

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 070052-EI

In the Matter of:

PETITION BY PROGRESS ENERGY FLORIDA,
INC. TO RECOVER COSTS OF CRYSTAL RIVER
UNIT 3 UPRATE THROUGH FUEL CLAUSE.



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PROCEEDINGS: PREHEARING

BEFORE: COMMISSIONER MATTHEW M. CARTER, II
PREHEARING OFFICER

DATE: Monday, July 23, 2007

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

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

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

DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION 06309 JUL 24 5

FPSC-COMMISSION CLERK

1 APPEARANCES:

2 J. MICHAEL WALLS, ESQUIRE, and DIANNE M. TRIPLETT,
3 ESQUIRE, Carlton Fields Law Firm, Post Office Box 3239, Tampa,
4 Florida 33601-3239, appearing on behalf of Progress Energy
5 Florida, Inc.

6 TIMOTHY R. QUALLS, ESQUIRE, Young van Assenderp, 225
7 South Adams Street, Suite 200, Tallahassee, Florida 32301,
8 appearing on behalf of the Florida Retail Federation.

9 JOSEPH A. MCGLOTHLIN, ESQUIRE, and PATRICIA
10 CHRISTENSEN, ESQUIRE, Office of the Public Counsel, c/o The
11 Florida Legislature, 111 West Madison Street, Room 812,
12 Tallahassee, Florida 32399-1499, appearing on behalf of the
13 Citizens of the State of Florida.

14 JOHN W. MCWHIRTER, JR., ESQUIRE, McWhirter, Reeves &
15 Davidson, P.A., 400 North Tampa Street, Suite 2450, Tampa,
16 Florida 33601-3350, appearing on behalf of the Florida
17 Industrial Power Users Group.

18 JAMES W. BREW, ESQUIRE, Brickfield, Burchette, Ritts
19 & Stone, P.C., 1025 Thomas Jefferson Street, NW, Eighth Floor,
20 West Tower, Washington, DC 20007-5201, appearing on behalf of
21 PCS Phosphate - White Springs.

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1 APPEARANCES (Continued):

2 MICHAEL B. TWOMEY, SR., ESQUIRE, Post Office Box
3 5256, Tallahassee, Florida 32314-5256, appearing on behalf of
4 AARP.

5 LISA BENNETT, ESQUIRE, and KEINO YOUNG, ESQUIRE, FPSC
6 General Counsel's Office, 2540 Shumard Oak Boulevard,
7 Tallahassee, Florida 32399-0850, appearing on behalf of the
8 Florida Public Service Commission Staff.

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P R O C E E D I N G S

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2 COMMISSIONER CARTER: Let's go on the record. Call
3 this hearing to order.

4 Staff, would you please read the notice.

5 MR. YOUNG: Pursuant to notice issued June 27, 2007,
6 this time and place has been set for a prehearing in Docket
7 Number 070052-EI regarding the petition by Progress Energy
8 Florida to recover costs for the Crystal River 3 uprate through
9 the fuel clause.

10 COMMISSIONER CARTER: Okay. We'll take appearances
11 from my right to left and then we'll go to staff. You're
12 recognized.

13 MR. WALLS: Hello, Commissioner. My name is Mike
14 Walls. I'm here with Dianne Triplett with the firm of Carlton
15 Fields representing Progress Energy Florida.

16 MR. QUALLS: Good morning, Mr. Commissioner. My name
17 is Timothy Qualls. I'm here on behalf of Schef Wright from the
18 firm of Young van Assenderp on behalf of the Federal (sic.)
19 Retail Federation.

20 MR. MCGLOTHLIN: Good morning. Joe McGlothlin for
21 the Office of Public Counsel.

22 MR. McWHIRTER: John McWhirter for FIPUG.

23 MR. BREW: Good morning. James Brew of the firm of
24 Brickfield, Burchette, Ritts & Stone for PCS White Springs.

25 MR. TWOMEY: Good morning, Commissioner Carter. Mike

1 Twomey on behalf of AARP.

2 COMMISSIONER CARTER: Staff.

3 MR. YOUNG: Keino Young, Lisa Bennett, Samantha
4 Cibula for staff.

5 COMMISSIONER CARTER: Okay. Did I forget anyone
6 on -- okay. Good. Excellent.

7 Staff, are there any preliminary matters?

8 MR. YOUNG: Commissioner, at this point there are no
9 preliminary matters and none is expected.

10 COMMISSIONER CARTER: Okay. Thank you. Most of you
11 have been before me before as a prehearing officer and you know
12 I like to get through it and just kind of zero in on wherever
13 there may be some issues. So as such, we'll just go through
14 the draft prehearing order. I'll stop at Section VI. And just
15 first of all see if there's any questions on anything from
16 Section I through V.

