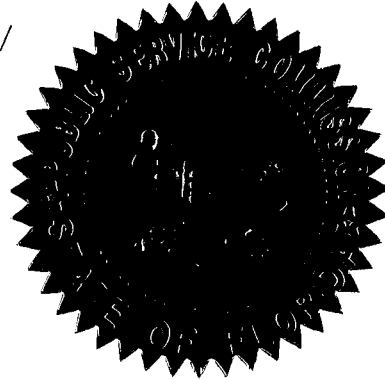


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 070467-EI

In the Matter of

PETITION TO DETERMINE NEED FOR POLK
UNIT 6 ELECTRICAL POWER PLANT, BY
TAMPA ELECTRIC COMPANY.



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16	PROCEEDINGS:	PREHEARING
17	BEFORE:	COMMISSIONER NATHAN A. SKOP PREHEARING OFFICER
18	DATE:	Tuesday, September 24, 2007
19	TIME:	Commenced at 1:30 p.m. Concluded at 1:48 p.m.
20		
21	PLACE:	Betty Easley Conference Center Room 148 4075 Esplanade Way Tallahassee, Florida
22		
23		
24	REPORTED BY:	JANE FAUROT, RPR Official FPSC Reporter (850) 413-6732
25		

DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION 08764 SEP 25 6

FPSC-COMMISSION CLERK

1 PARTICIPATING:

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

5 GARY A. DAVIS, Southern Alliance for Clean Energy,
6 Post Office Box 649, Hot Springs, North Carolina 28743,
7 appearing on behalf of Southern Alliance for Clean Energy.

8 GEORGE CAVROS, ESQUIRE, c/o Southern Alliance for
9 Clean Energy, 120 E. Oakland Park Blvd., Suite 105, Oakland
10 Park, Florida 33334, appearing on behalf of Southern Alliance
11 for Clean Energy.

12 JENNIFER BRUBAKER, ESQUIRE, General Counsel's Office,
13 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,
14 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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2 COMMISSIONER SKOP: Good afternoon. I'd like to call
3 this prehearing conference to order.

4 And, Staff, could you please read the notice.

5 MS. BRUBAKER: Certainly.

6 Pursuant to notice, this time and place has been
7 scheduled for the purpose of conducting a prehearing in Docket
8 070467-EI. The purpose of the prehearing is set forth more
9 fully in the notice.

10 COMMISSIONER SKOP: Thank you.

11 And at this time we'll take appearances, please.

12 MR. WILLIS: I'm Lee L. Willis appearing with James
13 D. Beasley of the firm of Ausley & McMullen, P.O. Box 391,
14 Tallahassee, Florida 32302, appearing on behalf of Tampa
15 Electric Company.

16 MR. CAVROS: Good afternoon, Commissioner.

17 George Cavros appearing on behalf of the Southern
18 Alliance for Clean Energy, and also appearing for Gary A.
19 Davis, a qualified representative.

20 COMMISSIONER SKOP: Thank you.

21 MS. BRUBAKER: And for staff, Jennifer Brubaker and
22 Martha Brown.

23 COMMISSIONER SKOP: Thank you. At this time we're
24 going to address at least one preliminary matter that I have,
25 and then I'll ask staff if they have any other matters. But

1 pursuant to my prior order, Southern Alliance for Clean Energy
2 was granted conditional intervention contingent upon, or
3 conditioned upon a showing that they had a valid Certificate of
4 Authority on file with the Department of State. And let the
5 record reflect that Southern Alliance for Clean Energy has met
6 the requirements by obtaining a valid certificate of authority
7 and has met all the other requirements to intervene in this
8 docket.

9 MS. BRUBAKER: That is correct, Commissioner.

10 COMMISSIONER SKOP: Thank you.

11 Any other preliminary matters that we need to take
12 up?

13 MS. BRUBAKER: Staff is aware of none.

14 COMMISSIONER SKOP: Thank you.

15 At this point I'd like to proceed through the draft
16 prehearing order and go through that now, and I'll identify the
17 sections, and I want the parties to let me know if there are
18 any corrections or changes to be made. And we might go through
19 this rather quickly, so please speak up if you have a change or
20 correction that would need to be made within the proposed
21 order.

