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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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	:	
In The Matter of	:	DOCKET NO.
	:	
Application of GULF POWER	:	
COMPANY for an increase in rates	:	891345-EI
and charges.	:	

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CONTINUED PREHEARING  
 CONFERENCE  
  
 FPSC Hearing Room 106  
 Fletcher Building  
 101 East Gaines Street  
 Tallahassee, Florida 32399-0871  
  
 Thursday, May 31, 1990

Met pursuant to notice at 10:00 a.m.:

BEFORE: COMMISSIONER THOMAS M. BEARD  
HEARING OFFICER

APPEARANCES:

G. EDISON HOLLAND, JR., and JEFFREY A. STONE, of the firm of Beggs and Lane, Post Office Box 12950, Pensacola, Florida 32576-2950, Telephone No. (904) 432-2451, appearing on behalf of Gulf Power Company.

ROGER HOWE and DON HALE, Office of the Public Counsel, the Florida House of Representatives, The Capitol, Tallahassee, Florida 32399-1300, Telephone No. (904) 488-9300, appearing on behalf of the Citizens of the State of Florida.

DOCUMENT NO.  
 04880-90  
 6/5/90

## 1 APPEARANCES (CONTINUED):

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4 Tallahassee, Florida 32399-0863, Telephone No. (904) 487-2740,  
5 appearing on behalf of the Staff of the FPSC.

6 JOSEPH A. MCGLOTHLIN, of the office of Lawson,  
7 McWhirter, Grandoff & Reeves, 522 East Park Avenue, Suite 200,  
8 Tallahassee, Florida 32301, Telephone No. (904) 222-2525,  
9 appearing on behalf of the Industrial Intervenors.

10 RONALD C. LaFACE, of the firm of Roberts, Baggett,  
11 LaFace & Richard, 101 East College Avenue, P. O. Drawer 1838,  
12 Tallahassee, Florida 32302, Telephone No. (904) 222-6891,  
13 appearing on behalf of the Florida Retail Federation.

14 GARY A. ENDERS, MAJOR, United States Air Force, Utility  
15 Litigation Team, Headquarters USAF/ULT, Stop 211, Tyndall AFB,  
16 Florida 32403, Telephone No. (904) 283-6347, appearing on behalf  
17 of the Federal Executive Agencies.

18 CINDY MILLER, FPSC Office of General Counsel, 101 East  
19 Gaines Street, Tallahassee, Florida 32399, Telephone No. (904)  
20 488-7463, appearing as Counsel to the Commissioners.

21 ALSO PRESENT: Margaret Meeter, E&G, FPSC

22 John Slemkewicz, E&G, FPSC

23

24 REPORTED BY:

SYDNEY C. SILVA, CSR, RPR  
Official Commission Reporter

25

P R O C E E D I N G S

(Hearing reconvened at 10:00 a.m.)

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2  
3 COMMISSIONER BEARD: I assume this is a continuance, so  
4 we don't need to reread --

5 MR. VANDIVER: No notice to read, Commissioner.

6 COMMISSIONER BEARD: Okay. And the appearances have  
7 already been taken. Is there anybody that's not here, if you'll  
8 say so?

9 MR. HOWE: I should make an additional appearance for  
10 the Public Counsel's Office. I'm Roger Howe, fortunately able to  
11 sit in the stead of Steve Burgess for this Prehearing Conference.

12 COMMISSIONER BEARD: Did you say fortunately?

13 MR. HOWE: I got the short straw.

14 COMMISSIONER BEARD: Okay. I want to make sure we work  
15 on the same rules, we do the same thing here (laughter).

16 I had made a list of things, and let's just review very  
17 quickly. As of the end of the last prehearing or before we  
18 continued it, there were no outstanding motions at that point in  
19 time. Is that still the case?

20 MR. PALECKI: That's still correct.

21 COMMISSIONER BEARD: We have one, two, three, four,  
22 five, six, seven, eight, nine, 10, 11, stipulated issues and had  
23 seven pending stipulation issues that were still open for  
24 discussion. If I'm not mistaken.

25 MR. PALECKI: That's correct, Commissioner. There has

1 been a change in the position of Gulf on Stipulated Issue No. 79.  
2 It's only a minor change, but I would like to call that to the  
3 attention of all of the parties to make sure we still have a  
4 stipulation on that issue with the change that's been made by  
5 Gulf.

