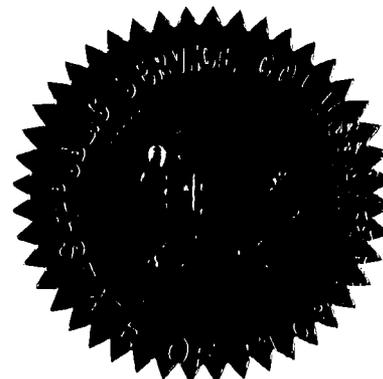


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 070001-EI

In the Matter of

FUEL AND PURCHASED POWER COST  
RECOVERY CLAUSE WITH GENERATING  
PERFORMANCE INCENTIVE FACTOR.



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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: MATTHEW M. CARTER, II  
Prehearing Officer

DATE: Monday, October 22, 2007

TIME: Commenced at 2:00 p.m.  
Concluded at 2:27 p.m.

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

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

DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION

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FPSC-COMMISSION CLERK

## 1 APPEARANCES:

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

5 JEFFREY STONE, ESQUIRE; RUSSELL BADDERS, ESQUIRE; and  
6 STEVEN R. GRIFFIN, ESQUIRE, Beggs & Lane Law Firm, Post Office  
7 Box 12950, Pensacola, Florida 32591-2950, appearing on behalf  
8 of Gulf Power Company.

9 JOHN W. MCWHIRTER, JR., ESQUIRE, McWhirter Law Firm,  
10 400 North Tampa Street, Suite 2450, Tampa, Florida 33602,  
11 appearing on behalf of Florida Industrial Power Users Group.

12 JOHN T. BUTLER, ESQUIRE, Florida Power & Light  
13 Company, 700 Universe Boulevard, Juno Beach, Florida  
14 33408-0420, appearing on behalf of Florida Power & Light  
15 Company.

16 NORMAN H. HORTON, JR., ESQUIRE, Messer, Caparello &  
17 Self, P.A., Post Office Box 15579, Tallahassee, Florida 32317,  
18 appearing on behalf of Florida Public Utilities Company.

19 CHARLIE BECK, DEPUTY PUBLIC COUNSEL; STEPHEN C.  
20 BURGESS, ESQUIRE; PATRICIA CHRISTENSEN, ESQUIRE; and JOE  
21 MCGLOTHLIN, ESQUIRE, Office of Public Counsel, c/o The Florida  
22 Legislature, 111 W. Madison St., #812, Tallahassee, Florida  
23 32399-1400, appearing on behalf of the Citizens of the State of  
24 Florida.

25

## 1 APPEARANCES (Continued):

2 JOHN T. BURNETT, ESQUIRE, Progress Energy Service  
3 Co., LLC, Post Office Box 14042, St. Petersburg, Florida  
4 33733-4042, appearing on behalf of Progress Energy Service Co.,  
5 LLC.

6 MAJOR DAMUND E. WILLIAMS, AFLSA/JACL-ULT, 139 Barnes  
7 Drive, Suite 1, Tyndall Air Force Base, Florida 32403-5319,  
8 appearing on behalf of the Federal Executive Agencies.

9 MICHAEL B. TWOMEY, SR., ESQUIRE, Post Office Box  
10 5256, Tallahassee, Florida 32314-5256, appearing on behalf of  
11 AARP.

12 LISA BENNETT, ESQUIRE, and KEINO YOUNG, ESQUIRE, FPSC  
13 General Counsel's Office, 2540 Shumard Oak Boulevard,  
14 Tallahassee, Florida 32399-0850, appearing on behalf of the  
15 Commission Staff.

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

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COMMISSIONER CARTER: Give me a second here. I'll give you guys a chance to get adjusted there.

Okay. Preliminary matters. This is Docket Number 070001-EI. Staff, preliminary matters.

MS. BENNETT: Yes, Commissioner Carter. The parties have stipulated to Issues 4, 7, 9, 10, 11, 16B, 27 and 33. Those stipulations are reflected in Section X of the Prehearing Order.

COMMISSIONER CARTER: Are there any changes to any of these stipulations by any of the parties from Issues 4, 7, 9, 10, 11, 16B, 27 and 33? Hearing none, are there any other preliminary matters from staff?

MS. BENNETT: Staff has no other preliminary matters.

