

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 070393-EI

In the Matter of:

PETITION FOR DETERMINATION OF NEED
FOR LAKE AGNES-GIFFORD 230 KV
TRANSMISSION LINE IN POLK AND ORANGE
COUNTIES, BY PROGRESS ENERGY FLORIDA
AND TAMPA ELECTRIC COMPANY.



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PROCEEDINGS: PREHEARING

BEFORE: COMMISSIONER NANCY ARGENZIANO
 PREHEARING OFFICER

DATE: Monday, August 27, 2007

TIME: Commenced at 1:30 p.m.
 Concluded at 1:39 p.m.

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

REPORTED BY: JANE FAUROT, RPR
 Official FPSC Reporter
 (850) 413-6732

FLORIDA PUBLIC SERVICE COMMISSION

DOCUMENT NUMBER-DATE

07736 AUG 28 08

COMMISSION CLERK

1 APPEARANCES:

2 LEE L. WILLIS, ESQUIRE, Ausley Law Firm, Post Office
3 Box 391, Tallahassee, Florida 32302, appearing on behalf of
4 Tampa Electric Company.

5 KENNETH A. HOFFMAN, ESQUIRE, Rutledge Law Firm, P.O.
6 Box 551, Tallahassee, Florida 32302-0551, appearing on behalf
7 of Progress Energy Florida, Inc.

8 KEINO YOUNG, ESQUIRE, and MARTHA BROWN, ESQUIRE, FPSC
9 General Counsel's Office, 2540 Shumard Oak Boulevard,
10 Tallahassee, Florida 32399-0850, appearing on behalf of the
11 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 ARGENZIANO: Good afternoon. Let's call
3 this prehearing to order.

4 And if staff would please read the notice.

5 MR. YOUNG: Thank you, Madam Commissioner.

6 Pursuant to notice issued August 3rd, 2007, this time
7 and place has been set for a prehearing in Docket Number
8 070393-EI regarding a petition for a determination of need for
9 Lake Agnes-Gifford 230 kV transmission line in Polk and Orange
10 Counties by Progress Energy Florida and Tampa Electric Company.

11 COMMISSIONER ARGENZIANO: Thank you.

12 Let's go ahead and take appearances. I guess Ken
13 Hoffman for Progress?

14 MR. HOFFMAN: Good afternoon, Commissioner
15 Argenziano.

16 My name is Ken Hoffman. I'm with the law firm of
17 Rutledge Ecenia Purnell and Hoffman here in Tallahassee. I'm
18 appearing on behalf of Progress Energy Florida.

19 COMMISSIONER ARGENZIANO: Thank you.

20 MR. WILLIS: I'm Lee L. Willis, appearing on behalf
21 of Tampa Electric Company. I'm with the firm of Ausley and
22 McMullen, P.O. Box 391, Tallahassee, Florida.

23 COMMISSIONER ARGENZIANO: Thank you very much.

24 MR. YOUNG: Keino Young, Martha Carter Brown, and Lee
25 Colson appearing on behalf of staff.

1 COMMISSIONER ARGENZIANO: Okay.

2 Mr. Young, are there any preliminary matters we need
3 to address before we get to the draft prehearing order in this
4 docket?

5 MR. YOUNG: Madam Chairman, at this time there are
6 none and none are expected.

7 COMMISSIONER ARGENZIANO: Anything from the parties?
8 Mr. Hoffman?

9 MR. HOFFMAN: No, ma'am.

10 MR. WILLIS: No, ma'am.

11 COMMISSIONER ARGENZIANO: Thank you. Okay.

12 We will move on to the draft prehearing order. I'm
13 working from a copy provided this morning. I'll identify each
14 section sequentially, and I want the parties to let me know if
15 there are corrections or changes to be made. And we may go
16 quickly through this, so don't hesitate to speak up, wave your
17 hands, flail about; anything you need to catch my attention,
18 please do. And if I don't hear anything, that means there are
19 no changes or corrections.

20 Okay. Section I, case background. Any corrections
21 or changes?

22 Mr. Hoffman?

23 MR. HOFFMAN: No.

24 COMMISSIONER ARGENZIANO: Section II, conduct of
25 proceedings. Hearing none, Section III, jurisdiction. Section

1 IV, procedure for handling confidential information. No
2 concerns. Section V, prefiled testimony and exhibits,
3 witnesses. Section VI, order of witnesses. Staff?

4 MR. YOUNG: Madam Chairman, the parties have reached
5 a proposed stipulation on Issues 1 through 4. All testimony
6 and exhibits will be entered into the record without
7 cross-examination. If a Commissioner doesn't have any
8 questions for a witness, their attendance may be excused at the
9 hearing. Staff will notify Progress Energy Florida and Tampa
10 Electric by September 5th of 2007, if a witness has been
11 excused.