6 COMMISSIONER BEARD: Okay, let's hear it.

7 MR. PALECKI: Jeff, if you have that language? It's  
8 not in the Prehearing Order, Commissioner.

9 MR. STONE: Yes, Commissioner. On Issue 79, the issue  
10 is, "Gulf had budgeted 332,000 for ash hauling at Plant Daniel.  
11 Is this expense reasonable?"

12 As a result of the last Prehearing Conference, it was  
13 our understanding that was a stipulated item. What we pointed  
14 out in our new position is that these expenses, the \$332,000, are  
15 also contained in the expenses that are listed in Issue 89, the  
16 level expenses for Plant Daniel. And all we did was to add the  
17 language to point out the ash hauling expenses at Plant Daniel  
18 are included in the total issue expenses of Plant Daniel.

19 COMMISSIONER BEARD: What you in effect would be  
20 saying, by stipulating 79, you would be stipulating that part of  
21 89 that relates to ash hauling at Plant Daniel.

22 MR. STONE: That is correct.

23 COMMISSIONER BEARD: That would seem logical anyway.  
24 It wouldn't be stipulating to any of the other expenses in Issue  
25 89. If you stipulated them in 79, it would seem to walk right

1 into there.

2 MR. STONE: And that was the only reason we had the  
3 change in our position was to make sure everyone was aware of  
4 that.

5 COMMISSIONER BEARD: Get a reaction if we can. Does  
6 that present a problem?

7 MR. HALE: Commissioner, we backed off of that issue.  
8 That wasn't one of our issues, we didn't take a position, so --

9 COMMISSIONER BEARD: Oh, on 89?

10 MR. HALE: 79.

11 COMMISSIONER BEARD: On 79. So you weren't a party to  
12 the stipulation?

13 MR. HALE: No. It's one of those we just didn't take a  
14 position on.

15 COMMISSIONER BEARD: Well, --

16 MR. PALECKI: Staff is still willing to stipulate with  
17 that.

18 COMMISSIONER BEARD: Okay. I don't see how you can  
19 either stipulate to or not oppose in one issue and have the same  
20 number appear again and say, "Well, but it's different now." But  
21 we'll cross that bridge when we come to it.

22 The parties that were in 79 still stipulate to it. The  
23 parties that took no position in 79 still take no position on 79.  
24 So it's still good.

25 Okay, did we, let's go down the issues that I show

1 pending stipulation, if we can. Get that old business out of the  
2 way before we get to the new business. Issue 75 was --

3 MR. PALECKI: Commissioner, Staff is unwilling to  
4 stipulate to Issue 75.

5 COMMISSIONER BEARD: Solves that problem.

6 Next one was Issue No. 113. Incidentally, you need to  
7 remove the asterisk beside Issue 75, as well, when you go back to  
8 clean up.

9 MR. PALECKI: Yes.

10 MR. STONE: Just to help me, are the numbers in today's  
11 draft Prehearing Order the same as they were at the last? There  
12 were a few additional issues raised, were they put in as As.

13 MR. PALECKI: The numbers, I believe, are the same in  
14 the issues.

15 MR. STONE: Okay.

16 MR. PALECKI: None of those numbers were changed.

17 COMMISSIONER BEARD: I don't think you took out 54, 55  
18 or 56 yet, that was to be discussed today.

19 What I didn't make a note of was who was the pending  
20 person on stipulation of these issues? I don't remember who had  
21 requested further time to look at each of them, so you all have  
22 to help me with that. Issue 113, "Are the Company's estimated  
23 revenues for sales of electricity based upon the reasonable  
24 estimates of customers' kW and kWh billing determinants by rate  
25 class?"

1 We had Gulf saying yes. Staff saying yes, with  
2 explanation. OPC and FRF tentatively agreeing with Staff. Are  
3 we less tentative today?

4 MR. HALE: Okay. Now, we do have an issue as far as the  
5 sale to the level, but this particular issue would not touch  
6 that, I don't believe.

7 COMMISSIONER BEARD: This particular issue?

8 MR. HALE: No, we have no problem with this issue.

9 MR. STONE: I agree with Staff, stipulate.

10 COMMISSIONER BEARD: So Issue 113 becomes stipulated.

11 Next one, 114, "Present and proposed revenues for 1989  
12 are calculated using a correction factor. Is this appropriate?"

