

1 APPEARANCES:

2 J.R. KELLY, PUBLIC COUNSEL; CHARLES
3 REHWINKEL, DEPUTY PUBLIC COUNSEL; PATRICIA A.
4 CHRISTENSEN, ERIK SAYLER, and STEPHANIE A. MORSE,
5 ESQUIRES, Office of Public Counsel, c/o the Florida
6 Legislature, 111 W. Madison Street, Room 812,
7 Tallahassee, Florida 32399-1400, appearing on behalf of
8 the Citizens of the State of Florida.

9 JAMES D. BEASLEY and J. JEFFRY WAHLEN,
10 ESQUIRES, Ausley & McMullen, Post Office Box 391,
11 Tallahassee, Florida 32302, appearing on behalf of Tampa
12 Electric Company.

13 ROBERT SCHEFFEL WRIGHT and JOHN T. LaVIA,
14 III, ESQUIRES, Gardner Law Firm, 1300 Thomaswood Drive,
15 Tallahassee, Florida 32308, appearing on behalf of the
16 Florida Retail Federation.

17 STEVEN R. GRIFFIN and RUSSELL A. BADDERS and
18 ESQUIRES, Beggs & Lane, P.O. Box 12950, Pensacola,
19 Florida 32591-2950; JEFFREY A. STONE, ESQUIRE, One
20 Energy Place, Pensacola, Florida, 32520, appearing on
21 behalf of Gulf Power Company.

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

1 APPEARANCES:

2 JAMES W. BREW, ESQUIRE, Stone Mattheis
3 Xenopoulos & Brew PC, 1025 Thomas Jefferson Street, NW,
4 Eight Floor, West Tower, Washington, DC 20007, appearing
5 on behalf of White Springs Agricultural Chemicals, Inc.
6 d/b/a PCS Phosphate - White Springs.

7 DIANNE M. TRIPLETT, ESQUIRE, 299 First Avenue
8 North, St. Petersburg, Florida 33701; and MATTHEW R.
9 BERNIER, ESQUIRE, 106 East College Avenue, Suite 800,
10 Tallahassee, Florida 32301-7740, appearing on behalf of
11 Duke Energy Florida, LLC.

12 BETH KEATING, ESQUIRE, Gunster Law Firm, 215
13 South Monroe Street, Suite 601, Tallahassee, Florida
14 32301-1839, appearing on behalf of Florida Public
15 Utilities Company.

16 JOHN BUTLER, WILL COX, WADE LITCHFIELD, and
17 MARIA MONCADA, ESQUIRES, 700 Universe Boulevard, Juno
18 Beach, Florida 33408-0420, on behalf of Florida Power &
19 Light Company.

20 SUZANNE BROWNLESS and DANIJELA JANJIC
21 ESQUIRES, FPSC General Counsel's Office, 2540 Shumard
22 Oak Boulevard, Tallahassee, Florida 32399-0850,
23 appearing on behalf of the Florida Public Service
24 Commission Staff.

25

1 APPEARANCES:

2 KEITH HETRICK, GENERAL COUNSEL; MARY ANNE HELTON,
3 DEPUTY GENERAL COUNSEL, as Advisors to the Florida
4 Public Service Commission, 2540 Shumard Oak Boulevard,
5 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 BRISÉ:** All right. We're going
3 to go ahead and call this Prehearing Conference to
4 order. Today is October 11th, 2017, it is 1:31, I
5 believe, and this is 2017.

6 And so we have five dockets that we have to
7 cover today, and so with that, we're going to ask
8 Ms. Margo Duval to read the notice.

9 **MS. DUVAL:** Thank you, Commissioner.

10 By notice issued September 27th, 2017, this
11 time and place was set for a prehearing in the following
12 dockets: 20170001-EI, 20170002-EG, 20170003-GU,
13 20170004-GU, and 20170007-EI. The purpose of the
14 prehearing is set out in the notice.

15 **COMMISSIONER BRISÉ:** Thank you. And so at
16 this time, we'll take appearances, and staff has
17 suggested, and I think it's a great suggestion, that we
18 will take appearances for all of the dockets at one
19 time. And so at this point, we'll take appearances.

20 **MR. BUTLER:** Thank you, Commissioner. John
21 Butler appearing for Florida Power & Light Company in
22 the 01, 02, and 07 dockets. I'd also like to enter
23 appearances for Wade Litchfield in the 01, 02, and 07
24 dockets, Ken Rubin in the 02 docket, Jessica Cano in the
25 07 docket, and Maria Moncada in the 01 docket. Thank

1 you.

2 **COMMISSIONER BRISÉ:** Thank you.

3 **MR. BERNIER:** Good afternoon, Commissioner.
4 Matt Bernier for Duke Energy. I'll be entering an
5 appearance in the 01, 02, and 07 dockets. And I'd also
6 like to enter an appearance for Dianne Triplett in those
7 same dockets.

8 **COMMISSIONER BRISÉ:** Okay. Thank you.

9 **MR. GRIFFIN:** Good afternoon, Commissioner.
10 Steven Griffin with the law firm of Beggs & Lane. I'd
11 like to enter an appearance for myself in the 01, 02,
12 and 07 docket. Also appearing in those dockets are
13 Jeffrey A. Stone, General Counsel for Gulf Power
14 Company, and my partner, Russell A. Badders.

15 **MR. BEASLEY:** Good afternoon, Commissioner.
16 Jim Beasley for Tampa Electric Company in the 01, 02,
17 and 07 dockets. I'd also like to enter an appearance
18 for my partner Jeff Wahlen.

19 **COMMISSIONER BRISÉ:** Okay.

20 **MS. KEATING:** Good afternoon, Commissioner.
21 Beth Keating with the Gunster Law Firm. I'm here today
22 appearing on behalf of FPUC in the 01, 02, and
23 03 dockets, and on behalf of FPUC and Chesapeake, the
24 consolidated companies, in the 04 docket.

25 **COMMISSIONER BRISÉ:** Okay. Thank you.

1 **MR. MUNSON:** Good afternoon, Commissioner.

2 Greg Munson also with the Gunster Law Firm here on
3 behalf of Florida City Gas in the 03 and 04 dockets.

4 **COMMISSIONER BRISÉ:** Thank you.

5 **MR. BREW:** Good afternoon, Commissioner. I'm
6 James Brew. I'm here for White Springs Agricultural
7 Chemicals, PCS Phosphate in the 01, 2, and 7 dockets.

8 **COMMISSIONER BRISÉ:** All right. Thank you.

