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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20230010-EI

Storm Protection Cost Recovery
Clause.

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: COMMISSIONER MIKE LA ROSA

DATE: Thursday, August 24, 2023

TIME: Commenced: 9:30 a.m.
Concluded: 10:10 a.m.

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

REPORTED BY: DEBRA R. KRICK
Court Reporter

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

1 APPEARANCES:

2 J. JEFFREY WAHLEN, MALCOLM N. MEANS and
3 VIRGINIA PONDER, ESQUIRES, Ausley Law Firm, Post Office
4 Box 391, Tallahassee, Florida 32302; appearing on behalf
5 of Tampa Electric Company. (TECO).

6 BETH KEATING, ESQUIRE, Gunster Law Firm, 215
7 South Monroe Street, Suite 601, Tallahassee, Florida
8 32301; appearing on behalf of Florida Public Utilities
9 Company (FPUC).

10 CHRISTOPHER T. WRIGHT, ESQUIRE, 700 Universe
11 Boulevard, Juno Beach, Florida 33408-0420; appearing on
12 behalf of Florida Power & Light Company (FPL).

13 DIANNE TRIPLETT, MATTHEW R. BERNIER and
14 STEPHANIE A. CUELLO, ESQUIRES, 106 E. College Avenue,
15 Suite 800, Tallahassee, Florida 32301; appearing on
16 behalf of Duke Energy Florida, LLC (DEF).

17 WALT TRIERWEILER, PUBLIC COUNSEL, CHARLES
18 REHWINKEL, DEPUTY PUBLIC COUNSEL, PATRICIA A.
19 CHRISTENSEN, MARY ALI WESSLING and OCTAVIO PONCE,
20 ESQUIRES, OFFICE OF PUBLIC COUNSEL, c/o The Florida
21 Legislature, 111 West Madison Street, Room 812,
22 Tallahassee, Florida 32399-1400, appearing on behalf of
23 the Citizens of the State of Florida (OPC.).

24 JON C. MOYLE, JR. and KAREN A. PUTNAL,
25 ESQUIRES, Moyle Law Firm, 118 North Gadsden Street,

1 Tallahassee, FL 32301; appearing on behalf of Florida
2 Industrial Users Group (FIPUG).

3 JAMES W. BREW and LAURA W. BAKER, Stone Law
4 Firm, 1025 Thomas Jefferson Street NW, Suite 800 West
5 Washington, DC 20007; appearing on behalf of Florida
6 White Springs Agricultural Chemicals, Inc., d/b/a PCS
7 Phosphate - White Springs (PCS).

8 PETER J. MATTHEIS, MICHAEL K. LAVANGA and
9 JOSEPH R. BRISCAR, ESQUIRES, Stone Mattheis, Xenopoulos
10 & Brew, 1025 Thomas Jefferson Street, NW, Suite 800
11 West, Washington, DC 20007; appearing on behalf of Nucor
12 Steel (NUCOR).

13 SHAW STILLER and DANIEL DOSE, ESQUIRES, FPSC
14 General Counsel's Office, 2540 Shumard Oak Boulevard,
15 Tallahassee, Florida 32399-0850, appearing on behalf of
16 the Florida Public Service Commission (Staff).

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

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

2 COMMISSIONER LA ROSA: Good morning,
3 everybody. If you wouldn't mind taking our seats,
4 it looks like everyone is ready to get going.

5 Today is August 24th. It is a little after
6 9:30, and I would like to go ahead and call this
7 prehearing conference to order.

8 Staff, will you please read the notice?

9 MR. DOSE: By notice issued on August 10th,
10 2023, this time and place has been set for a
11 prehearing conference in Docket No. 20230010-EI.
12 The purpose of the prehearing is set out more fully
13 in the notice.

14 COMMISSIONER LA ROSA: Awesome. Thank you,
15 staff.

16 And just kind of a quick note, thank you guys
17 for all of your hard work in putting this together.
18 I know this is a little bit routine, but there is a
19 few things in here that you guys have done an
20 exceptional job, so thank you certainly for that.

