

1 APPEARANCES:

2 ROY C. YOUNG, ESQUIRE and SCHEFFEL WRIGHT,
3 ESQUIRE, Young Law Firm, 225 South Adams Street, Suite
4 200, Tallahassee, Florida 32301, appearing on behalf of
5 Gainesville Regional Utilities and Gainesville Renewable
6 Energy.

7 RAYMOND O. MANASCO, JR., c/o Utilities Legal
8 Services, Post Office Box 147117, Station A-138,
9 Gainesville, Florida 32614-7117, appearing on behalf of
10 Gainesville Regional Utilities.

11 PAULA H. STAHMER, Pro se, 4621 Clear Lake
12 Drive, Gainesville, Florida 32607, appearing on behalf
13 of Paula H. Stahmer.

14 DIAN R. DEEVEY, Pro se, 1702 SW 35 Place,
15 Gainesville, Florida 32608, appearing on behalf of Dian
16 R. Deevey.

17 ERIK L. SAYLER, ESQUIRE and MARTHA CARTER
18 BROWN, ESQUIRE, FPSC General Counsel's Office, 2540
19 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,
20 appearing on behalf of the Florida Public Service
21 Commission Staff.

22 MARY ANNE HELTON, ESQUIRE, FPSC General
23 Counsel's Office, 2540 Shumard Oak Boulevard,
24 Tallahassee, Florida 32399-0850, Advisor to the
25 Commission.

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P R O C E E D I N G S

COMMISSIONER SKOP: Good afternoon. I'd like to call this prehearing to order. Commissioner Skop presiding.

If staff could please read the notice.

MR. SAYLER: Yes, Commissioner.

This time and date for this proceeding was filed in a notice on March 19th in this docketed matter, 090451. The time and purpose of this prehearing conference is set forth in the notice.

COMMISSIONER SKOP: Thank you. If we could take appearances.

MR. WRIGHT: Schef Wright and Roy Young appearing on behalf of Gainesville Renewable Energy Center, LLC, and Gainesville Renewable Utilities; and Raymond Manasco appearing on behalf of Gainesville Regional Utilities. Thank you.

COMMISSIONER SKOP: Thank you.

Ms. Deevey. Intervenors.

MS. DEEVEY: I'm Dian Deevey, Intervenor, appearing on my own behalf.

COMMISSIONER SKOP: Thank you.

MS. STAHMER: Paula Stahmer, Intervenor, also appearing on my own behalf.

1 **COMMISSIONER SKOP:** Thank you.

2 Staff.

3 **MR. SAYLER:** Erik Sayler and Martha Brown on
4 behalf of Commission Staff.

5 **MS. HELTON:** Mary Anne Helton, advisor to the
6 Commission.

7 **COMMISSIONER SKOP:** Thank you.

8 As a preliminary matter, Mr. Wright, it's my
9 understanding that the Petitioner failed to make
10 publication pursuant to statute necessitating a slide in
11 the hearing date. The revised hearing date will be May
12 3rd at 9:30 a.m., and we'll discuss that later in the
13 proceeding.

14 At this point, Staff, are there any other
15 preliminary parties that we need to address before we
16 get to the draft prehearing order?

17 **MR. SAYLER:** None that I'm aware of,
18 Commissioner.

19 **COMMISSIONER SKOP:** Thank you.

20 At this point we are going to go through the
21 draft prehearing order, and I'll identify the sections,
22 and if the parties have any corrections or changes that
23 need to be made, please speak up and let me know. We
24 are going to go through this quickly. So, again, if you
25 do have a change, this would be the time to address your

1 concerns.

2 With that, we're going to start with Section
3 I, case background. Hearing no concerns, Section I will
4 remain as entered.

5 Section II, conduct of proceedings. Hearing
6 no concerns, Section II will remain as written.

7 Section III, jurisdiction. Hearing no
8 concerns, Section III will remain as written.

9 Section IV, procedure for handling
10 confidential information. Hearing no concerns,
11 Section IV will remain as written.

12 Section V, prefiled testimony, exhibits,
13 witnesses.

14 **MR. WRIGHT:** Commissioner?

15 **COMMISSIONER SKOP:** Yes.

16 **MR. WRIGHT:** I was just going to ask if we
17 could fill in the blank for summaries at five minutes,
18 which is the standard?

19 **COMMISSIONER SKOP:** Yes. So witness summaries
20 will be five minutes, unless there's any additional
21 concerns on that. Okay. With that, Section V will
22 remain as written, entering that the witness summaries
23 will be five minutes.

24 Take on Section VI, order of witnesses. And
25 have the parties stipulated to any witnesses at this

1 point?