9 **MR. REHWINKEL:** Good afternoon, Commissioner.
10 Charles Rehwinkel with the Office of Public Counsel. I
11 would like to enter an appearance in all dockets for
12 myself; Patricia Christensen; Stephanie Morse; J.R.
13 Kelly, the Public Counsel; and Erik Sayler.

14 **COMMISSIONER BRISÉ:** Thank you.

15 **MR. CAVROS:** Good afternoon, Commissioner.
16 George Cavros appearing on behalf of Southern Alliance
17 for Clean Energy in the 07 docket.

18 **COMMISSIONER BRISÉ:** Thank you.

19 **MR. WRIGHT:** Good afternoon. Robert Scheffel
20 Wright with the Gardner Law Firm appearing on behalf of
21 the Florida Retail Federation in the 001 docket, the
22 fuel docket. I'd also like to enter an appearance for
23 my law partner, John T. Lavia, III, in the 001 docket.
24 Thank you.

25 **COMMISSIONER BRISÉ:** Thank you.

1 **MR. MOYLE:** Jon Moyle on behalf of the Florida
2 Industrial Power Users Group, FIPUG. I'd like to enter
3 an appearance in the 01, 02, and 07 docket for myself
4 and also for Karen Putnal with our firm.

5 **COMMISSIONER BRISÉ:** Thank you. Staff.

6 **MS. DUVAL:** Margo Duval on behalf of
7 Commission staff in the 02 and 07 dockets. And I'd like
8 to enter appearances for Wesley Taylor in the 03
9 docket, Stephanie Cuello in the 04 and 07 dockets,
10 Suzanne Brownless and Danijela Janjic in the 01 docket,
11 and Charles Murphy in the 07 docket.

12 **COMMISSIONER BRISÉ:** Thank you. So with that
13 --

14 **MS. HELTON:** Did you want me to make an
15 appearance?

16 **COMMISSIONER BRISÉ:** Oh, absolutely. Thank
17 you.

18 **MS. HELTON:** Mary Anne Helton. I'm here as
19 your advisor for all of the dockets. And I'd also like
20 to make an appearance for our General Counsel, Keith
21 Hetrick. Thank you.

22 **COMMISSIONER BRISÉ:** Thank you very much.
23 Thank you for catching me there.

24 So the order of the dockets -- oh, I'm sorry.

25 **MS. SPARKMAN:** Sorry. If I may, I didn't have

1 a seat left, this is Paula Sparkman on behalf of Sebring
2 Gas on the 04 docket. Thank you.

3 **COMMISSIONER BRISÉ:** Okay. Thank you. All
4 right. Is that everyone? All right. It seems like it
5 is.

6 * * * * *

7 **COMMISSIONER BRISÉ:** Let's proceed to the
8 01 docket.

9 **MS. BROWNLESS:** Yes, sir.

10 **COMMISSIONER BRISÉ:** Give me a quick second to
11 make sure I'm situated properly.

12 Okay. This one may be a little more
13 complicated.

14 **MR. BUTLER:** Commissioner Brisé, in this brief
15 pause, I neglected to enter an appearance for Will Cox,
16 who is also appearing for FPL in the 01 docket. I just
17 wanted to put that on the record. Thank you.

18 **COMMISSIONER BRISÉ:** Okay. So are there any
19 other appearances that need to be put in for this
20 docket?

21 Okay. All right. We have already read the
22 notice and taken appearances, so let's proceed to the
23 01 docket.

24 Ms. Brownless, are there any preliminary
25 matters we need to address before we review the

1 Prehearing Order?

2 **MS. BROWNLESS:** No, sir, not of which I'm
3 aware.

4 **COMMISSIONER BRISÉ:** Okay. Thank you. Does
5 any party have any preliminary matters that we need to
6 address?

7 Okay. Seeing none, let's proceed. Let's go
8 through the Draft Prehearing Order now. I'll identify
9 sections, and I want the parties to let me know if there
10 are any corrections or changes that need to be made. We
11 may go through this quickly, so please speak up if you
12 have a change or a correction that needs to be made.

13 Section I, case background. Sorry. I'm going
14 faster than I should; right?

15 Section II, conduct of proceedings.

16 Section III, jurisdiction.

17 Section IV, procedure for handling
18 confidential information.

19 Section V, prefiled testimony and exhibits and
20 witnesses.

21 **MS. BROWNLESS:** And with regard to that, we
22 need to set a time for witness summaries.

23 **COMMISSIONER BRISÉ:** I've given that some
24 thought, like we customarily do, about five minutes per
25 witness for the summaries.

1 **MS. BROWNLESS:** Additionally, as was discussed
2 previously, FIPUG, FIPUG objects to a witness being
3 considered an expert witness unless the witness
4 affirmatively states the subject area in which he or she
5 claims expertise and voir dire, if requested, is
6 permitted.

7 In its prehearing statement, FRF states that
8 at the time of filing its prehearing statement, it does
9 not expect to challenge the qualification of any
10 witness; however, it believes that each party that
11 intends to rely upon a witness's testimony as expert
12 testimony should be required to identify the field or
13 fields of expertise of such witnesses and to provide the
14 basis for the witness's claimed expertise.

15 Section 6A8 of the OEP requires that a party
16 shall identify each witness the party wishes to voir
17 dire as well as state with specificity the portions of
18 that witness's prefiled testimony by page and line
19 number and/or exhibits to which the party objects.

20 If the party fails to identify the portions of
21 the prefiled testimony or exhibits in their prehearing
22 statement to which it objects, the party is not allowed
23 to conduct voir dire at the hearing absent a showing of
24 good cause. The good cause exemption does not apply to
25 the identification of witnesses; thus, if a party does

1 not identify the witness it wishes to voir dire, it
2 waives the right to voir dire.

3 FIPUG has not identified the witnesses in its
4 prehearing statement that it wishes to voir dire and,
5 therefore, in staff's opinion, it waives the right to do
6 so since it has not complied with the OEP. Likewise,
7 FRF has not identified any witness whose expertise it
8 wishes to challenge.

9 Since neither FIPUG nor FRF has complied with
10 the OEP, neither should be allowed to challenge the
11 expertise of any witness, and we would request that a
12 ruling to that effect be made.

13 **COMMISSIONER BRISÉ:** Okay. I heard from FIPUG
14 earlier. Let me hear from FRF.

15 **MR. WRIGHT:** Thank you, Commissioner. We
16 don't intend to challenge the qualifications of any of
17 the witnesses who are actually going to appear here. If
18 other parties have cross, we would reserve our right to
19 cross appropriately. But we're not going to conduct
20 voir dire. Thanks.