21 Let's go ahead and take appearances, starting
22 with TECO.

23 MR. MEANS: Good morning, Commissioner.
24 Malcolm Means with the Ausley law firm appearing on
25 behalf of Tampa Electric. I would also like to

1 enter appearances for Jeff Wahlen and Virginia
2 Ponder.

3 COMMISSIONER LA ROSA: Awesome. Threw you a
4 curveball.

5 FPUC.

6 MS. KEATING: Beth Keating with the Gunster
7 Law Firm here for Florida Public Utilities.

8 COMMISSIONER LA ROSA: Awesome.

9 FPL.

10 MR. CHRISTOPHER WRIGHT: Good morning.
11 Christopher Wright on behalf of Florida Power &
12 Light Company.

13 COMMISSIONER LA ROSA: Duke.

14 MR. BERNIER: Good morning. Matt Bernier on
15 behalf of Duke Energy Florida. I will also enter
16 appearances for Dianne Triplett and Stephanie
17 Cuello.

18 Thank you.

19 COMMISSIONER LA ROSA: FIPUG.

20 MR. MOYLE: Thank you. Jon Moyle with the
21 Moyle Law Firm, appearing on behalf of the Florida
22 Industrial Power Users Group, FIPUG. And I would
23 also like to enter an appearance for Karen Putnal
24 with our firm.

25 COMMISSIONER LA ROSA: White Springs

1 Agricultural.

2 MR. BREW: Yes. Good morning.

3 For PCS Phosphate/White Springs, I am James
4 Brew. And I would like to note an appearance for
5 Laura Baker.

6 MR. BRISCAR: Good morning, Commissioner.
7 Joseph Briscar of the law firm Stone Mattheis,
8 Xenopoulos & Brew, appearing on behalf of Nucor
9 Steel Florida. I would like to also enter an
10 appearance for Peter Mattheis and Michael Lavanga.

11 COMMISSIONER LA ROSA: OPC&M.

12 MS. CHRISTENSEN: Good morning. Patricia
13 Christian appearing on behalf of the Office of
14 Public Counsel. I would like to put in an
15 appearance for Walt Trierweiler, Charles Rehwinkel,
16 Mary Wessling, and our newest attorney Octavio
17 Ponce.

18 COMMISSIONER LA ROSA: Commission staff.

19 MR. DOSE: Daniel Dose and Shaw Stiller.

20 MS. HELTON: And Mary Anne Helton is here as
21 your Advisor, along with your General Counsel,
22 Keith Hetrick.

23 COMMISSIONER LA ROSA: Thank you, everybody.

24 Staff, are there any preliminary matters that
25 we need to address before we get to the draft

1 prehearing order?

2 MR. DOSE: Staff is aware of one preliminary
3 matter at this time. Yesterday FPUC filed a notice
4 of substitution of witness and adoption of
5 testimony. FPUC has asked that this notice be
6 acknowledged by the Commission.

7 COMMISSIONER LA ROSA: Awesome.

8 Ms. Keating, can you briefly describe what
9 FPUC's request is?

10 MS. KEATING: Yes, sir. Commissioner, Mr.
11 Robert Waruszewski, who filed direct testimony for
12 the final true-up, as well as for the projections
13 is -- has experienced a family crisis and may not
14 be able to travel for quiet some time. So FPUC is
15 asking that Jason Bennett substitute for Mr.
16 Waruszewski, and he will adopt the testimony, as
17 well as any exhibits that Mr. Waruszewski
18 submitted.

19 COMMISSIONER LA ROSA: Thank you for the
20 correction.

21 Any of parties like to be heard on that?

22 All right. So noted with the witness
23 substitution will be made. I will make that in the
24 prehearing order.

25 Do any of the parties have any other

1 preliminary matters that we need to address this
2 morning?

3 Okay. Let's go through the pre-draft hearing
4 order now. I will identify the sections, and I
5 want the parties to let me know if you have any
6 corrections or changes that ultimately need to be
7 made. We may go through them quickly, so please
8 speak up if you have a correction or a change that
9 has to happen.