2 Ms. Deevey, you're recognized.

3 **MS. DEEVEY:** Yes, I'm sorry. I have a
4 question about this. It discusses subject matter that
5 the witness will testify to.

6 **COMMISSIONER SKOP:** Yes, ma'am.

7 **MS. DEEVEY:** The prehearing, the supplementary
8 prehearing filing of this witness, the testimony
9 concerns a great many additional subjects, goes into
10 many things that were also discussed during the first
11 part of the hearings.

12 **COMMISSIONER SKOP:** Yes, ma'am.

13 **MS. DEEVEY:** And so, basically, this -- I
14 would say that if -- I don't understand what this
15 subject matter implies. Does that imply this is the
16 only thing that we will talk about in the hearing? If I
17 want to question this witness with respect to issues
18 that are in her testimony, but not incorporated in this
19 paragraph, do I have that right? Will I have that
20 right?

21 **COMMISSIONER SKOP:** I'm going to give you my
22 understanding, and then I will look to staff. My
23 understanding, pursuant to the status conference that we
24 previously held, that my ruling would be that the
25 additional witness testimony, due to the late stage of

1 the intervention that was granted, that both intervenors
2 would have the opportunity to present rebuttal testimony
3 to the additional filed testimony or to ask specific
4 questions related to the additional filed testimony.
5 And does that clarify your concern, or I can ask staff
6 to --

7 **MS. DEEVEY:** No, it doesn't. What it says to
8 me is that I'm not allowed to question them on their
9 testimony.

10 **COMMISSIONER SKOP:** You are allowed to
11 question them on the scope of their additional
12 supplemental testimony.

13 **MS. DEEVEY:** Yes. They have in it some words
14 saying, for example, Mayor Hanrahan has words to the
15 effect that -- when asked whether or not the Public
16 Service Commission should approve this, she said, yes,
17 we should approve it because it will aid us in achieving
18 our carbon emission goals as described by the Mayor's,
19 you know, agreement on the Kyoto Protocol.

20 **COMMISSIONER SKOP:** Yes, ma'am.

21 **MS. DEEVEY:** And I am saying that, no, it will
22 not do that.

23 **COMMISSIONER SKOP:** Okay.

24 **MS. DEEVEY:** And although this was discussed
25 in the earlier thing, there are many important factors

1 which were not fully explored.

2 **COMMISSIONER SKOP:** Let me stop you there,
3 because, again, today is not the day to try the case.

4 **MS. DEEVEY:** No, I'm not, it's just an
5 example.

6 **COMMISSIONER SKOP:** I understand. And I think
7 I better understand your concern. I'll look to staff to
8 advise us on this issue. My understanding, again, if
9 they open the door that allows to probe certain areas,
10 typically the Commission affords discretion there. And,
11 again, if there is something in the testimony that does
12 open that door, perhaps that's an area that the Chairman
13 would allow additional questions in when we get to
14 hearing, and I'll look to staff to address that concern
15 further.

16 Staff, you're recognized.

17 **MS. HELTON:** Commissioner, I agree with
18 everything that you have said. If it's within the scope
19 of the prefiled supplemental testimony, then it should
20 be within the scope of allowed cross-examination by the
21 parties. But that is, as you mentioned, subject to the
22 discretion of the presiding officer.

23 **COMMISSIONER SKOP:** Thank you, Ms. Helton.

24 Ms. Deevey, does that address your concern
25 that if they have effectively opened the door, then

1 certainly you can request to ask questions along that
2 line, subject to the discretion of the presiding
3 officer. But typically if they opened the door, that's
4 fair game.

5 **MS. DEEVEY:** I have to add, Commissioner, that
6 in reviewing the testimony it seems to me that there is
7 no restriction on the subject, that they basically
8 opened the door to the entire hearing record.

9 **COMMISSIONER SKOP:** Okay. Well, that is a
10 question that, I guess, we will have to take up at
11 hearing with the presiding officer.

12 **MS. DEEVEY:** Thank you.

13 **COMMISSIONER SKOP:** Thank you.

14 Okay. Any other issues regarding the order of
15 witnesses? Any witness stipulations at this point?

16 Ms. Deevey, you're recognized.

17 **MS. DEEVEY:** Yes. There is a Mr. Kushner who
18 has filed supplementary prehearing testimony and is not
19 listed in this list as being questioned about specific
20 issues, and that puzzles me a little. I don't quite
21 understand it, because it seems to me that he spoke in
22 connection with essentially all of them.

23 **COMMISSIONER SKOP:** Staff, if you could
24 address that, please.

25 **MR. SAYLER:** Mr. Wright, am I correct that Mr.