12 COMMISSIONER ARGENZIANO: Section VII, basic
13 positions. Hearing nothing, section VIII, issues and
14 positions.

15 MR. YOUNG: Madam Chairman -- excuse me, Madam
16 Commissioner, as stated before, the parties have reached a
17 proposed stipulation on Issues 1 through 4.

18 COMMISSIONER ARGENZIANO: Section IX, exhibit list.

19 MR. YOUNG: Madam Commissioner, as mentioned above,
20 all the testimony and exhibits can be stipulated into the
21 record. Just for the record, Progress Energy and Tampa
22 Electric have added one composite exhibit which will be
23 included in Staff's Composite Exhibit Number 11.

24 Staff will prepare a comprehensive exhibit list to be
25 entered into the record at the hearing which will specify and

1 identify all stipulations and exhibits.

2 COMMISSIONER ARGENZIANO: Mr. Hoffman?

3 MR. HOFFMAN: Correct, Commissioner. The companies,
4 as required by rule, published the notice of hearing in areas
5 where the line could be located, so we are making a part of the
6 record copies of those notices of hearings and the affidavits
7 of publications of the specific newspapers. And we're going to
8 make that, by agreement with staff, a part of staff's composite
9 exhibit.

10 COMMISSIONER ARGENZIANO: Okay. We are on Section X,
11 proposed stipulations.

12 MR. YOUNG: Madam Commissioner, the final prehearing
13 order will reflect all the issues that have been stipulated as
14 stated in Section Number VIII.

15 COMMISSIONER ARGENZIANO: And Section XI, pending
16 motions.

17 MR. YOUNG: There are no pending motions at this
18 time, Madam Chair.

19 COMMISSIONER ARGENZIANO: Section XII, pending
20 confidentiality matters.

21 MR. YOUNG: There was one pending confidentiality
22 matter, which is Document Number 06-594-07, which will be
23 returned to Progress Energy and TECO, thus there are no pending
24 confidentiality matters.

25 COMMISSIONER ARGENZIANO: Mr. Hoffman?

1 MR. HOFFMAN: That's correct.

2 COMMISSIONER ARGENZIANO: Thank you. Section XIII,
3 post-hearing procedures.

4 MR. YOUNG: Madam Commissioner, in light of the short
5 time frames in the transmission line siting case, it is likely
6 that the Commission will make a bench decision at the hearing,
7 and no post-hearing filings will be necessary.

8 COMMISSIONER ARGENZIANO: Section XIV, rulings.
9 Mr. Young.

10 MR. YOUNG: Madam Commissioner, if there is a
11 hearing, staff will suggest to the Commissioner that she limits
12 opening statements to ten minutes per side.

13 COMMISSIONER ARGENZIANO: Okay. Well, since this
14 case appears -- could you repeat that, I'm sorry.

15 MR. YOUNG: Since it's stipulated, but in the event
16 that there is a hearing, staff will suggest -- recommend that
17 the Commissioner limits opening statements to ten minutes per
18 side.

19 COMMISSIONER ARGENZIANO: Okay. So in the event the
20 opening statements are allowed, they shall not exceed ten
21 minutes per side.

22 Mr. Hoffman?

23 MR. HOFFMAN: That's fine with Progress Energy.

24 MR. WILLIS: Fine.

25 COMMISSIONER ARGENZIANO: Okay. Other matters. Are

1 there any other matters to address?

2 MR. YOUNG: No, Madam Chairman. Madam Commissioner,
3 excuse me.

4 COMMISSIONER ARGENZIANO: Mr. Hoffman?

5 MR. HOFFMAN: Nothing else, Commissioner Argenziano.

6 COMMISSIONER ARGENZIANO: With no other matters to
7 come before the prehearing officer today, then since there are
8 none that I hear, the prehearing is adjourned.

9 Thank you.

10 MR. HOFFMAN: Thank you.

11 MR. YOUNG: Thank you.

12 (The prehearing concluded at 1:38 p.m.)

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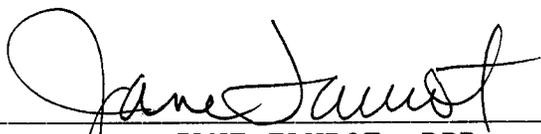
CERTIFICATE OF REPORTER

I, JANE FAUROT, RPR, Chief, Hearing Reporter Services Section, FPSC Division of Commission Clerk, 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' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 28th day of August, 2007.



JANE FAUROT, RPR
Official FPSC Hearings Reporter
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