22 With respect to Section I, Case Background, are there
23 any comments or concerns?

24 None being noted, we will move to Section II, the
25 Conduct of Proceedings. Any concerns with respect to

1 Section II?

2 None being noted, we will move to Section III,
3 Jurisdiction. Any comments or concerns?

4 None being noted, we will move to Section IV,
5 Procedure for Handling Confidential Information. Are there any
6 specific items that either the parties or staff would like to
7 address in that section?

8 Hearing none, we will move to Section V, Prefiled
9 Testimony, Exhibits, Witnesses. I'd like to ask the parties
10 whether they might be willing to shorten or dispense with
11 witness summaries of testimony?

12 MR. WILLIS: Commissioner, I think that it would be
13 helpful if we did present a short summary prior to their
14 testifying, from two to five minutes, something like that.

15 COMMISSIONER SKOP: Thank you. I guess five minutes
16 is typically provided. If it could be shortened, great. But
17 if the parties think that's adequate, that would be great; if
18 not, if we can do it in a much shorter time, that would be
19 nice, also.

20 MR. WILLIS: I think five minutes is certainly
21 adequate, and we'll try to be as succinct as possible.

22 COMMISSIONER SKOP: Mr. Cavros.

23 MR. CAVROS: Commissioner, we would prefer up to five
24 minutes. Southern Alliance for Clear Energy is only putting on
25 two witnesses.

1 COMMISSIONER SKOP: All right. Thank you.

2 Based on the input of the parties, I think five
3 minutes would be adequate. Moving on to Section VI, Order of
4 Witnesses. I'd like to ask the parties whether they are
5 willing to stipulate to any of the witnesses at this point?

6 MS. BRUBAKER: Actually, I guess staff will go ahead
7 and chair-up this discussion. Parties and staff have been in
8 discussions for the last few weeks about which witnesses the
9 parties and staff would be willing to stipulate. And, of
10 course, that's contingent upon the Commissioners being willing
11 to excuse the witnesses, also.

12 For the purposes of the prehearing and requesting
13 whether the Commissioners can excuse the witnesses, I believe
14 we have identified TECO Witnesses Taylor, Remmers, Cifuentes,
15 and Szelistowski. And we're welcome to entertain other names,
16 or if that's complete, we'll just go ahead and have those
17 marked as possible stipulations.

18 COMMISSIONER SKOP: Do the parties have a comment?

19 MR. CAVROS: Commissioner, the Southern Alliance for
20 Clean Energy has identified also Mr. Szelistowski, and, in
21 addition, Mr. Taylor.

22 COMMISSIONER SKOP: Thank you.

23 TECO, any additional?

24 MR. WILLIS: None in addition.

25 COMMISSIONER SKOP: And with respect to, I believe

1 it's on TECO testimony with the witnesses, I'd like to inquire
2 whether the direct and rebuttal testimony can be taken up
3 separately or together.

4 MR. WILLIS: Commissioner, we only have one rebuttal
5 witness, and I think that it would serve for clarity and to
6 help frame the issues if that witness comes after the testimony
7 to which he is rebutting.

8 COMMISSIONER SKOP: Any objection?

9 MR. CAVROS: Commissioner, that wouldn't be a problem
10 for Southern Alliance for Clean Energy, but I would like to go
11 back to the last issue, if I could.

12 I believe I misspoke. Southern Alliance for Clean
13 Energy would like to stipulate to Mr. Taylor and to Mr.
14 Szelistowski. We believe that we have questions to ask of the
15 other witnesses.

16 COMMISSIONER SKOP: Staff, make proper note of that.

17 Moving back to Section VI, with respect to the direct
18 and rebuttal, I believe TECO stated their position, that they
19 would like to have that taken up separately. And does Southern
20 Alliance have any objection to that?

21 MR. CAVROS: No, Southern Alliance has no objection.

22 COMMISSIONER SKOP: So noted.

23 With respect to Section VII, Basic Positions, are
24 there any --

25 MR. WILLIS: Before we do that, with respect to the

1 issues that the rebuttal testimony of Mr. Bryant addresses, we
2 should eliminate Issue 3 and 5 that are listed there in that
3 string of issues. So it should be 1, 2, 4, 6 and 7.

