

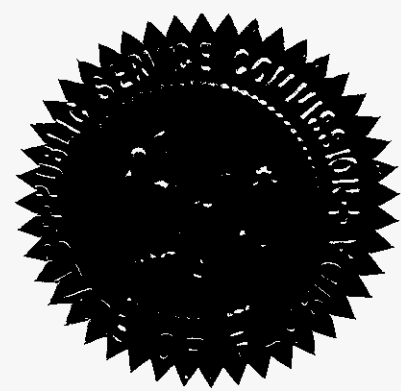
BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 090007-EI

ENVIRONMENTAL COST RECOVERY  
CLAUSE.

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PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONER  
PARTICIPATING: COMMISSIONER NATHAN A. SKOP  
PREHEARING OFFICER

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

TIME: Commenced at 9:30 a.m.

DATE: Tuesday, October 20, 2009

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

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERY

## 1 APPEARANCES:

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

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

10 KAREN S. WHITE, CAPTAIN SHAYLA L. MCNEILL and  
11 CAPTAIN ALLEN JUNGLES, ESQUIRES, USAF, c/o  
12 AFLSA/JACL-ULT, 139 Barnes Drive, Suite 1, Tyndall AFB,  
13 Florida 32403-5319, appearing on behalf of Federal  
14 Executive Agencies.

15 JOHN W. McWHIRTER, JR., ESQUIRE, c/o McWhirter  
16 Law Firm, 400 North Tampa Street, Suite 2450, Tampa,  
17 Florida 33602, appearing on behalf of Florida Industrial  
18 Power Users Group.

19 JOHN T. BUTLER, ESQUIRE and R. WADE  
20 LITCHFIELD, ESQUIRE, Florida Power & Light Company, 700  
21 Universe Boulevard, Juno Beach, Florida 33408-0420,  
22 appearing on behalf of Florida Power & Light Company.

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## 1 APPEARANCES (Continued):

2 GARY V. PERKO, ESQUIRE, Hopping Law Firm, Post  
3 Office Box 6526, Tallahassee, Florida 32314, appearing  
4 on behalf of Progress Energy and Progress Energy Service  
5 Company, LLC

6 VICKI GORDON KAUFMAN, ESQUIRE and JON C.  
7 MOYLE, JR., ESQUIRE, Keefe Law Firm, 118 North Gadsden  
8 Street, Tallahassee, Florida 32301, appearing on behalf  
9 of the Florida Industrial Power Users Group.

10 J. R. KELLY, ESQUIRE, PATRICIA CHRISTENSEN,  
11 ESQUIRE and CHARLIE BECK, ESQUIRE, Office of Public  
12 Counsel, c/o The Florida Legislature, 111 W. Madison  
13 St., #812, Tallahassee, Florida 32399-1400, appearing on  
14 behalf of the Citizens of the State of Florida.

15 JOHN T. BURNETT, ESQUIRE, and R. ALEXANDER  
16 GLENN, ESQUIRE, Progress Energy Service Co., LLC, Post  
17 Office Box 14042, St. Petersburg, Florida 33733-4042,  
18 appearing on behalf of Progress Energy Service Co., LLC.

19 MARTHA BROWN, ESQUIRE and ANNA WILLIAMS,  
20 ESQUIRE, FPSC General Counsel's Office, 2540 Shumard Oak  
21 Boulevard, Tallahassee, Florida 32399-0850, appearing on  
22 behalf of the Florida Public Service Commission Staff.

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1 APPEARANCES (Continued):

2 MARY ANNE HELTON, Acting General Counsel,  
3 Florida Public Service Commission, 2540 Shumard  
4 Boulevard, Tallahassee, Florida 32399-0850, Advisor to  
5 the Florida Public Service Commission.

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

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2           **COMMISSIONER SKOP:** Okay. We will now proceed  
3 to the 07 docket. Starting with preliminary matters,  
4 Ms. Brown, are there any preliminary matters that we  
5 need to address before we get to the draft prehearing  
6 order?

7           **MS. BROWN:** Staff is not aware of any  
8 preliminary matters, Commissioner, but I would like  
9 to point out that conversations with FIPUG and OPC have  
10 indicated that they have no position on any of the  
11 issues, so it appears that all the issues in this case  
12 will be stipulated.

13           **COMMISSIONER SKOP:** Okay. Very well. Any  
14 other preliminary matters?

15           **MS. BROWN:** Not that I am aware of.

16           **COMMISSIONER SKOP:** Okay. Hearing none, we  
17 are going to move into the draft prehearing order.  
18 Again, the same exercise. I will identify the sections.  
19 If the parties have concerns with those -- if the  
20 parties could bring those to my attention, any changes  
21 or corrections that would need to be made, and then we  
22 will hear from staff. Section I, Conduct of  
23 Proceedings.

24           **MS. BROWN:** No changes.

25           **COMMISSIONER SKOP:** Section II, Case

1 background.

2 **MS. BROWN:** No changes.

3 **COMMISSIONER SKOP:** Section III, Jurisdiction.

4 **MS. BROWN:** No changes.

5 **COMMISSIONER SKOP:** Section IV, Procedure for  
6 Handling Confidential Information.

7 **MS. BROWN:** No changes.

