

1 APPEARANCES:

2 BETH KEATING, ESQUIRE, Gunster Law Firm, 215
3 South Monroe Street, Suite 601, Tallahassee, Florida
4 32301-1839, appearing on behalf of Florida City Gas,
5 Florida Public Utilities Company, FPUC-Indiantown and
6 Chesapeake.

7 NORMAN H. HORTON, JR., and ROBERT J. TELFER,
8 III, ESQUIRES, Messer Law Firm, Post Office Box 15579,
9 Tallahassee, Florida 32317, appearing on behalf of
10 Sebring Gas System, Inc.

11 J.R. KELLY, PUBLIC COUNSEL, PATRICIA A.
12 CHRISTENSEN, and CHARLES REHWINKEL, ESQUIRES, Office of
13 Public Counsel, c/o The Florida Legislature, 111 West
14 Madison Street, Room 812, Tallahassee, Florida
15 32399-1400, appearing on behalf of the Citizens of
16 Florida.

17 KELLEY CORBARI, ESQUIRE, FPSC General
18 Counsel's Office, 2540 Shumard Oak Boulevard,
19 Tallahassee, Florida 32399-0850, appearing on behalf of
20 the Florida Public Service Commission Staff.

21 MARY ANNE HELTON, DEPUTY GENERAL COUNSEL,
22 Florida Public Service Commission, 2540 Shumard Oak
23 Boulevard, Tallahassee, Florida 32399-0850, Advisor to
24 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 BROWN:** Good afternoon. Thank
3 you all for being so patient. And today is October 8th,
4 2014, roughly around 1:30. This is the 2014 clause
5 prehearing conferences for the following dockets:
6 140002-EG, 140003-GU, 140004-GU, 140007-EI, and
7 140001-EI. I would like to call this prehearing to
8 order.

9 Staff, can you please read the notice for this
10 proceeding.

11 **MS. TAN:** By notice issued September 17th,
12 2014, this time and place is set for a prehearing
13 conference in the following dockets: 140001-EI,
14 140002-EG, 140003-GU, 140004-GU, and 140007-EI. The
15 purpose of the prehearing conference is set out in the
16 notice.

17 **COMMISSIONER BROWN:** Thank you so much.

18 There are five dockets to address today.
19 Staff suggests that appearances be taken up all at once,
20 so all parties should enter their appearances and
21 declare the dockets that they are entering an appearance
22 for, although I do recognize that several parties will
23 be making appearances for more than one docket.

24 After the parties have made their appearances,
25 staff will make their appearance as a whole. Starting

1 with my left, Mr. Butler.

2 **MR. BUTLER:** Thank you, Commissioner. For
3 FPL -- excuse me -- John Butler, Wade Litchfield, and
4 Maria Moncada in the 01 docket. Appearance for John
5 Butler, Ken Rubin in the 02 docket, and John Butler,
6 Wade Litchfield, and Maria Moncada in the 07 docket.
7 Thank you.

8 **COMMISSIONER BROWN:** Okay.

9 **MR. BEASLEY:** Good afternoon, Commissioner.
10 James D. Beasley appearing with J. Jeffrey Wahlen, Ashley
11 M. Daniels, all of the law firm of Ausley & McMullen, on
12 behalf of Tampa Electric Company in the 01, the 02, and
13 the 07 dockets.

14 **MR. BADDERS:** Good afternoon. Russell Badders
15 appearing on behalf of Gulf Power. I'd like to enter an
16 appearance for myself, Jeffrey A. Stone, and Steven R.
17 Griffin in the 01, 02, and 07 dockets.

18 **MR. BERNIER:** Good afternoon, Commissioner.
19 Matt Bernier with Duke Energy. I'd like to enter an
20 appearance for myself, John Burnett, and Dianne Triplett
21 in the 01, 02, and 07 dockets, as well as Gary Perko in
22 the 07 docket.

23 **MR. REHWINKEL:** Good morning, Commissioner.

24 **COMMISSIONER BROWN:** Afternoon.

25 **MR. REHWINKEL:** Good afternoon, Commissioner.

1 Charles Rehwinkel and Patty Christensen with
2 the Office of Public Counsel. We would like to have our
3 appearances reflected in all the clause dockets, and
4 also like to make an appearance in all the dockets for
5 J. R. Kelly, Public Counsel. Thank you.

6 **MR. MOYLE:** Good afternoon. Jon Moyle with
7 the Moyle Law Firm representing the Florida Industrial
8 Power Users Group. The Florida Industrial Power Users
9 Group, commonly referred to as FIPUG, is in the 01, the
10 02, and the 07 docket. In addition to me, Karen Putnal
11 and Vicki Gordon Kaufman should also be noted as making
12 appearances. Thank you.

13 **MR. BREW:** Good afternoon, Commissioner.