13 MR. VANDIVER: Commissioner Beard, I am assuming that  
14 when you say "stipulated," we're stipulating to Staff's position  
15 in each of these?

16 COMMISSIONER BEARD: Well, that's, you're the only one  
17 that took a position in 113 and 114.

18 MR. VANDIVER: Yes, sir, I just wanted to make that  
19 clear for the record that when we say, "Yes, with the  
20 explanation," it includes the Staff position is what we're  
21 stipulating to.

22 COMMISSIONER BEARD: Okay, so --

23 MR. VANDIVER: That's our understanding.

24 MR. STONE: We can stipulate to 114.

25 COMMISSIONER BEARD: Okay, 114 is on the up list.

1           The next one I show is 129, "Should Gulf's experimental  
2 rate schedule RS-VSP, residential service-variable spot pricing,  
3 base rate charges be raised so that the rate is revenue neutral  
4 with the approved standard RS rate? If so, what should the  
5 charges be?" And everybody appears to be agreeing. Does Gulf  
6 have a problem with stipulating Staff's position?

7           MR. HALE: Commissioner, I don't know how much  
8 difference there is between the Staff's and our position on that  
9 one, but we would rather stipulate to the wording in our  
10 position. Unless someone has a big problem with that.

11           COMMISSIONER BEARD: Is there a problem with that?

12           MR. PALECKI: Staff has no problem with that.

13           MS. MEETER: (From the audience) No, no.

14           MR. PALECKI: We do have a problem with that. (Pause)

15           MR. STONE: Commissioner, we're kind of at a bit of a  
16 disadvantage because the RS-VSP rate has not even been approved  
17 as an experimental rate yet.

18           We agree that if the, you know, the rate increase is  
19 granted in this case, that the experimental rate we have  
20 submitted for approval ought to be adjusted to conform with the  
21 rates approved in this case. I think that's the essence of our  
22 position, why we agree with Staff.

23           As far as the issue that Public Counsel is raising, I  
24 just think that's premature. Their additional position on that  
25 rate cannot be resolved in this case, I don't believe, since the



1 experimental rate itself has not been approved and it's really  
2 subject to a different docket. For that reason, we would prefer  
3 Staff's language to Public Counsel's.

4 MR. HALE: What is it about the language in ours that  
5 you disagree with? The fact that that particular class cover all  
6 of its own costs?

7 MR. STONE: The point that I'm making is that the  
8 RS-VSP rate that we have proposed has not been proposed in this  
9 docket, it's been proposed in two different dockets, one where we  
10 sought approval of our -- this is our Transtext project. That  
11 docket was not approved by the Commission. It is coming up  
12 again, the Commission was aware of that, in our conservation plan  
13 docket.

14 And the issues as to the permanent design of the rate  
15 should be dealt with after the experimental period. It should  
16 not be dealt with in this case because we don't right now propose  
17 a permanent RS-VSP rate. The only issue that is significant in  
18 this case as to that rate would be to make sure that, whenever  
19 the experimental rate is adopted, it conforms with whatever rate  
20 treatment the Commission --

21 COMMISSIONER BEARD: May I ask why is this an issue in  
22 this case? We don't have it yet, right?

23 MR. STONE: We didn't raise the issue.

24 COMMISSIONER BEARD: I understand that.

25 MR. PALECKI: We thought it would be appropriate to get

1 the adjustment made at this time in case the rate was approved.  
2 It is pending in the conservation docket.

3 COMMISSIONER BEARD: But what are you going to be  
4 adjusting? I mean, what if we don't -- if you make that  
5 adjustment here and we don't approve it?

6 MR. PALECKI: It's a moot issue.

7 COMMISSIONER BEARD: What adjustment are you talking  
8 about making? You're not talking about adjusting the  
9 experimental rate that doesn't exist yet, are you?

10 MR. PALECKI: We're asking that the charge be set at  
11 the new RS customer charge, which basically we're seeking that it  
12 be revenue neutral.

