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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20170272-EI

APPLICATION FOR LIMITED
PROCEEDING FOR RECOVERY OF
INCREMENTAL STORM
RESTORATION COSTS RELATED
TO HURRICANES IRMA AND
NATE, BY DUKE ENERGY
FLORIDA, LLC.

_____ /

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: JULIE I. BROWN
PREHEARING OFFICER

DATE: Monday, May 13, 2019

TIME: Commenced: 1:40 p.m.
Concluded: 1:50 p.m.

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

REPORTED BY: DEBRA R. KRICK
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
114 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
(850) 894-0828

1 APPEARANCES:

2 DIANNE M. TRIPLETT, ESQUIRE, 299 First Avenue
3 North, St. Petersburg, Florida 33701; and MATTHEW R.
4 BERNIER, ESQUIRE, 106 East College Avenue, Suite 800,
5 Tallahassee, Florida 32301-7740, appearing on behalf of
6 Duke Energy Florida, LLC.

7 J.R. KELLY, PUBLIC COUNSEL; CHARLES REHWINKEL,
8 DEPUTY PUBLIC COUNSEL; PATRICIA A. CHRISTENSEN and
9 THOMAS A. DAVID, ESQUIRES, Office of Public Counsel, c/o
10 the Florida Legislature, 111 W. Madison Street, Room
11 812, Tallahassee, Florida 32399-1400, appearing on
12 behalf of the Citizens of the State of Florida.

13 JON C. MOYLE, JR., and KAREN A. PUTNAL
14 ESQUIRES, Moyle Law Firm, P.A., 118 North Gadsden
15 Street, Tallahassee, Florida 32301, appearing on behalf
16 of Florida Industrial Power Users Group.

17 ROBERT SCHEFFEL WRIGHT and JOHN T. LAVIA, III,
18 ESQUIRES, Gardner, Bist, Wiener, Wadsworth, Bowden,
19 Bush, Dee, LaVia & Wright, P.A., 1300 Thomaswood Drive,
20 Tallahassee, Florida 32308, appearing on behalf of the
21 Florida Retail Federation.

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1 APPEARANCES (CONTINUED):

2 RACHEL DZIECHCIARZ and ASHLEY WEISENFELD,
3 ESQUIRES, FPSC General Counsel's Office, 2540 Shumard
4 Oak Boulevard, Tallahassee, Florida 32399-0850,
5 appearing on behalf of the Florida Public Service
6 Commission Staff.

7 KEITH HETRICK GENERAL COUNSEL; MARY ANNE
8 HELTON, DEPUTY GENERAL COUNSEL, Florida Public Service
9 Commission, 2540 Shumard Oak Boulevard, Tallahassee,
10 Florida 32399-0850, adviser to the Florida Public
11 Service Commission.

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1 P R O C E E D I N G S

2 COMMISSIONER BROWN: All right. We are going
3 to go ahead and call this prehearing to order in
4 Docket No. 20170272-EI, the Duke storm docket.

5 At this time, staff, can you please read the
6 notice?

7 MS. WEISENFELD: By notice issued on
8 April 29th, 2019, this time and place has been set
9 for a prehearing conference in Docket No.
10 20170272-EI. The purpose of the prehearing is set
11 out more fully in the notice.

12 COMMISSIONER BROWN: Thank you.

13 Can we take appearances at this time, starting
14 with Duke Energy of Florida?

15 MR. BERNIER: Good afternoon, Commissioner.
16 Matt Bernier for Duke Energy, and also would enter
17 an appearance for Dianne Triplett.

18 COMMISSIONER BROWN: Thank you.

19 Office of Public Counsel.

20 MR. DAVID: Yes. Tad David for the Office of
21 Public Counsel. Also want to make an appearance
22 for J.R. Kelly, Public Counsel, and Charles
23 Rehwinkel and Patty Christensen.

24 COMMISSIONER BROWN: Tad, do you mind spelling
25 your name for the record?

1 MR. DAVID: Certainly -- I mean, certainly I
2 don't mind.

3 My first name, Thomas, last name David,
4 D-A-V-I-D, go by Tad, T-A-D.

5 COMMISSIONER BROWN: Thank you so much.
6 All right Florida Retail Federation.

7 MR. WRIGHT: Robert Scheffel Wright on behalf
8 of the Gardner Law Firm on behalf of the Florida
9 Retail Federation. I would like to make an
10 appearance for my law partner, John T. LaVia, III.