14 For White Springs Agricultural Chemicals/PCS
15 Phosphate, I'm James Brew with the firm of Brickfield,
16 Burchette & Ritts. And I'd like to make an appearance
17 for Owen Kopon, and we're appearing in the dockets 01,
18 02, and 07.

19 **COMMISSIONER BROWN:** Thank you.

20 **MS. KEATING:** Good afternoon, Commissioner.

21 Beth Keating with the Gunster Law Firm. I'm
22 here this afternoon in the 01 and 02 dockets for Florida
23 Public Utilities, in the 03 docket I'm here for FPU and
24 Florida City Gas, and in the 04 docket I'm here for FPU,
25 Florida City Gas, Chesapeake, Indiantown, and Fort

1 Meade.

2 **COMMISSIONER BROWN:** Very popular.

3 **MR. WRIGHT:** Good afternoon, Commissioner.

4 Robert Scheffel Wright of the Gardner, Bist,
5 Wiener Law Firm appearing in the 140001 fuel cost
6 recovery docket on behalf of the Florida Retail
7 Federation, along with my partner John T. LaVia, III.
8 Also I am appearing, Mr. LaVia and I are appearing in
9 the energy conservation cost recovery docket on behalf
10 of Wal-Mart Stores East and Sam's East. Thank you.

11 **COMMISSIONER BROWN:** Thank you.

12 **MR. CAVROS:** Good afternoon, Commissioner.

13 George Cavros on behalf of the Southern
14 Alliance for Clean Energy, and I will be representing
15 the organization in the 02 and the 07 docket. Thank
16 you.

17 **COMMISSIONER BROWN:** Thank you. Nice to have
18 you here.

19 Staff.

20 **MR. HORTON:** Commissioner?

21 **COMMISSIONER BROWN:** Oh, there you are.

22 **MR. HORTON:** I snuck in on you. Norman H.
23 Horton, Jr., on behalf of Sebring Gas Company in the
24 04 docket. And I'd also like to enter an appearance for
25 Robert J. Telfer, III, of the same firm.

1 **COMMISSIONER BROWN:** Thank you for being here.
2 And now staff.

3 **MS. TAN:** Lee Eng Tan on behalf of the
4 02 docket, Kyesha Mapp and Keino Young on the 03 docket,
5 Kelley Corbari on the 04 docket, Charles Murphy on the
6 07 docket, and Martha Barrera on the 01 docket. Thank
7 you.

8 **COMMISSIONER BROWN:** Thank you so much.
9 Mary Anne.

10 **MS. HELTON:** And Mary Anne Helton, I'm here as
11 your advisor in all the dockets.

12 * * * * *

13 **COMMISSIONER BROWN:** Moving to Docket 140004.
14 Ms. Corbari.

15 **MS. CORBARI:** Good afternoon, Commissioner.
16 Staff would like to note for the record that St. Joe
17 Natural Gas Company and Peoples Gas System,
18 Incorporated, have requested and received permission to
19 be excused from attending the prehearing and hearing in
20 the 04 docket. Staff is not aware of any other
21 preliminary matters at this time and none are expected.

22 **COMMISSIONER BROWN:** Thank you. We are, as I
23 stated earlier, we're going to go through similarly the
24 draft Prehearing Order pretty swiftly. So please speak
25 up.

1 I'm going to start with Section I, the case
2 background. Any changes or comments? Seeing none.

3 Section II, conduct of proceedings. None.

4 Section III, jurisdiction. Seeing none.

5 Section IV, procedure for handing confidential
6 information. Seeing no changes.

7 Section V, prefiled testimony, exhibits, and
8 witnesses. Seeing no changes.

9 Section VI, order of witnesses. Staff?

10 **MS. CORBARI:** Staff notes that page 4 of the
11 draft Prehearing Order states that witnesses may be
12 excused if no Commissioner seeks cross-examination.
13 Looking at the positions the parties have taken in this
14 docket, staff is hopeful that a stipulation will be
15 reached on all the issues with the witnesses excused and
16 testimony and exhibits included in the record. Staff is
17 going to continue working towards this.

18 **COMMISSIONER BROWN:** That's great.

19 **MS. CORBARI:** We are close.

20 **COMMISSIONER BROWN:** Thank you very much for
21 pointing that out, too.

22 Section VII, we're going to basic positions.
23 Ms. -- hi. OPC.

24 **MS. CHRISTENSEN:** Patty Christensen with OPC.
25 We would change our basic position from none at this

1 time to just none, period. Thank you.

2 **COMMISSIONER BROWN:** Thank you. Any other
3 parties?

