

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20170007-EI

ENVIRONMENTAL COST RECOVERY
CLAUSE.

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PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONER
PARTICIPATING: COMMISSIONER RONALD A. BRISÉ
PREHEARING OFFICER

DATE: Wednesday, October 11, 2017

TIME: Commenced at 2:46 p.m.
Concluded at 3:19 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 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 STEVEN R. GRIFFIN and RUSSELL A. BADDERS and
14 ESQUIRES, Beggs & Lane, P.O. Box 12950, Pensacola,
15 Florida 32591-2950; JEFFREY A. STONE, ESQUIRE, One
16 Energy Place, Pensacola, Florida, 32520, appearing on
17 behalf of Gulf Power Company.

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

22 GEORGE CAVROS, ESQUIRE, 120 East Oakland Park
23 Boulevard, Suite 105, Fort Lauderdale, Florida 33334, on
24 behalf of Southern Alliance for Clean Energy.

25

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 JOHN BUTLER, WADE LITCHFIELD, and JESSICA CANO,
13 ESQUIRES, 700 Universe Boulevard, Juno Beach, Florida
14 33408-0420, on behalf of Florida Power & Light Company.

15 CHARLIE MURPHY, STEPHANIE A. CUELLO, and MARGO
16 A. DUVAL, ESQUIRES, FPSC General Counsel's Office, 2540
17 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,
18 appearing on behalf of the Florida Public Service
19 Commission Staff.

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

P R O C E E D I N G S

1
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:** And we're going to
8 proceed to 07.

9 **MR. REHWINKEL:** Commissioner, before we
10 proceed to 07 --

11 **COMMISSIONER BRISÉ:** Sure.

12 **MR. REHWINKEL:** -- might I ask your indulgence
13 for a few minutes for the Public Counsel to talk to FPL
14 about some matters that may avoid some issues that we
15 encountered here in the 01 docket?

16 **COMMISSIONER BRISÉ:** Sure. So what do you
17 need, five or ten?

18 **MR. REHWINKEL:** About ten maybe.

19 **COMMISSIONER BRISÉ:** Okay. So we'll take a
20 ten-minute recess.

21 **MR. REHWINKEL:** Thank you.

22 (Recess taken.)

23 **COMMISSIONER BRISÉ:** All right. Hopefully
24 that time was helpful, and so we'll move into the 07
25 docket, which is our last docket of the day. Give

1 everyone a half a minute to settle in. Mr. Wright has
2 been excused. Ms. Keating, bye-bye.

3 Okay. Moving into the 07 docket. Mr. Murphy,
4 are there any preliminary matters that we need to
5 address before we get to the Draft Prehearing Order?

6 **MR. MURPHY:** Just that since we last, you and
7 I last spoke, there has been some progress on
8 stipulations that we'll address as we go through the
9 prehearing order.

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

11 Does any party have a preliminary matter?

12 Okay. Seeing none, let's proceed through the
13 Draft Prehearing Order. We'll go through this pretty
14 quickly. I'll identify the sections. I want the
15 parties to let me know if there are any corrections or
16 changes that need to be made. You know the drill.
17 Speak up if there are any changes or corrections that
18 need to be made.

19 Section I, case background.

20 Section II, conduct of proceedings.

21 Section III, jurisdiction.

22 Section IV, procedure for handling
23 confidential information.

24 Section V, prefiled testimony and exhibits and
25 witnesses.

1 **MR. MURPHY:** Commissioner, staff will provide
2 a Comprehensive Exhibit List which will include all
3 prefiled exhibits and also include those exhibits staff
4 wishes to include in the record. I believe that we've
5 already addressed the expert witness issue. I recommend
6 the same approach in this docket.

7 **COMMISSIONER BRISÉ:** Yes, and we'll adopt the
8 same approach.

9 **MR. MURPHY:** Okay. Should we move to Issue
10 VI?

11 **COMMISSIONER BRISÉ:** Yes, order of witnesses.

12 **MS. CANO:** Commissioner Brisé, FPL would like
13 to address the order of its direct witnesses. They are
14 the first three listed there under witnesses.

15 **COMMISSIONER BRISÉ:** Sure.

16 **MS. CANO:** Such that the order would be:
17 First, Michael Sole; second, Keith Ferguson; and third,
18 Renae Deaton.

19 **COMMISSIONER BRISÉ:** Okay. Any objections?

20 **MR. REHWINKEL:** No objection.

