

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20170004-GU

NATURAL GAS CONSERVATION COST
RECOVERY.

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PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONER
PARTICIPATING: COMMISSIONER RONALD A. BRISÉ
PREHEARING OFFICER

DATE: Wednesday, October 11, 2017

TIME: Commenced at 1:52 p.m.
Concluded at 1:59 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 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, Florida Public Utilities Company -
6 Indiantown, Florida Public Utilities Company - Fort
7 Meade, and the Florida Division of Chesapeake Utilities
8 Corporation.

9 GREGORY M. MUNSON, ESQUIRE, Gunster Law Firm 215
10 South Monroe Street, Suite 601, Tallahassee, Florida
11 32301-1937, appearing on behalf of Florida City Gas.

12 J.R. KELLY, PUBLIC COUNSEL; CHARLES REHWINKEL,
13 DEPUTY PUBLIC COUNSEL; PATRICIA A. CHRISTENSEN; ERIK
14 SAYLER; and STEPHANIE A. MORSE, ESQUIRES, Office of
15 Public Counsel, c/o the Florida Legislature, 111 W.
16 Madison Street, Room 812, Tallahassee, Florida
17 32399-1400, appearing on behalf of the Citizens of the
18 State of Florida.

19 PAULA M. SPARKMAN, ESQUIRE, Messer Law Firm, P.O.
20 Box 1559, Tallahassee, Florida 32317, on behalf of
21 Sebring Gas System, Inc.

22 STEPHANIE CUELLO, ESQUIRES, FPSC General Counsel's
23 Office, 2540 Shumard Oak Boulevard, Tallahassee, Florida
24 32399-0850, appearing on behalf of the Florida Public
25 Service Commission Staff.

1 APPEARANCES:

2 KEITH HETRICK, GENERAL COUNSEL; MARY ANNE
3 HELTON, DEPUTY GENERAL COUNSEL, as Advisors to the
4 Florida Public Service Commission, 2540 Shumard Oak
5 Boulevard, 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.

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7 **COMMISSIONER BRISÉ:** Let's move on to 04. All
8 right. Ms. Cuello, are there any preliminary matters
9 that we need to address before we get to the Draft
10 Prehearing Order?

11 **MS. CUELLO:** Yes, Commissioner. Staff will
12 note for the record that Peoples Gas System and St. Joe
13 Natural Gas Company have been excused from the
14 prehearing in the 04 docket. Staff will also note that
15 proposed stipulations have been reached on all issues as
16 they pertain to Peoples Gas System, St. Joe Natural Gas
17 Company, Sebring Gas Systems, and FPUC. And the Office
18 of Public Counsel has indicated that they will agree to
19 a Type 2 stipulation. If stipulations can be reached in
20 the next few days on the issues pertaining to the
21 remaining party, the Prehearing Order will need to be
22 modified to reflect such agreements. If such agreements
23 are reached, staff proposes to circulate an amended
24 draft before an order is issued. And aside from that,
25 there are no other preliminary matters that staff is

1 aware of.

2 **COMMISSIONER BRISÉ:** Okay. Does any party
3 have a preliminary matter?

4 **MR. REHWINKEL:** Yes, Commissioner. Charles
5 Rehwinkel. I agree with what Ms. Cuello said. The only
6 thing I would add is that we have indicated we are going
7 to revert or default to the "No position" on all the
8 issues. So technically we are going to facilitate a
9 Type 2 stipulation and not affirmatively agree to it.
10 But, yes, we, we will go to that position and the
11 stipulations can occur, if worked out with the other
12 parties.

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

14 All right. Any other preliminary matter from
15 any parties?

16 Okay. So let's proceed through the Draft
17 Prehearing Order. I'll identify sections, and I want
18 you, the parties, to let me know if there are any
19 corrections or changes that need to be made. We'll go
20 through this quickly, so please speak up if you have a
21 change or a correction that needs to be made.