17 Hearing none, Section VI, the order of witnesses.
18 Any questions?

19 MR. McWHIRTER: Mr. Carter, FIPUG has a concern that
20 this hearing may not be completed in one day as anticipated.
21 And Mr. Pollock, who is the last direct witness, needs to get
22 on on that specific day, and I was wondering if we could
23 guarantee that his testimony will be on Tuesday.

24 COMMISSIONER CARTER: Mr. McWhirter, you used the
25 word "guarantee." You know, do you want to -- let's rephrase

1 it. Let's see if -- is it possible, that's what you're asking;
2 right?

3 MR. McWHIRTER: Well, what, what I would request is
4 that say we get to after lunch and there are four remaining
5 witnesses, that we take Mr. Pollock out of order. And perhaps
6 if OPC would consent to having him go first, that would be
7 sufficient.

8 MR. MCGLOTHLIN: If, if there's a need to accommodate
9 Mr. Pollock's schedule at the time, we would not object to
10 that.

11 COMMISSIONER CARTER: Okay. Any, any other parties
12 want to be heard on this?

13 MR. WALLS: No objection.

14 MR. TWOMEY: No objection from here.

15 COMMISSIONER CARTER: Okay. Staff?

16 MR. YOUNG: No objection, Commissioner.

17 COMMISSIONER CARTER: Okay. Then we'll just try to
18 work it out then. How about that, Mr. McWhirter?

19 MR. McWHIRTER: Thank you very much.

20 COMMISSIONER CARTER: Excellent. Excellent.

21 MR. QUALLS: Mr. Commissioner, I'm sorry to
22 interrupt.

23 COMMISSIONER CARTER: Yes, sir. You're recognized.

24 MR. QUALLS: I just noticed a couple of mistakes on
25 the appearances page. First of all, my name is spelled wrong.

1 It's Timothy, take the N out. And then it's the Florida Retail
2 Federation, not the Federal Retail Federation.

3 COMMISSIONER CARTER: They're probably just hazing
4 you since it's your first time.

5 MR. QUALLS: I needed it. Yes.

6 COMMISSIONER CARTER: Staff will make the necessary
7 corrections.

8 MR. QUALLS: Thank you.

9 (Laughter.)

10 MR. MCGLOTHLIN: And while we're backing up for just
11 a second, let me enter the appearance of Patricia Christensen
12 who is also present today.

13 COMMISSIONER CARTER: Good. I thought I saw her come
14 in earlier. Good morning.

15 MS. CHRISTENSEN: Good morning.

16 COMMISSIONER CARTER: Staff will make the necessary
17 adjustments.

18 Any other preliminary matters we need to do? Okay.
19 Excellent. Section VII -- everyone is cool on Section VI and
20 the order of witnesses? Any questions or concerns?

21 Okay. Let's move forward. Section VII, basic
22 positions. No questions, no concerns?

23 We are on now, hearing none, Section VIII, issues and
24 positions. As I understand it, there is a dispute among the
25 parties about the wording of the first sentence in Issue 1; is

1 that correct?

2 MR. McGLOTHLIN: Yes, Commissioner Carter. And
3 others may have something to say about it too, but I thought I
4 would --

5 COMMISSIONER CARTER: Hang on a second here. Let me
6 get staff to kind of set this up in terms of where we're going
7 here.

8 MR. YOUNG: Yes, Commissioner Carter. The exact
9 wording for the first sentence in Issue 1 is disputed. The two
10 options presented by staff and the parties are as follows:

11 "Should the Commission authorize clause recovery in
12 lieu of base rates of the prudent and reasonable costs of the
13 following," that's Option 1. And the parties in favor of that
14 position are OPC, the Florida Retail Federation and AARP.

15 Option 2, "Should the Commission authorize clause
16 recovery of the prudent and reasonable costs of the following?"
17 And this issue is -- parties in favor of this issue are White
18 Springs, Progress Energy Florida, FIPUG and staff.