21 **COMMISSIONER BRISÉ:** Okay, seeing no
22 objection, then we'll, we'll accept that. Thank you.

23 **MR. REHWINKEL:** Commissioner, on the issue of
24 the order of witnesses, I just thought that I would
25 state at the outset that the Public Counsel prefers, and

1 I think this may be FPL's preference too, is that we
2 maintain the direct and rebuttal separation here. I
3 think that the, the case and the way we're prepared to
4 handle it is, is geared that way, and we would prefer to
5 keep it that way. And I don't think there's been any
6 contention that they should be combined.

7 **COMMISSIONER BRISÉ:** Sure. The only thing
8 that could change that up, I suppose, if there's some
9 natural event that could cause a difference and, you
10 know, we need to sort of truncate the time, because we
11 are still in hurricane season. So barring anything like
12 that, I'm --

13 **MR. REHWINKEL:** Hopefully not, yes.

14 **COMMISSIONER BRISÉ:** Hopefully not.

15 **MR. REHWINKEL:** And, of course, as events
16 unfold, we have always worked with the parties and the
17 Commission in that regard.

18 **COMMISSIONER BRISÉ:** Sure. Sure. Sure.

19 Okay. Anything else with regard to order of
20 witnesses?

21 **MR. MURPHY:** Commissioner, if an agreement can
22 be reached to stipulate any witnesses and excuse any
23 witnesses, staff will confirm with each Commissioner
24 that the witness can be excused. If no Commissioner has
25 a question of the witnesses, witnesses may be excused

1 from the hearing and his or her testimony and exhibits
2 entered into the record as though read. We will
3 circulate a new Draft Prehearing Order as some of this
4 unfolds.

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

6 Basic positions.

7 Issues and positions.

8 **MR. MURPHY:** Commissioner, I believe that we
9 may have either a Type 1 or Type 2 stipulation of all
10 issues except for FPL's Issues 10A and 10E addressing
11 Turkey Point. This would include a stipulation of the
12 record and excusal of witnesses. It might be helpful
13 for the parties if they could identify any issues that
14 they are not agreeable to taking a Type 1 or Type
15 2 stipulation on, and that way we would flesh out where
16 we are.

17 **COMMISSIONER BRISÉ:** Okay. I think that's
18 probably a good way to proceed.

19 **MR. REHWINKEL:** Commissioner, just for clarity
20 of the record, I think Mr. Murphy said 10A and 10E, and
21 it's 10A through 10E.

22 **MR. MURPHY:** 10A through, yes. If I said
23 "and," I misspoke.

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

25 **MR. BREW:** Yes, Commissioner. PCS has no

1 position on the FPL issues and is a Type 2 position on
2 the Duke-related issues. So we would expect to
3 stipulate to those issues. And unless those -- unless
4 Duke's issues come up for some other reason, we'd asked
5 to be excused.

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

7 OPC.

8 **MR. REHWINKEL:** I didn't have anything to add,
9 but, I mean, we -- I think we are in a position of "No
10 position" on all the issues except for the CCS issues,
11 10A through 10E. There may be fallout issues. We will
12 evaluate. If there's anything that would be a fallout
13 impact on another issue that we didn't anticipate, we
14 will advise the staff by the close of business tomorrow.
15 And we have given, provided a position to the staff on
16 Issue 10G that says that we do not object to the
17 proposal, the process that FPL has proposed. So we have
18 placed the Commission and the company in a position of a
19 Type 2 stipulation there, to the extent any of the other
20 parties are in the same position we are. But we are not
21 objecting to that process.

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

23 Mr. Murphy.

24 **MR. MURPHY:** Yes. Mr. Rehwinkel, I believe
25 that in the proposed stipulations there were -- I can't

1 say the plural of this word -- asterisks next to the
2 issues that were fallouts from the Turkey Point -- you
3 know, going through the generic issues. And would you
4 want to modify your position there or just -- because I
5 think you could -- you might be Type 1 on that if
6 you're -- because those include the fallout.

7 **MR. REHWINKEL:** We will take a look at it and
8 let you know in short order.

9 **MR. MURPHY:** Thank you, sir.

10 **MR. REHWINKEL:** Thank you.

11 **COMMISSIONER BRISÉ:** Okay. FIPUG.

12 **MR. MOYLE:** And I assume, per the other
13 dockets, you know, 5:00 tomorrow, close of business
14 tomorrow with respect to the issues. I don't think we
15 really have anything other than the Turkey Point cooling
16 canal issue. But if that courtesy would be extended, it
17 would be appreciated.