1 Kushner has not filed additional supplemental testimony?

2 **MR. WRIGHT:** That's correct, Commissioner. Mr.
3 Kushner has not filed testimony in the supplemental
4 hearing.

5 **COMMISSIONER SKOP:** Okay.

6 So, Ms. Deevey, what that would mean to you is
7 that since Mr. Kushner has not filed additional
8 testimony, then his testimony has already been entered
9 into the record under the previous hearing and will not
10 be readdressed unless somebody has referenced his
11 testimony specifically in their testimony.

12 **MS. DEEVEY:** Well, may I reserve the right to
13 address this issue later? I have to look up my records.

14 **COMMISSIONER SKOP:** Yes, we can come back to
15 this.

16 **MS. DEEVEY:** Thank you.

17 **COMMISSIONER SKOP:** And then also, too, I
18 think that at the status conference previously the
19 intervenors may have raised -- may have raised the
20 intent to testify at the public portion of the hearing,
21 and can the intervenors speak to that whether that is
22 still their intent.

23 **MS. STAHER:** Could you ask the question
24 again? I'm sorry.

25 **COMMISSIONER SKOP:** Yes. At the prior status

1 conference, I think the intervenors had, perhaps,
2 reserved or requested to reserve the option of also
3 testifying during the public testimony portion of the
4 hearing that we'll have, and I need to know if that is
5 still your intent. It would create some procedural
6 concerns, but, again, that would be an issue for the
7 presiding officer to address at the hearing date.

8 **MS. DEEVEY:** No, I don't see the need for me
9 to be a public witness.

10 **COMMISSIONER SKOP:** Okay. And, Ms. Stahmer,
11 do you also agree?

12 **MS. STAHMER:** Same, yes. Thank you.

13 **COMMISSIONER SKOP:** Thank you for that.

14 Okay. We're going to move on, and hopefully
15 it will give you a few minutes to look at your portions.
16 Or, Ms. Deevey, do you have something to add?

17 **MS. DEEVEY:** Yes. May I correct my earlier
18 statement. It is not Mr. Kushner, it is Mr. Rollins.
19 And I believe -- I thought he opened the door to
20 everything.

21 **COMMISSIONER SKOP:** Okay. Staff, can you
22 address that?

23 **MR. SAYLER:** Can you repeat the question? My
24 understanding, you had questions for Mr. Kushner, but
25 now you are saying it is my Myron Rollins?

1 **MS. DEEVEY:** Yes. I'm sorry, I made an error
2 in the names. I don't know either of the gentlemen
3 personally, so I got them mixed up.

4 **MR. SAYLER:** But, Mr. Rollins is -- on Page 6
5 he has filed prefiled supplemental testimony.

6 **MS. DEEVEY:** Yes, he has, so I was in error
7 when I said I did not see in this --

8 **MR. SAYLER:** Draft prehearing order.

9 **MS. DEEVEY:** Yes, that they had failed to list
10 him, so I apologize.

11 **COMMISSIONER SKOP:** Okay. So he is properly
12 listed?

13 **MS. DEEVEY:** Yes, he is.

14 **COMMISSIONER SKOP:** All right. With that
15 being said, I guess that closes out Section VI, order of
16 witnesses, barring any other concerns.

17 And hearing none, I will move to Section VII,
18 basic positions. And I believe what we determined at
19 the status conference was that staff and GRU's positions
20 would be as previously reflected, and that the
21 intervenors will take no position based on the basic
22 positions. In the final briefs, the intervenors will be
23 able to take a position based on the full and complete
24 record and address any concerns they have within that.

25 **MS. DEEVEY:** I'm sorry, Commissioner, I do

1 remain a little confused about that. I was under the
2 impression I had to file substantive prehearing
3 statement. Is that it? Yes. A prehearing statement
4 between now and the hearing, but I gather I do not. We
5 have already filed, so I take no position.

6 **COMMISSIONER SKOP:** Thank you. I thought that
7 that was previously addressed. I will look to staff to
8 address it further.

9 **MR. SAYLER:** That is correct. The prehearing
10 statements for all parties were due on April 2nd, and
11 that date has already passed. But given the fact that
12 you didn't have any prefiled testimony, or witnesses, or
13 exhibits, and your positions were limited to taking no
14 position at this time, I was able to anticipate what
15 your prehearing statement would be. And, therefore,
16 there really wasn't any substantive harm that you didn't
17 file a prehearing statement, though it would have been
18 cleaner had you just filed a notice of prehearing
19 statement.

20 **COMMISSIONER SKOP:** Ms. Deevey, does that
21 address your concerns?