10 I will start with Section I, Case Background.

11 None.

12 Section II, Conduct in Proceedings.

13 Section III, Jurisdiction.

14 Section IV, Procedure in Handling Confidential
15 Information.

16 I will note that any confidential
17 cross-examination exhibits the parties intend to
18 offer will be done in paper copies in a red folder
19 in the course of the hearing. That's okay? No
20 issues with that.

21 Let's move over to Section V, Prefiled
22 Testimony and Exhibits, Witnesses.

23 MR. DOSE: Staff suggests that the witness
24 summary testimony be no longer than three minutes.

25 COMMISSIONER LA ROSA: Parties, any issues

1 with the three minutes?

2 All right. Let's move then to the order of
3 the witnesses. Any changes to the order of the
4 witnesses?

5 MR. DOSE: We are not aware of any changes at
6 this time.

7 MS. CHRISTENSEN: Commissioner, this is Patty
8 Christensen with the Office of Public Counsel.

9 We have entered into some stipulations of the
10 witnesses with the companies, and I don't know if
11 this is the place to address it, or if you wanted
12 to wait until later.

13 COMMISSIONER LA ROSA: Let's hear it now.

14 MS. CHRISTENSEN: Okay. We have talked with
15 the companies, and we had submitted some proffered
16 questions to them, and they have provided us with
17 written responses from the witness who was going to
18 take the stand, and provided an affidavit to their
19 -- with those responses. And we are proposing that
20 we submit those as part of the CLE as a stipulated
21 exhibit in lieu of OPC calling those witnesses at
22 the hearing and having to conduct the same
23 cross-examination on those questions live at
24 hearing.

25 COMMISSIONER LA ROSA: Okay. Could that have

1 been done during discovery?

2 MS. CHRISTENSEN: It was an effort to
3 compromise between the utilities and OPC as to
4 bringing the witnesses live at the hearing. So
5 given the circumstances in which they arose,
6 probably not done as discovery. It's being done in
7 lieu of bringing them as live witnesses at the
8 hearing, so we, you know, probably not -- could not
9 have done that as discovery because we would
10 otherwise be bringing them at the hearing to ask
11 the same questions.

12 COMMISSIONER LA ROSA: Okay. I am going to go
13 to the parties.

14 Are there any issues with that as explained,
15 or suggested?

16 MR. CHRISTOPHER WRIGHT: This is Chris Wright
17 on behalf of Florida Power & Light.

18 We agree with the representation made by Ms.
19 Christensen here today, and we support the
20 stipulated questions being admitted to the record
21 at the appropriate time as part of the CLE in lieu
22 of having the witnesses brought here before the
23 Commissioners and crossed.

24 MR. BERNIER: We agree with that,
25 Commissioner. It seems it will be a more efficient

1 use of everybody's time to do it that way, so we
2 are good.

3 MR. MEANS: Yes. We are comfortable with this
4 as well. We support it.

5 MS. KEATING: FPUC, likewise, agrees.

6 COMMISSIONER LA ROSA: Any of the intervenors?
7 Okay.

8 MR. MOYLE: I would just say I think, you
9 know, always, if there is an efficient way to get
10 to a result that everyone is in accord with, it
11 seems to make sense, and this is what that seems to
12 be.

13 FIPUG, I think, will be okay, but is not in a
14 position to take a, you know, position today on the
15 stipulations. But I think we will be in a position
16 to do so, and I expect it will go smoothly.

17 COMMISSIONER LA ROSA: Okay. I am in support
18 of efficiency. I understand. So I am going to go
19 ahead -- I am going to defer for the time being,
20 but I will make a decision before today, because I
21 do want to get with staff just real quickly and
22 make sure I word things correctly.