COMMISSIONER CARTER: Okay. Let me just kind of -- as we proceed, I do want to, because we have numerous issues on this, when I get to that section, I'm going to go issue by issue. But, staff, kind of direct me so I just -- the ones that have been stipulated to, we'll just skip those, and that way that should expedite our time.

Okay. Let's proceed to our Prehearing Order. Section I, case background.

Section II, conduct of proceedings.

Section III, jurisdiction.

Section IV, procedure for handling confidential

1 information.

2 Section V, prefiled testimony and exhibits and  
3 witnesses.

4 Section VI, order of witnesses.

5 MS. BENNETT: Commissioner Carter, both FPUC and FPL  
6 have indicated that their witnesses will be adopting the  
7 testimony of other witnesses. At this time Cheryl Martin's  
8 testimony would be adopted by, I'm hopefully getting his name  
9 correct, Mehrdad Khojasteh, and FPL Witness Irizarry will be  
10 adopting the testimony and exhibits of Pamela Sonnelitter.

11 COMMISSIONER CARTER: Are there any objections by any  
12 of the parties? Okay.

13 MS. BENNETT: At this point, Commissioner Carter, I  
14 also want to note that I've just recently been notified we may  
15 have some additional stipulations on the GPIF. If that is the  
16 case, there will be witnesses who may be excused. We will, as  
17 in the 07 docket, contact each of the Commissioners and then  
18 let the parties know by November 1st.

19 COMMISSIONER CARTER: Okay. Thank you. Thank you.

20 MR. WILLIS: Commissioner Carter, with respect to the  
21 order of witnesses --

22 COMMISSIONER CARTER: Yes.

23 MR. WILLIS: -- for Tampa Electric we would request  
24 that Witness Aldazabal testify after Witness Wehle, and then  
25 Witness Knapp after Witness Aldazabal.

1 COMMISSIONER CARTER: Any objections?

2 MR. WILLIS: And Mr. Aldazabal's issues are being  
3 handled -- there should be an elimination of Issue 33 since  
4 it's been spun off.

5 COMMISSIONER CARTER: Okay. Any objection by any of  
6 the parties? Okay.

7 Any other questions in order, Section VI, order of  
8 witnesses? Any other comments, questions by any of the  
9 parties?

10 MR. BUTLER: One other matter, Commissioner Carter.  
11 John Butler for FPL.

12 COMMISSIONER CARTER: Mr. Butler, yes.

13 MR. BUTLER: The order here as stated is appropriate.  
14 But I would note that Mr. Avera, one of our two rebuttal  
15 witnesses, has a prior commitment on Wednesday evening, which  
16 would be the second day, the end of the second day of the  
17 hearing, and we would ask that the parties accommodate us to  
18 have him taken out of order if necessary at some point before  
19 lunchtime on Wednesday so he's able to fly out and keep to his  
20 prior commitment.

21 COMMISSIONER CARTER: Any objection by any of the  
22 parties on that? If we could work that out, does anyone, any  
23 party have any question or objection to that? Staff? Okay.  
24 We'll do as much as we can to accommodate you.

25 MR. BUTLER: Thank you.

1 COMMISSIONER CARTER: Okay. Any other -- did anyone  
2 else have any other comment in regard to the order of  
3 witnesses?

4 Okay. Let's move to Section VII, basic positions.

5 Section VIII, issues and basic positions. Here I  
6 want to go through the issues individually. And just kind of  
7 remind me that we need to make sure that I skip over the ones  
8 that we've stipulated to, and that would be 4, 7, 9, 10, 11,  
9 16B, 27 and 33.

10 Yes, ma'am. Ms. Christensen, you're recognized.

11 MS. CHRISTENSEN: Can I go back to briefly revisit  
12 basic positions on Section VII?

13 COMMISSIONER CARTER: Yes, ma'am.

14 MS. CHRISTENSEN: For Office of Public Counsel, we  
15 would like to add just some language that would address, I  
16 think it's Issue 13A, just add just a few sentences that would  
17 clarify our basic position to include 13, our position on 13A.  
18 And we can provide that to staff as soon as possible.

19 COMMISSIONER CARTER: Okay. Show it done. Any  
20 other?

21 Okay. Let's proceed through the issues.

22 Issue 1. If I don't hear anything, that means I'm  
23 going on.

24 MS. BENNETT: Commissioner Carter.

25 COMMISSIONER CARTER: Yes, ma'am.

1 MS. BENNETT: I note that the parties are taking no  
2 position at this time. By the Order Establishing Procedure  
3 parties normally take a position or no position, not no  
4 position at this time.

