

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

FILED 10/31/2019
DOCUMENT NO. 10606-2019
FPSC - COMMISSION CLERK

In the Matter of:

DOCKET NO. 20190001-EI

FUEL AND PURCHASED POWER
COST RECOVERY CLAUSE WITH
GENERATING PERFORMANCE
INCENTIVE FACTOR.

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PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: COMMISSIONER GARY F. CLARK
PREHEARING OFFICER

DATE: Tuesday, October 22, 2019

TIME: Commenced: 10:28 a.m.
Concluded: 10:53 a.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
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1 APPEARANCES:

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2 Utilities Company.

3 LAURA A. WYNN and JAMES W. BREW, ESQUIRES,
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8 J.R. KELLY, PUBLIC COUNSEL; CHARLES REHWINKEL,
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11 Public Counsel, c/o The Florida Legislature, 111 W.
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14 State of Florida.

15 SUZANNE BROWNLESS, FPSC General Counsel's
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18 Service Commission Staff.

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23 Service Commission.

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25

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

2 COMMISSIONER CLARK: All right. Ms.

3 Brownless.

4 MS. BROWNLESS: Thank you, sir. We have no
5 preliminary matters of which we are aware at this
6 time.

7 COMMISSIONER CLARK: Okay. Any of the parties
8 have any preliminary matters?

9 All right. Let's go to the draft prehearing
10 order.

11 Case background.

12 Conduct of proceedings.

13 Jurisdiction.

14 Procedure for handling confidential
15 information.

16 Prefiled testimony.

17 Ms. Brownless.

18 MS. BROWNLESS: And we would just note that a
19 time will need to be set for witness summaries.

20 COMMISSIONER CLARK: Yes, ma'am. Three
21 minutes.

22 MS. BROWNLESS: Yes, sir. Thank you.

23 COMMISSIONER CLARK: Anything else?

24 MS. BROWNLESS: Yes, sir. In the prehearing
25 statement as in the other dockets, FIPUG objects to

1 a witness being considered an expert witness unless
2 the witness affirmatively states the subject matter
3 areas in which he or she claims expertise. None of
4 the witnesses in this case, either IOU or
5 intervenor, all of whom offered expert testimony,
6 have provided this information.

7 There has already been discussion about the
8 provisions in Section VI A(8) of the OEP that sets
9 out the requirements, that a party shall identify
10 with specificity the portions of the witness
11 testimony by page and line number and/or exhibits
12 to which the party objects if they wish to voir
13 dire and question expertise.

14 FIPUG has not done this, and in accord with
15 your previous decisions, we would ask for a ruling
16 on this matter.

17 COMMISSIONER CLARK: Very good.

18 FIPUG.

19 MR. MOYLE: See above.

20 COMMISSIONER CLARK: See above. Thank you.

21 All right. Let's move to order of witnesses.

22 MS. BROWNLESS: Do we have a ruling, sir?

23 COMMISSIONER CLARK: Yes.

24 MS. BROWNLESS: Just in this docket?

25 COMMISSIONER CLARK: Yes. If we need one --

1 we need to do one specifically for --

2 MS. BROWNLESS: Yes, sir, we do.

3 COMMISSIONER CLARK: Okay, then yes.

4 MS. BROWNLESS: Okay. It's going to be
5 consistent with the rulings in the other dockets?

6 COMMISSIONER CLARK: Yes, ma'am, correct.

7 MS. BROWNLESS: Thank you, sir.

8 COMMISSIONER CLARK: All right. Order of
9 witnesses.

10 MS. BROWNLESS: We are not aware of any
11 changes at this time.

12 COMMISSIONER CLARK: Okay. Are there any
13 witnesses that may be excused?

14 MS. BROWNLESS: I think that I have spoken
15 with the parties, and the parties have agreed that
16 staff witnesses Ojada, Dobiac and Terkawi can be
17 excused and their testimony inserted into the
18 record as though read.

19 And my understanding is that the parties have
20 agreed to excuse these witnesses, and I would like
21 to ask the parties at this time to confirm that.

22 COMMISSIONER CLARK: All right. Everybody in
23 agreement? You have got the list.

24 MR. REHWINKEL: Yes, sir.

25 (Various responses.)

1 COMMISSIONER CLARK: Okay. Very good.

2 MS. BROWNLESS: We would note that we will
3 check with the Commissioners to make sure there are
4 no questions for these witnesses before they are
5 excused.