22 **MS. DEEVEY:** Yes. I do appreciate that.

23 **COMMISSIONER SKOP:** Okay. Great. Thank you.

24 All right. Any other questions regarding
25 Section VII, basic positions?

1 Hearing none, we're going to move on to
2 Section VIII, issues and positions. And, Staff, can you
3 briefly speak to that.

4 **MR. SAYLER:** The issues in this proceeding are
5 the same as the first hearing. No change was made to
6 the issues pursuant to the first revised order
7 establishing procedure. And also as mentioned before,
8 pursuant to the first revised OEP, staff and GRU's
9 positions will remain the same, and the intervenors will
10 take no position at this time, but they can still
11 reserve the right to take full positions in the
12 post-hearing briefs.

13 **COMMISSIONER SKOP:** Thank you. And then with
14 respect to the first revised order establishing
15 procedure, we're going to need to amend that based on
16 the slide-in hearing date, so there will be a second
17 amended or second revised order establishing procedure
18 in this case. That will be forthcoming once we lock the
19 dates before we adjourn here.

20 **MS. STAHER:** Commissioner?

21 **COMMISSIONER SKOP:** Yes. You're recognized.

22 **MS. STAHER:** If it's helpful, I think it's
23 safe to say that both Ms. Deevey and I anticipate
24 challenging the positions of the petitioner on each of
25 these elements except the first one, that they are

1 qualified applicants. But beyond that, we will be
2 challenging them.

3 We did misunderstand to what extent we had to
4 provide a discussion of our positions, and we were
5 concerned because we have not yet seen all of the
6 evidence in the record, so we didn't want to state
7 things too broadly, but we also didn't want to limit
8 ourselves. So it's not that we are fumbling around and
9 we haven't got a clue, we do have some ideas of where we
10 are going and will do our best to also let the
11 petitioners have a better sense of our direction in a
12 timely way so they don't feel they're boxing with
13 shadows, either.

14 **COMMISSIONER SKOP:** I understand, and
15 recognize that both Ms. Deevey and Ms. Stahmer are
16 pro se litigants in this. Again, we afford those
17 typically broad latitude in pro se. And if staff,
18 again, could briefly speak to the issue of where they
19 will be able to take formal positions. Again, because
20 of the late intervention, you were not afforded the
21 opportunity to take a basic position because we have
22 reached and gone beyond that point, but the opportunity
23 to state your positions on each of the issues that you
24 wish to contest will be in the post-hearing brief, and I
25 will ask staff to reaffirm that.

1 Staff, you're recognized.

2 **MR. SAYLER:** Commissioner, you're absolutely
3 correct. They don't need to take a position at this
4 time, but in their post-hearing briefs they will need to
5 spell out their position, their basic position and their
6 position on all the issues with the exception of Issue
7 1, which has been stipulated and voted upon by the full
8 Commission.

9 But with regards to if you don't take a
10 position in your post-hearing brief, then you will have
11 waived your right to take a position. But it's in the
12 post-hearing brief, you don't need to file anything
13 between now and the hearing date with regard to your
14 positions.

15 **COMMISSIONER SKOP:** Ms. Deevey and the
16 intervenors, does that address your concern?

17 **MS. DEEVEY:** Yes. I guess the only thing I'm
18 concerned now about is the exhibits.

19 **COMMISSIONER SKOP:** Okay. Staff, could you
20 speak to that, please?

21 **MR. SAYLER:** With regard to exhibits, staff
22 has been in conversation with both the utility and the
23 intervenors for potentially having a staff composite
24 exhibit which will be stipulated by the intervenors and
25 the utility, and also I have been in conversation with

1 the intervenors and they are also potentially going to
2 collect a composite exhibit, an aggregation of exhibits
3 that they would like to submit to both staff and the
4 utility for possible stipulation into the hearing record
5 in order to speed things up at the time of hearing. But
6 I believe that is what Ms. Deevey was asking about.

7 **COMMISSIONER SKOP:** Ms. Deevey.

8 **MS. DEEVEY:** I'm asking about something else.
9 I would like to have all of the exhibits used in the
10 first hearing stipulated for this one, as well.

11 **COMMISSIONER SKOP:** Staff.

12 **MR. SAYLER:** It's already in the record. All
13 the exhibits from the first hearing are moved. All the
14 exhibits that were moved into the hearing at the first
15 hearing are already in the record.

16 **MS. DEEVEY:** And can I use them in cross
17 examination?

18 **COMMISSIONER SKOP:** Staff.

19 **MR. SAYLER:** Yes.

20 **MS. DEEVEY:** And can I add to those?

21 **COMMISSIONER SKOP:** Ms. Helton.