18 **MR. MURPHY:** Yes, sir, it's agreeable to
19 staff.

20 **COMMISSIONER BRISÉ:** Perfect.

21 SACE, Mr. Cavros.

22 **MR. CAVROS:** Thank you, Commissioner. SACE is
23 prepared to take no position on all the issues with the
24 exception of Issues 10A through 10E. And in reference
25 to the proposed stipulation, there is an asterisk there

1 and there are specific numbers in those proposed
2 stipulations. And I just want to confirm with staff
3 that that doesn't indicate any kind of presumption that,
4 that those numbers are the correct numbers as it, as it
5 relates to Florida Power & Light.

6 **MR. MURPHY:** I believe that we're saying that
7 they are the correct numbers subject to being trued up
8 with any fallout from Turkey Point. And the, the
9 stipulation is that those are the numbers, absent some
10 change resulting from a ruling that's different than
11 what FPL has proposed for Turkey Point.

12 **MR. CAVROS:** But there's no legal presumption
13 embedded in that asterisk or in that stipulation in
14 terms of the, the issues related to the cooling canal
15 system.

16 **MR. MURPHY:** I'm not exactly sure what you're
17 getting at. But it -- those numbers are subject to
18 change. There's no presumption that those will be the
19 ultimate numbers. Those numbers will -- may and may not
20 move in accordance with what the Commission votes on 10A
21 through 10E.

22 **MR. REHWINKEL:** Commissioner, if I could speak
23 on this. I understand what Mr. Cavros is asking, and I
24 think we would agree with where he's coming from is that
25 to the extent these numbers include the dollars that are

1 being challenged related to the cooling canal system
2 issues on 10A through 10E, that does not create a
3 presumption that those are -- those impacts are correct
4 and that a party has to overcome a presumption to remove
5 them.

6 **MR. MURPHY:** Mr. Rehwinkel, we're not
7 attempting to change the burden of proof in this case.
8 And so if that's what you're going at, no, I don't
9 believe that that is what we're talking about.

10 **MR. CAVROS:** Okay. That answers my question.
11 Thank you.

12 **MR. MURPHY:** Thank you. Now I understand it.

13 **COMMISSIONER BRISÉ:** Okay. All right. Any
14 other parties? No? Perfect.

15 Mr. Murphy.

16 **MR. MURPHY:** Are we ready to go through the
17 exhibit list?

18 **COMMISSIONER BRISÉ:** If there is nothing else
19 with respect to issues and positions, yes, we're ready
20 to move forward with the exhibit list.

21 **MR. MURPHY:** Okay. Staff will prepare a
22 Comprehensive Exhibit List for the purpose of numbering
23 and identifying exhibits at hearing. Staff will provide
24 an updated exhibit list to the parties as soon as it's
25 possible.

1 There was some late discovery that staff may
2 wish to add, and we will work this out as best we can.
3 And to the extent that we need to bring it in at the
4 hearing and not try to stipulate in advance, we'll do
5 that.

6 **COMMISSIONER BRISÉ:** Okay.

7 **MR. REHWINKEL:** Yes. Thank you, Commissioner.
8 Along that line, the Public Counsel and FPL had a
9 conversation on the break that you afforded us that was
10 helpful, and we, we have some discovery-related issues
11 that we are awaiting the transcript of a deposition that
12 was taken Monday, a lengthy one, and we expect to get
13 that probably late Friday. We will engage in
14 conversation with FPL and work on whether there are any
15 additional documents that we would like to add to this.
16 But we wouldn't be in a position to stipulate to this
17 because we have an ongoing process that we're diligently
18 pursuing, so -- just like what the staff is, is talking
19 about.

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

21 **MR. MURPHY:** And help me, Charles. On the not
22 able to stipulate -- can you stipulate to where we are
23 so far with the understanding that more may come, that
24 this is not an exclusive list? Do you think we can get
25 to that point?

1 **MR. REHWINKEL:** Well, it may not be before the
2 end of the week before we're able to do that.

3 **MR. MURPHY:** I got you. I got you.

4 **MR. REHWINKEL:** That's what I'm saying is that
5 we're not -- we haven't identified anything
6 objectionable yet. But because there are potential
7 issues that may cascade through the list with respect to
8 the cooling canal stuff, we just would -- you know, I
9 understand that there was a concern in the 01 docket
10 that we should move speedily to do this and we're
11 trying. But there's, there's a few outstanding strings
12 that we've got to tie up.

