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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

DOCKET NO. 20200153-EI

PETITION FOR A LIMITED
PROCEEDING TO APPROVE THIRD
SOLAR BASE RATE ADJUSTMENT,
BY DUKE ENERGY FLORIDA,
LLC.

_____ /

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: COMMISSIONER JULIE I. BROWN
PREHEARING OFFICER

DATE: Monday, September 14, 2020

TIME: Commenced: 1:30 p.m.
Concluded: 1:40 p.m.

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

REPORTED BY: ANDREA KOMARIDIS WRAY
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 J.R. KELLY, PUBLIC COUNSEL and CHARLES
3 REHWINKEL, DEPUTY PUBLIC COUNSEL, Office of Public
4 Counsel, c/o The Florida Legislature, 111 W. Madison
5 Street, Room 812, Tallahassee, Florida 32399-1400,
6 appearing on behalf of the Citizens of the State of
7 Florida.

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

13 KURT M. SCHRADER and SHAW P. STILLER,
14 ESQUIRES, FPSC General Counsel's Office, 2540 Shumard
15 Oak Boulevard, Tallahassee, Florida 32399-0850,
16 appearing on behalf of the Florida Public Service
17 Commission Staff.

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

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P R O C E E D I N G S

COMMISSIONER BROWN: All right. The time is 1:30 and I'd like to call this prehearing to order in the 2000- -- 20200153-EI, the Duke Energy of Florida, LLC, proceeding to approve the third SoBRA adjustment prehearing conference.

Staff, can you please read the notice.

MR. SCHRADER: Yes, Commissioner. By notice, this time and place is set for prehearing conference in Docket No. 20200153-EI. The purpose of the prehearing is set out more fully in the notice.

COMMISSIONER BROWN: Thank you.

And at this time, we'll take appearances, starting with Duke Energy of Florida.

MS. TRIPLETT: Good afternoon. Dianne Triplett on behalf of Duke Energy Florida. And I'd like to make an appearance for Matt Bernier.

COMMISSIONER BROWN: Thank you.

Office of Public Counsel?

MR. REHWINKEL: Good afternoon, Commissioner. Charles Rehwinkel with the Office of Public Counsel, and I would also like to make an appearance for J.R. Kelly.

COMMISSIONER BROWN: Thank you.

1 Staff.

2 MR. SCHRADER: Kurt Schrader for the
3 Commission, and also with -- Shaw Stiller is on the
4 line, so I'll enter an appearance for him as well.

5 COMMISSIONER BROWN: Advisor to the PSC, did
6 you say?

7 MR. SCHRADER: Shaw Stiller, yes, for --

8 MS. HELTON: And I'll -- Commissioner, Mary
9 Anne Helton is here as your advisor. And I'd also
10 like to make an appearance for your general
11 counsel, Keith Hetrick.

12 COMMISSIONER BROWN: Thank you so much. I
13 think this prehearing conference will be going very
14 quickly today. But we'll go into -- staff, are
15 there any preliminary matters that we need to
16 address?

17 MR. SCHRADER: Yes, Commissioner. State
18 buildings are currently closed to the public, and
19 other restrictions on gathering remain in place due
20 to COVID-19. Accordingly, this prehearing is being
21 conducted remotely with the parties participating
22 by communications media technology.

23 Media -- members of the public who want to
24 observe or listen to this prehearing may do so by
25 accessing the live video broadcast, which is

1 available from the Commission's website. Upon
2 completion of the prehearing, the archived video
3 will also be available.

4 Also, each person participating today needs to
5 keep their phone or device muted when they are not
6 speaking and only unmute when they are called upon
7 to speak.

8 If they do not keep their phone muted or put
9 their phone on hold, they may be disconnected from
10 the prehear- -- proceeding and will need to call
11 back in.

12 Also, telephonic participants should speak
13 directly into their phone and not use the
14 speaker -- speaker function.

15 Staff has no other matters at this time.

16 COMMISSIONER BROWN: Thank you.

17 Do any of the parties have any preliminary
18 matters? Okay. Great.

19 We're going to go through the draft prehearing
20 order, then, at this time. I'm going to identify
21 the sections. And if there are any corrections or
22 changes that you have not already provided to staff
23 in advance of this prehearing conference, please
24 speak up.