22 **MS. DEEVEY:** Can I add additional --

23 **COMMISSIONER SKOP:** Hold on. Ms. Helton.

24 **MS. HELTON:** You know, it's very difficult to
25 answer these questions, I think, in the abstract, number

1 one. Number two, we already have a record. It's my
2 understanding what we're doing is supplementing that
3 record. If the use of the exhibits from the first
4 hearing are relevant to the supplemental testimony on
5 point with respect to asking a question with respect to
6 cross-examination, off the top of my head without
7 knowing what your specific question is and what the
8 specific exhibit is, I would say that sounds like that
9 would be something that is appropriate to do. But, as I
10 said and started out, it's kind of hard to do that in
11 the abstract here.

12 **COMMISSIONER SKOP:** Ms. Deevey.

13 **MS. DEEVEY:** Are you suggesting that I go home
14 and make a list and send it back to you, a narrowed list
15 of things that I believe will be relevant to the
16 cross-examination as I understand it?

17 **MS. HELTON:** With respect to the exhibit list
18 that is in Subsection VII, those are the known exhibits
19 that were prefiled with the supplemental direct
20 testimony. Those are the only exhibits that are
21 required to be identified in the prehearing statement.
22 The exhibits that you plan to use on cross-examination
23 or for cross-examination purposes, those are not
24 required to be listed here. So if that is your
25 question, the answer is no, you do not have to go home

1 and narrow down a list of cross-examination exhibits.

2 But if your question is more broad, and what
3 exhibits can I use, I can't tell you that until we get
4 to the hearing. I mean, that's what the hearing, in
5 part, is about. First of all, we could not tell you
6 what exhibits you can or cannot use at the hearing.
7 That is the role of the presiding officer as far as what
8 is permissible for cross-examination purposes and what
9 is not subject to the arguments of the parties.

10 **COMMISSIONER SKOP:** Ms. Deevey, just so you
11 know, to expound upon what Ms. Helton just said, the
12 exhibits in the prior hearing have been already entered
13 into the record. They are available to be used, but
14 there's a caveat on that. If you intend to use them for
15 your cross-examination of a witness, that is subject to
16 a contemporaneous objection from opposing counsel. And
17 if they object it's up to the presiding officer to make
18 a determination as to whether the line of questioning is
19 appropriate, within the scope of the supplemental
20 testimony, or if it's outside the scope of the
21 supplemental testimony, at which point your question --
22 the objection will be sustained and you will not be able
23 to question on that line.

24 So that will be a case-by-case call made by
25 the presiding officer. Because, again, as Ms. Helton

1 tried to emphasize, it's difficult to lock down the
2 specifics of something in the abstract. It's very fact
3 specific on a case-by-case basis what the scope of the
4 testimony is on the supplemental testimony and what the
5 nature of your question may be. So it is speculative to
6 make that ruling or determination in advance.

7 If there is a question and exhibit you wish to
8 reference, you are certainly free to do so, but that may
9 be subject to a contemporaneous objection which will be
10 ruled upon by the presiding officer at the appropriate
11 time.

12 **MS. DEEVEY:** I understand. Thank you.

13 **COMMISSIONER SKOP:** All right. Great. Thank
14 you.

15 Any other concerns on Issue VIII, issues and
16 positions, before we move on?

17 **MR. WRIGHT:** Commissioner?

18 **COMMISSIONER SKOP:** Mr. Wright, you're
19 recognized.

20 **MR. WRIGHT:** Thank you, Commissioner.

21 For convenience of the parties and the
22 Commission, I have communicated by e-mail late yesterday
23 evening to Mr. Sayler that additional of our witnesses
24 in the supplemental hearing who will be addressing each
25 issue. For example, on Issue 2 it's not just Witness

1 Regan, it's Witness Regan and Witness Hanrahan. I
2 thought that that would be helpful. There is no change
3 in our position; merely identifying the witnesses who
4 address each issue. I thought that would be convenient
5 for the parties and for the Commission, and accordingly
6 I think it would be appropriate to list them with
7 respect to each issue, but that's procedural.

8 **COMMISSIONER SKOP:** Okay. And just so I'm
9 clear, staff and the parties, if they want to speak to
10 this, on Section VI of the draft prehearing order, it
11 seems that the order of witnesses will be Mayor
12 Hanrahan, Richard Schroeder, Mr. Bachmeier, Mr. Regan,
13 and Mr. Rollins; is that correct?

14 **MR. WRIGHT:** Yes, sir.

