

MINUTES OF JUNE 30, 2003
SPECIAL COMMISSION CONFERENCE

COMMENCED: 9:35 a.m.
ADJOURNED: 2:00 p.m.

COMMISSIONERS PARTICIPATING: Chairman Jaber
Commissioner Deason
Commissioner Baez
Commissioner Bradley
Commissioner Davidson

Parties were allowed to address the Commission on items designated by double asterisks (**).

1 Docket No. 000824-EI - Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Baez

Staff: GCL: Brubaker
ECR: Slemkewicz

ISSUE 1: Should the Joint Motion for Reconsideration be granted?

RECOMMENDATION: No. The Joint Motion for Reconsideration demonstrates no error of fact or law upon which reconsideration should be granted, and therefore should be denied.

ISSUE 2: Should the docket be closed?

RECOMMENDATION: No. The docket should remain open pending final disposition of this matter.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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<u>ITEM NO.</u>	<u>CASE</u>
2	<p>Docket No. 000824-EI - Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Baez</p> <p>Staff: ECR: Slemkewicz GCL: Brubaker</p> <p><u>ISSUE 1</u>: Should oral argument be permitted? <u>RECOMMENDATION</u>: Yes. Each side should be permitted ten minutes to present oral argument with respect to the Motion in Limine and Motion to Strike.</p> <p><u>DECISION</u>: The recommendation was approved.</p> <p><u>ISSUE 2</u>: Should the Motion to Strike be granted? <u>RECOMMENDATION</u>: No. In light of PEFI's withdrawal of Javier Portuondo's Affidavit, the Motion to Strike is moot.</p> <p><u>DECISION</u>: The recommendation was approved.</p> <p><u>ISSUE 3</u>: Should the Motion in Limine be granted? <u>RECOMMENDATION</u>: No. To the extent the Motion in Limine seeks to exclude the affidavit of Mr. Portuondo, the June 13, 2003, Notice of Withdrawal renders that portion of the Motion in Limine moot. The remainder of the Motion in Limine should be denied on the merits.</p> <p><u>DECISION</u>: The recommendation was denied. The Motion in Limine is granted to include the agreement, the order, and the transcript of the agenda conference memorializing the order.</p>

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<u>ITEM NO.</u>	<u>CASE</u>
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ISSUE 4: Should the docket be closed?

RECOMMENDATION: No. The docket should remain open pending final disposition of this matter.

DECISION: The recommendation was approved.

Additionally, the Attorney General's motion for discovery was denied without prejudice.

The Commission acknowledged Sugarmill Wood's withdrawal of its 6/27/03 motion.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson