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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20230002-EG

In re: Energy conservation cost
recovery clause.

_____ /

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: COMMISSIONER MIKE LA ROSA

DATE: Tuesday, October 17, 2023

TIME: Commenced: 9:30 a.m.
Concluded: 10:18 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 MARIA JOSE MONCADA and WILL P. COX, ESQUIRES,
3 700 Universe Boulevard, Juno Beach, Florida 33408-2863;
4 appearing on behalf of Florida Power & Light Company
5 (FPL).

6 DIANNE M. TRIPLETT, ESQUIRE, 299 First Avenue
7 North, St. Petersburg, Florida 33701; MATTHEW R. BERNIER
8 and STEPHANIE A. CUELLO, ESQUIRES, 106 East College
9 Avenue, Suite 800, Tallahassee, Florida 32301; appearing
10 on behalf of Duke Energy Florida, LLC (DEF).

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

15 BETH KEATING, ESQUIRE, Gunster Law Firm, 215
16 South Monroe Street, Suite 601, Tallahassee, Florida
17 32301; appearing on behalf of Florida Public Utilities
18 Company (FPUC).

19 WALT TRIERWEILER, PUBLIC COUNSEL; CHARLES J.
20 REHWINKEL, DEPUTY PUBLIC COUNSEL; MARY A. WESSLING,
21 PATRICIA CHRISTENSEN and OCTAVIO PONCE, ESQUIRES, OFFICE
22 OF PUBLIC COUNSEL, c/o The Florida Legislature, 111 West
23 Madison Street, Room 812, Tallahassee, Florida
24 32399-1400; appearing on behalf of the Citizens of the
25 State of Florida (OPC).

1 APPEARANCES CONTINUED:

2 JON C. MOYLE, JR. and KAREN A. PUTNAL,
3 ESQUIRES, Moyle Law Firm, 118 North Gadsden Street,
4 Tallahassee, FL 32301; appearing on behalf of Florida
5 Industrial Users Group (FIPUG).

6 PETER J. MATTHEIS, MICHAEL K. LAVANGA and
7 JOSEPH R. BRISCAR, ESQUIRES, 1025 Thomas Jefferson
8 Street, NW, Eighth Floor, West Tower, Washington, D.C.
9 20007; appearing on behalf of Nucor Steel Florida, Inc.,
10 (NUCOR).

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

16 JACOB IMIG and CARLOS MARQUEZ, II, ESQUIRES,
17 FPSC General Counsel's Office, 2540 Shumard Oak
18 Boulevard, Tallahassee, Florida 32399-0850, appearing on
19 behalf of the Florida Public Service Commission (Staff).

20 KEITH C. HETRICK, GENERAL COUNSEL; SAMANTHA
21 CIBULA, ESQUIRE, Florida Public Service Commission, 2540
22 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,
23 Advisor to the Florida Public Service Commission.

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

2 COMMISSIONER LA ROSA: Awesome, good morning,
3 everyone. By your silence, I will assume that
4 everyone is ready to go and moving forward this
5 morning.

6 Again, good morning. Today is October 17th.
7 It is a little after 9:30 a.m., and we will now
8 call this prehearing conference to order.

9 Mr. Watrous, will you please read the notice?

10 MR. WATROUS: By notice issued on October 6th,
11 2023, this time and place has been set for
12 prehearing conferences in Docket Nos. 20230001,
13 20230002, 20230003, 20230004 and 20230007. The
14 purpose of these prehearings is set out more fully
15 in the notice.

16 COMMISSIONER LA ROSA: Thank you, Mr. Watrous.
17 Let's move to appearances.

18 MR. WATROUS: There are five dockets to
19 address today. We suggest that all appearances be
20 taken at once. All parties should enter their
21 appearances and declare the dockets they are
22 entering an appearance for. Several parties will
23 make appearances. After the parties make their
24 appearances staff will need to make theirs.

25 COMMISSIONER LA ROSA: Excellent.

1 Let's go ahead now and take appearances going
2 from left -- or at least my left to right. We will
3 start with Florida Power & Light.

4 MS. MONCADA: Good morning, Commissioner.
5 Maria Moncada for Florida Power & Light Company for
6 the 01, 02 and 07 dockets. I would also like to
7 enter the following appearances: In the 01 docket,
8 William Cox and David Lee. In the 02 docket,
9 William Cox. And in the 07 docket, Joel Baker.

10 Thank you.

11 MS. CUELLO: Good morning. Stephanie Cuello
12 for Duke Energy. And I would also like to make an
13 appearance on behalf of Matt Bernier and Dianne
14 Triplett, all for the 01, 02 and 07 docket.

15 MR. MEANS: Good morning. Malcolm Means with
16 the Ausley McMullen Law Firm, appearing on behalf
17 of Tampa Electric, along with Jeff Wahlen and
18 Virginia Ponder in dockets 01, 02 and 07.

19 MS. KEATING: Good morning. Beth Keating with
20 the Gunster Law Firm here this morning for FPUC in
21 the 01, 02, 03 and 04 dockets. I will also be
22 appearing for Florida City Gas in the 03 and 04
23 dockets, and for Sebring Gas Systems in the 04
24 docket.

25 MR. SHEF WRIGHT: Good morning, Commissioner.

1 Robert Scheffel Wright of the Gardner Bist Law Firm
2 appearing on behalf of the Florida Retail
3 Federation in the 01 docket only. I would also
4 like to enter an appearance for my law partner,
5 John T. Lavia, III.

6 Thank you.

7 MR. MOYLE: Good morning. Jon Moyle with the
8 Moyle Law Firm, appearing on behalf of the Florida
9 Industrial Power Users Group, more commonly known
10 as FIPUG, and we are in the 01, 02 and 07 docket.
11 I would also like to have an appearance entered for
12 Karen Putnal, who is with the Moyle Law Firm with
13 me.

14 Thank you.

15 MR. BRISCAR: Good morning. Joseph Briscar
16 appearing on behalf of Nucor Steel Florida in the
17 01, 02 and 07 dockets. I would like to also enter
18 an appearance for Peter Mattheis and Michael
19 Lavanga in all three dockets.

20 Thank you.

21 MR. BREW: Good morning, Commissioner. I am
22 James Brew. I am appearing on behalf of White
23 Springs Agricultural Chemicals PCS Phosphate in the
24 01, 02, and 07 dockets. And I would also like to
25 make an appearance for Laura Wynn Baker.

1 MR. REHWINKEL: Good morning, Commissioner.
2 Charles Rehwinkel with the Office of Public
3 Counsel. I would like to enter an appearance for
4 Walt Trierweiler, Ali Wessling, Patty Christensen
5 and Octavio Ponce and all five dockets.

6 Thank you.

7 MS. PONDER: Commissioner, excuse me.

8 COMMISSIONER LA ROSA: Yeah.

9 MS. PONDER: We swapped places. I stepped up.

10 COMMISSIONER LA ROSA: Absolutely.

11 MS. PONDER: Virginia Ponder with the Ausley
12 McMullen Law Firm in the 03 and 04 docket. And I
13 would like to also make an appearance for Jeff
14 Wahlen and Malcolm Means in the 03 and 04 as well.

15 COMMISSIONER LA ROSA: Thank you.

16 MS. KEATING: Commissioner, forgive me. I
17 realized I neglected to enter an appearance for
18 Chris Wright on behalf of Florida City Gas as well
19 in the 03 and 04 dockets.

20 COMMISSIONER LA ROSA: Thank you.

21 MR. WATROUS: And then Austin Watrous on
22 behalf of Commission staff in the 03 docket. I
23 would also like to enter an appearance for Suzanne
24 Brownless in the 01, Ryan Sandy in the 01, Carlos
25 Marquez the 02, the 04 and the 07, Jacob Imig in

1 the 02 and the 07, and Tim Sparks in the 04 and the
2 07.