21 **COMMISSIONER BRISÉ:** Thank you.

22 FIPUG, do you want to add anything?

23 **MR. MOYLE:** I just said, "See above." Those
24 comments above were essentially due process comments
25 with respect to, you know, having a witness identify

1 what areas of expertise they have. We think the better
2 practice is for that to be done upfront so you know and
3 you're not necessarily guessing as to areas of
4 expertise. So we'll just incorporate the prior
5 comments.

6 **COMMISSIONER BRISÉ:** Sure. Thank you. And we
7 expect all the parties to comply with the OEP, and so,
8 and so we'll rule on that.

9 **MS. BROWNLESS:** And so is your ruling, Your
10 Honor, that you find that each has failed to comply with
11 the requirements of the OEP and, therefore, are
12 prohibited from conducting voir dire or challenging the
13 expertise of any witness?

14 **COMMISSIONER BRISÉ:** Well, technically, yes.
15 Okay?

16 **MS. BROWNLESS:** Thank you, sir.

17 **COMMISSIONER BRISÉ:** You're welcome.

18 Section VI, order of witnesses. Are there any
19 changes to the order of witnesses?

20 **MR. BUTLER:** Commissioner Brisé, yes. For
21 FPL, on page 5 of the draft Prehearing Order, we have
22 two witnesses, W.F. Brannen and J. Enjamio. We'd like
23 to switch those so Mr. Enjamio would testify first and
24 Mr. Brannen second.

25 **COMMISSIONER BRISÉ:** Okay. Can you say those

1 names again? I'm sorry.

2 **MR. BUTLER:** It's Brannen, B-r-a-n-n-e-n,
3 about five witnesses down, and then Enjamio,
4 E-n-j-a-m-i-o. Switch those two witnesses, yes.

5 **COMMISSIONER BRISÉ:** Okay. Any issues with
6 that from the parties?

7 Okay. Any other changes to witnesses? Okay.

8 **MS. BROWNLESS:** At this time we'd like to
9 note, sir, that all parties have agreed that the staff
10 witnesses, and I'm never going to say these names
11 correctly, so I apologize to our staff witnesses in
12 advance, Ojada, Brown, Simmons, and Terkawi, can be
13 excused and their testimony inserted into the record as
14 though read. We have also checked with all
15 Commissioners, and no Commissioner has an objection to
16 these witnesses being excused.

17 **COMMISSIONER BRISÉ:** Okay. Thank you. Are
18 the parties -- can the parties confirm that these four
19 witnesses have been excused, these four staff witnesses?

20 **MR. BADDERS:** Yes, we can.

21 **COMMISSIONER BRISÉ:** Can be excused?

22 **MR. BERNIER:** Yes.

23 **MR. WRIGHT:** We confirm.

24 **MR. MOYLE:** Affirmative.

25 **COMMISSIONER BRISÉ:** Okay. Are there any

1 other witnesses that can be stipulated to?

2 **MS. BROWNLESS:** We are working on stipulations
3 at this time, and when we get to that part of the
4 discussion, we'll chat about that some more. But I
5 think since we have only a limited number of contested
6 issues, we'll be able to excuse many of the witnesses
7 today.

8 **COMMISSIONER BRISÉ:** Okay. Thank you.

9 Okay. Basic positions.

10 Okay. Section VIII, issues and positions.

11 **MS. BROWNLESS:** Again, this is the same issue
12 as previously raised, that the OEP requires each party
13 take a position at the Prehearing Conference unless good
14 cause can be shown as to why they can't do so. If a
15 party's position in the draft prehearing order is listed
16 as "No position at this time," the party must change it
17 today or show good cause why they can't take a position.

18 Absent a showing of good cause, the Prehearing
19 Order will reflect "No position" for that party on that
20 issue. On several issues FIPUG, and these are Issues 2I
21 through 2P, has stated the following: "FPL must meet
22 its burden of proof on this point."

23 This is not a statement of position. It's a
24 statement of evidentiary burden of proof. In order to
25 be consistent with the OEP, it is staff's position that

1 FIPUG must take a position today on these issues, show
2 good cause why it can't do so, or have its position
3 changed to "No position." A "No position" on these
4 issues will prohibit FIPUG from cross-examining
5 witnesses with regard to these issues. And I believe
6 Mr. Moyle's able to take a position. Is that correct,
7 sir?

8 **MR. MOYLE:** Yes. I'll supplement the position
9 that we've taken to more clearly put it at issue. So in
10 addition to the issue that we had with respect to the
11 burden of proof, with respect to Issue 2J, our position
12 would be "No." And then the burden of proof language
13 could flow from there.

14 On position 2K, it relates to the revenue
15 requirements associated with the 2017 SoBRA projects.
16 Our position would be modified to say, "Less than
17 60.52 million."

18 Issue 2L, the existing position related to the
19 burden of proof would be modified by inserting before
20 then -- beforehand "Less than 0.937 percent."

21 On Issue 2M, the position related to the
22 burden of proof would be modified by inserting
23 beforehand the word "No."

24 On position 2N relating to revenue
25 requirements, the position related to the burden of

1 proof would be modified by inserting beforehand "Less
2 than 59.89 million."

3 And on Issue -- actually there's two more. On
4 Issue 20, the existing position would be modified by
5 inserting beforehand "Less than 0.919 percent."

6 And on Issue 2P, the issue as stated related
7 to the burden of proof can be modified by inserting
8 beforehand the word "No."

9 **MS. BROWNLESS:** Thank you, sir.

10 **COMMISSIONER BRISÉ:** Thank you. All right.
11 So you made that a little bit easier for me.

12 Are there any other parties that need to make
13 adjustments to their positions?

14 **MR. BREW:** Yes, Your Honor. On 1A, the PCS
15 Phosphate "No position" is tied to -- pending Duke's
16 settlement.

17 **COMMISSIONER BRISÉ:** A quick second.

18 **MS. BROWNLESS:** I'm sorry, sir. I didn't hear
19 that.

20 **COMMISSIONER BRISÉ:** Yeah. So if you could
21 start again, please.

22 **MR. BREW:** PCS's "No position" on Issue 1A was
23 predicated upon approval of the Duke settlement. I'll
24 provide supplemental language to staff by tomorrow.

25 **COMMISSIONER BRISÉ:** Okay. Any other parties

1 wish to make changes to their positions on the issues?

2 **MS. BROWNLESS:** I do want to -- well, I don't
3 know if this is the --

4 **COMMISSIONER BRISÉ:** You want us to walk
5 through?