19 The parties may wish to speak to -- on the exact
20 wording of the first sentence in Issue 1, Commissioner.

21 COMMISSIONER CARTER: Okay. Let me, let me do this.
22 You guys can split up your time however you wish, but let's
23 just give five minutes per side on this, on Option 1 and Option
24 2. So who wants to be heard on Option 1?

25 MR. McGLOTHLIN: I do if --

1 COMMISSIONER CARTER: You've got five minutes per
2 side.

3 MR. MCGLOTHLIN: I won't need the full five minutes.
4 First of all, Commissioner --

5 COMMISSIONER CARTER: Hang on a second. Let me get
6 the clock here so I can see it.

7 You are recognized.

8 MR. MCGLOTHLIN: First of all, Commissioner, it's not
9 disputed that the types of costs being considered here, the
10 costs of the uprated capacity of the nuclear unit, ordinarily
11 are the costs that would be base rate related, recovered
12 through base rates. And absent the special dispensation sought
13 by the petitioner they would be recovered through base rates.

14 Also, in our testimony we make the point that the
15 vast majority of these costs will not be incurred until after
16 2009, and the company therefore has an opportunity, a full
17 opportunity to file a base rate proceeding and request any
18 warranted increase to incorporate those costs prior to their
19 incurrence.

20 So we contend that the first issue should be worded
21 to recognize that there are two alternatives: Base rate
22 recovery or clause recovery. And that is the issue here; this
23 Option 2 excludes any administrative performance. And we think
24 that's a mistake, first of all, because absent some reference
25 to base rate recovery, the reader could receive the mistaken

1 impression that absent clause recovery there is no recovery at
2 all, and that's not true. If clause recovery is not provided
3 by the Commission, if their petition is not granted, those
4 costs will be covered through base rates. That's the way it
5 works.

6 I would also make the point that in Issue 2, which is
7 the following issue which says, "If clause recovery is
8 provided, should it be through the fuel clause or the capacity
9 cost recovery clause," in that wording both alternatives are
10 recognized. And with respect to the testimony offered by the
11 parties, Progress Energy Corporation proposes to recover it
12 through the fuel cost recovery clause, FIPUG proposes to
13 recover it through the capacity cost recovery clause, and to
14 tee that issue up in a neutral way both alternatives are
15 recognized. And that's the same thing we're asking with
16 respect to Issue 1. We contend that fairness, among other
17 things, requires that to the extent a party such as OPC who,
18 who contends that base rate recovery is the way to go, that
19 should be, should have equal time with, with the company's
20 request, which is clause recovery.

21 COMMISSIONER CARTER: You have three minutes
22 remaining.

23 This is on Option 1, for Option 1. This is the side
24 that's speaking now, for Option 1.

25 MR. McWHIRTER: Mr. Carter, when FIPUG agreed to

1 Option 2, we thought that it would be implicit that the utility
2 would be entitled to recover its prudent expenses through base
3 rates should cost recovery be denied and we assented to that.

4 Having considered and listened to Mr. McGlothlin's
5 presentation, I think his phraseology is technically more
6 explicit and I think I now would favor that language as opposed
7 to the language we originally agreed to.

8 MR. TWOMEY: And, Commissioner --

9 COMMISSIONER CARTER: Mr. Twomey, you're recognized.
10 You have two minutes remaining.

11 MR. TWOMEY: Just briefly on the same side as Public
12 Counsel and FIPUG. The neutral statement should be key here,
13 Commissioner Carter. And as Mr. McGlothlin said, there is the
14 risk by a reader, particularly a new reader not yet fully
15 versed in all the aspects of rate regulation, that if you look
16 at the wording in the Alternative 2, that it appears to be an
17 all-or-nothing proposition. Either it's through the clause as
18 requested by the company, and if they don't get it, that
19 they're out of luck. And as Mr. McGlothlin said clearly, that
20 if they don't get it through one of these recovery clauses,
21 whether it's fuel conservation or one of the others, that they
22 will still get their money in due time through base rates. And
23 AARP joins Public Counsel in saying that by picking the one
24 advanced by, by us and worded primarily by Public Counsel, it
25 puts both sides of the story up there -- clause, rate base,

1 pick one. It's a Chinese menu. You get one or the other but
2 you don't get left out. You don't go without food.