13 COMMISSIONER BEARD: Wait a minute, time out, listen to  
14 me. I understand the issue. What I'm trying to understand is  
15 that is it appropriate for this docket when we don't have an  
16 experiment approved, disapproved, or dealt with at all? And  
17 would you not ask, in wherever this experimental thing comes up  
18 in a docket to be approved, would it then at that time be  
19 appropriate to ask that the charge be set at such-and-such a  
20 level?

21 MR. PALECKI: Commissioner, we wouldn't have a problem  
22 with eliminating this issue.

23 COMMISSIONER BEARD: Okay. I don't want to foul things  
24 up, I'm just trying to understand. But it may be trying to get  
25 us to do something that, when it's a separate docket, we'll be

1 double dealing ourselves work load.

2 Any problem with dropping that?

3 MR. HALE: No, I don't have any problem dropping that.

4 MR. LaFACE: (Shakes head from side to side.)

5 COMMISSIONER BEARD: Let's drop Issue 129.

6 MR. PALECKI: Commissioner, Issue 115A, which was one  
7 of the new issues added by the Industrial Intervenor, is also one  
8 we believe there could be a stipulation to. Or, excuse me, I  
9 believe that was OPC's issue.

10 COMMISSIONER BEARD: Well, the wording of you all's is  
11 virtually identical.

12 MR. PALECKI: And I believe that Gulf's position is  
13 pretty much the same, also.

14 COMMISSIONER BEARD: It would certainly appear that  
15 Staff and OPC could stipulate to it.

16 MR. STONE: Gulf would stipulate to it.

17 MR. HALE: To stipulate to it?

18 MR. STONE: Yes.

19 MR. HALE: Yes, we can stipulate to it.

20 COMMISSIONER BEARD: 115A, touchdown.

21 130?

22 MAJOR ENDERS: Commissioner, we can't stipulate to  
23 that.

24 COMMISSIONER BEARD: Okay, 130 is a hot topic.

25 133? Got everybody on paper agreeing with Staff.

1 MR. HALE: Yeah, we can stipulate to that one. (Pause)

2 MR. STONE: Company is in agreement. I'm sorry.

3 COMMISSIONER BEARD: Okay, we've got stipulation on  
4 133. And the last one I show is 140.

5 MR. HALE: Would this be stipulating to Staff's  
6 position again on 140?

7 COMMISSIONER BEARD: That's where we're starting.

8 MR. HALE: We would be agreeable to that. (Pause)

9 MR. STONE: Commissioner, the reason for our language  
10 after the "No," we agree with Staff that it is inappropriate and  
11 that's what the issue asks for. The question then becomes, "What  
12 do you do to make it appropriate?" And that's why we have put  
13 our language in our position, in trying to inform the Commission  
14 what we think ought to be done.

15 I think Staff's language explains why it's  
16 inappropriate and we agree it's inappropriate. I think our  
17 language explains what results should pertain as a result of it  
18 being inappropriate.

19 COMMISSIONER BEARD: That's the way I read it as well.  
20 The question then becomes, for Staff and for you all, can you  
21 stipulate to the, "Since it's no, this is what you ought to do  
22 about it," part of it? Do you agree? The net effect is can you  
23 stipulate to Gulf's position?

24 MR. PALECKI: Staff cannot stipulate to Gulf's  
25 position.

1           COMMISSIONER BEARD: 140 is in. I mean you all agree  
2 to "No," but if you don't have a fix-it, then there's no  
3 stipulation. Okay, that solves that problem.

4           Now, stipulated testimony. When we last met, there  
5 were five people with stipulated testimony on return on equity.  
6 I understand we need to talk about that.

7           MR. HOLLAND: Yes, sir, we do. What we would -- or if  
8 there is a problem, and I wouldn't anticipate there would be  
9 because this is how it's been handled in the past. With return  
10 on equity witnesses whose testimony have been stipulated, it was  
11 stipulated to that we would be given the opportunity to file what  
12 is in essence an errata sheet which updates the data -- not the  
13 substance of the testimony, not the theory or anything like that,  
14 but simply updates the data used in the testimony that was the  
15 direct testimony, in this case, of Mr. Moore that was filed in  
16 December.

17           And we would be prepared to and don't have any problem  
18 at all with the other parties doing likewise if they deem that to  
19 be appropriate for their witnesses

20           What he would do is basically update using the most  
21 current data available. The --

22           COMMISSIONER BEARD: Which net effect changes your  
23 bottom line number.

24           MR. HOLLAND: It does. And as I recall, in 1984 and in  
25 the other cases where return on equity witnesses have been

1 stipulated to, that was in fact what was done to give the  
2 Commission the benefit of the most current data. As a practical  
3 matter, what was filed in December really does not, I wouldn't  
4 say it's not applicable but it's certainly not the most current,  
5 doesn't reflect the most current data.

6 And again, I think that it would be appropriate if the  
7 other cost of capital witnesses would like to update theirs, as  
8 well, that that would be likewise appropriate.

9 COMMISSIONER BEARD: Staff?

10 MR. VANDIVER: Staff would like a few minutes to  
11 discuss it, if we could pass this and we'll come back to it. My  
12 only observation is they just filed rebuttal testimony. It  
13 wasn't in there.

14 MR. HOLLAND: Let me speak to that, Rob, if I could.

15 I don't think that it would have been appropriate to  
16 have corrected or updated your direct testimony in your rebuttal  
17 testimony, because that's not what he was doing. He was  
18 rebutting the testimony the theory of the DCF analysis or the  
19 risk premium analysis as being applied by the other witnesses. I  
20 don't think it would have been appropriate in rebuttal testimony.

21 MR. VANDIVER: Why don't we pass that and we'll come  
22 back to it? We'll confer with Staff and see what we want to do.

23 COMMISSIONER BEARD: Okay.

24 I'm trying to decide what to take next.

25 MR. PALECKI: Commissioner, we have a couple of issues

1 that have changed that we would just like to point out to the  
2 parties so we're clear that these issues have changed and, if  
3 they want to change their positions, that that would be  
4 appropriate.

5 COMMISSIONER BEARD: Which issues?

6 MR. PALECKI: The first is Issue 137, which was one of  
7 Staff's issues, the words "and should the SE be a separate rate  
8 class" was added in order to clarify that issue.

9 COMMISSIONER BEARD: Wait, 137, you're in the issue  
10 itself?

11 MR. PALECKI: Yes. In the issue itself, the last  
12 phrase of the issue, "and should the SE be a separate rate  
13 class?" It was added to that issue to clarify the matter.

14 I think that all the positions appropriately address  
15 the issue; but we wanted to make sure that all of the parties  
16 were aware of that change in case they wanted to change their  
17 position.

18 The only other change is in Issue 135A, which was the  
19 Industrial Intervenors' issue. This is a new issue. "How should  
20 the daily standby service demand be determined?" And I think  
21 that most of the parties were already aware of that.

22 COMMISSIONER BEARD: We only have two positions on it?

23 MR. PALECKI: Yes, we still have -- well, we have  
24 Gulf's position on it in their prehearing statement.

25 COMMISSIONER BEARD: Do what now? I don't.

1 MR. PALECKI: We don't have yet incorporated it into  
2 the order, but they have given us, I believe, a statement of  
3 their position.

4 COMMISSIONER BEARD: Okay.

5 MR. PALECKI: Those are the only two issues that have  
6 been changed.

7 MR. VANDIVER: We're ready to talk about the ROE at  
8 your pleasure.

9 COMMISSIONER BEARD: Okay.

10 MR. VANDIVER: Basically, Staff is willing to stipulate  
11 in new testimony. We'll set up a schedule, let people substitute  
12 the numbers, limited to only that. No rebuttal, no nothing else.  
13 Updating numbers. That's it.

14 COMMISSIONER BEARD: Let me understand, I want to be  
15 clear what we would be talking about here is the insertion of  
16 numbers into the fabric, the theory, that already exists.  
17 Because six months --

18 MR. VANDIVER: That's my understanding.

19 COMMISSIONER BEARD: -- or whatever has changed. So if  
20 you're rebutting someone's theory, you're rebutting their theory,  
21 that's all. But you do still have a number change that occurs.

22 MR. VANDIVER: And we would request that the source  
23 documents and backup be dated, everything, so that we know  
24 exactly where it is, because we're not going to have the  
25 opportunity to cross these people.



1 MR. HOWE: Would we also agree that the updating of the  
2 numbers would come from the same source as the source used in the  
3 original testimony?