15 **COMMISSIONER SKOP:** Okay. And to the
16 intervenors, basically you're participating in a passive
17 capacity where you will just be cross-examining the
18 witnesses without sponsoring your own testimony, is that
19 correct? Ms. Deevey? Ms. Deevey?

20 **MS. DEEVEY:** I'm sorry.

21 **COMMISSIONER SKOP:** We just reviewed the list
22 of witnesses that GRU and GREC intend to sponsor, and is
23 it correct to understand that the intervenors will not
24 be sponsoring any witness testimony, they will just be
25 merely participating in a passive role cross-examining

1 the witnesses, is that correct?

2 **MS. DEEVEY:** Yes.

3 **COMMISSIONER SKOP:** Okay. All right. Thank
4 you.

5 Any other concerns on Section VIII before we
6 move on? Okay.

7 Hearing none, move to Section IX, exhibit
8 list. Staff?

9 **MR. SAYLER:** Staff notes that we planned to --
10 for the record, to prepare a Comprehensive Exhibit List
11 consisting of all the prefiled exhibits for the purposes
12 of numbering and identifying exhibits at the hearing.
13 And staff will provide the exhibit list to the parties
14 as soon as possible, and I will e-mail that out
15 hopefully to the parties later this week.

16 And for the intervenors, what it is, this
17 exhibit list will pick up where the first hearing
18 exhibit list ended and we will just continue on. And
19 then if there are any other additional hearing exhibits,
20 they will be added to the end of all the exhibits on
21 that exhibit list.

22 **COMMISSIONER SKOP:** Very well. Any other
23 additional questions or concerns regarding Section IX,
24 the exhibit list?

25 **MR. WRIGHT:** Commissioner.

1 **COMMISSIONER SKOP:** Mr. Wright.

2 **MR. WRIGHT:** There was a typographical error
3 in one of ours that I called to Mr. Sayler's attention
4 by e-mail.

5 **MR. SAYLER:** And I will incorporate that in
6 the final.

7 **COMMISSIONER SKOP:** All right. Very well.
8 Show that done.

9 That takes us to Section X, proposed
10 stipulations. At this point, Issue 1 is stipulated. I
11 have heard from the intervenors that they intend to
12 contest all remaining issues, so I would assume that
13 there are no additional stipulations that staff is aware
14 of at this time. Is that correct, staff?

15 **MR. SAYLER:** That is correct.

16 **COMMISSIONER SKOP:** Okay. To the parties, any
17 additional stipulations?

18 Hearing none, Section X for proposed
19 stipulations, show Issue 1 stipulated with the remaining
20 issues still contested. And, again, if there are issues
21 the parties can stipulate to, I would ask them to work
22 in good faith with each other prior to hearing.

23 That takes us to Section XI, pending motions.
24 Staff.

25 **MR. SAYLER:** Staff is not aware of any pending

1 motions.

2 **COMMISSIONER SKOP:** All right. Very well.
3 Any other concerns from the parties on Section XI?
4 Hearing none, we'll go to Section XII, pending
5 confidentiality motions. Staff?

6 **MR. SAYLER:** Staff at this time is aware of
7 several pending confidentiality requests which will be
8 addressed by separate order.

9 **COMMISSIONER SKOP:** Okay. Very well. We'll
10 address those on a case-by-case basis. Any other
11 concerns regarding Section XII, pending confidentiality
12 motions?

13 Ms. Deevey, do you have a question?

14 **MS. DEEVEY:** No.

15 **COMMISSIONER SKOP:** Okay. Very well. All
16 right. That takes us to Section XIII, post-hearing
17 procedures. Essentially, the draft prehearing order
18 includes post-hearing brief word and page limits, and
19 typically the post-hearing -- the number of words in
20 each post-hearing brief position is 50 words, and the
21 number of pages in the post-hearing brief is typically
22 limited to 40 pages. And I just wanted to hear from the
23 parties with respect to whether they feel that's
24 adequate to address both their positions and their
25 briefs.

1 **MR. WRIGHT:** Commissioner.

2 **COMMISSIONER SKOP:** Mr. Wright.

3 **MR. WRIGHT:** We're comfortable with the
4 50-word limit, although we would not object to bumping
5 it up a little bit. I would respectfully ask that we be
6 allowed 50 pages for briefs.

7 **COMMISSIONER SKOP:** Ms. Deevey and Ms.
8 Stahmer.

9 **MS. STAHMER:** I have no objection.

10 **COMMISSIONER SKOP:** All right. Here's what
11 we're going to do. We are going to leave the position
12 statement as 50 words and the length of the post-hearing
13 brief will be 50 pages.

14 **MR. WRIGHT:** Thank you, Commissioner.

15 **COMMISSIONER SKOP:** Thank you.

