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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20230007-EI

In re: Environmental 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 JOEL BAKER, 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 MALCOLM N. MEANS, J. JEFFREY WAHLEN 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 WALT TRIERWEILER, PUBLIC COUNSEL; CHARLES J.
16 REHWINKEL, DEPUTY PUBLIC COUNSEL; PATRICIA A.
17 CHRISTENSEN, MARY A. WESSLING and OCTAVIO PONCE,
18 ESQUIRES, OFFICE OF PUBLIC COUNSEL, c/o The Florida
19 Legislature, 111 West Madison Street, Room 812,
20 Tallahassee, Florida 32399-1400; appearing on behalf of
21 the Citizens of the State of Florida (OPC).

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

11 PETER J. MATTHEIS, MICHAEL K. LAVANGA and
12 JOSEPH R. BRISCAR, ESQUIRES, 1025 Thomas Jefferson
13 Street, NW, Eighth Floor, West Tower, Washington, D.C.
14 20007; appearing on behalf of Nucor Steel Florida, Inc.,
15 (NUCOR).

16 JACOB IMIG, TIMOTHY SPARKS and CARLOS MARQUEZ,
17 II, 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 APPEARANCES CONTINUED:

21 KEITH C. HETRICK, GENERAL COUNSEL; OCTAVIO
22 CIBULA, ESQUIRE, Florida Public Service Commission, 2540
23 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,
24 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: Let's move into 07, Mr.
3 Marquez, are there any preliminary matters that
4 need to be addressed before we go into the draft
5 prehearing order?

6 MR. MARQUEZ: No, Commissioner.

7 COMMISSIONER LA ROSA: Okay. Parties, any
8 other preliminary matters that need to be
9 discussed?

10 Okay. Then, again, I'm going to go through
11 each section relatively quickly, so please feel
12 free to jump in, you have probably heard that
13 disclosure way too many times.

14 Section I, Case Background. Seeing none.

15 Section II, Conduct of Proceedings.

16 Section III, Jurisdiction.

17 Section IV, Procedure for Handling
18 Confidential Information.

19 Section V, Prefiled Testimony, Exhibit,
20 Witnesses.

21 MR. MARQUEZ: Staff recommends that for any
22 witness not excused from the hearing that a summary
23 of their testimony be limited to no more than three
24 minutes.

25 COMMISSIONER LA ROSA: Three minutes it will

1 be.

2 Order of witnesses, staff.

3 MR. MARQUEZ: If the parties are willing to
4 excuse witnesses, staff will then confirm with each
5 Commissioner whether or not the witness can be
6 excused. If no Commissioner has a question of any
7 of the witnesses, those witnesses may be excused
8 from the hearing and their testimony and exhibits
9 entered into the record as though read.

10 COMMISSIONER LA ROSA: Okay. Let's move to
11 basic positions. Do the parties have any changes
12 to their basic positions? It doesn't look like
13 there is any, let's move, then, to issues and
14 positions, staff.

15 MR. MARQUEZ: Commissioner, for any party that
16 has taken no position at this time, if a party does
17 not take a position on these issues, per the Order
18 Establishing Procedure, their position will be
19 changed to no position in the prehearing order. If
20 a party fails to take a position on an issue by the
21 time of the Prehearing Conference, today, the party
22 waives its opportunity to conduct cross-examination
23 on those issues, as well as file a post-hearing
24 brief on that issue.

25 COMMISSIONER LA ROSA: Any matters within that

1 that need to be discussed? Seeing none.

2 Let's move on to the exhibit list, staff.

3 MR. MARQUEZ: We have prepared a comprehensive
4 exhibit list that includes all prefiled exhibits,
5 as well as those that staff wishes to be included
6 in the record. We will work with the parties to
7 determine whether or not there are any objections
8 to that list, or whether or not there are
9 objections to staff's proposed exhibits being
10 entered into the record.

11 COMMISSIONER LA ROSA: Okay. Then let's move
12 to the proposed stipulations.

13 MR. MARQUEZ: There are none at this time.

14 COMMISSIONER LA ROSA: There are none, okay.
15 Then any pending motions?

16 MR. MARQUEZ: No.

17 CHAIRMAN FAY: How about pending confidential
18 -- confidentiality motions?

19 MR. MARQUEZ: None.

20 COMMISSIONER LA ROSA: Okay. Then let's
21 discuss how we are going to handle post-hearing
22 procedures.

23 MR. MARQUEZ: If the parties agree to waive
24 briefs, the Commission could make a bench decision
25 on this matter. If there are issues that need to

1 be briefed, we recommend, like in the other
2 dockets, briefs be limited to no more than 40
3 pages.

4 COMMISSIONER LA ROSA: Okay. 40 pages if no
5 bench decision. Sounds fair.
6 Rulings.

7 MR. MARQUEZ: We recommend that you make a
8 ruling today that opening statements not exceed
9 three minutes per party.

10 COMMISSIONER LA ROSA: Okay. So be it set as
11 three minutes. Three minutes it will be. Any of
12 the other parties -- are all parties in agreement?
13 Seeing everyone in agreement.

14 Other matters.

15 MR. MARQUEZ: None that I am aware of.

16 COMMISSIONER LA ROSA: Okay. Then let's move
17 into -- out of the 07 and into the 01 docket.

18 (Proceedings concluded.)
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CERTIFICATE OF REPORTER

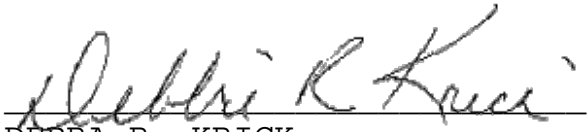
STATE OF FLORIDA)
COUNTY OF LEON)

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