4 COMMISSIONER SKOP: Could you please repeat that
5 again?

6 MR. WILLIS: Mr. Bryant will be speaking in his
7 rebuttal to Issues 1, 2, 4, 6 and 7.

8 COMMISSIONER SKOP: Okay. And that's, I believe,
9 reflected in the draft prehearing order.

10 MS. BRUBAKER: It will be, yes.

11 COMMISSIONER SKOP: Thank you.

12 With respect to Section VII, again, Basic Positions,
13 any comments on those?

14 MR. CAVROS: Could I have just one minute to look it
15 over?

16 COMMISSIONER SKOP: Sure.

17 MS. BRUBAKER: While Mr. Cavros is reviewing, just
18 for the record, I think it's understood, but just so we're
19 clear, to the extent that are further changes/modifications to
20 positions and what have you, staff is more than happy to make
21 those after the prehearing. To the extent they need to be
22 made, parties can simply forward me the new language and I will
23 make sure it gets incorporated into the draft.

24 COMMISSIONER SKOP: Thank you.

25 MR. CAVROS: Thank you.

1 COMMISSIONER SKOP: Okay.

2 Hearing no comments or concerns with respect to
3 Section VII, Basic Positions, we will move on to Section VIII,
4 which are the issues and positions. I note that there are, or
5 should be an issue with respect to Issue 4, due to some
6 statutory requirements, and I will ask staff to briefly speak
7 to those.

8 MS. BRUBAKER: That's right.

9 The language in Issue 4, staff has proposed a
10 modification to include the term "renewable energy sources and
11 technologies" in addition to the conservation measures that was
12 in the previous draft of that issue. That is simply to reflect
13 the current language as it appears in Section 403.519, Florida
14 Statutes.

15 I note that TECO has provided a revised position for
16 that issue, SACE has not yet, and they may wish to. If so, we
17 would be more than happy to take that revised position
18 subsequent to the prehearing, at the appropriate time.

19 COMMISSIONER SKOP: Do you know if Southern Alliance
20 for Clean Energy has had an opportunity to look at the proposed
21 language?

22 MS. BRUBAKER: I raised this, I believe, on Friday,
23 and I provided the revised language in electronic format in the
24 draft this morning, but I don't -- I think that we have had a
25 chance to communicate about what the change is and why it's

1 being proposed.

2 MR. CAVROS: Commissioner, Southern Alliance had an
3 opportunity to review it, and we don't have any objections to
4 it.

5 COMMISSIONER SKOP: Okay.

6 And, like I said, I was going to raise one particular
7 issue with respect to Issue 1 and Issue 2, to the extent
8 whether they could be made more generic as opposed to
9 referencing a specific generating unit, but I think we will
10 skip that. But it seems like you might be able to ask the
11 threshold question more generically as to whether there is a
12 need in itself without getting into specifics, but we'll save
13 that for another time.

14 Moving on to -- are those the only other, any other
15 issues with respect to Section VIII on Issues and Positions?

16 Hearing none, I will move on to Section IX, the
17 Exhibit List. And it's my understanding that staff will note
18 for the record that they have prepared a Comprehensive Exhibit
19 List, and if they could please speak to that.

20 MS. BRUBAKER: Certainly.

21 One thing staff has found very helpful in the course
22 of the hearing is to prepare, basically, a consolidated exhibit
23 list. It's basically for reference at the hearing. Part of
24 that exhibit is the prefiled exhibits of all parties, and that
25 will simply be listed and numbered. And our recommendation at

1 hearing will be to simply identify those exhibits by those
2 numbers indicated in that list. It's for ease of reference.
3 The exhibits would not be typically admitted at that time, they
4 would be admitted in turn as each witness' testimony is
5 presented.

