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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20240007-EI

In re: Environmental cost  
recovery clause.

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PROCEEDINGS: PREHEARING CONFERENCE  
COMMISSIONERS  
PARTICIPATING: COMMISSIONER GABRIELLA PASSIDOMO  
DATE: Thursday, October 24, 2024  
TIME: Commenced: 9:30 a.m.  
Concluded: 10:11 a.m.  
PLACE: Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida  
REPORTED BY: DEBRA R. KRICK  
Court Reporter

PREMIER REPORTING  
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 CHRISTENSEN,  
17 MARY A. WESSLING OCTAVIO SIMOES-PONCE and AUSTIN  
18 WATROUS, ESQUIRES, OFFICE OF PUBLIC COUNSEL, c/o The  
19 Florida 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, LAURA W. BAKER and SARAH B.  
7 NEWMAN, ESQUIRES, Stone Law Firm, 1025 Thomas Jefferson  
8 Street NW, Suite 800 West Washington, DC 20007;  
9 appearing on behalf of Florida White Springs  
10 Agricultural Chemicals, Inc., d/b/a PCS Phosphate -  
11 White Springs (PCS).

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

17 JACOB IMIG, SAAD FROOQI and ADRIA H. HARPER,  
18 ESQUIRES, FPSC General Counsel's Office, 2540 Shumard  
19 Oak Boulevard, Tallahassee, Florida 32399-0850,  
20 appearing on behalf of the Florida Public Service  
21 Commission (Staff).

22 APPEARANCES CONTINUED:

23 KEITH C. HETRICK, GENERAL COUNSEL; OCTAVIO  
24 CIBULA, ESQUIRE, Florida Public Service Commission, 2540  
25 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,

1 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 PASSIDOMO: We are going to move  
3 on to the 07 docket.

4 Of, Mr. Farooqi, I think this is you. Are  
5 there any preliminary matters we need to address  
6 before we get to the draft Prehearing Order?

7 MR. FAROOQI: Staff has no other matters at  
8 this time.

9 COMMISSIONER PASSIDOMO: All right. Any party  
10 have any preliminary matter in this docket?

11 Seeing none. Again, we are going to proceed  
12 through the draft Prehearing Order as the others.

13 So Section I, Case Background.

14 Section II, Conduct of Proceedings.

15 Section III, Jurisdiction.

16 Section IV, Procedure for Handling  
17 Confidential Information.

18 Section V, Prefiled Testimony and Exhibits.

19 MR. FAROOQI: Staff suggests for any witness  
20 who is not excused, that the summary of their  
21 testimony be no longer than three minutes.

22 COMMISSIONER PASSIDOMO: Objections?

23 Seeing none, Order of Witnesses.

24 MR. FAROOQI: If the parties are willing to  
25 excuse witnesses, staff will confirm with each

1 Commissioner that the witness can be excused. If  
2 no Commissioner has a question for these witnesses,  
3 the witnesses may be excused from the hearing and  
4 his or her testimony and exhibits can be entered  
5 into the record at the hearing as though read.

6 MR. REHWINKEL: And just for the record, the  
7 Public Counsel will support excusal of witnesses to  
8 the extent the issues encompassed in their  
9 testimony is subject to a stipulation.

10 COMMISSIONER PASSIDOMO: Thank you, Mr.  
11 Rehwinkel. That is noted.

12 Okay. So Section VII, Basic Positions. Do  
13 the parties have any changes to their basic  
14 positions at this time? No.

15 Issues and Positions.

16 MR. FAROOQI: Staff notes that for issues in  
17 which a party has taken no position at this time,  
18 if a party does not take a position on these issues  
19 per the OEP, their position will be changed to no  
20 position in the Prehearing Order.

21 Per the OEP, if a party fails to take a  
22 position on an issue by the time of the Prehearing  
23 Conference, now, the party waives its opportunity  
24 to conduct cross-examination on the issue, as well  
25 as file a post-hearing brief on the issue.

1           COMMISSIONER PASSIDOMO: Okay. Any other  
2 related matters that need to be discussed?

3           MR. REHWINKEL: Madam Chairman, the Public  
4 Counsel provided a revised position on Issue 13  
5 that's been circulated to staff and the parties.

6           COMMISSIONER PASSIDOMO: Okay. Thank you.

7           MR. REHWINKEL: I would read it, but it's  
8 rather lengthy, so --

9           COMMISSIONER PASSIDOMO: Oh, that's --

10          MR. REHWINKEL: I think we are all good.

11          COMMISSIONER PASSIDOMO: Yeah. We can --  
12 yeah, we have -- staff will incorporate that into  
13 the final Prehearing Order. Thank you for letting  
14 me know, though.