6 **MS. BROWNLESS:** -- appropriate time to talk
7 about this or if we should -- oh, I see.

8 I'm sorry, Jon. Can we go back to Issue 2I?
9 That one you missed. You didn't take -- that's a "must
10 meet its burden of proof" with no position. You gave me
11 J, K, L, M, N, O, and P. 2I is Woodford, Jon. It's on
12 page 16.

13 **MR. MOYLE:** I was working off the very helpful
14 contested issues cheat sheet that you provided, so my
15 apologies on that. I'm sorry. Page what?

16 **MS. BROWNLESS:** Sixteen, Issue 2I.

17 **COMMISSIONER BRISÉ:** "Have all Woodford-
18 related costs been removed" --

19 **MR. MOYLE:** I would just -- why don't we
20 modify that just -- by just saying "No."

21 **MS. BROWNLESS:** Are you going to make that an
22 issue in this case and have it added as a contested
23 issue?

24 **MR. MOYLE:** I'd like to have a few
25 conversations with Mr. Butler following today's

1 proceeding. I anticipate we'll get it worked out, but
2 for today I'd like to contest it.

3 **MS. BROWNLESS:** Okay. We'll add it to the
4 contested issue list.

5 **COMMISSIONER BRISÉ:** Okay. So for clarity,
6 I'm asking the parties do we -- do I need to go through
7 the varying issues, or are we comfortable where we are
8 with respect to the issues for this case?

9 **MS. BROWNLESS:** Can we just go down and see
10 if, for example, OPC is going to take -- we prepared a
11 contested issue list and a proposed stipulation list
12 which have been distributed to all the parties, and at
13 this time I think that the only things that are
14 contested are what's listed on the contested issue list
15 with a clarification with regard to the hedging issues,
16 which we can discuss in a minute.

17 If we're going to add Issue 2I, that's fine.
18 Does anybody have any desire to add any other issues to
19 the contested issue list?

20 **MS. CHRISTENSEN:** My, my understanding is on
21 the proposed stipulation list on Issue 11, I just want
22 to make sure that we clarify. It looks as though we are
23 fine with the stipulated language on Issue 11, which
24 holds essentially the amount subject to true-up and
25 reserves our rights to prudence review in a subsequent

1 fuel proceeding.

2 **MS. BROWNLESS:** Yes, ma'am.

3 **MS. CHRISTENSEN:** And with that caveat, we're
4 good with 11. And the hedging issues would still be
5 subject to dispute in the upcoming hearing.

6 And I believe we had reserved Issue 30
7 regarding the jurisdictional amount for the capacity
8 cost recovery clause, and that was a fallout of the fact
9 that the nuclear cost recovery docket decision has yet
10 to be made. And I believe that's Issue 24, and I want
11 to say -- is it A?

12 **MS. BROWNLESS:** I think we ended up with some
13 language everybody was happy with on 24A because it --
14 the stipulated language there states, "This stipulation
15 is without prejudice as to the ultimate amount to be
16 recovered or refunded by FPL." So that would leave that
17 open for folks to contest.

18 **MS. CHRISTENSEN:** Okay. I -- let me just take
19 a quick look at that. I think we're in agreement
20 with --

21 **MS. BROWNLESS:** And that's on page 21 of the
22 stipulated -- proposed stipulations.

23 **MS. CHRISTENSEN:** I think we're in agreement
24 with that, but -- I think Issue 30 has a particular
25 number, and as long as we're -- if Issue 30 is to be

1 understood as just reflecting for this year's docket,
2 because I believe the true-up was going to, if there was
3 any true-up, would take place in the March midcourse
4 correction filing.

5 **MS. BROWNLESS:** Exactly. I think there was a
6 stipulation making that consistent with what we were
7 going to do with another issue.

8 **MS. CHRISTENSEN:** With that understanding on
9 Issue 30, then I can take a "No position."

10 **COMMISSIONER BRISÉ:** Okay.

11 **MS. CHRISTENSEN:** And that would leave the
12 hedging issues, for OPC's purposes, still contested
13 issues.

14 **MS. BROWNLESS:** On the hedging issues, didn't
15 you -- and I'm looking now at the Prehearing Order at
16 page 9, the last sentence of all the hedging issues for
17 you says, "OPC takes no positions on the company's
18 actions to mitigate the volatility of residual oil and
19 purchased power prices." So I took that to be that you
20 were taking no position on those.

21 **MS. CHRISTENSEN:** No. I believe that --
22 that's not what the intent was. I do not believe that
23 that's the intent. I think our intent was to --

24 **MS. BROWNLESS:** Well, I mean, I guess why I'm
25 confused, Patty, is because you say, "OPC takes no

1 position on the financial hedging actions taken prior to
2 the approval of the hedging moratorium as reported in
3 the company's April 2017 and August 2017 hedging
4 reports," and these issues are associated with the April
5 and August hedging reports.

6 **MS. CHRISTENSEN:** Yeah, I think --

7 **MS. BROWNLESS:** So it's not future hedging.
8 It's --

9 **MS. CHRISTENSEN:** I think our issue has to do
10 with the prudence of the issue, but let us review the
11 issue and we will get back to you tomorrow.

12 **MS. BROWNLESS:** Okay.

13 **COMMISSIONER BRISÉ:** All right. Let me --
14 let's, let's do this. I'm going to go ahead and go
15 through blocks of issues so it might be easier.

16 Issues 1A through 5A. Take time to review
17 those.

18 **MR. BREW:** As mentioned earlier, we'll be
19 supplementing our response -- our position on 1A.

20 **COMMISSIONER BRISÉ:** Okay. Perfect. All
21 right. So take a minute or two to review Issues 1A
22 through 5A.

23 Okay. If we're ready to move on, we're going
24 to move on to Issues 6 through 11.

25 **MS. BROWNLESS:** And are these issues that

1 Public Counsel can take "No position" on?

2 **MS. CHRISTENSEN:** For the positions that we've
3 taken "No position at this time," then our position
4 would change to "No position." For those issues where
5 we've taken a position, I think the only issue is Issue
6 11, and I think we've previously discussed stipulating
7 language on that.

8 **MS. BROWNLESS:** Okay. So it's "No position"
9 with regard to all of these now that we're --

10 **MS. CHRISTENSEN:** From, from 6 through 11, and
11 I think probably would be true for the remaining issues
12 as well. If we took "No position at this time," we can
13 change those to "No position" for the remaining issues.

