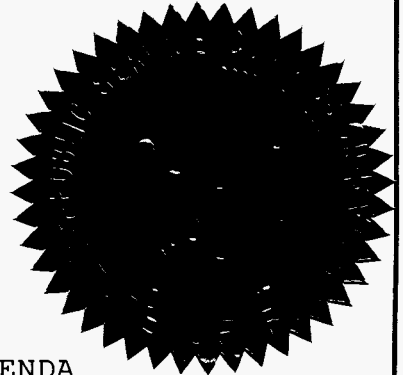


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 100404-EI

In the Matter of:

PETITION BY FLORIDA POWER &
LIGHT COMPANY TO RECOVER SCHERER
UNIT 4 TURBINE UPGRADE COSTS
THROUGH ENVIRONMENTAL COST
RECOVERY CLAUSE OR FUEL COST
RECOVERY CLAUSE.



PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 14

COMMISSIONERS
PARTICIPATING: CHAIRMAN ART GRAHAM
COMMISSIONER LISA POLAK EDGAR
COMMISSIONER NATHAN A. SKOP
COMMISSIONER RONALD A. BRISÉ
COMMISSIONER EDUARDO E. BALBIS

DATE: Tuesday, November 30, 2010

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

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

DOCUMENT NUMBER DATE
09749 DEC-30
FPSC-COMMISSION CLERK

P R O C E E D I N G S

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3 **CHAIRMAN GRAHAM:** Let's get started. We
4 have the following, we have the following items
5 that, FP&L items, and because of the stay we're
6 under with the Department of -- I'm sorry -- the
7 First District Court, that will be deferred. The
8 items are Items 3, 7, 10, 11, 12, 13, 14, 20 and 21.

9 Now before I defer that, I actually have a
10 question for General Counsel, if I may. We have, on
11 these lists one of the items, Item Number 20, has
12 been stipulated by all parties. It hasn't been
13 heard yet or commented on yet by the board but it's
14 been stipulated. If we wanted to -- how would we go
15 about, if we want to pull that and go before the DCA
16 and see if they won't release that one so we can
17 move forward on that one specific issue?

18 **MS. HELTON:** Mr. Chairman, the General
19 Counsel is sick today, so you're stuck with me.

20 I would suggest that any discussion about
21 any next steps that you may or may not have
22 available to you not be made here in this forum. I
23 don't think that the -- respectfully I don't think
24 the Agenda Conference is the appropriate place to do
25 that.

1 If procedurally you want to discuss the
2 body's ability to move forward in any way and file
3 anything in the First District Court of Appeal so it
4 would not be in a Commission proceeding where you
5 would be filing it, I think the more appropriate
6 venue would be the Internal Affairs which you have
7 scheduled later this afternoon.

8 And Samantha, we can have Samantha Cibula
9 there who can help in any discussion with respect to
10 how you may, if at all, go forward. Right now the
11 jurisdiction does not rest with you. The
12 jurisdiction over the matter is with the First
13 District Court of Appeal.

14 **CHAIRMAN GRAHAM:** How would we go about
15 contacting them if we wanted to, if we wanted to
16 request this?

17 **MS. HELTON:** It would require a court
18 filing. But I think this discussion would be much
19 better had, for notice reasons, for process reasons,
20 at the Internal Affairs meeting which is scheduled
21 for later today.

22 **CHAIRMAN GRAHAM:** Okay. Well, I just
23 wanted to bring it up here because this is where
24 it's actually on our docket. So then at that point
25 I guess we can say we're going to talk about it at

1 Internal Affairs.

2 Commissioner Edgar.

3 **COMMISSIONER EDGAR:** Thank you, Mr.

4 Chairman. If I may, I do defer to your decision and
5 the recommendation of Staff to also defer Item 12.

6 But I was a little surprised at that because I
7 thought that that was one that we could go ahead and
8 act on at this point in time. So I would just, if I
9 may, ask our Staff, if we are going to potentially
10 have a little more discussion, to maybe take a look
11 at that item to see if that is one that we might be
12 able to move forward on, not today, but at some
13 point separate from waiting on the court. And if
14 you could maybe just take another look at that at in
15 whatever would be the appropriate time, I would ask
16 that we take a separate second look at that item.
17 Thank you. Thank you.

18 **CHAIRMAN GRAHAM:** All right. So I guess
19 since we're on the record we'll show that we will be
20 speaking of these two things later today at Internal
21 Affairs.

22 That all being said, once again, those
23 Items 3, 7, 10, 11, 12, 13, 14, 20 and 21 are all
24 deferred.

25 (Agenda item concluded.)

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STATE OF FLORIDA)
 :
COUNTY OF LEON) CERTIFICATE OF REPORTER

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 3rd day of December, 2010.

Linda Boles
LINDA BOLES, RPR, CRR
FPSC Official Commission Reporter
(850) 413-6734