16 Okay. Any other concerns on Section XIII,
17 post-hearing procedures, before we move along?

18 Hearing none, we're going to move to
19 Section XIV, rulings. And we are going to have opening
20 statements, we will limit the opening statements to five
21 minutes for opening statements unless there is an
22 additional concern.

23 Ms. Deevey or Ms. Stahmer? Okay. And that
24 would be each of you in your individual capacity having
25 five minutes. And, staff, correct me if I'm wrong on

1 that.

2 **MR. SAYLER:** That is correct.

3 **COMMISSIONER SKOP:** Okay. Ms. Deevey, you're
4 recognized.

5 **MS. DEEVEY:** Well, I don't know what I'm going
6 to be saying, so I don't know if five minutes is
7 adequate or not.

8 **COMMISSIONER SKOP:** Okay. Well, you'll have
9 five minutes to say your summary of --

10 **MS. DEEVEY:** A summary of I disagree with
11 everything you have said.

12 **COMMISSIONER SKOP:** Yes, ma'am. And
13 additionally, Ms. Stahmer has her five minutes, and the
14 parties will have their five minutes.

15 **MR. WRIGHT:** Commissioner.

16 **COMMISSIONER SKOP:** Mr. Wright.

17 **MR. WRIGHT:** Technically, there are two
18 parties on our side. I was thinking to make one opening
19 statement. Are you saying that we would have ten
20 minutes?

21 **COMMISSIONER SKOP:** Staff, if you could help
22 me out. I guess, Mr. Wright, typically -- you know,
23 this is a little thorny issue. They have already had
24 one bite at the apple where they have made an opening
25 statement. This is supplementary. I would hope that

1 they could combine them and make it in five, but I will
2 look to staff, Ms. Helton, on that issue.

3 **MS. HELTON:** It is within your discretion,
4 Commissioner, what you would like to see.

5 **MR. WRIGHT:** I'd be happy with eight, if that
6 would be okay with you, Commissioner.

7 **COMMISSIONER SKOP:** Hold on for one second.

8 **MR. WRIGHT:** Yes, sir.

9 **COMMISSIONER SKOP:** Staff, it's my
10 understanding that in the supplemental hearing that GREC
11 has formally intervened as a separate entity, is that
12 correct?

13 **MS. HELTON:** I'd have to defer to Mr. Sayler
14 on that.

15 **MR. SAYLER:** Commissioner, in this particular
16 proceeding it's a joint proceeding by GRU and GREC.
17 They have always -- both have been joint parties
18 throughout the pendency of this particular proceeding.
19 There may have been another proceeding where the utility
20 intervened late, but not in this one.

21 **COMMISSIONER SKOP:** Okay. I believe I'm
22 getting this confused with a different that has consumed
23 quite a bit of my time lately.

24 Ms. Helton.

25 **MS. HELTON:** I can say, though, that often in

1 a court you will see the court give you however many
2 minutes per side, so if you were to look at it that way,
3 the intervenors now have ten minutes on their side, but
4 the petitioner only has five minutes. So if we were to
5 handle it like an appellate proceeding, Mr. Wright would
6 be given ten minutes.

7 **COMMISSIONER SKOP:** Well, Ms. Helton, here's
8 my problem with this. We have already had opening
9 statements that have been made. This is supplemental
10 testimony. Subsequent to the original hearing we had
11 two intervenors. They are in their not joint capacity,
12 but individual capacity, so it would seem to me that
13 since GREC and GRU is a joint petition, that is one
14 entity, and we have two separate intervenors, both of
15 which should be afforded their respective time.

16 So my ruling is going to be five minutes for
17 GREC and GRU and five minutes for each of the respective
18 intervenors in their individual capacity.

19 **MS. HELTON:** And I think that is appropriate,
20 especially because the witnesses will have five minutes
21 also to summarize their testimony.

22 **COMMISSIONER SKOP:** Very well. Show it done.

23 Any other concerns with respect to any of the
24 sections in the draft prehearing order before we move
25 forward?

1 Okay. With respect to other matters, Staff,
2 I'll look to you with respect to position changes, and
3 we need to address what the revised hearing dates are
4 going to be as well as the special agenda dates. So if
5 you can speak to the position change dates, please.

6 **MR. SAYLER:** All right. With respect to the
7 revised order establishing procedure, the new hearing
8 date will be May 3rd. Staff would prefer that briefs be
9 filed on May 10th, and then assuming that -- if we're
10 still on the June 1st --

11 **COMMISSIONER SKOP:** Wait a minute. I think
12 you're getting ahead of what I asked for, Mr. Saylor.