5 MS. CHRISTENSEN: At this time on Issue 1 OPC would  
6 take no position.

7 MAJOR WILLIAMS: No position as well for the Federal  
8 Executive Agencies.

9 COMMISSIONER CARTER: Okay. Mr. McWhirter.

10 MR. McWHIRTER: No position.

11 COMMISSIONER CARTER: Okay. All right. Issue 2.

12 MS. CHRISTENSEN: Office of Public Counsel will take  
13 no position on this issue at this time.

14 COMMISSIONER CARTER: Okay.

15 MS. CHRISTENSEN: Just no position. Sorry.

16 COMMISSIONER CARTER: Is that stereo or -- Major?

17 MAJOR WILLIAMS: No position, sir.

18 COMMISSIONER CARTER: Okay. Mr. McWhirter.

19 MR. McWHIRTER: Same.

20 COMMISSIONER CARTER: Okay. Okay. That's Issue 2.  
21 Now Issue 3.

22 MS. CHRISTENSEN: Office of Public Counsel will take  
23 no position.

24 COMMISSIONER CARTER: Okay.

25 MAJOR WILLIAMS: No position, sir.

1 COMMISSIONER CARTER: Give Mr. McWhirter a minute  
2 here.

3 MR. McWHIRTER: No position, sir.

4 COMMISSIONER CARTER: No position.

5 Okay. And Issue 4 has been stipulated. So let's  
6 skip on now to Issue -- hey, what happened to Issue 5? Oh,  
7 here it is. I got ahead of myself. Issue 5.

8 MS. CHRISTENSEN: Office of Public Counsel will take  
9 no position on the issue.

10 MAJOR WILLIAMS: No position for FEA on this issue.

11 COMMISSIONER CARTER: Okay. Mr. Twomey, I know  
12 you're quiet, but I see where you've been taking the position  
13 of OPC on --

14 MR. TWOMEY: Yes, sir. So when they change, we're  
15 kind of on automatic pilot.

16 COMMISSIONER CARTER: Okay. I got you. I just  
17 wanted to make sure.

18 MR. TWOMEY: I appreciate the opportunity to save  
19 time here.

20 COMMISSIONER CARTER: All right. Mr. McWhirter.

21 MR. McWHIRTER: We take no position, sir.

22 COMMISSIONER CARTER: Okay. Issue 6. If I go and  
23 omit anyone, please just speak up. I'll be glad to come back.  
24 Issue 6.

25 MS. CHRISTENSEN: Office of Public Counsel will take

1 no position.

2 MAJOR WILLIAMS: No position, sir.

3 MR. McWHIRTER: No contest.

4 COMMISSIONER CARTER: Okay. Issue 7 is stipulated.

5 Issue 8.

6 MS. CHRISTENSEN: Office of Public Counsel will take

7 no position.

8 COMMISSIONER CARTER: Okay.

9 MR. McWHIRTER: No position.

10 COMMISSIONER CARTER: Okay.

11 MAJOR WILLIAMS: No position, sir.

12 COMMISSIONER CARTER: All righty. Issue 9 is  
13 stipulated. Issue 10 is stipulated. Issue 11 is stipulated.

14 Issue 12A.

15 MS. BENNETT: Commissioner Carter, by recent order  
16 the Issue 12A has been spun out to another docket.

17 COMMISSIONER CARTER: Okay. So there is no 12A then.

18 MS. BENNETT: That is correct.

19 COMMISSIONER CARTER: Right? Is there still a 12B?

20 MS. BENNETT: Yes, sir, there is.

21 COMMISSIONER CARTER: Okay. Okay. Issue 12B.

22 MS. CHRISTENSEN: Office of Public Counsel would  
23 request that we be allowed to maintain a no position at this  
24 time, with the understanding that there are pending depositions  
25 in this issue. And we would like the opportunity to hear what

1 the results of those depositions are before we either take a no  
2 position or adopt a more specific position.

3 COMMISSIONER CARTER: Okay. Show it done.

4 MAJOR WILLIAMS: No position, sir.

5 COMMISSIONER CARTER: Mr. McWhirter, on 12B. It's on

6 Page --

7 MR. McWHIRTER: FIPUG's basic position is with  
8 respect to hedging matters, the Commission needs to look at its  
9 overall policy from time to time. It's been five years since  
10 the Commission encouraged the utilities to engage in the  
11 hedging; in some years they win and in some years they lose.  
12 And we're not taking a position in this case, but we are ever  
13 concerned about hedging and whether or not hedging is really in  
14 the consumer's best interest as opposed to the utility's best  
15 interest.

