

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 120003-EI

PURCHASED GAS ADJUSTMENT
(PGA) TRUE-UP.

RECEIVED FPSC
12 OCT 23 AM 10:21
COMMISSION
CLERK

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONER
PARTICIPATING: COMMISSIONER EDUARDO E. BALBIS
PREHEARING OFFICER

DATE: Wednesday, October 17, 2012

TIME: Commenced at 9:30 a.m.
Concluded at 9:43 a.m.

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

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

1 APPEARANCES:

2 BETH KEATING, ESQUIRE, Gunster Law Firm, 215
3 South Monroe Street, Suite 601, Tallahassee, Florida
4 32301-1804, appearing on behalf of Florida Public Utilities
5 Company and Florida City Gas.

6 PATRICIA A. CHRISTENSEN, ESQUIRE, Office of
7 Public Counsel, c/o The Florida Legislature, 111 W. Madison
8 St., Room 812, Tallahassee, Florida 32399-1400, appearing
9 on behalf of the Citizens of Florida.

10 MARTHA CARTER BROWN, ESQUIRE, and MICHAEL LAWSON,
11 ESQUIRE, FPSC General Counsel's Office, 2540 Shumard Oak
12 Boulevard, Tallahassee, Florida 32399-0850, appearing on
13 behalf of the Florida Public Service Commission Staff.

14 MARY ANNE HELTON, Deputy General Counsel, Florida
15 Public Service Commission, 2540 Shumard Oak Boulevard,
16 Tallahassee, Florida 32399-0850, Advisor to the Florida
17 Public Service Commission.

18

19

20

21

22

23

24

25

P R O C E E D I N G S

1
2 **COMMISSIONER BALBIS:** Good morning. I'd like
3 to call this clause prehearing conference to order.

4 Staff, could you please read the notice.

5 **MS. BROWN:** By notice issued September 18th,
6 2012, this time and place is set for a prehearing
7 conference in the following dockets: 120001-EI,
8 120002-EG, 120003-GU, 120004-GU, 120007-EI. The
9 purpose of the prehearing conference is set out in the
10 notice.

11 **COMMISSIONER BALBIS:** Okay. Thank you.

12 We can now take appearances. We have,
13 obviously, five dockets to address today, and I assume
14 staff recommends that we take appearances at once, and
15 all parties should enter their appearances and declare
16 the dockets that they are entering an appearance for.

17 So we'll start with Florida Power and Light.

18 **MR. BUTLER:** Thank you.

19 Good morning, Commissioner. John Butler and
20 Ken Rubin appearing on behalf of FPL in the 01, the 02,
21 and the 07 dockets.

22 **MS. TRIPLETT:** Good morning. Dianne Triplett
23 on behalf of Progress Energy Florida, and also I would
24 like to make an appearance for John Burnett also on
25 behalf of Progress Energy Florida in the 01, 02, and 07

1 dockets. And then also in the 07 docket, Gary Perko.

2 **MR. BEASLEY:** Good morning, Commissioner.
3 James D. Beasley and J. Jeffry Wahlen for Tampa
4 Electric Company in the 01, 02, and 07 dockets.

5 **MR. GRIFFIN:** Good morning, Commissioner.
6 Steven Griffin with the law firm of Beggs and Lane on
7 behalf of Gulf Power. Also appearing in the dockets
8 with me are Jeffrey Stone and Russell Badders in 01,
9 02, and 07.

10 **MS. KEATING:** Good morning, Commissioner.
11 Beth Keating with the Gunster Law Firm. I'm here today
12 on behalf of FPUC in the 01 and 02 dockets; for FPUC in
13 the 03 docket, as well as Florida City Gas; and in the
14 04 docket, FPU, FPU Indiantown, Chesapeake, and Florida
15 City Gas.

