Commission's attention. So we filed a motion to reopen the
7 record for the limited purpose of addressing that additional
8 modeling. And I believe staff has issued a favorable
9 recommendation that we support. It recognizes that the parties
10 have an opportunity to do discovery and there would be an
11 additional hearing to address that matter. And I believe the
12 motion is unopposed. And I'm here to answer any questions that
13 you may have.

14 CHAIRMAN EDGAR: Thank you, Mr. Perko.

15 And from the other parties.

16 MS. BROWNLESS: Good morning. My name is Suzanne
17 Brownless, and I'm here representing the National Resources
18 Defense Council in this proceeding.

19 We agree with Mr. Perko's motion to reopen the
20 hearing. We do believe that the issue that they've addressed
21 in their supplemental testimony is important and needs to be
22 vetted at the Commission.

23 We have requested a 60-day time frame for discovery
24 so that we can do what one normally does on this particular
25 issue: Have depositions, interrogatories, production of

1 documents requests, et cetera. My understanding is that the
2 staff has agreed to that. And that was our concern, that we be
3 allowed adequate discovery and an opportunity through the
4 regular process to do, to do what we're supposed to, which is
5 vet the issue on behalf of our client. So with that
6 explanation, we support the recommendation.

7 CHAIRMAN EDGAR: Thank you.

8 Mr. Jacobs.

9 MR. JACOBS: Good morning, Madam Chairman and
10 Commissioners. My name is Leon Jacobs. I'm here on behalf of
11 the Sierra Club, Ms. Rebecca Armstrong, Mr. John Hedrick and
12 Mr. Anthony Viegbesie.

13 We also support staff's recommendation. We believe
14 that, however, in adding to Ms. Brownless's comments, that it
15 is important that we vet this issue properly.

16 If you look into the testimony and the support for
17 that testimony, there are important cost implications of these
18 modifications to the analysis. And we think you need to
19 understand the full ramifications of those modifications in
20 making your decision, and, therefore, we would, we would
21 support the idea of having additional testimony.

22 CHAIRMAN EDGAR: Thank you, Mr. Jacobs.

23 And, Ms. Brubaker, are those -- the timing of the
24 next steps, if we are to go in this direction, that would be
25 handled by the Prehearing Officer; is that correct?

1 MS. BRUBAKER: That's correct.

2 CHAIRMAN EDGAR: And that would be Commissioner
3 McMurrin. As always, I know that the Prehearing Officer and
4 the Chair and every Commissioner will make every effort as we
5 are trying to schedule things to work within the time frames
6 that the parties need in order to present a full and robust
7 case so that we will have a full and robust record on which to
8 base our decisions.

9 Ms. Brubaker, any other items or comments on this?

10 MS. BRUBAKER: Staff has none.

11 CHAIRMAN EDGAR: Thank you.

12 Commissioner McMurrin.

13 COMMISSIONER McMURRIAN: Thank you for indulging me
14 while we're here.

15 I just wanted to make sure I understood what the
16 parties were asking for as far as timing, because we will be
17 dealing with that shortly. And I heard you say, Ms. Brownless,
18 60 days for discovery. And I noticed that staff in the
19 recommendation said that the 60 days should run from today, but
20 I think we were talking about 60 days from today for a hearing,
21 and I know that depends somewhat on the Commission calendar and
22 things. But are you talking about 60 days for discovery and
23 then a hearing --

24 MS. BROWNLESS: Yes, ma'am. Subsequent to that.

25 COMMISSIONER McMURRIAN: -- sometime after that?

1 MS. BROWNLESS: Yes, ma'am.

2 COMMISSIONER McMURRIAN: Okay. I guess maybe I
3 should ask Mr. Perko, what is your understanding of, of -- or
4 have you all talked about this? Maybe I should ask that first.

5 MR. PERKO: Actually I don't think we have talked
6 about it and that might be a good idea. Obviously my clients
7 would like to move this forward as quickly as possible and
8 could agree to expedited discovery if that could get us to a
9 hearing within that 60-day time frame.

10 CHAIRMAN EDGAR: Well, and if I may jump in. I know
11 that we -- I don't believe we have set dates yet obviously
12 because we do things one step at a time, but trying to think
13 ahead and looking at the Commission calendar for scheduling
14 purposes, I think there are some dates in October that we were
15 looking at. And my understanding and from the Commission
16 calendar from the status of my office is that it would be
17 difficult to do it prior to that whether pieces and parts are
18 expedited or not. Ms. Brubaker, did I get that correct?

19 MS. BRUBAKER: I'm actually not -- I don't quite
20 remember what the calendar is affording. I know it's very
21 tight through the summer and the early fall.

22 One thing staff would propose, if it's of use to the
23 parties, is for staff to hold just an informal conference to
24 invite all the parties, to have us get together and kind of
25 calendar out what timing concerns we might have, and then I

1 could present those to the Prehearing Officer.

2 CHAIRMAN EDGAR: I think that sounds like an
3 excellent idea, and would ask all of the parties to cooperate
4 with staff to do that so we can move forward both effectively
5 and efficiently.

6 Commissioner Carter.

7 COMMISSIONER CARTER: Thank you, Madam Chairman.

8 As, as I prepare to move staff's recommendation on
9 this, I move it with the understanding that this time frame,
10 this 60-day time frame is something that the parties will be
11 working together on, staff will be working with them, because
12 it's extremely important for this matter to have a fair
13 hearing. It's also extremely important for us to have all the
14 necessary information. And I think that the way staff's
15 recommendation is, is fashioned here, it gives us an adequate
16 time, it gives the parties adequate time so we can lock in so
17 they can complete their discovery and the parties can have
18 whatever informal discussions that they may wish. So at the
19 appropriate time I'd move staff's recommendation with that
20 understanding.

21 CHAIRMAN EDGAR: Thank you.

22 Commissioner McMurrin, any further questions or
23 comments?

24 COMMISSIONER McMURRIAN: No. I can second the motion
25 at the appropriate time.

1 CHAIRMAN EDGAR: Okay. Okay. And that would be now.
2 Okay. We have a motion and a second. And, again,
3 this is an item for Edgar, Carter and McMurrian. So all in
4 favor of the motion, say aye.

5 (Unanimous affirmative vote.)

6 Opposed? Show it adopted. Thank you.

7 MR. JACOBS: Thank you, Madam Chair.

8 CHAIRMAN EDGAR: And that concludes our business for
9 today. We are adjourned.

10 (Agenda Conference adjourned at 11:11 a.m.)

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1 STATE OF FLORIDA)
2 COUNTY OF LEON)

: CERTIFICATE OF REPORTER

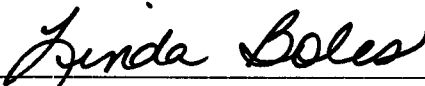
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4 I, LINDA BOLES, RPR, CRR, Official Commission
5 Reporter, do hereby certify that the foregoing proceeding was
6 heard at the time and place herein stated.

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

12 I FURTHER CERTIFY that I am not a relative, employee,
13 attorney or counsel of any of the parties, nor am I a relative
14 or employee of any of the parties' attorneys or counsel
15 connected with the action, nor am I financially interested in
16 the action.

17 DATED THIS 24th day of May, 2007.

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