14 And I think, as we previously discussed on the
15 hedging issues, we'll take a look at that, and if we
16 need to provide further clarification language by the
17 close of business tomorrow for Issues 1A through 5A, we
18 will do that.

19 **MS. BROWNLESS:** Thank you.

20 **COMMISSIONER BRISÉ:** Okay. All right. So for
21 OPC, that covers all of your issues?

22 **MS. CHRISTENSEN:** I believe so, because I
23 think otherwise we've indicated what our position is or
24 we've previously discussed stipulated language.

25 **COMMISSIONER BRISÉ:** Okay. But I'm still

1 going to go through the list just to make sure that
2 we're all on the same page here.

3 So we're done with 6 through 11. Now looking
4 at Issues 13A.

5 Okay. All right. Issues 16 and 17.

6 Okay. If we're ready to move on, 18 through
7 22.

8 Okay. 23A through 24D.

9 Okay. Moving on to 27 through 33, 27 through
10 33. Sorry.

11 On to 34, then Issues 35 and 36.

12 All right. And I think we addressed the
13 contested issues as they were on this sheet, on the
14 sheet that was distributed.

15 **MS. BROWNLESS:** Yes. And I just want to make
16 sure I state this for the record, and Mr. Wright can
17 jump in if I'm not doing it correctly.

18 With regard to the hedging issues, FIPUG and
19 FRF have taken no -- have taken positions in the
20 Prehearing Order on Issues 1A, 2A, 4A, and 5A contrary
21 to that stated in the stipulation and wish to maintain
22 those positions.

23 However, both parties agree to waive
24 cross-examination of witnesses supporting the issues and
25 post-hearing briefing on these issues and will not

1 object to the entry of a stipulation on these issues as
2 written, should the other parties to the docket wish to
3 do so. Is that correct, Mr. Wright?

4 **MR. WRIGHT:** That is correct, Ms. Brownless.
5 Thank you, Commissioner.

6 **MR. MOYLE:** And, and to be clear on, on that,
7 we're essentially saying hedging should be discontinued.
8 I mean, it's at issue, but as a courtesy and convenience
9 to the investor-owned utilities, we're not feeling like
10 they need to drag their witnesses up here on that.

11 But given Ms. Christensen's comments on
12 hedging, if she comes back and says, you know, "We want
13 to make hedging an issue and drag the witnesses up,"
14 then we would reserve the right to ask questions then.
15 But if she comes back and says, "We don't need to talk
16 to the witnesses on hedging," then we would, you know,
17 be willing to let the witnesses go.

18 **MS. BROWNLESS:** Patty, can you address whether
19 you wish to have any cross-examination of the hedging
20 witnesses?

21 **MR. MOYLE:** I think she's going to get back to
22 you by 5:00 tomorrow.

23 **MS. BROWNLESS:** Well, let's -- perhaps she can
24 answer today.

25 **MS. CHRISTENSEN:** I think Mr. Moyle probably

1 represented that correctly. At this time I cannot
2 respond to that question, but I can get back to you
3 before 5:00 o'clock tomorrow. My understanding is that
4 since these are -- the hedging is subject to numerous
5 agreements in base rate cases and pending agreements in
6 base rate cases, which will basically put a moratorium
7 on hedging activities, the only issue that remains is
8 whether or not the past hedging activities were --
9 complied with the plans. And I think our particular
10 sticking point is whether or not those actions were
11 prudent, and I'm not sure that we're ready to
12 affirmatively put that in a stipulation today. So that
13 I need to look at.

14 **MS. BROWNLESS:** So you -- and I don't want to
15 beat this dead horse, but -- so that language in your
16 position you're going to change because you indicate
17 there that you have "No position" with regard to the --
18 this issue.

19 **MS. CHRISTENSEN:** If we need to clarify the
20 language, then we will do that by 5:00 o'clock tomorrow.
21 My understanding is we had looked at the contested issue
22 language and we were fine with all the language except
23 for the "Therefore, its actions are found to be
24 reasonable and prudent." If that language can be
25 deleted, then we can move on today. If not, then we'll

1 have to clarify or revise our language.

2 **MS. BROWNLESS:** Thank you. I appreciate it.

3 **MR. MOYLE:** And just so we're clear, the
4 language that you said, I mean, that's not a stipulation
5 per se. It's just a, you know, here's the position and
6 here's what the utilities say and here's what, what the
7 others say. And we're just saying, you know, as a
8 courtesy and convenience, assuming OPC gets there, then
9 we're not going to require them to bring their witnesses
10 up and ask them questions about it. So I just want to
11 be 100 percent clear on that.

12 I mean, FIPUG has long maintained an adverse
13 position to hedging. So when you say "stipulation,
14 stipulation," I mean, we're not stipulating to -- that
15 hedging is prudent or appropriate or anything like that.

16 **MS. BROWNLESS:** Oh, we understand that. We
17 understand that you wouldn't be agreeing to such a
18 stipulation. We got that.

19 **MR. MOYLE:** Okay.

20 **MS. BROWNLESS:** We're just putting this
21 language out to see if it's agreeable to the individual
22 IOUs and okay with them. And we understand that it's
23 not okay with you and we understand that you're
24 continuing to maintain that position. We just want to
25 put the language out there so everybody is able to

1 review it.

2 **COMMISSIONER BRISÉ:** Okay. Let me hear from
3 Mr. Brew and then Mr. Wright.

4 **MR. BREW:** Thank you, Commissioner. Along
5 these same lines, as I mentioned earlier, PCS would be
6 modifying its position on that issue specifically
7 because it was tied to approval of the settlement, which
8 we don't know what's going to happen yet.

9 To the extent that that issue becomes live
10 based on the Commission's actions on the settlement, our
11 intention would be not to require Mr. McCallister to
12 come here but to maintain our ability to take a position
13 on that issue.

14 **COMMISSIONER BRISÉ:** Okay. Mr. Wright.

15 **MR. WRIGHT:** Briefly, and thank you,
16 Commissioner.

17 Like FIPUG, the Retail Federation does not
18 agree that the hedging programs have been prudent.
19 Accordingly, we're not going to sign on to a stipulation
20 that says that their activities have been reasonable and
21 prudent. All we want to do is maintain our substantive
22 positions on the hedging issues in that way. Other than
23 that, we're not going to require anybody to show up with
24 a witness, we're not going to cross, we're not going to
25 attempt to brief. The case can go forward.