4 Okay. Section VIII, issues and positions,
5 staff.

6 **MS. CORBARI:** Staff notes that the Order
7 Establishing Procedure requires a party to take a
8 position at the prehearing conference unless good cause
9 is shown as to why that party cannot take a position at
10 this time. Accordingly, if a party's position in the
11 draft Prehearing Order is currently no position at that
12 time -- at this time, the party must change its position
13 or show good cause why it cannot take a position. Staff
14 would suggest the parties who have not taken a position
15 or wish to change their position be permitted to submit
16 their position in writing by close of business tomorrow,
17 October 9th. If a party fails to take a position by
18 that time, the Prehearing Order will reflect no position
19 for such.

20 **COMMISSIONER BROWN:** Ms. Christensen.

21 **MS. CHRISTENSEN:** Thank you. At this time OPC
22 would change our positions from no position at this time
23 to no position. And based on that, we would also be
24 amenable to just taking no position on any Type 2
25 stipulations.

1 **COMMISSIONER BROWN:** Duly noted. Any other
2 parties?

3 **MR. HORTON:** Commissioner, with respect to
4 Sebring Gas, on Issue 3 we would concur with the staff's
5 factor shown there, and that's reflected in Section X
6 already.

7 **COMMISSIONER BROWN:** Okay. Thank you. Noted.
8 Any other parties? Okay.

9 **MS. CORBARI:** Commissioner, staff would like
10 to add that it appears that all issues are ripe for
11 stipulation with OPC taking no position on all the
12 issues.

13 With respect to Issue 5, staff is currently
14 finalizing its position. However, it appears as though
15 staff and the consolidated companies have reached a
16 stipulation on the issue, again with OPC taking no
17 position. Staff's revised position on Issue 5 will be
18 submitted to the parties by close of business tomorrow,
19 if not sooner.

20 **COMMISSIONER BROWN:** Thank you. Thank you
21 very much.

22 Section IX -- I'm sorry. Yeah. Section IX,
23 exhibit list.

24 **MS. CORBARI:** Staff has prepared a draft
25 comprehensive exhibit list which includes all prefiled

1 exhibits and any exhibits staff wishes to include in the
2 record. Staff will circulate the draft to the parties
3 tomorrow to determine if there's any objections to the
4 draft comprehensive exhibit list.

5 **COMMISSIONER BROWN:** Okay. Section X,
6 proposed stipulations.

7 **MS. CORBARI:** Again it appears that all issues
8 are ripe for stipulation. With respect to Issue 5,
9 staff is currently finalizing its position. However, it
10 appears that a stipulation has been reached with the
11 consolidated companies, and staff's revised position on
12 Issue 5 will be submitted to the parties by close of
13 business tomorrow.

14 **COMMISSIONER BROWN:** Thank you. Moving along,
15 unless there's any additional stipulations, Section XI,
16 pending motions.

17 **MS. CORBARI:** There are no pending motions.

18 **COMMISSIONER BROWN:** XII, confidentiality.

19 **MS. CORBARI:** There are none.

20 **COMMISSIONER BROWN:** Good job.

21 XIII?

22 **MS. CORBARI:** If the parties agree to waive
23 briefs, the Commission may make a bench decision for
24 this portion of the docket. If there any issues to be
25 briefed, staff recommends that post-hearing briefs be no

1 longer than 20 pages. In addition, staff notes that any
2 briefs will be due on November 5th for the December 16th
3 agenda conference.

4 **COMMISSIONER BROWN:** Thank you.

5 Section XIV, rulings.

6 **MS. CORBARI:** Staff would recommend that
7 opening statements, if any, shall be limited to five
8 minutes, unless the parties choose to waive opening
9 statements, and briefs be limited to 20 pages.

10 **COMMISSIONER BROWN:** And -- thank you.

11 **MS. CORBARI:** And staff also notes the
12 St. Joe Natural Gas Company and Peoples Gas System's
13 excusal from the prehearing and hearing in this docket,
14 which will be included in the draft -- in the final
15 Prehearing Order.

16 **COMMISSIONER BROWN:** Ms. Corbari, are there
17 any other matters to be addressed at this conference?

18 **MS. CORBARI:** There are none.

19 **COMMISSIONER BROWN:** Okay. Thank you. This
20 docket is adjourned.

21 (Proceeding adjourned at 2:05 p.m.)
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1 STATE OF FLORIDA)
2 COUNTY OF LEON) : CERTIFICATE OF REPORTER

3
4 I, LINDA BOLES, CRR, RPR, Official Commission
5 Reporter, do hereby certify that the foregoing
6 proceeding was heard at the time and place herein
7 stated.

8 IT IS FURTHER CERTIFIED that I stenographically
9 reported the said proceedings; that the same has been
10 transcribed under my direct supervision; and that this
11 transcript constitutes a true transcription of my notes
12 of said proceedings.

13 I FURTHER CERTIFY that I am not a relative, employee,
14 attorney or counsel of any of the parties, nor am I a
15 relative or employee of any of the parties' attorney or
16 counsel connected with the action, nor am I financially
17 interested in the action.

18 DATED THIS 9th day of October, 2014.

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