13 **MR. MURPHY:** We're not in a hurry on it for
14 the whole thing. But to the extent that -- on other
15 issues, if witnesses are excused, we can stipulate to
16 their exhibits and testimony and excuse the witnesses
17 for non-Turkey Point. You're not -- you don't have a
18 problem with that.

19 **MR. REHWINKEL:** We're absolutely fine with
20 that. So we can stipulate to that portion of the
21 exhibit list today.

22 **MR. MURPHY:** Perfect. Perfect.

23 **COMMISSIONER BRISÉ:** All right. So are we
24 good in terms of the exhibit list?

25 Okay. Proposed stipulations.

1 **MR. MURPHY:** Commissioner, I believe that most
2 issues will be stipulated in this docket except for the
3 Turkey Point issues, and we'll circulate a new draft
4 Prehearing Order reflecting the stipulations and
5 excusals for parties to review before -- and have any
6 concerns about before we bring it to you for final --
7 yeah.

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

9 Pending motions.

10 **MR. MURPHY:** No pending motions.

11 **COMMISSIONER BRISÉ:** Okay. Pending
12 confidentiality motions.

13 **MR. MURPHY:** There are none.

14 **COMMISSIONER BRISÉ:** Okay. Post-hearing
15 procedures.

16 **MR. MURPHY:** Most decisions may be possible
17 for -- appropriate for a bench decision. Briefs related
18 to any remaining issues will be due November 8th. Any
19 issues that can be -- need to be briefed, staff
20 recommends no longer than 40 pages of briefs.

21 **COMMISSIONER BRISÉ:** Okay.

22 **MS. CANO:** Commissioner Brisé.

23 **COMMISSIONER BRISÉ:** Yes, ma'am.

24 **MS. CANO:** No issues with respect to the total
25 page limits. But for the very limited number of issues

1 that remain, FPL would ask that the word limit that's
2 set off by asterisks be increased to 100 words.

3 **MR. MURPHY:** To how many?

4 **MS. CANO:** 100.

5 **MR. MURPHY:** Staff doesn't object.

6 **COMMISSIONER BRISÉ:** Okay. Objections from
7 the parties?

8 **MR. REHWINKEL:** We would support that
9 ourselves.

10 **COMMISSIONER BRISÉ:** Okay. All right. So for
11 this case we'll move it up to 100 -- for this docket
12 rather.

13 Okay. Rulings. All right. So opening
14 statements will be limited to five minutes. Briefs will
15 be 40 pages.

16 **MR. REHWINKEL:** Commissioner, if we could ask
17 on opening statements, I think the Commission probably
18 understands that this is a novel issue before the
19 Commission. It is one that's not an everyday type of
20 issue before the Commission. It involves some level of
21 hydrogeological science, and there are two esteemed
22 experts, one on each side, that will be testifying.
23 There is some technical complexity to it.

24 FPL and the parties discussed on our break a
25 potential way to slice up the time, and we would ask --

1 I think FPL would be fine with ten minutes. And there
2 are three active parties: OPC, FIPUG, and SACE. We
3 would be willing to divide up 15 minutes to -- among
4 ourselves based on a discussion that we would have, and
5 we would advise you at the time, if that would be
6 acceptable to you.

7 **COMMISSIONER BRISÉ:** Okay. If the parties are
8 in agreement with that, that's acceptable to me.

9 Okay? So 10 and 15. Right? Perfect. And
10 then briefs will be limited to 40 pages.

11 Okay. Are there any other matters that we
12 need to address in this Prehearing Conference?

13 **MS. CANO:** FPL has one other matter on the 07
14 docket.

15 **COMMISSIONER BRISÉ:** Sure.

16 **MS. CANO:** The Order Establishing Procedure
17 asks that if a party intends to use a demonstrative
18 exhibit at the hearing, that they indicate their intent
19 to do so at the Prehearing Conference.

20 FPL may be using prefiled Exhibit PF-A3 as a
21 demonstrative.

22 **COMMISSIONER BRISÉ:** Okay.

23 **MR. MOYLE:** Say it again.

24 **MS. CANO:** I'm sorry. PF-A3. It was a
25 prefiled exhibit attached to Peter Andersen's testimony.