16 COMMISSIONER CARTER: Okay. Thank you, sir. That  
17 was 12B. We are now on Issue 13A.

18 MR. BURGESS: Commissioner Carter, may I?

19 COMMISSIONER CARTER: Yes, sir.

20 MR. BURGESS: We have some additional language that I  
21 would like to offer to try to elaborate a little bit more on  
22 our position for the benefit of the Commission. I have it in  
23 hard copy now and I can send it electronically as soon as the  
24 Prehearing Conference is over, if that's all right with you.

25 COMMISSIONER CARTER: That would be fine. That would

1 be fine.

2 MR. BURGESS: And to whom should I distribute a hard  
3 copy just for -- okay. I'll start up and down here.

4 COMMISSIONER CARTER: Yeah. Have you got enough for  
5 everybody? You have to have party favors for everybody at the  
6 party.

7 MR. BURGESS: I have 20. Okay.

8 COMMISSIONER CARTER: Thank you, sir. That's some  
9 awfully small print.

10 MR. BURGESS: I changed the font.

11 COMMISSIONER CARTER: So I have to take your word on  
12 what it says. Let's take just kind of a, about a ten-second  
13 recess until he gets that passed out. Okay.

14 (Pause.)

15 Okay. Does everyone have a copy? All parties have a  
16 copy of the information from OPC? Okay then. Now, when we  
17 took a break, OPC was passing out the information as regards to  
18 Issue 13A; correct?

19 MS. CHRISTENSEN: Correct.

20 COMMISSIONER CARTER: Okay. And you'll be getting a  
21 position later on, but this is the information that you wanted  
22 to present, correct, at this point in time?

23 MS. CHRISTENSEN: On the basic position, yes, we'll  
24 be providing that later.

25 COMMISSIONER CARTER: Good. Everybody clear on that?

1 All righty then. Let's roll. Issue 13B.

2 MS. CHRISTENSEN: Again, the Office of Public Counsel  
3 would request that we be allowed to maintain no position at  
4 this time pending the depositions on this issue to determine  
5 whether or not we'll take a no position or whether or not we'll  
6 take a more specific position after review of the depositions.

7 COMMISSIONER CARTER: Okay. All right. Issue --  
8 that was 13B. Now we're on Issue 14A.

9 MS. CHRISTENSEN: Office of Public Counsel, after  
10 reviewing the discovery that was provided by FPUC, will take no  
11 position on this issue.

12 COMMISSIONER CARTER: Okay.

13 MR. HORTON: Commissioner.

14 COMMISSIONER CARTER: One second. Major.

15 MAJOR WILLIAMS: No position for FEA.

16 COMMISSIONER CARTER: Mr. Horton.

17 MR. HORTON: I'm sorry.

18 COMMISSIONER CARTER: Go ahead.

19 MR. HORTON: I was going to inquire if we might be  
20 able to show that as a stipulated issue now.

21 MS. BENNETT: Assuming that FIPUG also takes no  
22 position, it would be reflected as a stipulated issue.

23 MR. McWHIRTER: FIPUG takes no position and would  
24 agree to a stipulation.

25 MR. HORTON: Thank you.

1 COMMISSIONER CARTER: Okay. Thank you. That was  
2 14A.

3 So now we're on Issue 15A. 15A.

4 MS. CHRISTENSEN: Again, Office of Public Counsel  
5 would like to maintain no position at this time pending the  
6 deposition results and the ability to take no position or to  
7 further refine our position after those have been completed.

8 MS. BENNETT: Commissioner Carter.

9 COMMISSIONER CARTER: Give me one second here,  
10 please. Let me look here to be sure. Yes, ma'am. Where did I  
11 hear a voice?

12 MS. BENNETT: That was me.

13 COMMISSIONER CARTER: Oh, Ms. Bennett.

14 MS. BENNETT: I just wanted to confirm that the  
15 Federal Executive Agency continues to take the same position on  
16 each of these hedging issues and that FIPUG was taking the same  
17 position on each of the hedging issues that they took in the  
18 first, which was FEA, no position, and FIPUG, their basic  
19 position.