6 COMMISSIONER CLARK: Thank you.

7 All right. Moving to Item 7, basic positions,
8 no changes?

9 Item 8, issues and positions.

10 MS. BROWNLESS: Yes, sir. The OEP requires
11 that each party take a position at the prehearing
12 conference unless good cause can be shown for why
13 they can't do so. If a party's position in the
14 draft prehearing order is listed as no position at
15 this time, that party must change it today or show
16 good cause why it can't take a position. Absent a
17 showing of good cause, the prehearing order will
18 reflect no position for that party on that issue.

19 My understanding is consistent with the other
20 dockets, parties shall have until the close of
21 business tomorrow, October 23rd, to take positions
22 if they are unable to do so today. And no position
23 on an issue prohibits any party from
24 cross-examining witnesses with regard to those
25 issues, or briefing those issues.

1 So we just need to --

2 COMMISSIONER CLARK: All right. So company --
3 company specific, there is one issue, 2H; is that
4 right, Ms. Brownless?

5 MS. BROWNLESS: Yes, sir. But we would ask
6 the Public Counsel, is the Public Counsel, as in
7 the other dockets, able to take no position where
8 it stated no position at this time in the
9 prehearing order?

10 COMMISSIONER CLARK: Mr. Rehwinkel, you want
11 to address that at this time?

12 MR. REHWINKEL: Yes. Commissioner, where we
13 state no position at this time, our positions will
14 revert to no position, and that includes Issue 36
15 with the revised stipulation language.

16 COMMISSIONER CLARK: Okay.

17 MS. BROWNLESS: Thank you.

18 MR. REHWINKEL: Did you say Issue 2H?

19 MS. BROWNLESS: Yes. That's an issue for Mr.
20 Moyle.

21 With regard to Issue 2H, FIPUG has answered
22 this question as follows: FPL must meet its burden
23 of proof with respect to these SoBRA projects, and
24 FIPUG reserves the right to conduct
25 cross-examination on this and related issues.

1 Essentially, this is a statement of the legal
2 standards applicable to all administrative
3 hearings. This is not a position. Therefore, we
4 would request that FIPUG take a position on this
5 issue by close of business tomorrow, October 23rd,
6 or it will be reflected as no position.

7 MR. MOYLE: I will make it easy, just put our
8 position down as no.

9 COMMISSIONER CLARK: No. Okay.

10 MR. REHWINKEL: Commissioner Clark, with
11 respect to Issue 1C, we had taken no position at
12 this time. We were confused about the status of
13 Issues 1B and 1C together.

14 Since they are broken out, I would just ask
15 the staff to take our position on 1B and just cut
16 and paste it for the position on 1C, and that
17 would -- that would be the easiest thing, because
18 it has our position on both the outage and the D
19 rate, our -- it's embedded in both. We wrote the
20 position for both issues 1B and 1C, so --

21 COMMISSIONER CLARK: Okay.

22 MS. BROWNLESS: Thank you.

23 MR. REHWINKEL: Thank you.

24 COMMISSIONER CLARK: You are clear there, Ms.
25 Brownless?

1 MS. BROWNLESS: Yes, sir.

2 COMMISSIONER CLARK: All right. Great. All
3 right, so we cleared up --

4 MS. WYNN: Commissioner Clark --

5 COMMISSIONER CLARK: -- 2H with Mr. Moyle --
6 yes, PCS.

7 MS. WYNN: Yes, Commissioner, there are a
8 number of issues where PCS has agreed with OPC and
9 OPC has not taken a position. We could list them,
10 there is a lot of them, but we would just ask that
11 our position be changed to no position.

12 COMMISSIONER CLARK: Okay. Thank you.

13 MS. BROWNLESS: Thank you.

14 MR. MOYLE: Just to be clear, we have until
15 five o'clock tomorrow to revise --

16 COMMISSIONER CLARK: You have until 5:00
17 tomorrow, yes, sir.

18 Time out. One second.

19 We did noon in one of the other dockets
20 tomorrow, are we --

21 MS. BROWNLESS: Well, whatever we've done for
22 the other dockets, we should do here. I thought it
23 was --

24 COMMISSIONER CLARK: So we did 5:00 in the
25 last ones. One of the first ones, we did talk

1 about a noon deadline, or did I misread that? Are
2 they all five o'clock tomorrow? They are all five
3 o'clock tomorrow.

4 MR. MOYLE: Close of business?

5 COMMISSIONER CLARK: Whatever we said, we are
6 changing to all for five o'clock tomorrow to
7 clarify that issue.

8 Okay. Where were we, Mr. Rehwinkel?

9 MR. REHWINKEL: Yes. Commissioner, with
10 respect to Issue -- Issue 2L, which is defer. I
11 just need to advise you of something.