11 COMMISSIONER BROWN: Thank you.
12 FIPUG.

13 MR. MOYLE: Thank you, Madam Chair.

14 For the Florida Industrial Power Users Group,
15 FIPUG, Jon Moyle along with Karen Putnal and Ian
16 Waldick.

17 COMMISSIONER BROWN: Thank you.
18 Staff.

19 MS. WEISENFELD: Ashley Weisenfeld with
20 Commission staff. And I would also like to make an
21 appearance for Rachel Dziechciarz.

22 COMMISSIONER BROWN: Thank you.

23 MS. HELTON: And Mary Anne Helton here as your
24 advisor, along with your General Counsel, Keith
25 Hetrick.

1 COMMISSIONER BROWN: Thank you.

2 We are going to move into preliminary matters.

3 We -- for purposes of the preliminary matters,
4 we have a procedural order that establishes the
5 process that lays out how we will be dealing with
6 the settlement agreement that was filed in this
7 docket, and if there are no other preliminary
8 matters at this time.

9 MS. WEISENFELD: Staff is aware of none at
10 this time.

11 COMMISSIONER BROWN: And seeing none from the
12 parties, we will go ahead and go into the hearing
13 matters.

14 You may go ahead.

15 MS. WEISENFELD: We note that a settlement has
16 been reached in this matter among all parties.
17 Pursuant to the most recent order establishing
18 procedure, the hearing in this docket that is
19 scheduled for May 21st, 2019, will be for the
20 purpose of the Commission taking oral evidence or
21 argument regarding Duke's request for approval of
22 the settlement agreement filed on April 9th, 2019,
23 as subsequently revised on April 18th, 2019.

24 COMMISSIONER BROWN: Thank you.

25 Can you go over the process for handling

1 confidential information, please?

2 MS. WEISENFELD: Sure.

3 If you intend to use confidential material at
4 the hearing, please have copies for Commissioners,
5 necessary staff and the court reporter in red
6 envelopes clearly marked with the nature of the
7 contents.

8 Any party wishing to examine the confidential
9 material that is not subject to an order granting
10 confidentiality shall be provided a copy in the
11 same fashion as provided to the Commissioners
12 subject to execution of any appropriate protective
13 agreement with the owner of the material.

14 COMMISSIONER BROWN: Okay. Thank you.

15 Now, with regard to the prefiled testimony and
16 order of witnesses, have -- has staff identified
17 any of the prefiled testimony they wish to include
18 in the record at this time?

19 MS. WEISENFELD: As per the settlement
20 agreement, the parties have stipulated to all
21 witness testimony and prefiled exhibits in this
22 matter, and we will confirm with each Commissioner
23 that the witnesses maybe excused. If the
24 commissioners don't have any questions of the
25 witnesses, the witnesses may be excused from the

1 hearing, and his or her testimony and exhibits will
2 be entered into the record at the hearing as though
3 read.

4 COMMISSIONER BROWN: Thank you.

5 Any questions up until this point? Seeing
6 none, we are go o going to go ahead and move to the
7 exhibits and the exhibit list.

8 Have the parties identified the exhibits and
9 discovery responses they wish to include on the
10 comprehensive exhibit list?

11 MS. WEISENFELD: Yes, the parties have, and
12 staff is working with the parties to ensure the
13 list is complete.

14 COMMISSIONER BROWN: Okay. Yes.

15 MR. DAVID: We would like to add an exhibit
16 that is not listed on this, but it's -- it should
17 have been listed on the comprehensive exhibit list.
18 It's the transcript from the deposition,
19 confidential deposition, which was conducted
20 March 14th and March 15th.

21 COMMISSIONER BROWN: And the deposition of
22 whom?

23 MR. DAVID: It was a panel deposition of Duke
24 representatives.

25 COMMISSIONER BROWN: So as Exhibit 27, we will

1 go ahead and mark right now, if that's okay with
2 counsel, we will go ahead and write as the exhibit
3 description Panel of Duke Witnesses Deposition. Is
4 it confidential?

5 MR. DAVID: It's confidential. Yes, ma'am.

6 COMMISSIONER BROWN: And then hyphenate
7 confidential. Can you confirm that that's okay?

8 MS. WEISENFELD: Yes, staff has no objection.

9 COMMISSIONER BROWN: Do any of the other
10 parties have objections? Okay, seeing none.

11 MR. BERNIER: No objection.

12 COMMISSIONER BROWN: Okay, confidential. So
13 that's included right now as Exhibit 27.

14 Any other matters regarding anything that
15 we've discussed thus far? Seeing none, okay, you
16 can continue, if you would like.