20 COMMISSIONER CARTER: Major, you're recognized.

21 MAJOR WILLIAMS: That is correct. We take no  
22 position.

23 COMMISSIONER CARTER: Mr. McWhirter, you're  
24 recognized.

25 MR. McWHIRTER: You're asking if I agree with our

1 basic position? Yes.

2 COMMISSIONER CARTER: I hope so.

3 (Laughter.)

4 MS. BENNETT: Thank you.

5 COMMISSIONER CARTER: Okay then. That's great.

6 Now we're on Issue 16A.

7 MS. CHRISTENSEN: Office of Public Counsel would  
8 request to be allowed to maintain no position at this time  
9 pending the depositions to be heard in this matter.

10 COMMISSIONER CARTER: Okay. Issue 16B is stipulated.  
11 Issue 17.

12 MS. CHRISTENSEN: Office of Public Counsel would  
13 change our position, or will change to no position.

14 COMMISSIONER CARTER: Okay. Did we lose power? Oh,  
15 there we go. Any other parties on Issue 17?

16 Okay. I guess Issue -- now we're on Issue 18.

17 MR. BUTLER: On Issue 17 --

18 COMMISSIONER CARTER: You're on Issue 17? Mr.  
19 Butler, you're recognized.

20 MR. BUTLER: Yes, I'm sorry. Commissioner Carter, on  
21 Issue 17 are FEA and FIPUG taking no position instead of no  
22 position at this time?

23 MR. McWHIRTER: I think no contest would be a better  
24 statement. I don't have any evidence to resist what they have  
25 put into evidence.

1 COMMISSIONER CARTER: Okay. I'm sorry if I didn't  
2 allow everyone to be heard on Issue 17. Any other?

3 MAJOR WILLIAMS: We concur, FEA concurs with what  
4 Mr. McWhirter just said.

5 COMMISSIONER CARTER: Okay. Mr. Butler.

6 MR. BEASLEY: Commissioner.

7 COMMISSIONER CARTER: Yes, sir.

8 MR. BEASLEY: Commissioner Carter, I would ask if the  
9 same applies on 16A for Tampa Electric.

10 MR. McWHIRTER: Yes, it does.

11 MAJOR WILLIAMS: We concur.

12 COMMISSIONER CARTER: Okay. Mr. Burnett, did I  
13 overlook you on one of the issues?

14 MR. BURNETT: No, sir. But I had a question on Issue  
15 17, if appropriate.

16 COMMISSIONER CARTER: You're recognized.

17 MR. BURNETT: Thank you, sir. With the Intervenors  
18 taking no position now, I'm not aware of any staff discovery or  
19 pending staff depositions, at least for Progress Energy, so I  
20 don't know if this issue would be ripe for a stipulation.

21 MR. BUTLER: I would make the same point for FPL.

22 MS. BENNETT: Probably within the next day you will  
23 receive notification from staff on their position. I believe  
24 that it will be ripe for stipulation.

25 MR. BURNETT: Thank you, sir.

1           COMMISSIONER CARTER: And also, staff, as, as time  
2 permits and the situation permits an opportunity for a clearing  
3 of minds and heads to review this, you know, just kind of let  
4 everyone know where we stand on it. And I think there are some  
5 comments made by the parties that will lead to some of the  
6 issues to be stipulated to, and I'm sure staff will  
7 expeditiously get that information to all the parties involved.

8           MR. STONE: Commissioner Carter, may I inquire on  
9 behalf of Gulf if that also applies to Gulf's position with  
10 regard to Issue 17?

11          MS. BENNETT: I believe it will apply to all of the  
12 investor-owned utilities.

13          MR. STONE: Thank you.

14          COMMISSIONER CARTER: Okay. Last time for Issue 17.

15          (Laughter.)

16          Okay. Issue 18. Ms. Christensen.

17          MS. CHRISTENSEN: Office of Public Counsel would  
18 change our -- change to no position.

19          COMMISSIONER CARTER: Okay. You're still going with  
20 no contest, Mr. McWhirter, is that your --

21          MR. McWHIRTER: That is correct, Mr. Chairman.

22          MAJOR WILLIAMS: No position.

23          COMMISSIONER CARTER: Okay. Okay. That would be it  
24 for Issue 18.

25          Let's move now to Issue 19.

1 MR. BUTLER: Excuse me, Commissioner Carter.

2 MS. BENNETT: Issue 19 --

3 COMMISSIONER CARTER: Wait a minute. Hold it.

4 Mr. Butler.

5 MR. BUTLER: I'm sorry.

6 COMMISSIONER CARTER: Mr. Butler.

7 MR. BUTLER: Commissioner Carter, I was just trying  
8 to say on Issue 18, just note that this appears to be in the  
9 same position as Issue 17, no disagreement on it. And if staff  
10 is in a position to agree, hopefully we'd be able to get this  
11 stipulated.