23 Staff, anything else on the order of
24 witnesses?

25 MR. DOSE: The parties have stipulated to two

1 PSC staff witnesses, Hyma Vedula and Donna Brown.

2 COMMISSIONER LA ROSA: Okay.

3 MS. CHRISTENSEN: And, Commissioner, Patty
4 Christensen.

5 One more thing on the stipulated and proffered
6 questions. We can provide those to all the parties
7 and staff. Since we received the responses within
8 the last day, we have all the responses, so we can
9 give everybody an opportunity to look at that
10 shortly. I can provide that within a day or so.

11 COMMISSIONER LA ROSA: So just for
12 clarification, the questions have been asked
13 already, and is there any additional questions that
14 you expect?

15 MS. CHRISTENSEN: No. We provided the
16 proffered questions to the companies. They have
17 all, in the last day or so, provided their
18 responses with the appropriate affidavit and we can
19 provide that to staff and the other intervenors, as
20 well as the other parties to the docket, and then
21 their -- and everybody can have the opportunity to
22 look at it before we put it on the stipulated
23 exhibit list.

24 COMMISSIONER LA ROSA: Okay.

25 MR. STILLER: And, Commissioner, Shaw Stiller

1 for staff.

2 We would just note that before any witnesses
3 may be excused, we will, of course, have subject to
4 check with each Commissioner to make sure they
5 don't have any questions. So as -- so this
6 process, I guess, will have to have that one extra
7 step after the proposed exhibits are filed before
8 the witnesses could be excused.

9 COMMISSIONER LA ROSA: Excellent. So what I
10 will do is, as we get towards the end here, I will
11 take a quick break at that point and then we can
12 discuss a proper way to stipulate that.

13 MR. STILLER: All right.

14 MR. MOYLE: Mr. Chair, could I just ask a
15 clarification in this?

16 COMMISSIONER LA ROSA: Yes.

17 MR. MOYLE: Just to be clear, my understanding
18 is, is that if you stipulate a Type 2 stipulation,
19 we are not necessarily stipulating to the facts,
20 the answer as a factually correct matter. We are
21 just stipulating that that's part of the record,
22 and we are opting not to conduct cross-examination,
23 is that -- is that right?

24 MR. STILLER: That would -- that's my
25 understanding. Yes.

1 COMMISSIONER LA ROSA: All right. If nothing
2 else, then can we move to Basic Positions? Do any
3 of the parties have any changes to their basic
4 positions?

5 MR. CHRISTOPHER WRIGHT: Commissioner La Rosa,
6 on FPL's basic position, we've got a slight error,
7 and it's on the company's part. I apologize. But
8 on page eight, the last paragraph of FPL's basic
9 position, it states: As further explained in FPL's
10 direct and supplemental and rebuttal testimonies.
11 We did not file supplemental or rebuttal
12 testimonies. Those should be stricken, and I
13 apologize for the oversight.

14 COMMISSIONER LA ROSA: Okay. Any others?
15 Staff, is there a procedure?

16 MR. DOSE: Changes to basic positions should
17 be submitted in writing by close of business
18 tomorrow, August 25th.

19 COMMISSIONER LA ROSA: Awesome. It seems like
20 that should be easy to achieve.

21 Let's move to Issues and Positions.

22 Staff, any additional comments before we get
23 the statute with the issues?

24 MR. DOSE: Staff would note that for a number
25 of issues, there are parties who have not taken a

1 position. Per the OEP, if a party fails to take a
2 position on an issue by the time of the prehearing
3 conference, that party waives its opportunity to
4 conduct cross-examination on the issue, as well as
5 to file a prehearing brief on the issue.

6 COMMISSIONER LA ROSA: All right. Let's get
7 started with the agreed upon issues. Staff.

8 MR. DOSE: Staff notes that OPC represented in
9 its prehearing statement that it remains in a
10 position to facilitate appropriate stipulations on
11 certain issues. As we go through the issues, staff
12 would request that OPC indicate the specific issues
13 to which it's willing to stipulate, and the type of
14 stipulation that would be appropriate, whether a
15 Type 1 or Type 2.