15          Okay. With that, I think we can move to  
16 Section IX, which is the Exhibit List.

17          MR. FAROOQI: Staff has prepared a  
18 Comprehensive Exhibit List that includes all  
19 prefiled exhibits, and also includes those exhibits  
20 staff wishes to include in the record. Staff will  
21 work with the parties to determine if there are any  
22 objections to the Comprehensive Exhibit List or any  
23 of the staff's exhibits before being entered into  
24 the record.

25          COMMISSIONER PASSIDOMO: Okay. Are there

1 proposed stipulations at this time, staff?

2 MR. FAROOQI: There are none.

3 COMMISSIONER PASSIDOMO: Any pending motions?

4 MR. FAROOQI: No.

5 COMMISSIONER PASSIDOMO: Any pending  
6 confidentiality motions?

7 MR. FAROOQI: No.

8 COMMISSIONER PASSIDOMO: Post-Hearing  
9 Procedures.

10 MR. FAROOQI: If parties agree to waive  
11 briefs, the Commission may make a bench decision  
12 for this docket. And if there are any issues to be  
13 briefed, staff recommends the briefs be no longer  
14 than 40 pages.

15 COMMISSIONER PASSIDOMO: Any objection? Okay.  
16 Seeing none.

17 All right. Rulings, staff.

18 MR. FAROOQI: Staff recommends that opening  
19 statements, if any, should not exceed three minutes  
20 per party.

21 COMMISSIONER PASSIDOMO: Any objection, again,  
22 to the three minutes? Okay. Seeing none.

23 MS. MONCADA: I don't have an objection to the  
24 three minutes, but I just note that I think the  
25 Prehearing Order currently says five.



1 MR. FAROOQI: We can change it to three --

2 COMMISSIONER PASSIDOMO: Yeah. Well -- all  
3 right --

4 MR. FAROOQI: -- if there are no objections.

5 COMMISSIONER PASSIDOMO: -- that's why we are  
6 here. Thank you for bringing that to our  
7 attention, so we will make sure we change it in the  
8 final.

9 MS. MONCADA: No objection to the three.  
10 Thank you.

11 COMMISSIONER PASSIDOMO: Okay. Okay. So with  
12 that, we will see that opening statements shall be  
13 limited to three minutes per party.

14 Okay. Any other matters to address in this  
15 Prehearing Conference?

16 MR. FAROOQI: None from staff.

17 MR. REHWINKEL: Commissioner, just -- I think  
18 you can see a pattern is, I think the dockets that  
19 we have addressed before this docket, there is a  
20 high likelihood, based on discussions, that Type 2  
21 stipulations or some other form of stipulation will  
22 resolve those dockets without the need to have  
23 witnesses appear.

24 COMMISSIONER PASSIDOMO: Yeah.

25 MR. REHWINKEL: This docket, there is one

1 issue in contention, but I just wanted to let you  
2 and the parties know that we are working to find a  
3 way to make that go away by talking to the company,  
4 and I think we will have success with it, so --  
5 there is no guarantees, but I just wanted to let  
6 you know we are trying to position that docket to  
7 be resolved through stipulation as well.

8 COMMISSIONER PASSIDOMO: Okay. Well, thank  
9 you, and we appreciate that. So we will obviously,  
10 you know, as we can work this out when the --  
11 before the final Prehearing Order.

12 MR. REHWINKEL: I think there are some parties  
13 who could save travel by being excused that would  
14 want to know, so I just mention that, but again,  
15 there is nothing --

16 COMMISSIONER PASSIDOMO: And we will do --  
17 yeah, we will do everything that we can to  
18 accommodate that. That will go -- witness excusal,  
19 staff will coordinate with all the parties to make  
20 sure that -- we can make sure that nobody is  
21 unnecessarily traveling up here that doesn't need  
22 to.

23 MR. REHWINKEL: On election day.

24 COMMISSIONER PASSIDOMO: Yeah. Yeah.  
25 Precisely.

1           Okay. So with that, are there any other  
2 matters in this Prehearing to address?

3           MR. FAROOQI: Not that I am aware of.

4           COMMISSIONER PASSIDOMO: Okay. I think, with  
5 that, we will conclude the Prehearing of the 07  
6 docket and proceed to our final 01.

7           (Proceedings concluded.)

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CERTIFICATE OF REPORTER

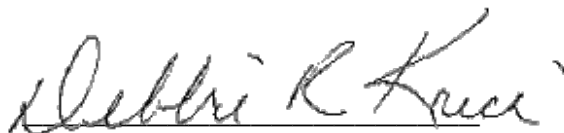
STATE OF FLORIDA )  
COUNTY OF LEON )

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 5th day of November, 2024.



DEBRA R. KRICK  
NOTARY PUBLIC  
COMMISSION #HH575054  
EXPIRES AUGUST 13, 2028