4 MR. HOLLAND: Yes.

5 MR. VANDIVER: Yes.

6 COMMISSIONER BEARD: Data and date/time difference is  
7 all.

8 MR. HOWE: With that understanding, I have no problem  
9 with that.

10 COMMISSIONER BEARD: Okay.

11 MR. VANDIVER: I guess we just need to set a time frame  
12 now for that supplemental direct testimony.

13 COMMISSIONER BEARD: Will Public Counsel have any  
14 number changes?

15 MR. HALE: As a result of these?

16 COMMISSIONER BEARD: No, no, no, not as a result of  
17 these, as a result of time.

18 MR. HALE: No, we won't.

19 COMMISSIONER BEARD: Staff going to have any number  
20 changes as a result of time?

21 MR. VANDIVER: Yes.

22 COMMISSIONER BEARD: Obviously, Gulf does. Okay.  
23 What's a reasonable time frame? 5:00 o'clock?

24 MR. VANDIVER: 4:30? (Laughter)

25 COMMISSIONER BEARD: I assume Gulf probably has theirs

1 pretty close to ready if not --

2 MR. HOLLAND: Close.

3 MR. VANDIVER: Staff proposes Wednesday.

4 COMMISSIONER BEARD: Wednesday?

5 MR. VANDIVER: Of next week.

6 COMMISSIONER BEARD: Okay.

7 MR. VANDIVER: That would be June 6.

8 MR. HOLLAND: What day is that?

9 COMMISSIONER BEARD: Wednesday.

10 MR. HOLLAND: That's fine.

11 MR. HOWE: Commissioner Beard? We would like the  
12 opportunity to confer with our expert and see if he has, if he  
13 would like to update.

14 COMMISSIONER BEARD: Sure, that's fine. Wednesday,  
15 close of business, June 6.

16 MR. VANDIVER: Now there is one caveat that is simply  
17 for the Commission. That is, that the Prehearing Order in this  
18 case is scheduled to be issued Monday. We will have to pencil-in  
19 at the start of the hearing -- or I will send an errata sheet to  
20 the Commissioners, parties will be on notice -- that the numbers  
21 appearing in the Prehearing Order will not necessarily be exactly  
22 accurate. And I just give that caveat to the parties.

23 COMMISSIONER BEARD: Wait a minute, wait a minute, time  
24 out a second. That's in their position statements?

25 MR. VANDIVER: Yes, sir.

1 COMMISSIONER BEARD: Do we know which issues will be  
2 affected and could we not at least get that?

3 MR. HOLLAND: I think I can provide that before the end  
4 of the week.

5 COMMISSIONER BEARD: When is the order due to go out?

6 MR. VANDIVER: Monday

7 MR. HOLLAND: I can do that.

8 COMMISSIONER BEARD: Will you all be able to know if  
9 you have a change in a figure that would appear in a position by  
10 tomorrow close of business?

11 MR. HOWE: Tomorrow noon, we should be able to do that.

12 COMMISSIONER BEARD: Let's do that. Tomorrow by noon  
13 time if you have any position change that numbers might affect,  
14 you have to Wednesday close of business for any errata sheet that  
15 might be associated with that and the underlying documents that  
16 go with that. I want a clean Prehearing Order.

17 MR. VANDIVER: Okay.

18 MR. HALE: I have one more small item. A letter we  
19 sent over last Thursday in a handout we put out at our last  
20 meeting, we had tried to identify all the issues that our  
21 consultants were going to speak to and evidently it hasn't made  
22 it into that draft yet.

23 COMMISSIONER BEARD: Do you have a copy of that sheet?

24 MR. PALECKI: We don't.

25 COMMISSIONER BEARD: Okay. Well, as long as it makes

1 it into that last one.

2 MR. VANDIVER: Right.

3 MR. HALE: That will be fine.

4 MR. STONE: Commissioner, I have been reviewing Issue  
5 137. And our position on it, in light of the slight additional  
6 change in language, and I would like the opportunity to provide  
7 an additional position by noon tomorrow on that issue.

8 COMMISSIONER BEARD: Fine, that's fine. Now, I can  
9 tell you this: unless something changes drastically, the order is  
10 going to come out on time on Monday and we're going to live with  
11 it and die with it. Okay.