16 COMMISSIONER LA ROSA: Excellent. Thank you.

17 Let's see if there are any comments on the
18 issues. We will kind of go through them
19 individually.

20 Issue 1.

21 MS. CHRISTENSEN: Commissioner -- oh, I am
22 sorry.

23 MR. MEANS: Go ahead.

24 MS. CHRISTENSEN: On Issue 1, I had provided
25 an email to the parties and staff. Issue 1 is

1 related to the final 2022 factors. There were some
2 outstanding stipulations that were entered into
3 between the parties and OPC. So on this issue, OPC
4 would be willing to facilitate a Type 2 stipulation
5 with the attendant footnote that accompanies that,
6 and would change our position to: For FPL, Duke,
7 TECO, OPC takes no position on the 2022 factors
8 that are the subject of the 2020 stipulation and
9 settlement agreements approved in Order No.
10 PSC-2020-0293AS-EI. And if need be, I can provide
11 that to staff again.

12 COMMISSIONER LA ROSA: Thank you. Noted.

13 MR. MEANS: Yes, Commissioner. Tampa Electric
14 had one change to its position on Issue 1. Based
15 on some conversations with staff, we would like to
16 change the cost recovery true-up overrecovery
17 amount from the six million figure listed there to
18 \$1,278,701, and I believe staff is already aware of
19 this change.

20 COMMISSIONER LA ROSA: Staff?

21 MR. STILLER: That is correct. Staff is aware
22 and agrees with that change.

23 COMMISSIONER LA ROSA: All right.

24 MR. MEANS: Thank you.

25 MR. BREW: Commissioner, PCS had agreed with

1 OPC on Issue 1, and we can continue to agree with
2 it based on the changes that Ms. Christensen just
3 described.

4 COMMISSIONER LA ROSA: All right. Thank you.
5 Any other issues on Issue No. 1?

6 Let's move to Issue No. 2.

7 Seeing none, Issue No. 3.

8 MS. CHRISTENSEN: Commissioner, this is Patty
9 Christensen with the Office of Public Counsel.

10 We may be in a position on Issues 2, I think,
11 3 and 4, and potentially Issue, I guess, 6 and 7
12 are those, the factors. We have positions on those
13 issues. We would maintain those positions, but we
14 may be in a position to facilitate Type 2
15 Stipulations with the attendant footnotes on those
16 issues.

17 We would maintain, obviously, our position,
18 but we would be willing to maybe facilitate Type 2
19 Stipulations on those particular issues. I think
20 also Issue 8 as well.

21 And I can provide a list in an email to staff
22 counsel with the issues that we are willing to
23 stipulate a Type 2 -- or facilitate. I am not --
24 facilitate a Type 2 Stipulation to.

25 COMMISSIONER LA ROSA: Okay. All right.

1 Thank you.

2 Any of the -- well, I guess any of the parties
3 on any of the issues, staff, is that okay if I take
4 it up in that juncture?

5 MR. STILLER: Yes, Commissioner.

6 COMMISSIONER LA ROSA: That's Issues 1 through
7 10. Parties? Intervenors?

8 Okay. Let's get started with the contested
9 issues.

10 MS. CHRISTENSEN: Yes. Just -- he was asking
11 for clarification. And on the Issues 1 through 10,
12 we are going to maintain our positions, but we are
13 in a position, I think, on some of those issues to
14 facilitate Type 2 Stipulations with the attendant
15 footnotes --

16 COMMISSIONER LA ROSA: Okay.

17 MS. CHRISTENSEN: -- for clarification.

18 COMMISSIONER LA ROSA: Okay.

19 MS. CHRISTENSEN: And I guess since the
20 contested issues are OPC's issues.

21 COMMISSIONER LA ROSA: Yes.

22 MS. CHRISTENSEN: OPC has presented a number
23 of issues, Issue 1A, 1B and then 2A, 2B, 3A, 3B,
24 and, let's see, I think we also have 4A and 4B, and
25 also Issue 4C.