12 We have no objection to the deferral. In
13 fact, we had suggested it, and the company agreed
14 to it. There is a dollar amount associated with
15 the replacement power for the outage that this
16 issue addresses. Based on some circumstances I
17 won't go into here today, those dollars have
18 remained as filed. And while we would have
19 preferred that those dollars have come out and be
20 part of the deferral, we don't have an objection to
21 that as long as it is clearly understood that when
22 we get to the 2020 fuel cycle and this issue is
23 litigated, if that's what it has done, that there
24 is no presumption of correctness or reasonableness
25 associated with the inclusion of those dollars in

1 rates in the year 2020. It is really more a matter
2 of convenience and the fact that the Commission has
3 ongoing jurisdiction to true those dollars up.

4 We want it to be clear that there be no
5 statements or testimony given that the Commission's
6 adoption of the factors in this case in a final
7 order is a -- creates a presumption of correctness
8 about those dollars. And as long as that's the
9 case, we are not objecting to this deferral being
10 accorded this issue under these circumstances.

11 COMMISSIONER CLARK: Okay. Great. Duly
12 noted.

13 MR. REHWINKEL: Thank you.

14 MS. BROWNLESS: And that's fine with staff,
15 Your Honor.

16 COMMISSIONER CLARK: Okay. All right. Are
17 there any other changes to issues or positions?

18 Ms. Moncada.

19 MS. MONCADA: Commissioner, Issue 2M, which
20 starts at the bottom of page 18 and flows over to
21 page 19, the number that should be reflected as the
22 appropriate base rate percentage decrease
23 associated with the true-up of FPL's 2017 SoBRA
24 should be 0.045 percent.

25 COMMISSIONER CLARK: Okay. As opposed to --

1 it reads 0.049 now. It should read 0.045?

2 MS. MONCADA: Correct.

3 COMMISSIONER CLARK: Okay.

4 MS. MONCADA: Thank you.

5 COMMISSIONER CLARK: Any other changes?

6 MS. BROWNLESS: Are we going to go
7 individually by the issues, sir or are we just
8 going to --

9 COMMISSIONER CLARK: No, ma'am. We are
10 skipping to J.

11 MS. BROWNLESS: We skip to the end. Okay.

12 The issue that we discussed in the previous
13 dockets in our docket is Issue No. 36. And that
14 should the joint motion to modify Order No.
15 PSC-2012-0425-PAA-EU, regarding the weighted
16 average cost of capital methodology be approved.
17 In this docket, my understanding is that the
18 parties are willing to stipulate to the following:

19 No. The normalization provisions of the
20 Internal Revenue Code Treasury Regulation Section
21 1.167(1)-(1)(h)(6) shall be applied to the weighted
22 average cost of capital in this docket subject to
23 true-up. The determination of the WACC to be
24 applied in future clause dockets shall be the
25 subject of a workshop to be held by Commission

1 staff.

2 Inherent in this as well is the deferral of
3 OPC's identified issue, what is the appropriate
4 capital structure to be used in the clause dockets
5 to a later date? And we understand that this is a
6 Type 2 stipulation, in which at least OPC and
7 FIPUG, and I am not clear about PCS, would take no
8 position.

9 So if we could just confirm that for this
10 docket, that would be great.

11 COMMISSIONER CLARK: You have heard the
12 proposed stipulation. Are we all in agreement?

13 MR. REHWINKEL: Yes. No position.

14 MS. WYNN: We would take no position.

15 MR. MOYLE: Yeah, I just want to be clear. We
16 are siting an IRS regulation, and I want there to
17 be no confusion that by taking no position, we are
18 not agreeing that that IRS regulation, if it says
19 XYZ, that that necessarily means you can have a
20 capital structure above the capital structure
21 approved by the Commission. So, you know, we are
22 trying to keep all our arguments and options open,
23 and I don't want there to be confusion on that
24 point.

25 COMMISSIONER CLARK: I think we would all

1 agree to that. There is no misunderstanding there,
2 is there? Okay, yeah, agreed, Mr. Moyle.

3 MR. MOYLE: Thank you.

4 MS. BROWNLESS: Yes, sir.

5 COMMISSIONER CLARK: Okay. We are all in
6 agreement with the stipulated language. Anything
7 else under issues and positions, Ms. Brownless?