3 COMMISSIONER CARTER: Okay. One minute remaining.
4 You're recognized.

5 MR. BREW: Thank you, Commissioner. From White
6 Springs' perspective the case is about how the costs are
7 recovered.

8 COMMISSIONER CARTER: Are you arguing for Option 1?

9 MR. BREW: I'm arguing for Option 1. White Springs
10 would agree with the phrasing of the issue --

11 COMMISSIONER CARTER: Okay.

12 MR. BREW: -- that OPC has put forth.

13 I would agree with Mr. McWhirter that we had taken
14 the Option 2 as implicitly offering the alternative for base
15 rate recovery, but the phrasing in Option 1 is more
16 appropriate.

17 COMMISSIONER CARTER: Thank you. You -- perfect
18 timing. Perfect timing.

19 For Option 2 you have five minutes. You are
20 recognized.

21 MR. WALLS: Thank you, Commissioner. It looks like
22 we lost some of our people during the course of this exchange.

23 MR. MCGLOTHLIN: You're welcome to join the move.

24 MR. WALLS: We believe that Option 2 states the issue
25 in a way that's consistent with the petition that's in front of

1 the Commission, and that petition is a request by the company
2 under long-standing Commission policy referenced in Order 14546
3 which provides for cost recovery through the fuel clause of
4 costs that are not recognized or anticipated in the cost levels
5 used to determine PEF's current base rates and if a cost
6 incurred generates fuel savings. That's what the petition
7 requests. We believe the evidence supports that request and
8 that Option 2 is more consistent with that request. It is
9 basically asking do we meet the terms of the Commission's
10 policy in that order, yes or no? It's a very simple,
11 straightforward issue. And we believe that the inclusion of
12 language about in lieu of base rate recovery takes away from
13 that and complicates it when it is really a straightforward
14 issue: Do we meet the terms of the policy in Order 14546 or do
15 we not?

16 COMMISSIONER CARTER: Let me think about it for a
17 second here. Staff, you don't -- staff does not wish to be
18 heard on this?

19 MS. BENNETT: No, Commissioner.

20 COMMISSIONER CARTER: Okay. Good. Let me, let me --
21 give me a moment to think about this.

22 Let me ask you this. Does the -- staff, I'm thinking
23 about probably making a ruling on this before the end of this
24 hearing. Does this impact further proceedings or should I just
25 make a ruling now or think about it for five minutes?

1 MS. BENNETT: It doesn't impact further proceedings.
2 It is certainly within your discretion to take it under
3 advisement.

4 COMMISSIONER CARTER: Okay. Let's do that. We'll
5 come back to that.

6 Okay. Section IX, exhibit list.

7 MR. YOUNG: Yes, Commissioner Carter. The issue
8 regarding the exhibit list will be addressed in Section,
9 Section XI as it relates to pending motions.

10 COMMISSIONER CARTER: Okay. Section X.

11 MR. YOUNG: There are no stipulations at this time.

12 COMMISSIONER CARTER: Okay. So we proceed on to
13 Section XI, pending motions.

14 MR. YOUNG: Yes, Commissioner. FIPUG has filed a
15 motion for the Commission to take official notice pursuant to
16 Section 90.201 of the Florida Statutes for the following as
17 indicated in their motion.

18 COMMISSIONER CARTER: Mr. McWhirter.

19 MR. McWHIRTER: Mr. Carter, as you're obviously
20 familiar, the evidence code permits the Commission to take
21 official notice of certain things such as its own records and
22 also matters which are factually so certain no one disputes.
23 And in our request for official notice of certain items we do
24 that because we have no specific witness that attaches those
25 orders and talks about them. And for that reason we thought it

1 would be cleaner to, at the outset of the hearing, designate
2 certain things that we would like to go into the record as
3 exhibits for the Commission's consideration. And the Ten-Year
4 Site Plans filed by the utility for 2005, 2006 and 2007 are
5 relevant to these proceedings. In addition to that there are
6 certain Commission orders that are also relevant. And although
7 with respect to the orders they could probably come in without
8 any independent ruling, we'd like to get our full case on the
9 table so people understand where we're coming from, and that
10 was the reason.

11 COMMISSIONER CARTER: What is the basis of your
12 utilizing this information? Is this for impeachment purposes?
13 What's the basis of your -- what do you plan to use this
14 information for?

15 MR. McWHIRTER: I didn't understand the question,
16 Mr. Carter.

17 COMMISSIONER CARTER: I'm saying is that -- are you
18 going to use the information contained within these documents
19 for impeachment purposes or what other purposes?

