

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION TO DETERMINE NEED FOR WEST
COUNTY ENERGY CENTER UNIT 3 ELECTRICAL
POWER PLANT, BY FLORIDA POWER & LIGHT
COMPANY.

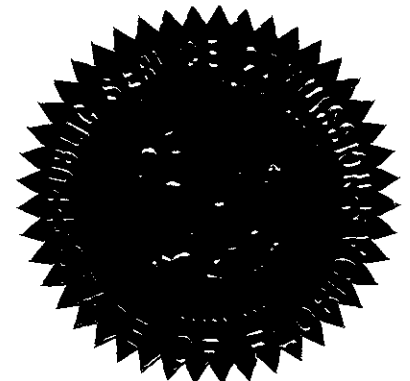
DOCKET NO. 080203-EI

PETITION FOR DETERMINATION OF NEED FOR
CONVERSION OF RIVIERA PLANT IN PALM
BEACH COUNTY, BY FLORIDA POWER & LIGHT
COMPANY.

DOCKET NO. 080245-EI

PETITION FOR DETERMINATION OF NEED FOR
CONVERSION OF CAPE CANAVERAL PLANT IN
BREVARD COUNTY, BY FLORIDA POWER &
LIGHT COMPANY.

DOCKET NO. 080246-EI



PROCEEDINGS: PREHEARING

BEFORE: COMMISSIONER LISA POLAK EDGAR
PREHEARING OFFICER

DATE: Monday, June 9, 2008

TIME: Commenced at 1:30 p.m.
Concluded at 1:36 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

DOCUMENT NUMBER-DATE

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FLORIDA PUBLIC SERVICE COMMISSION

FPSC-COMMISSION CLERK

1 APPEARANCES:

2 BRYAN S. ANDERSON, ESQUIRE, R. WADE LITCHFIELD,
3 ESQUIRE, and JESSICA CANO, ESQUIRE, Florida Power & Light
4 Company, 700 Universe Blvd., Juno Beach, Florida 33408-0420,
5 appearing on behalf of Florida Power & Light Company.

6 MARTHA BROWN, ESQUIRE and CAROLINE KLANCKE, ESQUIRE,
7 FPSC General Counsel's Office, 2540 Shumard Oak Boulevard,
8 Tallahassee, Florida 32399-0850, appearing on behalf of the
9 Commission Staff.

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P R O C E E D I N G S

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2 **COMMISSIONER EDGAR:** Good afternoon. I call this
3 prehearing to order. And we will begin by asking staff to read
4 the notice.

5 **MS. BROWN:** By notice issued May 27th, 2008, this
6 time and place was set for a prehearing conference in the
7 following dockets: Docket Number 080203-EI, 080245-EI, and
8 080246-EI. The purpose of the prehearing conference is set out
9 in the notice.

10 **COMMISSIONER EDGAR:** Thank you. And we'll take
11 appearances.

12 **MR. ANDERSON:** Good afternoon, Commissioner Edgar,
13 how are you?

14 **COMMISSIONER EDGAR:** Good.

15 **MR. ARMSTRONG:** Bryan Anderson appearing on behalf of
16 Florida Power and Light. I would also like to enter the
17 appearances of my colleagues, Wade Litchfield and Jessica Cano,
18 C-A-N-O.

19 **COMMISSIONER EDGAR:** Thank you. And Staff.

20 **MS. BROWN:** Martha Carter Brown and Caroline Klancke
21 on behalf of the Florida Public Service Commission.

22 **COMMISSIONER EDGAR:** Thank you.

23 Ms. Brown, preliminary matters.

24 **MS. BROWN:** We have one preliminary matter. Just to
25 mention for everyone's information, on Friday at 3:00 our legal

1 division received an e-mail filing from Mr. Panagiotti Tsolkas
2 requesting intervention in the consolidated dockets for himself
3 and as representative of the Palm Beach County Environmental
4 Coalition. I spoke to Mr. Tsolkas today. He is going to
5 refile his petition with the Clerk's Office, and when that
6 happens, Florida Power and Light will have the opportunity to
7 respond to that requested intervention. And I don't know if
8 Florida Power and Light wants to --

9 **COMMISSIONER EDGAR:** Mr. Anderson, do you have a
10 comment at this time?

11 **MR. ANDERSON:** As I understand it, at this juncture
12 there is not an intervention request formally on file.
13 Therefore, we agree it would be premature to file a written
14 response to that which has not been filed.

15 **COMMISSIONER EDGAR:** And that is my understanding, as
16 well. And so if, indeed, a request for intervention is
17 appropriately filed, then FPL will have the opportunity to file
18 a response or objection, and I will take it under advisement
19 and we will proceed accordingly.

20 Any other matters?

21 **MS. BROWN:** Not as far as I'm aware.

22 **COMMISSIONER EDGAR:** Okay.

23 Mr. Anderson, no, nothing before we go through the
24 draft?

25 **MR. ANDERSON:** No, Commissioner.

1 **COMMISSIONER EDGAR:** Okay. Then we will, as always,
2 go through the draft prehearing order section-by-section, and
3 if there are any comments or proposed changes, please speak up.