8 **COMMISSIONER SKOP:** Okay. Section V, Prefiled  
9 Testimony, Exhibits, Witnesses.

10 **MS. BROWN:** No changes.

11 **MS. CHRISTENSEN:** Commissioner, I would just  
12 renew my objection in this section, which is  
13 appropriate.

14 **COMMISSIONER SKOP:** Very well. Objection is  
15 noted for the record, and my ruling will be the same,  
16 that friendly cross will be excluded.

17 Okay. Section V, any additional comments?

18 **MS. BROWN:** No, Commissioner.

19 **COMMISSIONER SKOP:** Okay. Move on to  
20 Section VI, Order of Witnesses.

21 **MS. BROWN:** Commissioner, we note that  
22 witnesses and exhibits will be stipulated into the  
23 record in this case now that FIPUG and OPC will take no  
24 position on it. And we will notify the parties after we  
25 talk with the Commissioners about whether they have any

1 questions for them as soon as possible.

2 **COMMISSIONER SKOP:** Very well. Any other  
3 concerns on Section VI?

4 Okay. That takes us to Section VII, Basic  
5 Positions.

6 **MS. BROWN:** No changes.

7 **COMMISSIONER SKOP:** Okay. Moving on to  
8 Section VIII, Issues and Positions.

9 **MS. BROWN:** I will mention again that all the  
10 issues in the case have been stipulated, noting that OPC  
11 and FIPUG take no position.

12 **COMMISSIONER SKOP:** Very well.

13 **MR. BUTLER:** Commissioner Skop.

14 **COMMISSIONER SKOP:** Yes.

15 **MR. BUTLER:** John Butler for FPL. We have a  
16 couple of very minor typos that we can just point out to  
17 staff subsequently on a couple of the issues in  
18 Section VIII.

19 **COMMISSIONER SKOP:** Very well. Do you wish to  
20 do this now or would you rather do it --

21 **MR. BUTLER:** I can do them now. It won't take  
22 long.

23 **COMMISSIONER SKOP:** Okay.

24 **MR. BUTLER:** It's on Page 21, under the staff  
25 position for Issue 9G. In the first line it says, you

1 know, U.S. Environmental Protection Agency intents.  
2 I-N-T-E-N-T-S should be I-N-T-E-N-D-S. And the other is  
3 on Page 25. This is in the staff position on Issue 9K.  
4 In the last paragraph of that position, the third line,  
5 the acronym NMSF should be NMFS, and that's it. Thank  
6 you.

7 **COMMISSIONER SKOP:** Very well. Any other --

8 **MS. BROWN:** We will reflect those changes in  
9 the prehearing order for your signature.

10 **COMMISSIONER SKOP:** Very well. Any other  
11 changes in positions as it pertains to the issues? Very  
12 well. Moving on to Section IX, the exhibits list.

13 **MS. BROWN:** We will prepare a comprehensive  
14 exhibit list for the hearing that will include all  
15 prefiled exhibits reflected in Section IX of the  
16 prehearing order.

17 **COMMISSIONER SKOP:** Very well. Move on to  
18 Section X, Proposed Stipulations.

19 **MS. BROWN:** We will reflect the stipulations  
20 in this section in the prehearing order.

21 **COMMISSIONER SKOP:** Very well. Move on to  
22 Section XI, Pending Motions.

23 **MS. BROWN:** No pending motions.

24 **COMMISSIONER SKOP:** Okay. Section XII,  
25 Pending Confidentiality Matters.



1           **MS. BROWN:** There are several outstanding  
2 confidentiality matters. They will be addressed by  
3 separate order.

4           **COMMISSIONER SKOP:** Very well. Moving on to  
5 Section XIII, Post-Hearing Procedures.

6           **MS. BROWN:** It is likely that there be a bench  
7 decision in this case; and, therefore, post-hearing  
8 procedures will not be necessary.

9           **COMMISSIONER SKOP:** Very well. Section XIV.  
10 we are going to hold in place here for a second, hoping  
11 to get the Captain back on the line.

12                   (Off the record.)

13           **COMMISSIONER SKOP:** Okay. We are going to go  
14 back on the record. I guess Captain McNeill had  
15 indicated she may not stay on for the entire proceeding.  
16 So if she can rejoin us, we will entertain that. And if  
17 not, we will just move forward.

18                   All right. Section XIV, Rulings. Again, I am  
19 going to limit opening statements, if any, to five  
20 minutes, and that should be sufficient. Any other  
21 concerns from staff as to Section XIV?

22           **MS. BROWN:** No, Commissioner.

23           **COMMISSIONER SKOP:** Okay. Are there any other  
24 matters that we need to address in this docket?

25           **MS. BROWN:** No, Commissioner.

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**COMMISSIONER SKOP:** Okay. Very well. This concludes the 07 docket.

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STATE OF FLORIDA )

: CERTIFICATE OF REPORTER

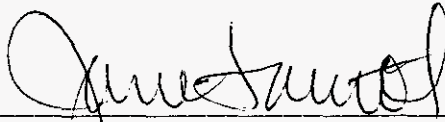
COUNTY OF LEON )

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 21ST DAY OF OCTOBER, 2009.



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JANE FAUROT, RPR  
Official FPSC Hearings Reporter  
FPSC Division of Commission Clerk  
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