16 **MS. WHITE:** Good morning, Commissioner. I'm
17 Karen White on behalf of Federal Executive Agencies.
18 I'm also entering an appearance for Major Christopher
19 Thompson and Captain Samuel Miller in the 01, 02, and
20 07 dockets.

21 **MR. BREW:** Good morning, Commissioner. I'm
22 James Brew of the firm of Brickfield, Burchette, Ritts,
23 and Stone. I'm here for White Springs Agricultural
24 Chemicals, PSC Phosphate. I'd like to also make an
25 appearance for F. Alvin Taylor, and we're here in the

1 01, 02, and 07 dockets.

2 **MR. REHWINKEL:** Good morning, Commissioner.
3 Charles Rehwinkel with the Office of Public Counsel.
4 I'd like to enter an appearance in 01, 02, and 07. And
5 I would also like to enter an appearance for Mr.
6 McGlothlin, Joe McGlothlin in 01, 02, and 07, and I'll
7 let Ms. Christensen tell you hers.

8 **MS. CHRISTENSEN:** And Patty Christensen also
9 on behalf of the Office of Public Counsel in the 01,
10 02, 03, 04, and 07 dockets.

11 **MR. WRIGHT:** Good morning, Commissioner.
12 Robert Scheffel Wright, and I'd also like to enter an
13 appearance for my partner John T. LaVia, III, on behalf
14 of the Florida Retail Federation in the fuel
15 cost-recovery docket, 0001. Thank you.

16 **MR. MOYLE:** Good morning. Jon Moyle with the
17 Moyle Law Firm representing the Florida Industrial
18 Power Users Group. I'd like to enter an appearance in
19 the 01, 02, 07, and 09 dockets.

20 **MR. CAVROS:** Good morning, Commissioner.
21 George Cavros appearing on behalf of Southern Alliance
22 for Clean Energy in the 02 docket.

23 **MR. HORTON:** Norman H. Horton, Jr., appearing
24 on behalf of Sebring Gas System, Inc. in the 04 docket.

25 **COMMISSIONER BALBIS:** Okay. Any other

1 parties before I move to staff?

2 **MS. BROWN:** Martha Carter Brown and Michael
3 Lawson in the 02 docket -- 03 docket, I'm sorry.

4 **MR. MURPHY:** Charles Murphy in the 07 docket.

5 **MS. ROBINSON:** Pauline Robinson in the 04
6 docket.

7 **MS. TAN:** Lee Eng Tan for the 02 docket.

8 **MS. BARRERA:** Martha Barrera in the 01
9 docket, and also I would like to enter an appearance
10 for Lisa Bennett.

11 **MS. HELTON:** And Mary Anne Helton, I'm here
12 to advise you in all the dockets.

13 * * * * *

14 **COMMISSIONER BALBIS:** Okay. I believe those
15 are all the appearances that we need to take. I will
16 advise you, the order of the dockets that we are going
17 to proceed this morning, we're going to start with the
18 03, the purchased gas adjustment docket, and then move
19 on to 04, then 02, 07, and then finishing up with 01.

20 I gave all the parties an opportunity this
21 morning to kind of wrap up any hopefully last minute
22 stipulations which hopefully you were able to work that
23 out. I'm going to move relatively quickly through the
24 dockets that hopefully are not controversial with any
25 of the parties. So starting with 03 docket, which is

1 the purchased gas adjustment clause, we'll start with
2 preliminary matters. Are there any preliminary parties
3 that we need to address?

4 **MS. BROWN:** Commissioner, there are no
5 preliminary matters. I would like to point out that
6 St. Joe Natural Gas and the representative for Peoples
7 Gas System have been excused from this prehearing
8 conference, and also from the hearing if no
9 Commissioners have any questions for them. Also,
10 sorry, it appears that this case has stipulated all the
11 issues.