8 MS. BROWNLESS: Yes, we did have earlier
9 identified contested Issue No. 1E, which was
10 talking about a spinoff hearing for the Bartow Unit
11 4 plant, my understanding is that all parties at
12 this time believe they have the necessary
13 information to appropriately tie that issue in this
14 docket, and that I would like to confirm with all
15 parties that that is, in fact, the case.

16 COMMISSIONER CLARK: Can we get a
17 confirmation, all parties?

18 MR. REHWINKEL: Commissioner, I just need to
19 say, we raised the issue. I think we are talking
20 about 1E on the spinoff?

21 MS. BROWNLESS: Yes, sir.

22 COMMISSIONER CLARK: Contested issue.

23 MR. REHWINKEL: We raised the issue. We are
24 ready to go to hearing. Between now and the
25 hearing, or even during the hearing, if something

1 changes that changes that presumption, we will
2 raise it at that time, but we believe the issue can
3 go away for purposes of today.

4 COMMISSIONER CLARK: Okay. Great.

5 All in agreement?

6 MS. WYNN: Yeah, we have no position.

7 COMMISSIONER CLARK: Okay. All right.

8 Yes, ma'am, we are all in agreement.

9 MS. BROWNLESS: Thank you.

10 COMMISSIONER CLARK: All right. Item K,
11 closing the docket.

12 MR. MOYLE: Can I --

13 COMMISSIONER CLARK: Yes, Mr. Moyle.

14 MR. MOYLE: Maybe for the good of the order
15 just make two quick comments.

16 COMMISSIONER CLARK: Yes.

17 MR. MOYLE: FIPUG, with respect to all the
18 issues, we have talked with some parties, not all
19 the parties, but, you know, the hedging issue is in
20 this docket, and we have intended to put at issue
21 hedging, but we are open to informal discussions
22 about that.

23 I mean, we've had this discussion, and we
24 don't like to hedge anyone. It's supposed to be
25 phased out, and we want to just make sure it is

1 being phased out, so that is one issue.

2 And then with respect to Maria and FPL on the
3 SoBRA, you know, we put that at issue, but we will
4 engage in conversations on that. Part of the
5 reason we put it at issue, as you know in other
6 SoBRA cases, they are separate dockets. This one
7 is embedded in the fuel clause, so we will talk and
8 look at that issue as we go forward.

9 I just want staff and you and others to be
10 clear about, you know, about what we are intending
11 at this point to say we would like to have some
12 discussions about these issues.

13 COMMISSIONER CLARK: Okay.

14 MS. BROWNLESS: And if I may just --

15 COMMISSIONER CLARK: FPL, Ms. Moncada.

16 MS. MONCADA: Agreed. Mr. Moyle and I will
17 have discussions hopefully right after this, and
18 maybe continuing thereafter to try to resolve and
19 streamline as much as we can.

20 COMMISSIONER CLARK: Great. Thank you so
21 much.

22 Ms. Brownless.

23 MS. BROWNLESS: Yes, sir, and I would note
24 with regard to the hedging issues, we have included
25 the either gains or losses in the proposed

1 stipulation language that the staff floated, and we
2 are hopeful that that can help you resolve the
3 issue.

4 MR. MOYLE: Good. Thank you.

5 COMMISSIONER CLARK: Okay. All right. Item
6 K, closing the docket, Ms. Brownless.

7 MS. BROWNLESS: Oh, that's, we don't have any
8 issues with regard --

9 COMMISSIONER CLARK: No issues there?

10 MS. BROWNLESS: No, sir.

11 COMMISSIONER CLARK: Okay. All right. Item
12 1E, we have resolved the contested issue already.
13 So let's move to, I assume, exhibit list.

14 MS. BROWNLESS: Yes, sir.

15 Staff has prepared a comprehensive exhibit
16 list which includes all prefiled exhibits and also
17 includes exhibits staff wishes to introduce into
18 the record. Staff will work with the parties to
19 determine if there are any objections to the
20 comprehensive exhibit list, or any of staff's
21 exhibits being entered into the record.

22 MR. BERNIER: And thank you, Commissioner. I
23 spoke with Ms. Brownless about this earlier, but we
24 have a couple of additional discovery responses
25 that I think that we are going to try to add to the

1 exhibit list in hopes of facilitating some
2 additional or potential stipulations.