12 MS. BENNETT: Staff will be in a position to make a  
13 statement on this within the next day.

14 MR. BUTLER: Okay. Thank you.

15 COMMISSIONER CARTER: Okay. And also, too, staff  
16 will be communicating to all the parties about all of the  
17 issues that have been stipulated to as expeditiously as  
18 possible. I just wanted to kind of let you know that. We're  
19 kind of -- I don't know if you guys ever watch Bugs Bunny, but  
20 in one of the cases he's building a railroad and the train is  
21 right behind him as he's going. So we're kind of -- we're  
22 doing two or three things. We're multitasking here. So we'll  
23 get it to you as soon as possible.

24 Okay. Issue 19.

25 MS. BENNETT: There is no outstanding issue for 19.

1 It's a company-specific for both 19, 20, 21 and 22. There have  
2 not been any issues raised.

3 COMMISSIONER CARTER: So those are ripe for  
4 stipulation, I would say.

5 (Laughter.)

6 Any objections by any of the parties?

7 Okay. So that takes us to Issue 23.

8 MS. CHRISTENSEN: Office of Public Counsel would  
9 change to no position.

10 COMMISSIONER CARTER: Okay.

11 MR. McWHIRTER: Ditto, FIPUG.

12 COMMISSIONER CARTER: Got you.

13 MAJOR WILLIAMS: And FEA.

14 COMMISSIONER CARTER: All right. Issue 24.

15 MS. CHRISTENSEN: Office of Public Counsel would  
16 change to no position.

17 MR. McWHIRTER: Ditto, FIPUG.

18 COMMISSIONER CARTER: Okay.

19 MAJOR WILLIAMS: Nothing from FEA.

20 COMMISSIONER CARTER: Okay. Issue 25.

21 MS. CHRISTENSEN: Office of Public Counsel would  
22 change to no position.

23 MR. McWHIRTER: FIPUG agrees.

24 MAJOR WILLIAMS: No position, FEA.

25 COMMISSIONER CARTER: Okay. Issue 26.

1 MS. CHRISTENSEN: Office of Public Counsel would  
2 change to no position.

3 MR. McWHIRTER: FIPUG does not contest.

4 MAJOR WILLIAMS: No position from FEA.

5 COMMISSIONER CARTER: Okay. Issue 27 is stipulated.  
6 Issue 28.

7 MS. CHRISTENSEN: Office of Public Counsel takes no  
8 position.

9 MR. McWHIRTER: Same.

10 COMMISSIONER CARTER: Okay.

11 MAJOR WILLIAMS: Ditto from FEA.

12 COMMISSIONER CARTER: Okay. Now we're on  
13 company-specific issues, Issues 29, 30, 31 and 32.

14 MS. BENNETT: There are no company-specific issues  
15 for those.

16 COMMISSIONER CARTER: I think they're close to being  
17 stipulated to, wouldn't you?

18 MS. BENNETT: I think they're very close.

19 COMMISSIONER CARTER: Any objections by any of the  
20 parties? Okay.

21 MR. BUTLER: Commissioner Carter.

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

24 MR. BUTLER: Commissioner Carter, I'd note on all of  
25 these capacity cost recovery factor issues, it appears that

1 there is no disagreement among the parties at this point, and  
2 so I'd just express my hope that if staff is able to come  
3 quickly to a conclusion that it has nothing further on them,  
4 that we can move to stipulations on some or all of those as  
5 well.

6 MS. BENNETT: There is quite a bit of outstanding  
7 discovery that staff is continuing to review and perhaps will  
8 be in a position to stipulate to them later, but currently  
9 we're not.

10 COMMISSIONER CARTER: Okay. Section -- that  
11 completes Section VIII, issues and positions, which we've gone  
12 through individually.

13 Before we go to Section IX on our exhibit list, are  
14 there any questions or any changes by any parties that didn't  
15 get a chance to be heard when we went down the issues and  
16 positions? I don't want to overlook anyone. Speak now or  
17 forever hold your peace.

