

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 160002-EG

ENERGY CONSERVATION COST
RECOVERY CLAUSE.

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PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONER
PARTICIPATING: COMMISSIONER ART GRAHAM
PREHEARING OFFICER

DATE: Tuesday, October 11, 2016

TIME: Commenced at 12:58 p.m.
Concluded at 1:08 p.m.

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

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

1 APPEARANCES:

2 R. WADE LITCHFIELD, JOHN T. BUTLER and KENNETH
3 RUBIN, ESQUIRES, 700 Universe Boulevard, Juno Beach,
4 Florida 33408-0420, on behalf of Florida Power & Light
5 Company.

6 JAMES D. BEASLEY, J. JEFFRY WAHLEN and ASHLEY
7 M. DANIELS, ESQUIRES, Ausley & McMullen, Post Office Box
8 391, Tallahassee, Florida 32302, appearing on behalf of
9 Tampa Electric Company.

10 JEFFREY A. STONE, RUSSELL A. BADDERS and
11 STEVEN R. GRIFFIN, ESQUIRES, Beggs & Lane, P.O. Box
12 12950, Pensacola, Florida 32591-2950, appearing on
13 behalf of Gulf Power Company.

14 MATTHEW R. BERNIER, ESQUIRE, 106 East College
15 Avenue, Suite 800, Tallahassee, Florida 32301-7740; and
16 DIANNE TRIPLETT, ESQUIRE, 299 First Avenue North, St.
17 Petersburg, Florida, appearing on behalf of Duke Energy
18 Florida, Inc.

19 JON C. MOYLE, JR., and KAREN PUTNAL, ESQUIRES,
20 Moyle Law Firm, P.A., 118 North Gadsden Street,
21 Tallahassee, Florida 32301, appearing on behalf of
22 Florida Industrial Power Users Group.

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 Public
5 Utilities Company.

6 JAMES W. BREW, ESQUIRE, Stone Mattheis
7 Xenopoulos & Brew, P.C., 1025 Thomas Jefferson Street,
8 NW, Eight Floor, West Tower, Washington, DC 20007,
9 appearing on behalf of White Springs Agricultural
10 Chemicals, Inc. d/b/a PCS Phosphate - White Springs.

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

17 LEE ENG TAN and STEPHANIE CUELLO, ESQUIRES,
18 FPSC General Counsel's Office, 2540 Shumard Oak
19 Boulevard, Tallahassee, Florida 32399-0850, appearing on
20 behalf of the Florida Public Service Commission Staff.

21 KEITH HETRICK, GENERAL COUNSEL; MARY ANNE
22 HELTON, DEPUTY GENERAL COUNSEL, Advisor to the Florida
23 Public Service Commission, 2540 Shumard Oak Boulevard,
24 Tallahassee, Florida 32399-0850.

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P R O C E E D I N G S

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2 **COMMISSIONER GRAHAM:** All right. Let's get
3 this thing started. We will call the prehearing to
4 order.

5 First, I want to apologize for the lateness of
6 our start. When this was actually calendared, we
7 weren't going to take up the Summertree water case, as
8 you guys probably know more about water and wastewater
9 than you ever wanted to know in your life, and that took
10 2.5 hours. So this should actually be 10:30 right now
11 and not 1:00. Number one, that's the case.

12 Number two, I do appreciate all the pink I see
13 in front of me. I -- as most of you know, that breast
14 cancer has always been a big deal to me, and whenever we
15 have a meeting in October, I always encourage people to
16 wear pink tops, pink dresses, pink ties, and so I just
17 want everybody to know that that's not going unnoticed.
18 And if that is it, staff, if I could get you to read the
19 notice.

20 **MS. TAN:** By notice issued September 27th,
21 2016, this time and place was set for a prehearing in
22 the following dockets: 160001-EI, 160002-EG, 160003-GU,
23 160004-GU, and 160007-EI. The purpose of the prehearing
24 is set out in the notice.

25 **COMMISSIONER GRAHAM:** Thank you. Staff.

1 We're going to take appearances, and if I could have
2 you, when you give your names or give your company, you
3 don't have to do it each individual, but when you give
4 the company and the names, also give the dockets that
5 you're being a part of all at one time. And I guess we
6 can start right up here with Florida Power & Light.