3 COMMISSIONER CLARK: Okay. Good.

4 MR. REHWINKEL: Commissioner Clark.

5 COMMISSIONER CLARK: Mr. Rehwinkel.

6 MR. REHWINKEL: With respect to
7 confidentiality, Mr. Bernier and Mr. David and I
8 have had sporadic conversations about the nature of
9 confidential information that will be addressed at
10 the hearing. We have a tentative schedule to talk
11 about that this week. We will do that.

12 I just wanted to put the Commission on notice
13 that there is, at this point in time, a significant
14 amount of confidential information. Most of it
15 revolves around I think what has been identified as
16 JS-1, Mr. Schwartz's exhibit that's root cause
17 analysis.

18 We would just ask that for the hearing that
19 the Commissioners have a copy of that at the outset
20 rather than us having to stop the hearing and go
21 get it. It's definitely going to be something that
22 we are going to need to refer to, so -- and maybe
23 JS-2 is the right one.

24 MR. BERNIER: That's what I was going to say.

25 JS-2 would be the one. It is the one with the

1 revised confidentiality --

2 MR. REHWINKEL: Okay. So that's something
3 that we intend to work to streamline that process,
4 but it may be -- it may be somewhat cumbersome --

5 COMMISSIONER CLARK: Okay.

6 MR. REHWINKEL: -- because of that, so --

7 COMMISSIONER CLARK: Very good.

8 Ms. Brownless.

9 MS. BROWNLESS: Yes, sir. I believe that what
10 we have discussed with DEF is because JS-1 was
11 filed in the 2018 docket and was more -- had more
12 restrictions placed on it by Mitsubishi, that we
13 will be using JS-2, which has a minimum, or a
14 shorter -- I don't know the word I am trying to
15 look for -- fewer redactions in it, and we will
16 provide a copy of the unredacted JS-2 to all
17 Commissioners.

18 COMMISSIONER CLARK: Okay. All right.
19 Anything else under exhibits?

20 All right. Proposed stipulations.

21 MS. BROWNLESS: Any stipulations entered into
22 at this prehearing conference will be listed. They
23 will be listed as either, one, all parties agree,
24 which we commonly refer to as a Type 1 Stipulation,
25 or, two, all parties either agree or take no

1 position on the proposed stipulations, which we
2 refer to as a Type 2 stipulation.

3 We will continue to work with all parties to
4 reach stipulations on the outstanding issues, and
5 we note that we have compiled stipulations and
6 circulated them to all the parties, and we hope to
7 be able to enter into more stipulations prior to
8 the hearing.

9 A list of the stipulations entered into after
10 this prehearing order is issued will be provided to
11 all Commissioners prior to the hearing.

12 COMMISSIONER CLARK: Very good.

13 All right. Pending motions, we have none.

14 Confidentiality orders. There are no pending
15 orders at this time, is that correct?

16 MS. BROWNLESS: Yes, sir. We -- orders for
17 all confidentiality requests have been written and
18 are in the process of being issued, and I believe
19 most of those will be finalized today.

20 COMMISSIONER CLARK: I think so, is that
21 right?

22 All right. Post-hearing procedures.

23 MS. BROWNLESS: If parties agree to waive
24 briefs, the Commission may make a bench decision
25 for this portion of the docket.

1 Briefs will be limited to 40 pages. Briefs
2 will be due on November 15th, 2019, for
3 consideration at the December 10th, 2019, Agenda
4 Conference.

5 COMMISSIONER CLARK: All right. Anything else
6 under post-hearing procedures? If not, we will
7 issue the five, three, 40 rule.

8 MR. REHWINKEL: Commissioner, I would like to
9 address that --

10 COMMISSIONER CLARK: Okay.

11 MR. REHWINKEL: -- on that.

12 COMMISSIONER CLARK: Yes, sir.

13 MR. REHWINKEL: I believe we are still engaged
14 in discussions about this, but I believe that there
15 will be two witnesses that you will hear from,
16 Mr. Schwartz for the company, and Mr. Polich for
17 the Public Counsel. They are both engineers. They
18 are going to deal with some complicated issues.

19 We would ask your indulgence, and the
20 Commission's indulgence to the extent the Chairman
21 ultimately rules on this, that we be allowed up to
22 10 minutes for opening. It's just going to be the
23 Public Counsel and maybe FIPUG and PCS on this, but
24 I think the Public Counsel is going to take the
25 lead since we have the witness. We would ask that

1 we be given up to 10 minutes for an opening, and we
2 would ask, because we are only going to have two
3 witnesses that have any length of testimony that's
4 going to be relevant to Issues 1B and 1C, that the
5 summary be allowed for five minutes.