20 MR. McWHIRTER: Yes, sir. The information contained
21 in the documents.

22 COMMISSIONER CARTER: Well, I don't think you really
23 need to have that -- us take official notice for you to impeach
24 someone with that. I think that you could still do that. I
25 see here you're asking for notice on Rule 22 -- 25 --

1 correction -- Rule 25-22.071 and Rule 25-6.035. I see how that
2 would be appropriate. But I'm going to have to deny your
3 motion on the rest. I think you can get it in under
4 impeachment.

5 MR. McWHIRTER: You're denying it with respect to
6 Ten-Year Site Plans?

7 COMMISSIONER CARTER: Well, all the remaining of
8 your, your motion.

9 MR. McWHIRTER: All right, sir. Well, I'd like to
10 make an official proffer of that information into the record.

11 COMMISSIONER CARTER: You wanted to use the
12 information as a basis for impeachment purposes?

13 MR. McWHIRTER: Yes, sir, among other things.

14 COMMISSIONER CARTER: Among other things?

15 MR. McWHIRTER: Yes, sir.

16 COMMISSIONER CARTER: Okay.

17 MR. YOUNG: Commissioner Carter?

18 COMMISSIONER CARTER: Yes, sir.

19 MR. YOUNG: Maybe if, if Progress Energy has no
20 objections, it can possibly be stipulated into the record.

21 MR. WALLS: We have no objections to the authenticity
22 of the documents that are identified as Progress Energy Florida
23 documents. However, I am a bit confused about how
24 Mr. McWhirter intends to use them, so I certainly don't want to
25 waive any objections to relevance at the time he attempts to

1 use them at trial or at the hearing.

2 MR. McWHIRTER: I think that's appropriate. That,
3 that objection would always be available if the purpose for
4 which we presented it was not relevant. That objection would
5 be a good objection and we would accede to it.

6 MR. TWOMEY: And AARP would support that kind of
7 stipulation. I think there can be -- I think, Commissioner
8 Carter, that it would probably streamline things as opposed to
9 Mr. McWhirter trying to have people identify these documents.
10 And obviously the company is not going to be able to deny the
11 authenticity because it's their documents, these Ten-Year Site
12 Plans and that kind of stuff. So I would suggest to you that
13 such a stipulation would streamline the hearing process and
14 still allow Mr. McWhirter to meet his ends. We would join in
15 that.

16 COMMISSIONER CARTER: We will -- in lieu of your
17 motion, we'll just allow this to be a stipulation.

18 MR. McWHIRTER: Thank you.

19 COMMISSIONER CARTER: That way I won't have to go
20 through and surgically take -- is that all right with all the
21 parties? Do you understand my motion -- my ruling?

22 MR. YOUNG: Yes, Commissioner.

23 COMMISSIONER CARTER: Okay. Good.

24 MR. YOUNG: Staff will prepare a comprehensive
25 exhibit list to be entered into the record as to FIPUG's motion

1 to include FIPUG's items.

2 COMMISSIONER CARTER: And also duly noted from the
3 company's perspective on their objections of relevancy in those
4 areas.

5 Okay. If we could kind of step back for a moment.
6 In terms of -- on Section VIII, the issues and positions, I'm
7 accepting Option 2. That's my ruling on that. I didn't need
8 the full five minutes.

9 Section, Section XII, pending confidentiality
10 motions.

11 MR. YOUNG: Yes, Commissioner. There are two
12 confidentiality requests. The motions will be addressed by
13 written order.

14 COMMISSIONER CARTER: Okay. Posthearing procedures.

15 MR. YOUNG: Staff would recommend that we limit
16 opening statements to 15 minutes per side.

17 COMMISSIONER CARTER: Okay.

18 MR. MCGLOTHLIN: Commissioner, I'd like to address
19 that, if I may.

20 COMMISSIONER CARTER: You're recognized.

21 MR. MCGLOTHLIN: You see five lawyers here on one
22 side of the case; 15 minutes, that's three minutes a side, a
23 person, and in my experience it's difficult to say much more
24 than your name.

25 COMMISSIONER CARTER: You guys did a great job on the

1 five minutes per side.

2 MR. MCGLOTHLIN: Well, there's a lot more to be said
3 about the subject matter than the limited issue of the phrasing
4 of the issue.

5 Also, in this case FIPUG has a witness that addresses
6 an issue which is separate and apart from anything that we
7 address and so we're not as completely aligned or speaking with
8 one voice as sometimes is the case. So with that in mind, I'd
9 request that 25 minutes would be more appropriate given the
10 number of parties and the, and the complexity of the issues.