1 And if the other parties -- I think the way
2 this really ought to play out is you make a bench vote
3 and say, "We approve the position articulated in the
4 staff's language." And if you want to say, "We note
5 that FIPUG and FRF and maybe OPC disagree with that,"
6 that's fine. But that's all, that's all you're going to
7 hear from me on it. Thanks.

8 **MR. MOYLE:** I was going to say, you could also
9 agree with FIPUG and Retail Federation, if you were so
10 inclined.

11 **COMMISSIONER BRISÉ:** Thank you.

12 Mr. Butler.

13 **MR. BUTLER:** Thank you, Commissioner Brisé.

14 I guess in view of the clarification that
15 Mr. Moyle and Mr. Wright have given, I continue to be
16 puzzled as to why OPC can't agree to that as well. You
17 know, they're clearly not saying that they accept the
18 prudence of the utility's hedging programs. They're
19 just sort of standing aside from having -- taking the
20 time to litigate that issue here. It seems like that's
21 the same thing FIPUG -- I mean, I'm sorry, OPC wants to
22 do, and yet they're not agreeing to this position. I'd
23 just ask Ms. Christensen to reconsider.

24 **COMMISSIONER BRISÉ:** So let me, let me, before
25 I get to you, if I'm understanding what FIPUG is

1 saying -- I mean, I'm sorry, OPC is saying, "We just
2 want some time to take a look at it and determine where
3 we're going to be on it," and that's what I'm hearing.
4 And maybe I'm mistaken.

5 **MR. REHWINKEL:** Commissioner, you're
6 absolutely right.

7 Let me just cut to the chase. Mr. Sayler has
8 been handling this docket for a couple of years now.
9 He's on vacation in North Carolina. We'll have a chance
10 to talk to him. It's his understanding that there was
11 some previously agreed upon language that he's not
12 seeing. We just need to have that conversation. When
13 we do, we'll get back. And we're not going to make a
14 roadblock or an obstacle to this process. We'll get
15 back and everybody will be probably pretty happy when we
16 do. So we just can't say any more today, and I
17 appreciate you understanding.

18 **COMMISSIONER BRISÉ:** All right. Just like in
19 the other cases, and I know Ms. Brownless wanted all the
20 positions today, right now --

21 **MS. BROWNLESS:** Yes.

22 **COMMISSIONER BRISÉ:** -- but as we extend the
23 courtesy of, within the other dockets till tomorrow,
24 5:00 p.m., I think we will all benefit by allowing this
25 issue to be resolved by 5:00 p.m. tomorrow. Okay?

1 **MS. BROWNLESS:** Yes, sir.

2 **COMMISSIONER BRISÉ:** All right. Where are we?

3 **MS. BROWNLESS:** Exhibit list.

4 **COMMISSIONER BRISÉ:** Thank you. Exhibit list.

5 **MS. BROWNLESS:** Yes, sir. We have prepared a
6 Comprehensive Exhibit List which has been circulated
7 several times now. And I think the one that was just
8 sent out yesterday probably has everybody's corrections
9 in it and accurately reflects what everybody wants. And
10 is anybody here unable to say that that's correct?
11 Everybody think the Comprehensive Exhibit List correctly
12 reflects their exhibits?

13 **MR. MOYLE:** We don't have any exhibits, but
14 I'm not sure we're able to say one way or the other,
15 given that it came out yesterday afternoon.

16 **MS. BROWNLESS:** Cool. And --

17 **COMMISSIONER BRISÉ:** Well, I think that we can
18 address, right? I understand the other issue with the
19 witnesses, there's some stuff that needs to happen. But
20 I think we probably could have looked at the
21 Comprehensive Exhibit List. So if we can be efficient
22 with that, I would greatly appreciate that.

23 **MR. MOYLE:** I'm just saying I think my
24 recollection is all the rate cases, everything we've
25 done, we have shown up on the day of hearing and said,

1 "Here's the Comprehensive Exhibit List. We want to make
2 it an exhibit, the first exhibit in the hearing." And
3 that's when everybody goes, "I'm good with this" or "I'm
4 not good with this." So I don't know if we're trying to
5 make people say "I'm good with this" or "I'm not good
6 with this" two weeks before the hearing, but it seems to
7 me that if we are, it's two weeks before the hearing and
8 probably not, not the right time to do that, given that
9 the final list was sent around yesterday afternoon, it's
10 committee week, some of us have other, other things
11 we've got to attend to. So that's my point.

12 **COMMISSIONER BRISÉ:** Okay. Mr. Brew.

13 **MR. BREW:** Commissioner, I also would like
14 some additional time to look at the proposed exhibits or
15 Comprehensive Exhibit for this docket. There have been
16 times when I've been concerned about the inclusion of
17 unsponsored documents, and I'd like to have some more
18 time to go through it.

19 **COMMISSIONER BRISÉ:** Okay.

20 **MS. BROWNLESS:** And perhaps you could do that
21 by tomorrow at 5:00 as well.

22 **MR. BREW:** We'll make every effort to do so.

23 **MS. BROWNLESS:** Because I'll tell you that we
24 do not have -- we spent a lot of time, energy, and
25 effort making sure that there was a witness sponsor for

1 each and every exhibit, so.

2 **COMMISSIONER BRISÉ:** Okay. Mr. Butler.

3 **MR. BUTLER:** In that regard, I'd point --
4 there's one minor typo on page 15 of the Comprehensive
5 List. It's a continued reference to Richard Feldman as
6 a sponsor, which should be removed because we had
7 replaced him with having Juan Enjamio and Matt Simmons
8 sponsoring Interrogatory 53. So just at the bottom of
9 the list of sponsoring witnesses, if you could remove
10 that, please.

11 **MS. BROWNLESS:** I'll be happy to do so.

12 **COMMISSIONER BRISÉ:** Okay. Anything else with
13 the exhibit list?

14 **MS. BROWNLESS:** No, sir.

15 **COMMISSIONER BRISÉ:** Okay. Proposed
16 stipulations.

17 **MS. BROWNLESS:** Okay. We've talked about
18 these, and Jon went through them earlier, and thank you
19 so much, this leads to witnesses to appear at the
20 hearing. I think we can say pretty sure that witnesses
21 associated with the SoBRA issue for FP&L will be the
22 only witnesses that are going to appear at this time.
23 And, Jay, does that square up with what you emailed me?

24 **MR. BREW:** Yes.

25 **MS. BROWNLESS:** And there are four witnesses

1 that I've identified that are associated with the
2 SoBRA issues: Mr. Brannen, Enjamio, Ms. Fuentes, and
3 Ms. Cohen. And, Jon, can you tell us, or you and Schef,
4 which one you'd like to talk to?