12 **COMMISSIONER BALBIS:** Okay. Well, with that
13 I will proceed very quickly through the draft
14 prehearing order to give everyone one last chance to --
15 any comments or questions through each one of the
16 sections. And the way I will do this, as in previous
17 prehearing conferences, is I will mention the section,
18 and, you know, there's a lot of microphones, I may not
19 know who is speaking, but just get my attention if
20 there is something you would like to stop and discuss
21 further.

22 So we will go through Section I of the draft
23 prehearing order, the case background. Are there any
24 questions or comments in Section I?

25 Section II, conduct of proceedings.

1 Section III, jurisdiction.

2 Section IV, procedure for handling
3 confidential information.

4 Section V, prefiled testimony.

5 Section VI, order of witnesses.

6 **MS. BROWN:** Commissioner, staff would point
7 out that on Page 4 of the draft prehearing order it
8 states that the witnesses may be excused if the
9 Commissioners have no questions for them. I will
10 contact the Commissioners' offices to determine that
11 and then get back to the parties within the next day or
12 two.

13 **COMMISSIONER BALBIS:** Okay. Thank you. Any
14 other comments on order of witnesses?

15 Section VII, basic positions.

16 Section VIII, issues and positions.

17 **MS. CHRISTENSEN:** Patty Christensen with the
18 Office of Public Counsel. Just for clarity of the
19 record, we are taking no position on all of the issues
20 under this section.

21 **MS. BROWN:** And staff will reflect that in
22 the final prehearing order.

23 **COMMISSIONER BALBIS:** Okay. Any other
24 questions or comments on Section VIII?

25 Section IX, exhibit list.

1 **MS. BROWN:** Commissioner, staff has prepared
2 a Comprehensive Exhibit List that it will pass out to
3 the parties, and that will be for the purpose of
4 numbering and identifying all the exhibits that can
5 then be entered into the record.

6 **COMMISSIONER BALBIS:** Any other comments on
7 Section IX?

8 Section X, proposed stipulations.

9 **MS. BROWN:** As I said, Commissioner, all
10 issues are proposed stipulations.

11 **COMMISSIONER BALBIS:** Okay. Section XI,
12 pending motions.

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

14 **COMMISSIONER BALBIS:** Section XII, pending
15 confidentiality motions.

16 **MS. BROWN:** There is one pending
17 confidentiality request which will be addressed by
18 separate order.

19 **COMMISSIONER BALBIS:** Okay. Section XIII,
20 post-hearing procedures.

21 Section XIV, rulings.

22 **MS. BROWN:** Commissioner, since the case is
23 stipulated, you might want to confirm with the parties
24 that they waive opening statements.

25 **COMMISSIONER BALBIS:** Okay. Is everyone okay

1 with waiving opening statements?

2 **MS. CHRISTENSEN:** Office of Public Counsel is
3 okay with waiving opening statements on the 03 docket.

4 **MS. KEATING:** As is FPU and FCG.

5 **COMMISSIONER BALBIS:** Okay. And I believe
6 that's all the parties for that docket, so we can --
7 the prehearing order will show that that has been
8 waived. Any other rulings?

9 **MS. BROWN:** Just to note, once again, that
10 St. Joe Natural Gas Company and Peoples Gas System can
11 be excluded from the hearing if confirmed by the other
12 Commissioners.

13 **COMMISSIONER BALBIS:** Okay. Then we'll move
14 on to Section III, other matters. Are there any other
15 matters to address in this conference?

16 **MS. BROWN:** No matters that I'm aware of.

17 **COMMISSIONER BALBIS:** Okay. So seeing none,
18 this concludes the prehearing for the 03 docket.

19 (The prehearing concluded at 9:43 a.m.)
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF FLORIDA)

: CERTIFICATE OF REPORTER

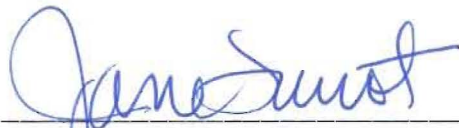
COUNTY OF LEON)

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 23rd day October, 2012.



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