6 We believe that that's going to be necessary
7 to provide a minimum of information to the
8 Commissioners. We ask your indulgence on that.

9 COMMISSIONER CLARK: So you got two intended
10 opening statements and two witnesses?

11 MR. REHWINKEL: Yes. I don't know what PCS
12 and Mr. Moyle --

13 MS. WYNN: Commissioner, I think we would ask
14 for the same, the 10 minutes and the five minutes
15 post just the Bartow issue is a big issue, and I
16 think -- I don't know if we would take the whole
17 time, but we would ask.

18 COMMISSIONER CLARK: How many witnesses do you
19 have?

20 MS. WYNN: None.

21 COMMISSIONER CLARK: None.

22 MR. MOYLE: And we will have two witnesses.
23 We will do friendly cross on Mr. Rehwinkel's
24 witness. I am kidding.

25 COMMISSIONER CLARK: I saw that coming.

1 MR. MOYLE: We will probably cross the other
2 witness, but I don't think we will need all the
3 time, you know, that Mr. Rehwinkel is asking for,
4 but, you know, we support his request. It's his
5 case. He has kind of taken the lead on it.

6 COMMISSIONER CLARK: Okay. All right. Mr.
7 Rehwinkel, since you cut all the witnesses down,
8 we've got it whittled down, I am going to acquiesce
9 here. You can have your 10 and five.

10 MR. REHWINKEL: Okay. Thank you.

11 COMMISSIONER CLARK: The Chairman is going to
12 scold me, you know that, right?

13 MR. REHWINKEL: I will defend you.

14 COMMISSIONER CLARK: Thank you.

15 MR. BERNIER: And, Commissioner, I don't have
16 any objection to the additional time. I would just
17 please caution -- and I know Mr. Rehwinkel and
18 everybody is familiar with how to handle
19 confidential information, but it's going to be
20 tough to talk for 10 minutes on this without saying
21 something confidential, so I would just please ask
22 that we are mindful of that. I would be happy to
23 review your statement beforehand.

24 COMMISSIONER CLARK: You get 10 if he gets to
25 approve your remarks. That's a fair deal.

1 MR. REHWINKEL: We will be very mindful of
2 that.

3 And as I said earlier, Commissioner, we intend
4 to sit down and have further conversations with the
5 company about the type of information that we want
6 to stay away from vocalizing.

7 COMMISSIONER CLARK: Okay. Very good.

8 All right. Anything else, Ms. Brownless?

9 MS. BROWNLESS: Yes, sir. I just want to make
10 sure I understand what we are granting here. Are
11 we granting Duke, OPC --

12 COMMISSIONER CLARK: We are granting all
13 parties 10 minutes for opening statement and five
14 minutes for witness summaries.

15 MS. BROWNLESS: Okay. So there would be two
16 witness summaries if I've got this straight, one
17 for Mr. Polich and one for Mr. Schwartz, five
18 minutes a piece?

19 COMMISSIONER CLARK: All the witnesses would
20 be afforded the same five-minute summary.

21 MR. BERNIER: I would just say that
22 Mr. Schwartz does direct and rebuttal testimony, so
23 I would assume that he would take the same -- I
24 would like him to follow that.

25 MS. BROWNLESS: That's five minutes for each,

1 because we are going to do direct first and then
2 rebuttal.

3 COMMISSIONER CLARK: Yes, and this is only in
4 the 01 docket.

5 MR. BERNIER: And I will do everything in my
6 power to keep it shorter than the five minutes.

7 COMMISSIONER CLARK: Okay.

8 MR. REHWINKEL: So, yeah.

9 MR. BERNIER: Thank you.

10 MS. BROWNLESS: And I know there was some
11 discussion before that Mr. Menendez and Mr. Garcia
12 would also testify at this time. Have y'all worked
13 out that we are down to Polich and Schwartz?

14 MR. BERNIER: Working, I think is the --

15 MR. REHWINKEL: Yes, that -- we are working on
16 that.

17 COMMISSIONER CLARK: Okay.

18 MS. BROWNLESS: Okay. All right. Thank you.

19 COMMISSIONER CLARK: All right. Any other
20 matters to address at this prehearing conference?
21 All hearts and minds are clear?

22 MS. BROWNLESS: Yes, sir.

23 COMMISSIONER CLARK: All right. We will
24 adjourn the meeting. Thank you very much.

25 MS. BROWNLESS: Thank you, sir.

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(Proceedings concluded at 10:53 a.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 31st day of October, 2019.



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