7 **MR. BUTLER:** Thank you, Commissioner Graham.
8 For the 01 docket I have R. Wade Litchfield, John
9 Butler, and Maria Moncada. We also would be making
10 appearances in Docket 160007, the ECRC. And then for
11 the 02 docket, R. Wade Litchfield, John Butler, and
12 Kenneth Rubin. Thank you.

13 **MR. BADDERS:** Good afternoon. Russell Badders
14 on behalf of Gulf Power. I'll be appearing in 01 and
15 02 and 07 dockets along with Steven R. Griffin and
16 Jeffrey A. Stone.

17 **COMMISSIONER GRAHAM:** Okay.

18 **MR. BEASLEY:** Good afternoon. James D.
19 Beasley with the Ausley McMullen law firm. Appearing
20 with me are J. Jeffry Wahlen and Ashley M. Daniels of
21 the same firm in the 01, 02, and 07 dockets.

22 **MR. WATSON:** Ansley Watson, Jr., Macfarlane,
23 Ferguson & McMullen in the 03 and 04 dockets.

24 **MS. KEATING:** Good afternoon, Commissioner.
25 Beth Keating with the Gunster law firm. I'm here today

1 for FPUC in the 01, 02, 03, and 04 dockets; FPU-Fort
2 Meade in the 03 docket; and Fort Meade, the Indiantown
3 Division, and Chesapeake in the 04 docket.

4 **COMMISSIONER GRAHAM:** Okay.

5 **MR. MUNSON:** Good afternoon, Commissioner. My
6 name is Greg Munson also with the Gunster law firm on
7 behalf of Florida City Gas in dockets 03 and 04.

8 **MR. BREW:** Good afternoon, Commissioner.
9 James Brew with the firm of Stone, Mattheis, Xenopoulos
10 & Brew appearing in the 01, 02, and 07 dockets for White
11 Springs Agricultural Chemicals/PCS Phosphate.

12 **MR. WRIGHT:** Good afternoon, Commissioner.
13 Robert Scheffel Wright and John T. Lavia, III, of the
14 Gardner law firm appearing on behalf of the Florida
15 Retail Federation in Docket 160001, the fuel docket.
16 Thank you.

17 **MR. MOYLE:** Good afternoon. Jon Moyle with
18 the Moyle Law Firm appearing on behalf of the Florida
19 Industrial Power Users Group in the 01, 02, and
20 07 dockets. And Karen Putnal with the firm should also
21 be noted as entering an appearance. Thank you.

22 **MS. CHRISTENSEN:** Patricia Christensen with
23 the Office of Public Counsel. And I'd also like to put
24 in an appearance for J. R. Kelly, Public Counsel;
25 Charles Rehwinkel; and Erik Sayler with the Office of

1 Public Counsel in the 01, 02, 03, 04, and 07 dockets.

2 **MS. LEITMAN:** Melanie Leitman appearing on
3 behalf of my co-counsel, Paula Sparkman, out of Messer,
4 Caparello representing Sebring Gas of the 04 docket.

5 **MR. BERNIER:** Good afternoon, Commissioner.
6 Matt Bernier with Duke Energy and entering an appearance
7 in the 01, 02, and 07 dockets. And I'd like to enter an
8 appearance for Dianne Triplett in those same dockets and
9 for John Burnett in the 01 docket. Thank you.

10 **COMMISSIONER GRAHAM:** Anybody else before I go
11 to staff for appearances?

12 **MS. CHRISTENSEN:** Can I also add -- this is
13 Patty Christensen with the Office of Public Counsel --
14 an appearance for Stephanie Morris in all of the dockets
15 as well.

16 **COMMISSIONER GRAHAM:** Anybody else before I go
17 to staff?

18 Staff.

19 **MS. TAN:** Lee Eng Tan on behalf of the
20 02 docket, and making an appearance for Stephanie Cuello
21 in the 02 and 04 docket, and Margo Leathers and Wesley
22 Taylor in the 03 docket, Kelley Corbari in the 04
23 docket, Bianca Lherisson and Charlie Murphy in the 07
24 docket, and Danijela Janjic and Suzanne Brownless in the
25 01 docket.

1 **MS. HELTON:** And finally, Mary Anne Helton.
2 I'm here as your advisor. I'd also like to make an
3 appearance for your General Counsel, Keith Hetrick.

4 **COMMISSIONER GRAHAM:** Okay. The order of
5 dockets. We're going to take the 02, 03, 04, 07, and
6 then back to the 01 docket. That's the order we're
7 going to handle this.