25 Starting with Section 1, the case background:

1 Any changes or corrections? Seeing none.

2 Section 2, the conduct of the proceedings:

3 Any changes or corrections? Seeing none.

4 Section 3, jurisdiction. No changes? Seeing
5 none.

6 Section 4, procedure for handling confidential
7 information. Staff.

8 MR. SCHRADER: Staff will note that when
9 confidential information is used in the hearing
10 that has not been filed as prefiled testimony or
11 prefiled exhibits, parties must follow the
12 procedures for providing confidential electronic
13 exhibits to the Commission Clerk prior to the
14 hearing.

15 Any party wishing to examine the confidential
16 material that is not subject to an order granting
17 confidentiality shall be provided a copy in the
18 same fashion as provided to the Commissioners,
19 subject to execution of any appropriate protective
20 agreement with the owner of the material.

21 COMMISSIONER BROWN: Thank you.

22 And the parties understand this, correct?

23 Yes. Great.

24 Section 5, prefiled testimony and exhibits and
25 witnesses.

1 Staff.

2 MR. SCHRADER: Staff suggests that witness
3 testimony be no longer than three minutes.

4 COMMISSIONER BROWN: Is that acceptable to the
5 parties? They're nodding.

6 Proceed, staff.

7 MR. SCHRADER: All cross-examination exhibits,
8 whether confidential or nonconfidential, that a
9 party intends to use at the hearing, must be
10 provided to the Commission Clerk by close of
11 business on September 29th, 2020, in order to be
12 processed and placed on the Commission's website.

13 The parties have been e-mailed instructions,
14 Attachment A to the draft prehearing order, about
15 how to electronically provide this material to the
16 clerk. If you have any questions, please contact
17 me or Shaw Stiller.

18 COMMISSIONER BROWN: Thank you.

19 And I also want to thank staff for that
20 Attachment A, preparing that. I think it's very
21 thorough and kind of really clearly lays out that
22 process. So, thank you.

23 Any changes? Seeing none from the parties,
24 we'll move to Section 6, the order of witnesses.

25 Staff?

1 MR. SCHRADER: Yes, we have three witnesses'
2 direct: Matthew G. Stout, with Issues 1, 4, and 5;
3 Thomas G. Foster, Issues 4, 5, and 6; and Benjamin
4 M.H. Borsch, Issues 2, 3, and 4.

5 COMMISSIONER BROWN: Thank you.

6 All right. At this time, are there any
7 witnesses that could be stipulated? Mr. Rehwinkel?

8 MR. REHWINKEL: We are in discussions with
9 Duke, and -- and I believe that we will be able to
10 limit our cross-examination to one witness, but
11 I -- I just need to have a final conversation with
12 the company.

13 It's our intention to -- to stipulate to the
14 entry of the prefiled testimony and exhibits of at
15 least -- of two of the witnesses. I have a good
16 idea who it will be, but I just need to talk to
17 Counsel for Duke.

18 COMMISSIONER BROWN: That sounds good. Thank
19 you very much.

20 Staff, anything additional to add?

21 MR. SCHRADER: If -- sorry. Staff will
22 confirm with you, Commissioner, that any identified
23 witness can be excused. If Commissioners don't
24 have any questions of witnesses, the witnesses may
25 be excused from the hearing and his or her

1 testimony and exhibits entered into the record as
2 though read.

3 COMMISSIONER BROWN: Okay. Any questions on
4 that? Okay. Thank you very much.

5 We are moving now to Section 7, the basic
6 position. Do any of the parties have any changes
7 to their positions that were not previously
8 provided to staff? Seeing none.

9 Staff, do you want to comment on if they want
10 to submit any addi- --

11 MR. SCHRADER: Yes. Staff suggests that
12 changes to positions should be submitted by
13 September 16th, if they have any additional --
14 close of business, if they have any additional
15 revisions.

16 COMMISSIONER BROWN: Thank you.

17 Moving on to the issues -- Section 8, issues
18 and positions. I'm j- -- there's seven issues.
19 I'm just going to ask if any of the parties
20 have any --

21 MR. REHWINKEL: (Indicating.)

22 COMMISSIONER BROWN: All right.

23 Mr. Rehwinkel.

24 MR. REHWINKEL: I don't have anything to say.
25 As long as the e-mail I sent out this morning with

1 the revisions in our positions have been received
2 by staff, we're good and we don't need to add
3 anything else at this time.

4 COMMISSIONER BROWN: They have -- I -- I'm
5 also in receipt of them and staff is in receipt of
6 them.

7 MR. REHWINKEL: Okay.

8 COMMISSIONER BROWN: And Ms. Triplett, any
9 changes?

10 MS. TRIPLETT: No.

11 COMMISSIONER BROWN: Okay. And if any of the
12 parties want to make additional changes, please do
13 so by that same date, Wednesday, September 16th.