3 MS. CIBULA: And Samantha Cibula, Advisor to
4 the Commission. I would also like to make an
5 appearance for Keith Hetrick, the General Counsel.

6 COMMISSIONER LA ROSA: Thank you all.

7 Mr. Watrous, are there any preliminary
8 matters?

9 MR. WATROUS: We are unaware of any
10 preliminary matters at this time.

11 COMMISSIONER LA ROSA: Excellent. Let's move
12 on to the dockets. We are going to take the order
13 as 02, 03, 04, 07 and 01, so slightly out of order
14 for organizational purposes.

15 Moving on to 02, Mr. Marquez, are there any
16 preliminary matters that we need to address before
17 we get to the predraft hearing order?

18 MR. MARQUEZ: No, Commissioner La Rosa.

19 COMMISSIONER LA ROSA: Excellent. Thank you.

20 Does any parties have any preliminary matters?
21 Seeing -- OPC, you are recognized.

22 MR. REHWINKEL: This may be just as good a
23 time as any to state this, Mr. Chairman.

24 The Public Counsel filed, in all five dockets,
25 revised positions on all -- almost all the issues,

1 and we submitted that electronically to staff. If
2 it's -- I think it would facilitate matters if we
3 don't go through that each time we get to each
4 docket with each issue.

5 Staff has them and -- all of our issue
6 positions are designed or intended to facilitated
7 Type 2 stipulations on those issues if one is
8 otherwise to be facility facilitated. So I think
9 it could streamline things just to say our
10 positions have been revised with your staff.

11 COMMISSIONER LA ROSA: Okay. Excellent.

12 So --

13 MR. BREW: Excuse me.

14 COMMISSIONER LA ROSA: Yep, Mr. Brew, you are
15 recognized.

16 MR. BREW: Just to elaborate on that. In many
17 of the dockets, PCS's position is often agree with
18 OPC. We have reviewed the revised statements by
19 OPC and our positions remain the same.

20 COMMISSIONER LA ROSA: Excellent. Any other
21 comments on that?

22 So when I come to those sections, I will just
23 -- we will make the assumption that that has been
24 received by us and it's been circulated, and if
25 there is any other thoughts or comments at that

1 point, of course we can bring them up.

2 Okay. So that was a perfect time to state, so
3 that I much appreciate that. It will help us with
4 efficiency moving forward.

5 Let's go through the draft prehearing order.
6 I will identify the sections. I may move a little
7 bit quick, so please feel free to jump in if there
8 are some changes or corrections that ultimately
9 need to be made.

10 So we will start with Section 1, Case
11 Background.

12 Section II, Conduct of Proceedings.

13 Section III, Jurisdiction.

14 Section IV, Procedures in Handling
15 Confidential Information.

16 Section V, Prefiled Testimony, Exhibit and
17 Witnesses.

18 Seeing none. Staff, thoughts?

19 MR. MARQUEZ: Commissioner, with regard to any
20 witness that is not ultimately excused from the
21 hearing, we are recommending that their summary of
22 their testimony be limited to no more than three
23 minutes.

24 COMMISSIONER LA ROSA: Okay. Three minutes it
25 is, seeing no objections to that.

1 Let's move to the order of witnesses, staff.

2 MR. MARQUEZ: If the parties are ultimately
3 willing to excuse any witnesses, we will then
4 confirm with each Commissioner on whether or not
5 they anticipate questions for those witnesses. If
6 the Commission has no questions, we would then
7 inform the parties that those witnesses have been
8 excused and that their testimony be entered into
9 the record, along with exhibits, as though read.

10 COMMISSIONER LA ROSA: Thank you.

11 Then let's move to basics positions. Do the
12 parties have any changes to their basic positions?

13 Seeing none. Let's move to issues and
14 positions, staff.

15 MR. MARQUEZ: Issues and positions for the 02
16 clause have been included in the draft prehearing
17 order that was circulated to the parties. We note
18 that for any party that has taken a position of no
19 position at this time, if that position is not
20 amended prior to the hearing, it will be changed to
21 no position in the prehearing order.