22 Section I, case background.

23 Section II, conduct for proceedings -- or of
24 proceedings.

25 Section III, jurisdiction.

1 Section IV, procedure for handling
2 confidential information.

3 Section V, prefiled testimony and exhibits and
4 witnesses.

5 Section VI, order of witnesses.

6 **MS. CUELLO:** Yes, Commissioner. Looking at
7 the positions that the parties have taken in this
8 docket, staff is hopeful that full stipulations can be
9 reached and witnesses excused, and staff will continue
10 to work toward this end.

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

12 Basic positions.

13 Okay. Section XIII, issues and positions.

14 **MS. CUELLO:** Staff will note that the Order
15 Establishing Procedure requires that a party take a
16 position at the Prehearing Conference, unless good cause
17 is shown as to why that party cannot take a position at
18 this time. Accordingly, if a party's position in the
19 Draft Prehearing Order is currently "No position at this
20 time," that party must change its position or show good
21 cause why it cannot take a position.

22 Staff would also suggest that parties who have
23 heretofore not taken a position or wish to change their
24 position be allowed to submit their position in writing
25 no later than close of business tomorrow, October 12th.

1 If a party fails to take a position by that time, the
2 Prehearing Order will reflect "No position" for that
3 party on such issues.

4 **COMMISSIONER BRISÉ:** Okay. So we've been
5 through this a couple of times already today, so I think
6 that's relatively clear. Does anyone have any changes
7 to positions that they want to put into the record at
8 this time? Okay. If not, then we have until the end of
9 tomorrow, October 12th, and the close of business, that
10 is.

11 All right. Section XIV, exhibit list.

12 **MS. CUELLO:** Staff will note that it's
13 prepared a Draft Comprehensive Exhibit List which
14 includes all prefiled exhibits and includes those
15 exhibits staff wishes to include in their record. Staff
16 will circulate the draft list to determine if there are
17 any objections to the Draft Comprehensive Exhibit List
18 or any of staff's exhibits being entered into the
19 record.

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

21 Proposed stipulations.

22 **MS. CUELLO:** As mentioned before, proposed
23 stipulations have been reached on all issues as they
24 pertain to Peoples Gas System, St. Joe Natural Gas
25 Company, Sebring Gas System, and FPUC. Staff is still

1 waiting -- sorry.

2 **COMMISSIONER BRISÉ:** No problem.

3 **MS. CUELLO:** Staff is still waiting to hear
4 from Florida City Gas regarding stipulations; however,
5 staff believes proposed stipulations will be reached on
6 all the issues.

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

8 Pending motions.

9 **MS. CUELLO:** There are no pending motions.

10 **COMMISSIONER BRISÉ:** Pending confidentiality
11 motions.

12 **MS. CUELLO:** There is one pending
13 confidentiality motion that staff believes will be
14 satisfied by the end of the week.

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

16 Post-hearing procedures.

17 **MS. CUELLO:** If issues are stipulated and the
18 parties agree to waive briefs, the Commission may make a
19 bench decision for this portion of the docket. If there
20 are any issues to be briefed, staff recommends
21 post-hearing briefs be no longer than 40 pages.

22 **CHAIRMAN BROWN:** Okay. Are all parties in
23 agreement? Okay. I see heads nodding, so that's an
24 affirmative.

25 **MS. CUELLO:** And staff also notes that any

1 briefs will be due on November 6th, 2017.

2 **COMMISSIONER BRISÉ:** Okay. Rulings.

3 **MS. CUELLO:** Staff will note that Peoples Gas
4 System and St. Joe Natural Gas Company's excusal from
5 the prehearing in this docket will be included in the
6 Prehearing Order.

7 **COMMISSIONER BRISÉ:** Okay. So opening
8 statements, if any, shall be limited to three minutes,
9 unless parties choose to waive opening statements.
10 Briefs shall be limited to 40 pages.

11 Other matters. Are there any other matters to
12 address in this Prehearing Conference?

13 **MS. CUELLO:** There are no other matters to
14 address.

15 **COMMISSIONER BRISÉ:** Okay. Parties?

16 Okay. Seeing none, then we shall conclude
17 this prehearing for the 04 docket.

18 (Prehearing adjourned at 1:59 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 the 18th day of October, 2017.

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