17 MS. WEISENFELD: Staff intends to move Duke's
18 responses to our most recent data request into the
19 record.

20 We have also prepared a comprehensive exhibit
21 list which lists all prefiled exhibits and the
22 exhibit that staff wishes to include in the record.
23 Duke provided a proposed draft of the comprehensive
24 exhibit list that has been stipulated to by the
25 parties as per the settlement agreement. The

1 compiled list was distributed to the parties to see
2 if there were any changes or objections.

3 At this time, we would like to see if there
4 are any changes that need to be made to the
5 parties' exhibits and if there are any objections
6 to the entry of staff's proposed exhibit into the
7 record. And I will note that staff would prefer
8 the exhibit that Duke wishes to add to be --

9 COMMISSIONER BROWN: 27?

10 MS. WEISENFELD: As 26, No. 26 instead.

11 COMMISSIONER BROWN: Exhibit -- pardon me, say
12 that one more time, exhibit -- I thought Exhibit 26
13 is -- right now on the comprehensive exhibit list
14 it's listed as DEF Response to Staff's First Data
15 Request.

16 MS. WEISENFELD: Okay. So we are saying that
17 if we add it as Exhibit No. 27, then it would be
18 staff's exhibit, but it needs to be added under
19 Duke's exhibit list.

20 COMMISSIONER BROWN: Oh, I see. In the
21 numbering -- in the bifurcation of the order of the
22 witnesses. Well, do you want -- do you think it
23 would be appropriate? What do you think, Mary
24 Anne?

25 MS. HELTON: Madam Chairman, maybe we can get

1 the numbering worked out so that we will have it
2 prepared and in order by the time of the hearing,
3 but I think the spirit can be met with respect to
4 putting that exhibit on the exhibit list.

5 COMMISSIONER BROWN: I bet my advisor has a
6 good very good recommendation already. If we could
7 get it settled now; if not, then I would go with
8 Ms. Helton's recommendation.

9 Okay. We are going to go ahead with Ms.
10 Helton's recommendation, and we will have that in
11 the prehearing order at that time.

12 All right. Now, with -- are there anything --
13 is there anything under --

14 MS. WEISENFELD: Nothing additional.

15 COMMISSIONER BROWN: -- hearing -- pardon me,
16 exhibits? Seeing none, any of the parties? Seeing
17 none, we will go ahead with the hearing procedures.

18 In accordance with the fifth order notifying
19 the OEP, the parties shall present opening
20 statements of no more than three minutes per party.
21 Is everyone okay with that? Seeing no objection,
22 we will go ahead and request that any stipulated
23 testimony and exhibits, discovery responses also be
24 moved into the record.

25 Also, please be prepared to respond to any

1 questions from Commissioners regarding the storm
2 cost settlement agreement at that time as well.

3 Any questions up until this point? Seeing
4 none, we are going to go to pending motions.

5 MS. WEISENFELD: There are no pending motions
6 at this time other than the motion to approve the
7 proposed settlement.

8 COMMISSIONER BROWN: Thank you.

9 And same goes for confidentiality, so
10 post-hearing procedures.

11 MS. WEISENFELD: As discussed in the fifth
12 order modifying the OEP, the Commission may render
13 a bench decision if the parties waive post-hearing
14 briefs. If a bench decision is not made, the
15 Commission will render a decision at the July 9,
16 2019, Agenda Conference.

17 Post-hearing briefs, if any, will be due
18 June 19th, 2019. We recommend, should post-hearing
19 briefs be necessary in this docket, that such
20 briefs be limited to 40 pages.

21 COMMISSIONER BROWN: Thank you.

22 Seeing no objection here? All right.

23 Okay. Are there any other matters to address
24 in this prehearing conference?

25 MS. WEISENFELD: We are aware of no other

1 matters at this time.

2 COMMISSIONER BROWN: Thank you.

3 Parties, any other? Seeing none, we are
4 adjourned.

5 Thank you so much. Safe travels home.

6 MR. WRIGHT: Thank you.

7 (Whereupon, the proceedings concluded at 1:50
8 p.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, DEBRA KRICK, Court Reporter, do hereby
certify that the foregoing proceeding was heard at the
time and place herein stated.

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

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

DATED this 16th day of May, 2019.



DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #GG015952
EXPIRES JULY 27, 2020