22 For the order establishing procedure, if a
23 party fails to take a position on any issue, that
24 party also waives their opportunity to conduct
25 cross-examination as it relates to that issue, as

1 well as waives their right to file a post-hearing
2 brief on that issue.

3 MR. REHWINKEL: Commissioner La Rosa.

4 COMMISSIONER LA ROSA: Yes, sir.

5 MR. REHWINKEL: Just for the record for this
6 docket, and all the others, I don't think -- our
7 language that facilitates a Type 2 stipulation is
8 always accompanied by a footnote that describes
9 what a Type 2 stipulation is, and I didn't see it
10 in here, but we -- for purposes of doing this for
11 all the dockets, we would ask that that footnote be
12 included in each of the five prehearing orders.

13 COMMISSIONER LA ROSA: Okay. All right. So
14 noted.

15 MR. REHWINKEL: Thank you.

16 COMMISSIONER LA ROSA: Okay. Any other
17 thoughts?

18 MR. MOYLE: I assume for all the parties, that
19 that footnote would not be specific to OPC but just
20 be kind of a general footnote to say Type 2
21 stipulations are blah, blah, blah, but they don't
22 represent a position of a party.

23 We have a similar concern but don't want to
24 burden the record beyond saying we would like for
25 that language to apply to FIPUG as well.

1 COMMISSIONER LA ROSA: Okay. Is that fair
2 amongst the parties?

3 MR. SHEF WRIGHT: Yes, sir.

4 COMMISSIONER LA ROSA: Okay. Excellent.

5 Then let's move on to the exhibit list, staff.

6 MR. MARQUEZ: All right. We have prepared a
7 comprehensive exhibit list for this docket that
8 includes the prefiled exhibits, as well as any
9 exhibits staff wishes to ultimately be included in
10 the record. We will check with the parties before
11 the hearing to see whether or not there are any
12 objections. We have already heard back from FPL,
13 TECO and FPUC.

14 COMMISSIONER LA ROSA: Excellent. Let's move
15 then to the proposed stipulations.

16 MR. MARQUEZ: At this time, we are unaware of
17 any stipulations.

18 COMMISSIONER LA ROSA: Pending motions?

19 MR. MARQUEZ: No.

20 COMMISSIONER LA ROSA: Pending confidentiality
21 motions?

22 MR. MARQUEZ: None.

23 COMMISSIONER LA ROSA: Post-hearing
24 procedures?

25 MR. MARQUEZ: If parties agree to waive

1 briefs, the Commission could make a bench decision
2 for this docket. If there are any issues that do
3 need to be briefed, we recommend that post-hearing
4 briefs be no longer than 40 pages maximum.

5 COMMISSIONER LA ROSA: 40 pages it is, if they
6 are filed. That seems fair. All parties in
7 agreement with that?

8 Okay. Let's go, then, to rules.

9 MR. MARQUEZ: All right. Staff recommends
10 that, Commissioner, you make a ruling today that
11 opening statements not exceed three minutes per
12 party.

13 COMMISSIONER LA ROSA: Okay. Three minutes it
14 is. Fair, seeing no objections.

15 Let's move on, then, to other matters.

16 MR. MARQUEZ: There are no other matters that
17 we are aware of that need to be addressed today.

18 COMMISSIONER LA ROSA: Excellent.

19 So then let's move on -- out of the 02 and
20 into the 03 docket.

21 (Proceedings concluded.)

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CERTIFICATE OF REPORTER

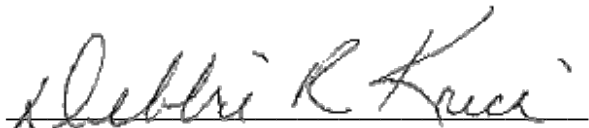
STATE OF FLORIDA)
COUNTY OF LEON)

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 30th day of October, 2023.


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