1 **MR. REHWINKEL:** And we have no objection to
2 that. Likewise, Commissioner, we may be using the --
3 it's a demonstrative, but it is also included in
4 Dr. Panday's testimony at page 4. It is a -- I think
5 it's a -- what they call a CESM view of the plume, and
6 we may use that as an exhibit as well.

7 **COMMISSIONER BRISÉ:** Okay.

8 **MR. REHWINKEL:** A demonstrative exhibit.

9 **COMMISSIONER BRISÉ:** Sure. Sure. Any other
10 parties that have demonstratives that they may use and
11 wish to identify them?

12 Okay. Seeing none, thank you.

13 Are there any other matters that we need to
14 address?

15 **MR. CAVROS:** Commissioner, just a clarifying
16 process matter. I was looking at the case schedule and
17 did not see a Special Agenda Conference scheduled for
18 the Commission where they will consider the case, and I
19 wanted to ask staff if, if there had been a date
20 scheduled or one contemplated.

21 **COMMISSIONER BRISÉ:** That's a good question.

22 **MS. HELTON:** I'm not sure that a Special
23 Agenda has been contemplated for this. It will -- staff
24 will file a recommendation for a regularly scheduled
25 agenda, but I'm not sure at this point which one that

1 is.

2 **MR. MURPHY:** Nor am I.

3 Commissioner, I've just been handed the
4 Commission calendar, and it looks like it would be the
5 December 5th agenda. That would be when it would be
6 considered.

7 **COMMISSIONER BRISÉ:** Okay.

8 **MR. MURPHY:** Time out.

9 (Pause.)

10 Tentatively we're planning to have it taken up
11 at the December agenda, but we're still looking.

12 **COMMISSIONER BRISÉ:** Okay.

13 **MR. REHWINKEL:** Commissioner, for the record,
14 the demonstrative 14B is the one I was referring to.

15 **COMMISSIONER BRISÉ:** 14B.

16 **MR. REHWINKEL:** It's similar to the page 4
17 illustration.

18 **COMMISSIONER BRISÉ:** Okay. Thank you. Okay.
19 So I think staff -- I mean, I think everyone heard
20 tentatively the December agenda, which I believe is
21 probably on the 5th or something to that effect. And if
22 anything changes, I suppose once the, they sit with the
23 Chair and go through the calendar, then they'll make a
24 decision, a final decision with respect to that. Okay?

25 Yes, sir.

1 **MR. REHWINKEL:** And I'm not sure this is
2 something that, that is ripe for discussion here today,
3 but I just -- I thought I would raise the issue.

4 We're trying to make final travel plans for
5 our expert witness to come down from Washington, and I
6 know we have the Duke agreement up in the morning on the
7 25th, and then we would have all of these -- I guess
8 there would be some administrative work to deal with the
9 dockets that may not be contested. There's going to be
10 a contested 01 proceeding on the SoBRAs. Is -- does the
11 Commission tentatively have any idea about when the 07,
12 the CCS issues would be taken up?

13 **COMMISSIONER BRISÉ:** To be honest with you,
14 I'm not certain.

15 **MR. REHWINKEL:** Okay.

16 **COMMISSIONER BRISÉ:** I'd have to communicate
17 with the Chair's office to determine.

18 **MR. REHWINKEL:** I understand. I would just
19 express a preference, and I understand that it's nothing
20 more than that, that if we're going to spend most of the
21 day dealing with Duke and then the non-CCS issues, it
22 would be our strong preference to start the, the
23 substance of the CCS issues on the succeeding day. We
24 would have no problem making opening arguments if there
25 was some time near the end of the day and maybe starting

1 afresh with all the witnesses and cross-examination.
2 That is just a suggestion, and I know that it's
3 completely at the discretion of the Commission, and more
4 to the point, to the Chair.

5 **COMMISSIONER BRISÉ:** Sure. So I will convey
6 that to the Chair.

7 **MR. REHWINKEL:** Thank you.

8 **COMMISSIONER BRISÉ:** Okay. All right. Any
9 other matters?

10 No? Well, seeing no additional matters, this
11 concludes the prehearing of the 07 docket and the
12 prehearing conference is adjourned. Thank you very
13 much.

14 (Prehearing Conference adjourned at 3:19 p.m.)
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1 STATE OF FLORIDA)
2 : CERTIFICATE OF REPORTER
3 COUNTY OF LEON)

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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LINDA BOLES, CRR, RPR
FPSC Official Hearings Reporter
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