1 For Issues A and B for each of the companies,
2 OPC believes that these are issues that are
3 appropriate for this docket. Since the issue was
4 not previously resolved in the SPP docket, this --
5 it's our understanding that the issue of prudence
6 should be resolved at one of those two proceedings.
7 And since it was, I guess, placed to this docket,
8 we are asking that those issues be resolved in the
9 SPP/CRC, and we stand by those issues, as well as
10 -- Issue 4C, however, is a specific issue to FPUC
11 regarding cost allocations. After having
12 discussion with the utility and reviewing some of
13 the data requests that were provided by the
14 company, we are in a position to drop Issue 4C.

15 COMMISSIONER LA ROSA: And can we hear from
16 the parties on that, maybe starting with FPL?

17 MR. CHRISTOPHER WRIGHT: Thank you,
18 Commissioner.

19 FPL disagrees that the proposed Issues A and B
20 are appropriate for this docket. And to the extent
21 -- for the reasons set forth in our prehearing
22 memo -- or prehearing statement. I won't repeat
23 those here. We think that they are not appropriate
24 for the clause docket. Whether or not they are
25 appropriate for the plan docket is not relevant to

1 what's to be decided here by the Commission in this
2 docket.

3 To the can extent they are construed to apply
4 to the clauses and the projects and costs that were
5 put forth in the utility's clause filings, we
6 believe that they are subsumed in Issues 1 through
7 4 that were already agreed to here today.

8 MR. BERNIER: Matt Bernier for Duke Energy.

9 I would agree and echo my colleague from
10 Florida Power & Light. I won't reread everything
11 that we said in our prehearing statement on these
12 issues.

13 I think the rule is fairly clear on what the
14 issues to be determined in this docket are. And to
15 the extent that OPC's proposed issues are subsumed,
16 they are unnecessary. Otherwise, I think that the
17 questions that are being raised are more
18 appropriate to some degree in the SPP docket, and
19 that's the subject of the ongoing appeal right now.
20 I just don't think it's -- we don't think it's
21 necessary in this docket.

22 Thank you.

23 MR. MEANS: And Malcolm Means for Tampa
24 Electric.

25 I agree with everything my colleague said, and

1 we stand behind our positions as laid out in the
2 draft prehearing order. And I will just leave it
3 at that.

4 MS. KEATING: Beth Keating for FPUC.

5 I couldn't say it better than my colleagues to
6 the right. FPUC agrees that these issues are
7 inappropriate for this proceeding.

8 COMMISSIONER LA ROSA: Any other parties or
9 intervenors?

10 Okay. So, I am going to confer with staff on
11 something here quickly, and maybe just -- maybe
12 just give me about five minutes, if that's all
13 right.

14 (Brief recess.)

15 COMMISSIONER LA ROSA: All right. I am ready
16 if you guys are, if you don't mind maybe just
17 jumping back into your seats and I will jump --
18 I'll jump in.

19 Thank you. I just wanted to make sure we got
20 everything just kind of documented correctly.

21 So on the first issue, A. I believe it's
22 outside the scope of the docket, so therefore, I
23 see that it's inappropriate, so I do not want to
24 include it.

25 We will go to B. B, I don't think it's

1 necessary to have -- to have it as a separate
2 issue, so that's my ruling on A and B.

3 And then for OPC's proposed proffered
4 questions, I am in acceptance of that. I know it's
5 a little bit outside of the ordinary, but hearing
6 from the parties, I think we are all in the same
7 page for that, for this situation at least.

8 And I think we are good, staff, if I am not
9 mistaken. All three are set?

10 MR. STILLER: You are good.

11 COMMISSIONER LA ROSA: Okay. All right. With
12 these rulings set, we will include them, of course
13 in the prehearing order. Let's move then too the
14 comprehensive exhibit -- yes, sir.

15 MR. BREW: Commissioner, with the rulings on A
16 and B, in which docket are the prudent and
17 recoverable costs supposed to be addressed? In the
18 plan or in these annual proceedings?

19 COMMISSIONER LA ROSA: Staff?

20 MR. STILLER: The three things that are going
21 to be considered in this docket are the prudence of
22 the incurred costs, the reasonableness of the
23 projected costs and factors.