11 MR. TWOMEY: May I chime in, Commissioner?

12 COMMISSIONER CARTER: You're recognized, Mr. Twomey.

13 MR. TWOMEY: Thank you. We would attempt to be as
14 brief as possible. AARP, as you've noticed on our positions,
15 will fully support the Office of Public Counsel, although I
16 wouldn't want to go without saying something --

17 COMMISSIONER CARTER: I wouldn't expect you to.

18 (Laughter.)

19 MR. TWOMEY: -- as you, as you may guess. But I
20 would defer to Mr. McGlothlin for most of it. And I think 25
21 minutes is fine and that -- and irrespective of how much time
22 you give those of us on the customer side collectively, of
23 course, out of fairness the company should have the same amount
24 of time.

25 COMMISSIONER CARTER: Okay. Fairness is always

1 appreciated.

2 I'm going to take this under advisement because I'm
3 really, really -- you know, I'm thinking that 15 minutes is
4 appropriate, so I'll just have to make a ruling on that later
5 because I just don't see any compelling -- I mean, unless I'm
6 missing something, and I don't think I am, that would force me
7 to go outside of my usual recommendation on that because really
8 the opening is just setting up the case. You know, you don't
9 make your case. You're just, you're setting up the case. And
10 all the Commissioners as well as staff will have an opportunity
11 to fully look at the documentation and the evidence and the
12 witnesses and et cetera. So, I mean, I'm less likely to --
13 I'll take it under advisement, but I'm less likely to grant
14 more than 15 minutes per side.

15 MR. MCGLOTHLIN: I have a similar request with
16 respect to the limitation of 50 words in the posthearing
17 statement. Fifty words has become a convention. I've never
18 understood why because it's so confining it's difficult to say
19 anything without finding a way to use contractions and double
20 words and leave out prepositions and things like that. And
21 where each of the issues in this case covers so much ground, I
22 request that we be given 100 words. That's still a short
23 paragraph on each issue.

24 COMMISSIONER CARTER: Mary Anne -- one second. Mary
25 Anne, can you advise on this 50-word deal?

1 MS. HELTON: I think, given the broad nature of the
2 issues, I think 100 words is reasonable, Commissioner.

3 I think there are some instances where 50 words is
4 appropriate, but I agree with Mr. McGlothlin in this case that
5 100 words would be appropriate.

6 COMMISSIONER CARTER: You got it. 50 -- 100 words it
7 is.

8 Okay. You were going to say you agree with that,
9 weren't you?

10 MR. TWOMEY: Yes, sir.

11 COMMISSIONER CARTER: Okay. Are there any other
12 matters before us in this case?

13 MR. YOUNG: Yes, Commissioner. If we can back up to
14 Section VI.

15 COMMISSIONER CARTER: Okay.

16 MR. YOUNG: Order of witnesses. Progress Energy
17 Florida has indicated that its witness Daniel Roderick can
18 present his direct and rebuttal testimony at the same time, if
19 there are no objections by the parties.

20 COMMISSIONER CARTER: Are there any?

21 MR. MCGLOTHLIN: No.

22 COMMISSIONER CARTER: Okay. Let's make it so.

23 The only outstanding matter then would be the ruling
24 on the 15 minutes per side versus 25 minutes per side. I'll,
25 I'll make that ruling as expeditiously as possible and have

1 staff communicate it to the parties as soon as possible. I
2 need to think about that. I'm just -- I'm wrestling with that,
3 but I'll have to think about it and, and I'll rule as soon as
4 possible on that. And I don't mean like in the -- I mean,
5 within the next, you know, day or so and so all the parties can
6 proceed as, as necessary in this matter.

7 Any other matters in this case pertaining to us today
8 we need to take care of?

9 MR. YOUNG: Not that I know of, Commissioner.

10 COMMISSIONER CARTER: Any of the parties?

11 MR. TWOMEY: No, sir.

12 COMMISSIONER CARTER: We're going to get your name
13 correct in that.

14 MR. QUALLS: Thanks, Commissioner.

15 COMMISSIONER CARTER: You're officially -- you
16 survived your hazing treatment. We'll take care of that. And
17 thank you all for being here today. It's good to see
18 everybody. We are adjourned.

19 (Prehearing Conference adjourned at 9:55 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 24th day of July, 2007.

Linda Boles

 LINDA BOLES, RPR, CRR
 FPSC Official Commission Reporter
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