5 **MR. MOYLE:** Yeah. I'm in the process of
6 reviewing that, talking to FPL. And at this point, I'd
7 like all four of them, but I may reduce that as time
8 goes on.

9 **MS. BROWNLESS:** Okay. And does anybody else
10 have, any other party have any witness that they believe
11 needs to be put on the stand at this time?

12 **MR. BUTLER:** The only thing that could be
13 possibly implicated is if we can't reach some sort of
14 understanding on hedging, then Mr. Yupp is our witness
15 on hedging. But I'm hopeful that we will be able to
16 reach an understanding that allows Mr. Yupp and other
17 hedging witnesses not to appear.

18 **MS. BROWNLESS:** Okay. Well, my understanding
19 from Schef and Jon is that they do not wish to
20 cross-examine a hedging witness. Is that correct?

21 **MR. MOYLE:** If OPC wants to talk hedging and
22 make it a big issue, then we'll make it a big issue. I
23 mean, we've made it a big issue every fuel proceeding.
24 But, again, as a courtesy, because we think that, we
25 think that we see a path to resolution of hedging and we

1 may talk about the path that we see, but as a courtesy
2 to the utilities, we were not saying, you know, we're
3 going to turn this into a big discussion on hedging.

4 If OPC comes back tomorrow and says, "We
5 disagree with FIPUG and Retail and we are going to turn
6 this into a big hedging discussion," you know, it's a
7 live issue and we'll talk to the witnesses on hedging.

8 **MS. BROWNLESS:** Okay. And, OPC, y'all are
9 going to tell us tomorrow whether you want a witness?

10 **MS. CHRISTENSEN:** We can include that as far
11 as our response. But I would assume that if we're
12 putting the hedging at issue, we would like to talk to
13 all the hedging witnesses for the companies that are
14 proposing to have their hedging plans approved.

15 I suspect, though, that we can come to some
16 sort of resolution in the docket where that will not be
17 necessary.

18 **MR. REHWINKEL:** Just to be clear,
19 Commissioner, I don't think the resolution that we will
20 get in the next few hours is going to entail bringing
21 people to town.

22 **MR. BERNIER:** Commissioner, if I could just
23 briefly --

24 **COMMISSIONER BRISÉ:** Sure, please.

25 **MR. BERNIER:** There are not hedging plans at

1 issue in this docket. We have not put forth a hedging
2 plan. These are trades under previously approved
3 hedging plans. So there is not a plan that we are
4 asking to have approved. I just wanted to put that on
5 the record.

6 **MR. WRIGHT:** Commissioner?

7 **COMMISSIONER BRISÉ:** Yes, sir.

8 **MR. WRIGHT:** Just to be clear, no party has to
9 bring any party solely for the purpose of that witness
10 being cross-examined by the Florida Retail Federation.
11 If witnesses take the stand and I have some questions
12 when it's my turn in the order of cross-examination, I
13 may want to ask them. But nobody has to make an
14 appearance as a witness live for our purposes. Thank
15 you.

16 **MR. BREW:** Ditto.

17 **COMMISSIONER BRISÉ:** Okay. That's, that's --
18 that is my understand -- that's the sense that I got.
19 And so I trust that the parties can work amongst each
20 other and come to a resolution, and that's why I
21 suggested that by tomorrow afternoon we will -- we'll
22 get there. Okay?

23 **MS. BROWNLESS:** Thank you.

24 **COMMISSIONER BRISÉ:** Thank you.

25 All right. So we were still at proposed

1 stipulations. Are there -- is there anything else?

2 **MS. BROWNLESS:** Right. We do have a list of
3 proposed stipulations, and we will be working to make
4 sure those get stipulated to. Yeah, remove the
5 proposed.

6 **COMMISSIONER BRISÉ:** Okay. So you want to go
7 through them or --

8 **MS. BROWNLESS:** Pending motions, there is a
9 June 14th, 2017, motion that was filed by Duke that --
10 it is reflected in the proposed stipulation to Issue
11 No. 1B. And if Issue No. 1B is stipulated to, that
12 resolves that issue.

13 **COMMISSIONER BRISÉ:** Okay. Perfect. Any
14 other pending motions?

15 **MS. BROWNLESS:** No, sir, of which I'm aware.

16 **COMMISSIONER BRISÉ:** Okay. Any pending
17 confidentiality motions?

18 **MS. BROWNLESS:** We have four pending
19 confidentiality motions that were just filed in the last
20 few days. They have to do with hedging, audit report
21 work papers. And we'll do our best to get those issued
22 prior to the start of the hearing.

23 **COMMISSIONER BRISÉ:** Okay. Thank you.

24 Post-hearing procedures.

25 **MS. BROWNLESS:** If parties agree to waive

1 briefs, the Commission may make a bench decision.

2 Briefs will be limited to 40 pages, and briefs are due
3 on November 13th, if any are required, and they will be
4 considered at the December 7th Agenda Conference.

5 **COMMISSIONER BRISÉ:** Okay. Everyone got that?

6 **MR. BUTLER:** Commissioner Brisé.

7 **COMMISSIONER BRISÉ:** Yes, sir.

8 **MR. BUTLER:** There is what I think may be a
9 typo in the identification of wording limits here. It
10 seems like that where it talks about the prehearing
11 position being longer than 75 words, it has to be
12 reduced to no more than 50 words, I think that should be
13 75 words.

14 **MS. BROWNLESS:** Oh, it should be 75. I don't
15 -- did you get the --

16 **MR. BUTLER:** Otherwise, it's like a penalty
17 for being long-winded in the prehearing statement.

18 **MS. BROWNLESS:** No, sir. I think that you may
19 not have picked up Prehearing Order No. 4, which
20 corrected that typo.

21 **MR. BUTLER:** Okay. All right. Thank you.

22 **COMMISSIONER BRISÉ:** All right. So we can
23 move on to the ruling section.

24 **MS. BROWNLESS:** Yes, sir. And we're
25 suggesting that opening statements, consistent with the

1 other dockets, be limited to three minutes per party,
2 unless they choose to waive them.

3 **MR. BUTLER:** We would like to request five
4 minutes. I think it may be distinct to our own needs,
5 but because of the contest or dispute over the SoBRA
6 determination, that's a relatively complicated matter.
7 I would appreciate having five minutes to address it.

8 **COMMISSIONER BRISÉ:** Okay.