24 COMMISSIONER LA ROSA: Does that answer your
25 question?

1 MS. CHRISTENSEN: And, Commissioner, thank you
2 for the ruling. We would just like to ensure that
3 we get that reduced to writing, and I think you
4 have indicated that you will do that for us. Thank
5 you.

6 COMMISSIONER LA ROSA: Sure. It will -- yes,
7 we will.

8 Okay. Let's move, then, to had the
9 comprehensive exhibit list. Staff -- oh, one more
10 thing. Yes, sir.

11 MR. BREW: I was jumping ahead to the CEL.

12 COMMISSIONER LA ROSA: Oh, okay. All right.

13 MR. BREW: I will wait my turn.

14 COMMISSIONER LA ROSA: All right. Staff is
15 going to jump into the exhibit list.

16 MR. DOSE: Staff has prepared a comprehensive
17 exhibit list which lists all prefiled exhibits and
18 those exhibits which staff wishes to include in the
19 record.

20 The draft list was provided to the parties to
21 see if there were any changes or objections to the
22 CEL or to the introduction of any of staff's
23 exhibits being entered into the record. At this
24 time, we would like to see if there are any known
25 changes that need to be made to the parties'

1 prefiled exhibits, and if there are any known
2 objections to any of staff's proposed exhibits into
3 the record. Staff will continue to work with the
4 parties to work towards stipulating the exhibit
5 list prior to the hearing.

6 COMMISSIONER LA ROSA: Are there any changes?
7 I know there is one coming. Yes, sir.

8 MR. BREW: Yes, PCS would like to add Duke's
9 response to its first and second set of
10 interrogatories to the list. And my understanding,
11 from the prior conversation, is that the stipulated
12 responses by each of the utilities to OPC's
13 questions will also be added, is that right?

14 MS. CHRISTENSEN: That is what we are
15 requesting, that they would be added to the
16 comprehensive exhibit list and entered as a
17 stipulated exhibit.

18 COMMISSIONER LA ROSA: Anybody else?

19 Okay, so seeing no further changes, are the
20 parties willing to stipulate to staff's
21 cross-examination exhibit list on the CEL, that's
22 okay? I am seeing nods. Thank you.

23 Then let's go ahead and move over to Section
24 X, Stipulations -- Proposed Stipulations.

25 MR. DOSE: There are currently no proposed

1 stipulations.

2 COMMISSIONER LA ROSA: Pending Motions?

3 MR. DOSE: There are currently no pension
4 motions.

5 COMMISSIONER LA ROSA: Pending Confidentiality
6 Matters?

7 MR. DOSE: There are no pending
8 confidentiality matters at this time.

9 COMMISSIONER LA ROSA: How about Post-Hearing
10 Procedures?

11 MR. DOSE: Staff recommends that post-hearing
12 briefs be limited to 40 pages, should briefs be
13 necessary. Staff also recommends that a summary of
14 each position of no more than 50 words, set off
15 with asterisks, should be included in each
16 post-hearing statement.

17 If a bench decision is not made, post-hearing
18 briefs will be due on October 13th, 2023.

19 COMMISSIONER LA ROSA: Are the parties in
20 agreement to that?

21 MS. CHRISTENSEN: Commissioner, this is Patty
22 Christensen with OPC.

23 I would ask if we could have the word limit
24 increased to 75 words for the issues. I am not
25 asking for a page increase, but just a word

1 increase on the positions.

2 COMMISSIONER LA ROSA: 50 to 75 words?

3 MS. CHRISTENSEN: Correct.

4 COMMISSIONER LA ROSA: Any issues with that?
5 Seeing any?

6 I think -- I think that's fine. That's
7 accepted. So 75 words rather than the 50.

8 Seeing no other objections, let's move to
9 rulings.

10 MR. DOSE: Staff recommends that the
11 Prehearing Officer make a ruling that all parties
12 shall be provided three minutes for opening
13 statements.