13 **MR. SAYLER:** I'm sorry.

14 **COMMISSIONER SKOP:** Basically, with respect to
15 the position changes, following the prehearing
16 conference I'm looking at a terminal cutoff date for
17 when they can change their initial positions.

18 **MR. SAYLER:** My apologies. Right now for all
19 the parties, the intervenors positions post this
20 prehearing date is still no position. The utility is --
21 their positions are staying the same, but if they have
22 any updates or changes that they see to the prehearing
23 order that need to be made, if they can let me know by
24 Wednesday afternoon, then I can incorporate any of those
25 changes or any typos that they happen to see in the

1 draft prehearing order, I would appreciate that.

2 **COMMISSIONER SKOP:** All right. Thank you.

3 So to GREC and GRU, if they have any changes
4 or typographical errors to the position statements, they
5 need to be provided to Commission staff by close of
6 business on Wednesday, April 7th, which is this
7 Wednesday. And Ms. Deevey and Ms. Stahmer, you are not
8 affected by that. Again, that is the initial positions
9 going into the hearing.

10 Okay. With respect to the revised hearing
11 dates, revised hearing dates predicated by the
12 petitioner not making the required statutory
13 publication, so in order to get that publication done
14 and to adhere to Florida Administrative Weekly noticing
15 requirements, the revised hearing date is going to be
16 May 3rd at 9:30 a.m. Staff, that will require you to
17 issue FAW notice by tomorrow. And, Mr. Wright, you
18 would need to make appropriate publication pursuant to
19 statute.

20 **MR. WRIGHT:** Yes, sir.

21 **COMMISSIONER SKOP:** Okay. With respect to the
22 remaining dates, I'll let staff speak to those, but,
23 essentially, for the post-hearing briefs I think staff
24 has floated May 10th. Is that correct, staff?

25 **MR. SAYLER:** May 10th if it's the June 1st

1 agenda. If we can secure the special agenda date a
2 little bit later, then May 13th.

3 **COMMISSIONER SKOP:** Okay. Why don't we do
4 this, why don't we make -- in fairness to the parties,
5 given we have some pro se litigants, why don't we make
6 post-hearing briefs due May 13th by the close of
7 business and shoot for a targeted special agenda date of
8 June 2nd. And that would be at 9:30 a.m. on June 2nd.

9 **MR. SAYLER:** June 7th, my apologies. I
10 checked with the calendar and I don't know if there is a
11 June 2nd special agenda date available, but I do know
12 there is a June 7th date potentially available.

13 **COMMISSIONER SKOP:** Okay. Well, my
14 understanding is we'll shoot for June 2nd with a
15 fallback date of June 7th, but my understanding is it
16 should be able to be accommodated on June 2nd.

17 **MR. SAYLER:** Yes, sir.

18 **COMMISSIONER SKOP:** All right. Any concerns
19 from the parties on that? Okay. Hearing none. So just
20 to summarize, and, staff, if I am missing something,
21 please interrupt me. But the revised hearing date will
22 be May 3rd, 9:30 a.m. Post-hearing briefs will be due
23 by close of business on May 13th, and that's a very
24 important date for the intervenors here, that's where
25 you will take your positions and provide your briefs,

1 and then we will target as a primary date for a special
2 agenda to make the decision on this matter of June 2nd,
3 9:30 a.m., subject to approval by the Chairman, with a
4 fallback date of June 7th. If the June 2nd date is not
5 available, we will shoot for June 7th at 9:30 a.m. Both
6 of those, or each of those respective dates will be
7 reflected in the second revised order establishing
8 procedure. And I'd ask staff to get that out to the
9 parties as quickly as possible.

10 **MR. SAYLER:** Absolutely, Commissioner.

11 **COMMISSIONER SKOP:** All right. Any other
12 dates that we need to discuss?

13 **MR. SAYLER:** None that I'm aware of.

14 **COMMISSIONER SKOP:** Okay. Any other matters
15 that the parties wish to address before we adjourn?

16 Okay. Hearing none, we stand adjourned.

17 Thank you.

18 **MR. WRIGHT:** Thank you.

19 (The prehearing concluded at 2:09 p.m.)
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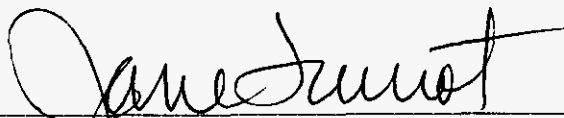
STATE OF FLORIDA)
 :
 : CERTIFICATE OF REPORTER
COUNTY OF LEON)

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 8th day of April, 2010.



JANE FAUROT, RPR
Official FPSC Hearings Reporter
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