4 Section I.

5 **MR. ANDERSON:** None from FPL.

6 **COMMISSIONER EDGAR:** Section II. Section III.
7 Section IV. Section V. Section VI, order of witnesses.

8 **MS. BROWN:** Commissioner, we expect at least some
9 witnesses can be excused from the hearing depending on the
10 outcome of the intervention. And that would be if the
11 Commissioners don't have any questions for them. And the
12 prehearing order at the moment states that staff will notify
13 FPL by June 18th if the witnesses have been excused or if the
14 Commissioners will have questions.

15 **COMMISSIONER EDGAR:** Mr. Anderson, does that work for
16 you?

17 **MR. ANDERSON:** It does, and we're grateful for that.
18 Thank you.

19 **COMMISSIONER EDGAR:** Okay; good. Section VII, basic
20 positions. Good?

21 Section VIII, issues and positions.

22 **MS. BROWN:** Commissioner, FPL and staff have not had
23 the opportunity to discuss stipulations to issues at this time,
24 but we expect to be having those discussions before the final
25 prehearing order is issued, and we will include those in the

1 order we send to you for signature.

2 COMMISSIONER EDGAR: Mr. Anderson?

3 MR. ANDERSON: That's fine. Thank you.

4 CHAIRMAN CARTER: Okay. And I would encourage the
5 discussions and see where that takes us.

6 MR. ANDERSON: Of course.

7 COMMISSIONER EDGAR: Section IX, exhibit list.

8 MS. BROWN: We will also discuss stipulating
9 testimony and exhibits into the record and will indicate those
10 stipulations in the final prehearing order. And, as well, we
11 will be preparing a Comprehensive Stipulated Exhibit List to
12 enter into the record at hearing. That will include all of the
13 prefiled testimony as well as staff's consolidated discovery
14 exhibits.

15 COMMISSIONER EDGAR: Mr. Anderson?

16 MR. ANDERSON: That's fine with FPL, as well. Thank
17 you.

18 COMMISSIONER EDGAR: Thank you.

19 Section X, proposed stipulations. As we have
20 discussed, my understanding is that there are discussions
21 ongoing. At this time Issue 25 is stipulated, is that correct?

22 MS. BROWN: Yes, Commissioner.

23 COMMISSIONER EDGAR: Section XI.

24 MS. BROWN: Commissioner, I'm not aware of any
25 pending motions at this time.

1 MR. ANDERSON: There are none.

2 COMMISSIONER EDGAR: Section XII.

3 MS. BROWN: The prehearing order at the moment
4 reflects that there are no pending confidentiality matters, but
5 I think there has been one confidentiality request recently
6 filed on June 6th by FPL requesting confidentiality for certain
7 responses to staff's interrogatories, so we'll have the
8 prehearing order reflect that outstanding request.

9 MR. ANDERSON: That would be fine. Thank you.

10 COMMISSIONER EDGAR: Okay. So noted.

11 Section XIII.

12 MS. BROWN: Commissioner, if the Commission makes a
13 bench decision at the hearing, no post-hearing filings will be
14 necessary, but for the moment this section should remain in the
15 prehearing order.

16 MR. ANDERSON: FPL agrees.

17 COMMISSIONER EDGAR: As do I.

18 Section XIV.

19 MS. BROWN: We suggest, Commissioner, that you rule
20 that if a hearing is held, opening statements, if any, should
21 not exceed five minutes.

22 COMMISSIONER EDGAR: Mr. Anderson, does that meet
23 your needs?

24 MR. ANDERSON: It's a little short. If it is all
25 right, maybe set it at ten and we will try to do five. Is that

1 all right?

2 CHAIRMAN CARTER: How about seven?

3 MR. ANDERSON: Sold. Sold.

4 COMMISSIONER EDGAR: In the spirit of cooperation and
5 collaboration, we will adjust the language in the order to
6 allow seven minutes per party.

7 MR. ANDERSON: Thank you.

8 CHAIRMAN CARTER: And, of course, in recognition of
9 the fact that we do have three items that are consolidated in
10 this, as well.

11 That's all I have. Any there other matters that it
12 would be helpful for us to discuss at this time?

13 MS. BROWN: I'm not aware of any, Commissioner.

14 CHAIRMAN CARTER: Mr. Anderson?

15 MR. ANDERSON: There are none, Commissioner. Thank
16 you.

17 COMMISSIONER EDGAR: All right.

18 Then thank you all, and we are adjourned.

19 MS. BROWN: Thank you.

20 MR. ANDERSON: Thank you very much.

21 (The prehearing concluded at 1:36 p.m.)

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STATE OF FLORIDA)

: CERTIFICATE OF REPORTER

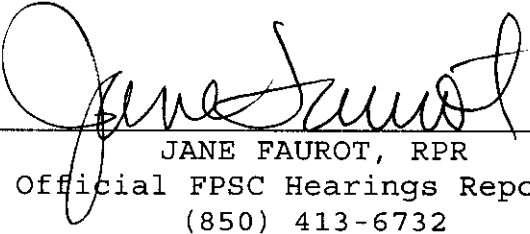
COUNTY OF LEON)

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 11th day of June, 2008.



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