18 Okay. Section IX, exhibit list.

19 MS. BENNETT: Yes. Commissioner Carter, as noted  
20 before, both FPUC's witness Mehrdad Khojasteh and Mr. Irizarry,  
21 I'm sorry I'm saying both of those names incorrectly, are  
22 adopting other witnesses' exhibits and testimony. Staff will  
23 prepare a comprehensive exhibit list reflecting all of the  
24 exhibits that are prefiled.

25 COMMISSIONER CARTER: Okay. Are there any

1 objections?

2 MS. CHRISTENSEN: No objection. Just for  
3 clarification though, Commissioner --

4 COMMISSIONER CARTER: Yes, ma'am.

5 MS. CHRISTENSEN: -- the exhibit list is still  
6 showing Mr. Sansom, and my understanding is that issue has been  
7 spun off. Is the Prehearing Order going to reflect the fact  
8 that they will no -- Mr. Sansom will no longer be a witness in  
9 this docket since that issue spun off?

10 MS. BENNETT: Yes. I will, I will make that change.

11 COMMISSIONER CARTER: Okay. Any other, any other,  
12 any other questions or any objections? Okay.

13 Section X, proposed stipulations. Well, we've got  
14 several since we started, so staff will make just --  
15 Ms. Bennett, you're recognized.

16 MS. BENNETT: We'll reflect the new stipulations in  
17 the Prehearing Order, and any additional stipulations that come  
18 to us in the next several days will be reflected in the  
19 Prehearing Order for your signature.

20 COMMISSIONER CARTER: Okay. Okay. Thank you.

21 Section XI, pending motions.

22 MS. BENNETT: There are several motions for temporary  
23 protective order and they will each be addressed by separate  
24 order.

25 COMMISSIONER CARTER: Okay. Section XII, pending

1 confidentiality motions.

2 MS. BENNETT: There are several pending  
3 confidentiality motions. They will also be addressed by  
4 separate order.

5 COMMISSIONER CARTER: Okay. Section XIII,  
6 posthearing procedures.

7 Section XIV, rulings.

8 MS. BENNETT: As you have in the other dockets, we  
9 recommend that opening statements not exceed five minutes per  
10 party.

11 COMMISSIONER CARTER: Okay. Show it done.

12 MS. CHRISTENSEN: Commissioner.

13 COMMISSIONER CARTER: Yes, ma'am, you're recognized.

14 MS. CHRISTENSEN: Just to put the parties on notice,  
15 the Office of Public Counsel will likely be doing an opening  
16 statement.

17 COMMISSIONER CARTER: Okay. You've got your five  
18 minutes, kiddo.

19 MS. CHRISTENSEN: Thank you.

20 COMMISSIONER CARTER: Knock 'em dead.

21 MR. TWOMEY: We don't have to -- Commissioner, we  
22 don't have to claim we're going to want our five minutes now,  
23 do we?

24 COMMISSIONER CARTER: No. No. We're going to give  
25 five minutes per party. The order will reflect five minutes

1 per party. And if you choose to use it, that's fine. If not,  
2 it's at your option.

3 MR. TWOMEY: Thank you.

4 COMMISSIONER CARTER: Yes, sir. That's consistent  
5 with all the other orders for this docket, these dockets, which  
6 brings me to my next question. Are there any other matters?

7 MS. BENNETT: Staff has --

8 COMMISSIONER CARTER: Let me ask the parties before I  
9 ask staff, any other matters that we didn't cover on any of the  
10 dockets today? I know that we're on Docket 01, but are there  
11 any -- because, you know, we're getting ready to pound the  
12 gavel here.

13 Okay. Staff, any other matters?

14 MS. BENNETT: No, Commissioner Carter.

15 COMMISSIONER CARTER: Okay. Seeing no additional  
16 matters, this prehearing is adjourned on Docket 01.

17 (Prehearing Conference adjourned at 2:27 p.m.)

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1 STATE OF FLORIDA        )  
   :  
 2 COUNTY OF LEON         )

CERTIFICATE OF REPORTER

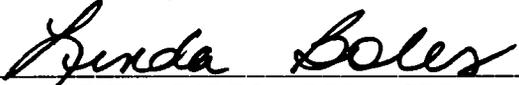
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I, LINDA BOLES, RPR, CRR, Official Commission Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

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 25<sup>th</sup> day of October, 2007.

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