14 COMMISSIONER LA ROSA: Are there any other
15 matters that need to be addressed before the
16 prehearing conference?

17 MR. DOSE: Staff has a few items to address.

18 As we have previously discussed with the
19 parties, prior to the hearing, all nonconfidential
20 prefiled exhibits and testimony will be uploaded
21 onto Case Center. At the hearing, the parties,
22 Commissioners and staff will then have access to
23 those items on Case Center. Staff will also have,
24 in red folders, paper copies of all confidential
25 prefiled testimony and confidential prefiled

1 exhibits. Parties do not have to bring copies of
2 those items.

3 Parties will need to upload nonconfidential
4 cross-examination exhibits in Case Center prior to
5 the hearing. We have discussed that process with
6 the parties. However, all confidential
7 cross-examination exhibits or depositions that
8 parties wish to use at the hearing must be provided
9 in the following manner:

10 For each exhibit you intend to sponsor, you
11 must bring 20 paper copies. If the exhibit is
12 confidential, each copy will need to be in a red
13 folder.

14 COMMISSIONER LA ROSA: Okay. Any other
15 matters that -- I know that we are using Case
16 Center here for the first time kind of, so if there
17 is any questions, please feel free to direct them
18 towards staff, and we will be happy to help with
19 regard to that on the knowledge base side of it --
20 yes, sir, FIPUG.

21 MR. MOYLE: We are embarking on a new way of
22 doing things, and I think it's going to be a
23 productive process. I just had a point of
24 clarification with respect to the exhibit list and
25 all the exhibits that are on there, and there is a

1 pending issue about some request to add some
2 additional exhibits to that. Am I correct in
3 assuming that the staff CEL, that that will all be
4 taken care of by staff, that they will upload
5 everything, and if somebody gets, you know, Mr.
6 Brew gets his interrogatories on there, it will be
7 in staff's bundle, if you will?

8 MS. HELTON: That is correct. There -- I
9 think there might actually be a separate bundle for
10 the CE -- CLE -- no, CEL. Yes, so it will be the
11 staff exhibit, so it will be listed there.

12 MR. MOYLE: Okay.

13 MS. HELTON: And, Mr. Chairman, if I could
14 just say one thing. You know, we are embarking on
15 Case Center, as everyone knows, and we appreciate
16 everyone's engagement in this process. And we will
17 have ultimate tweaks to the order establishing
18 procedure and the prehearing order. We started
19 working on that, but because we want to go through
20 this a couple of times, so y'all are part of that
21 guinea pig process. Once we -- once we've done
22 that, then we will publish the tweaks in the next
23 round of orders, but we just hope everyone will
24 understand that it will not be reflected yet in the
25 procedural orders for this hearing.

1 COMMISSIONER LA ROSA: Okay. Thank you.

2 I do want to run one more thing by staff
3 before we move towards adjournment. The ruling of
4 the excused witnesses, was that done correctly? I
5 don't know that we necessarily -- we may have
6 mentioned it, but I am not sure that we officially
7 said it out loud.

8 MR. STILLER: The only witnesses that everyone
9 has agreed to excuse, but we still have to confer
10 with the Commissioners, are the two PSC witnesses,
11 the auditors. None of the other witnesses have
12 been excused yet. We can begin that process now
13 that the ruling has been made on the
14 cross-examination exhibits. And we will go around
15 and clear with the Commissioners once the parties
16 themselves reach agreement on excusing the
17 witnesses. So that process will take place over
18 the next week or so.

19 COMMISSIONER LA ROSA: Okay. Thank you. I
20 just -- I noted it, so I wanted to make sure we
21 come back to it.

22 So are there any other matters that need to be
23 discussed?

24 Okay. So seeing no other matters, I think we
25 are good to adjourn. I will go ahead and adjourn

1 this prehearing conference. Thank you all.

2 MR. MEANS: Thank you.

3 (Proceedings concluded.)

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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 6th day of September, 2021.


DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #HH31926
EXPIRES AUGUST 13, 2024