9 **MR. MOYLE:** And we would, we would also like
10 five minutes on that SoBRA issue as well. We think --
11 we agree with Mr. Butler, it's an issue that has some --
12 a lot of moving parts, and it probably would help the
13 Commission to understand what we're, what we're talking
14 about if, if we had a little more time on, on that
15 issue. So we would similarly like for five -- to have
16 five minutes.

17 **COMMISSIONER BRISÉ:** Okay. So how many
18 parties at five minutes?

19 **MR. MOYLE:** I can speak for us. I can speak
20 for FIPUG.

21 **MR. WRIGHT:** Commissioner, you can make
22 whatever ruling you want to make. I won't, I won't take
23 even three minutes.

24 **COMMISSIONER BRISÉ:** Okay.

25 **MR. WRIGHT:** But I think, I think, out of

1 respect for my colleagues, Mr. Butler and Mr. Moyle,
2 we're not taking positions on the SoBRA issues. Those
3 are complex issues, and I think it would be good for
4 y'all to hear from, from them for five minutes, if they
5 wish.

6 **COMMISSIONER BRISÉ:** Yeah. I'm just trying to
7 gauge --

8 **MS. BROWNLESS:** Time.

9 **MR. MOYLE:** I think it might be Mr. Butler and
10 me at this point based on my discussions with other
11 Intervenor parties. I'm not sure a lot of other people
12 have plans to put this at issue.

13 **COMMISSIONER BRISÉ:** Okay. OPC.

14 **MS. CHRISTENSEN:** We took no position on the
15 SoBRA issue, so we would not be addressing those. And I
16 assume that we will probably reach some sort of
17 resolution or position that won't require us to do
18 opening on hedging. But even if it were the case that
19 we had an opening on hedging, it would be less than
20 three minutes or so.

21 **COMMISSIONER BRISÉ:** Okay. Mr. Brew.

22 **MR. BREW:** Commissioner, I have lots to say
23 about the FPL SoBRA filing, but I'll save it for another
24 day.

25 **COMMISSIONER BRISÉ:** Okay. All right. So

1 what I'm going to do is do ten minutes per side --
2 right? -- and that way give an opportunity for, for the
3 time to be split and then for, for FPL to have an
4 opportunity to, to provide opening statements. Am I
5 confused?

6 **MS. HELTON:** I'm sorry, Mr. Chairman. I may
7 be confused. So are we talking about just for the SoBRA
8 issue, or are we talking about --

9 **COMMISSIONER BRISÉ:** No, we're talking about
10 total.

11 **MS. HELTON:** So Power & Light would get its
12 five minutes for SoBRA, and then the other IOUs would
13 need to split the rest of the five minutes for the --

14 **MS. BROWNLESS:** No, ten minutes per side. So
15 he's, I think, suggesting that FP&L get ten minutes and
16 the -- who's pro SoBRA, and the anti SoBRA people get
17 ten minutes and split it among however many anti SoBRA
18 people there are.

19 **COMMISSIONER BRISÉ:** Right.

20 **MS. HELTON:** Okay. I'm sorry for my
21 confusion.

22 **COMMISSIONER BRISÉ:** No, that's fine. You
23 almost got me confused. Okay.

24 **MR. WRIGHT:** Commissioner?

25 **COMMISSIONER BRISÉ:** Yes.

1 **MR. WRIGHT:** Just so I'm clear, I may want to
2 talk for one minute about hedging and why our positions
3 are what they are. Is that going to be okay?

4 **MR. BUTLER:** It depends on whether Jon can
5 live with nine to talk about SoBRA.

6 **MR. WRIGHT:** Yeah. I thought it was per
7 party, not a per side. So that's -- so when I said less
8 than three minutes, I thought I was trying to help out.

9 **COMMISSIONER BRISÉ:** Got you.

10 **MS. BROWNLESS:** Well, you know, just as an
11 idea here, the people that we know are interested in the
12 SoBRA issue at this time are Florida Power & Light for
13 the pro SoBRA and Mr. Moyle and -- for the anti SoBRA
14 people, and perhaps OPC; correct?

15 **MS. CHRISTENSEN:** No.

16 **MS. BROWNLESS:** No, because you took no
17 position.

18 **COMMISSIONER BRISÉ:** Huh-uh. Hedging.

19 **MS. CHRISTENSEN:** No. All I was indicating is
20 if the hedging --

21 **COMMISSIONER BRISÉ:** Doesn't resolve itself.

22 **MS. BROWNLESS:** Okay. That's the different --

23 **MS. CHRISTENSEN:** -- doesn't resolve, we would
24 be in the same position as Mr. Wright --

25 **MS. BROWNLESS:** Right. What I'm trying to

1 suggest is if there's going to be -- if we're going to
2 combine SoBRA with all the other issues -- right? -- or
3 we could do them separately, so everybody could do their
4 opening statements of three minutes if they're not
5 interested in SoBRA, and when you get to John, he gets
6 ten minutes to do his entire thing. And when you get to
7 Mr. Moyle and whoever the anti SoBRA folks are, however
8 many folks are in that category, they get ten minutes to
9 do their entire thing and divide it up however they
10 wish. Because it basically, I believe, probably will be
11 Jon's alone.

12 **MR. MOYLE:** That works for me.

13 **COMMISSIONER BRISÉ:** Okay. So, so let's make
14 sure we're all on the same page. So the basic opening
15 statements are three minutes; right? Everyone across
16 the board, every, you know, party. And then for the
17 SoBRA issue, we have allotted 20 minutes total, okay,
18 pro SoBRA, anti SoBRA, okay, and then that will be split
19 accordingly. Does that make sense for everyone?

20 **MS. BROWNLESS:** Yes, sir.

21 **COMMISSIONER BRISÉ:** Okay. Perfect.

22 **MS. BROWNLESS:** Cool.

23 **COMMISSIONER BRISÉ:** Okay. Thank you.

24 Let me see. What else in terms of rulings,
25 briefs?

1 **MS. BROWNLESS:** The briefs, if there are any,
2 should be 40 pages --

3 **COMMISSIONER BRISÉ:** Okay.

4 **MS. BROWNLESS:** -- is our suggestion. And I
5 don't think we have any other matters at this time.

6 **COMMISSIONER BRISÉ:** Okay. Parties, any other
7 matters for this docket?

8 Okay. Seeing none, this concludes the
9 prehearing of Docket 01.

10 (Prehearing concluded at 2:46 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
9 stenographically reported the said proceedings; that the
10 same has been transcribed under my direct supervision;
11 and that this transcript constitutes a true
12 transcription of my notes of said proceedings.

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

18 DATED THIS 18th day of October, 2017.

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