6 That list will also include a proposed staff
7 composite exhibit. We have not yet provided that information
8 to the parties yet. We will do so very shortly. We expect
9 what that will consist of is largely discovery responses and
10 probably deposition transcripts. This is also something we
11 have done just for ease at the hearing. At the time it's
12 provided to the parties, hopefully in the next day or two,
13 we'll ask that the parties look at the list and determine if
14 they have any objection to the entry, the stipulated entry of
15 those exhibits into the record. And if they have any questions
16 or concerns about that, I would be certainly happy to address
17 them.

18 COMMISSIONER SKOP: Thank you.

19 Any comments or concerns with respect to the Exhibit
20 List?

21 Hearing none, we will move to Section X, Proposed
22 Stipulations.

23 MS. BRUBAKER: Staff is not aware of any stipulations
24 at this time.

25 COMMISSIONER SKOP: Hearing none, we will move on to

1 Section XI, Pending Motions.

2 MS. BRUBAKER: Staff is unaware of any pending
3 motions at this time.

4 COMMISSIONER SKOP: Parties? No. Okay.

5 Hearing none, we will move on to Section XII, Pending
6 Confidentiality Motions, and it's my understanding that there
7 may be one or more requests pending.

8 MS. BRUBAKER: Currently, there are four requests
9 pending. Staff intends to get those orders to the prehearing
10 officer for determination as quickly as possible. But at this
11 time we have identified four pending confidentiality matters.

12 COMMISSIONER SKOP: Thank you.

13 Moving forward, Section XIII, Post-hearing
14 Procedures. I would like to see if the parties have any
15 concerns with respect to requests for number of words in their
16 post-hearing positions and/or the number of pages of the
17 post-hearing briefs.

18 MR. WILLIS: That's fine.

19 MR. CAVROS: No objection.

20 COMMISSIONER SKOP: Hearing none, we will move on to
21 Section XIV, Rulings.

22 Staff.

23 MS. BRUBAKER: Yes. Often the parties will be
24 interested in offering opening statements prior to the
25 presentation of witnesses. This typically happens after the

1 public testimony portion that begins our hearing. In the past,
2 generally a time limit is set for those opening statements,
3 anything from five to ten minutes is typical. I would,
4 perhaps, ask to see if the parties are interested in making
5 opening statements, and if so what amount of time they feel
6 would be appropriate.

7 MR. WILLIS: We would like to make an opening
8 statement of about five minutes.

9 MR. CAVROS: Southern Alliance would like to make an
10 opening statement, as well. I anticipate it would take about
11 ten minutes.

12 MR. WILLIS: Well, if you're going to provide a limit
13 and allow him ten minutes, allow us ten minutes, as well.
14 We're not necessarily going to use it, but it should be an
15 equal allocation.

16 MS. BRUBAKER: I would be happy to draft the order to
17 reflect up to ten minutes.

18 COMMISSIONER SKOP: Yes, with respect to Southern
19 Alliance, balancing, it should be equal time, so I was just
20 going to raise that issue myself. So in the interest of equal
21 time, based on the input from the represented parties, we'll
22 basically make a ruling that the statements shall be limited to
23 ten minutes, or not to exceed ten minutes, if you will.

24 Moving forward onto Section XV, Other Matters. Are
25 there any other matters that need to be addressed within the

1 prehearing conference?

2 MS. BRUBAKER: Staff is not aware of any. However, I
3 would note to the extent that any additional changes other than
4 what have been discussed today to the parties' positions or
5 what have you, if you would please have them to me by close of
6 business tomorrow, which is September 25th, so we can quickly
7 get the order finalized and out, it would be much appreciated.

8 COMMISSIONER SKOP: And with that, seeing no
9 additional matters, I think we can adjourn.

10 Thank you.

11 (The prehearing concluded at 1:48 p.m.)

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1 STATE OF FLORIDA)

2 : CERTIFICATE OF REPORTER

3 COUNTY OF LEON)

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I, JANE FAUROT, RPR, Chief, Hearing Reporter Services
5 Section, FPSC Division of Commission Clerk, do hereby certify
6 that the foregoing proceeding was 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
transcribed under my direct supervision; and that this
9 transcript constitutes a true transcription of my notes of said
proceedings.

10


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

13

DATED THIS 25th day of September, 2007.

14

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16

JANE FAUROT, RPR
Official FPSC Hearings Reporter
(850) 413-6732

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