14 All right. Staff, are there any contested
15 issues?

16 MR. SCHRADER: None, Commissioner; however,
17 staff will note that, for Issues 5 through 7, OPC
18 has taken no position. If a party does not take a
19 position on these issues, per the OEP, their
20 position will be set to "no position" in the
21 prehearing order.

22 Per the OEP, if a party fails to take a
23 position on an issue by the time of the prehearing
24 conference, the party waives the opportunity to
25 conduct cross-examination on the issue as well as

1 file a post-hearing brief on said issue.

2 COMMISSIONER BROWN: Okay. Thank you.

3 We're going to move on to Section 9, exhibit
4 list.

5 MR. SCHRADER: Staff has prepared a
6 comprehensive exhibit list, which lists all
7 prefiled exhibits and those exhibits staff wish to
8 include in the record. The draft list was given to
9 the parties to see if there are any changes or
10 objections to CEL or the introduction of any of
11 staff's exhibits being entered into the record.

12 At this time, we would like to see if there
13 are any additional changes that need to be made to
14 the parties' exhibits and if there are any
15 objections to the entry of the staff's proposed
16 exhibits into the record.

17 COMMISSIONER BROWN: Any changes?

18 MS. TRIPLETT: Nope. No --

19 COMMISSIONER BROWN: Okay. Thank -- thank
20 you.

21 All right. Section 10 is the proposed
22 stipulations. I don't think we have any at this
23 time; is that correct?

24 MR. REHWINKEL: (Nodding head affirmatively.)

25 COMMISSIONER BROWN: Okay.

1 MR. SCHRADER: That's right, Commissioner.

2 COMMISSIONER BROWN: Seeing none.

3 Section 11, pending motions.

4 MR. SCHRADER: There are no pending motions at
5 this time, Commissioner.

6 COMMISSIONER BROWN: Good.

7 Section 12, pending confidentiality motions.

8 MR. SCHRADER: Yes, Commissioner, there is one
9 pending confidentiality motion at this time. Staff
10 will work to address this prior to the hearing.

11 COMMISSIONER BROWN: Yes, please do so. Thank
12 you very much.

13 Section 13, post-hearing procedures.

14 MR. SCHRADER: Staff recommends that post-
15 hearing briefs be limited to 40 pages, inclusive of
16 attachments, should briefs be necessary.

17 COMMISSIONER BROWN: Are all -- every --
18 parties agree? Yep. Seeing nods.

19 Go ahead, staff.

20 MR. SCHRADER: All right. Staff notes that if
21 a bench decision is made -- is not made, briefs
22 will be due October 27th, 2020.

23 COMMISSIONER BROWN: Sound good to everybody?
24 Seeing nods.

25 Okay. And Section 14, the ruling.

1 MR. SCHRADER: Staff recommends that the
2 prehearing officer make a ruling that opening
3 statements, if any, should not exceed five minutes
4 per party, unless any party chooses to waive its
5 opening statement.

6 COMMISSIONER BROWN: Is five minutes
7 acceptable? Seeing -- good. Sounds good.
8 Everyone is nodding yes. Thank you.

9 All right. Other matters.

10 MR. SCHRADER: Staff is not aware of any other
11 matters to address at this time.

12 COMMISSIONER BROWN: Do any of the parties
13 have any other matters?

14 MR. REHWINKEL: Yes, Madam Chairman. I -- I
15 would just say that, as soon as I talk to
16 Ms. Triplett or Mr. Bernier, shortly -- once we
17 reach agreement on the witness, we will
18 communicate -- communicate that to staff.

19 And I don't contemplate having any other
20 changes to positions. So, I would just suggest
21 that, once we communicate that, that the staff
22 would be free to issue the prehearing order as soon
23 as possible instead of waiting until the 16th. I
24 don't think we're going to be taking advantage of
25 that, although we appreciate the accommodation.

1 COMMISSIONER BROWN: Thank you. That sounds
2 good.

3 All right. Are there any other matters before
4 we adjourn? Seeing none, this prehearing
5 conference is adjourned.

6 Thank you so much.

7 (Whereupon, the proceedings concluded at 1:40
8 p.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, ANDREA KOMARIDIS WRAY, 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 24th day of September, 2020.



ANDREA KOMARIDIS WRAY
NOTARY PUBLIC
COMMISSION #GG365545
EXPIRES February 9, 2021