8 So we'll start with the 02 docket. Any
9 preliminary matters?

10 **MS. TAN:** At this point there are none and
11 none are expected.

12 **COMMISSIONER GRAHAM:** Okay. So let's go
13 through the draft prehearing order. I'm going to
14 probably go through these pretty quickly, so if we get
15 to a section that you have any concerns or want to speak
16 about, if you can just kind of wave or grunt or get my
17 attention, I'll slow down.

18 So let's start with Section No. I, Section No.
19 II, Section No. III, Section No. IV, Section No. V,
20 Section No. VI, Section No. VII, Section No. VIII.
21 Staff.

22 **MS. TAN:** Commissioner, the Order Establishing
23 Procedure requires that a party take a position at the
24 prehearing conference unless good cause is shown as to
25 why the party can't take a position at this time.

1 Accordingly, if a party's position in the draft
2 prehearing order is currently "No position at this
3 time," the party must change it at today's prehearing
4 conference or show good cause why it can't take a
5 position. Otherwise, the prehearing order will reflect
6 "No position" for that party for that issue.

7 **COMMISSIONER GRAHAM:** Does anybody want to
8 change their position or add a position?

9 Okay. Existing list -- I'm sorry -- exhibit
10 list.

11 **MS. TAN:** Commissioner, I'd also just add that
12 if anyone does want to change their position, that they
13 would do so by tomorrow, close of business.

14 **COMMISSIONER GRAHAM:** Okay.

15 **MS. TAN:** And in the exhibit list,
16 Commissioner, staff has prepared a Comprehensive Exhibit
17 List which includes all prefiled exhibits and includes
18 those exhibits which staff wishes to include in the
19 record. Staff will check with the parties prior to the
20 hearing to determine if there are any objections to the
21 Comprehensive Exhibit List or to any of staff's exhibits
22 being entered into the record.

23 **COMMISSIONER GRAHAM:** Okay. Let's go on to
24 Section X, proposed stipulations.

25 **MS. TAN:** There are no proposed stipulations

1 at this time.

2 **COMMISSIONER GRAHAM:** XI, pending motions.

3 **MS. TAN:** We dealt with a pending motion at
4 the pre -- at the agenda conference today.

5 **COMMISSIONER GRAHAM:** Okay. No. XII.

6 **MS. TAN:** There are three outstanding
7 confidentiality orders that we will have to you before
8 the end of this week.

9 **COMMISSIONER GRAHAM:** Okay. No. XIII.

10 **MS. TAN:** Staff believes that in this -- the
11 issues in this docket may be able to be stipulated;
12 however, staff did want to note a few post-hearing
13 procedures. If the parties agree to waive briefs, the
14 Commission may make a bench decision for this portion of
15 the docket. If there are any issues to be briefed, the
16 staff recommends the post-hearing briefs be no longer
17 than 40 pages, and that if there are any briefs, they
18 would be due on November 14th, 2016.

19 **COMMISSIONER GRAHAM:** Is everybody in
20 agreement with those? Okay. I'm seeing everybody nod
21 their heads and no one is saying they're not in
22 agreement, so I will assume everybody is in agreement.

23 Okay. Section XIV, opening statements.
24 They're going to be limited to three minutes per party
25 for not just this docket but for all the dockets. And

1 feel free to not have an opening statement, if you
2 choose not to have one.

3 Once again, as staff says, the brief is going
4 to be limited to 40 pages.

5 Other matters?

6 **MS. TAN:** There are no other matters to
7 address in this docket.

8 **COMMISSIONER GRAHAM:** Does anybody else have
9 any other matters or any last thing to say before we
10 adjourn this prehearing for the 02? Seeing none, we'll
11 adjourn the 02 docket and proceed to the 03.

12 (Proceeding adjourned at 1:08 p.m.)

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

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

6
7 IT IS FURTHER CERTIFIED that I
stenographically reported the said proceedings; that the
8 same has been transcribed under my direct supervision;
and that this transcript constitutes a true
transcription of my notes of said proceedings.

9
10 I FURTHER CERTIFY that I am not a relative,
employee, attorney or counsel of any of the parties, nor
11 am I a relative or employee of any of the parties'
attorney or counsel connected with the action, nor am I
12 financially interested in the action.

13 DATED THIS 12th day of October, 2016.

14
15 LINDA BOLES

16 _____
LINDA BOLES, CRR, RPR
17 FPSC Official Hearings Reporter
(850) 413-6734