12 MR. VANDIVER: I guess that brings us to the audit  
13 report.

14 COMMISSIONER BEARD: Nope, that brings us to Issues  
15 154, 55 and 56 first, saving the best for last.

16 MR. PALECKI: Commissioner, on these issues, there was  
17 a bit of confusion amongst all of the parties. They were pretty  
18 much numbered by the various parties differently. I would like  
19 to explain what we have done on the draft Prehearing Order. We  
20 have eliminated previous Issue 154.

21 COMMISSIONER BEARD: Okay.

22 MR. PALECKI: What was Issue 155 was moved to Issue  
23 154.

24 COMMISSIONER BEARD: Right.

25 MR. PALECKI: What had been Issue 155A is now Issue

1 155.

2 COMMISSIONER BEARD: Right.

3 MR. PALECKI: We still have Issue 157 on the draft,  
4 although it's our impression --

5 COMMISSIONER BEARD: Whoa, whoa, whoa, 156?

6 MR. PALECKI: 156 remains the same.

7 COMMISSIONER BEARD: Okay.

8 MR. PALECKI: It has not been changed.

9 COMMISSIONER BEARD: Okay.

10 MR. PALECKI: It's our impression that Issue 157 was  
11 dropped. And I just wanted to make sure that that is correct as  
12 to Issue 157.

13 MR. MCGLOTHLIN: I think --

14 COMMISSIONER BEARD: Old Issue or this Issue 157?

15 MR. PALECKI: This Issue 157.

16 COMMISSIONER BEARD: I need to get my old Prehearing  
17 Order is what I need to do. Let's take about five, let me get my  
18 old order. I thought I had all the notes transferred but I  
19 don't, and I can double check myself as well.

20 (Brief recess.)

21 - - - - -

22 COMMISSIONER BEARD: Okay, let's go back on the record.  
23 My watch really does have a five-minute timer on it, as opposed  
24 to the Commission watch.

25 Okay, unfortunately, my old Prehearing Order is at the

1 house. 157, "How should the reservation and nonfuel energy  
2 charges of the SS rate be set?"

3 MR. PALECKI: This is the issue we believe was dropped,  
4 Commissioner.

5 COMMISSIONER BEARD: I don't remember the wording of  
6 the issue, but I remember right after 156 dropping an issue, I  
7 was thinking it was this issue. I could be wrong.

8 MR. HALE: The notes I have indicate we had a question  
9 about it. But we have no problem with dropping it. But I don't  
10 think it actually had been dropped.

11 COMMISSIONER BEARD: Hadn't officially been dropped  
12 yet? Is there anyone -- let me ask the question about dropping  
13 versus stipulating.

14 MR. STONE: Commissioner, I think the reason -- we were  
15 under the impression that it was dropped. That's why we  
16 indicated in our revised prehearing statement is that Mr.  
17 McGlothlin's letter to Ms. Brownless of last Friday clearly  
18 indicated that he thought it should be dropped.

19 MR. PALECKI: That's correct.

20 MR. STONE: It was his issue.

21 COMMISSIONER BEARD: Okay. Well, he was on the  
22 telephone. When he comes back in, I'll ask about that one to be  
23 sure.

24 That takes care of issue resolution. If Staff didn't  
25 get the word, incidentally, I polled the Commissioners and the

1 spreadsheets are in. So have a nice day.

2 MR. PALECKI: Do we have a time for the spreadsheets?

3 MR. VANDIVER: From the parties? Prehearing Order goes  
4 out Monday.

5 MR. HALE: You have our spreadsheets, right?

6 MR. PALECKI: Yes, we do.

7 MR. HALE: Okay.

8 COMMISSIONER BEARD: Who are you missing?

9 MR. PALECKI: Do we have Gulf's spreadsheets? I don't  
10 think we have anyone's but Public Counsel's.

11 MR. STONE: I'm not sure what we're talking about.

12 MR. HOLLAND: A spreadsheet with our numbers on it? I  
13 think that's what you're looking for? That's no problem, we'll  
14 be glad to do that.

15 MR. PALECKI: That was outlined at the last prehearing  
16 as to what the spreadsheet should consist of.

17 COMMISSIONER BEARD: Rate base, NOI and cost of capital  
18 is what has been done in the past. Okay? I think I admonished  
19 everybody to keep in mind that you're dealing with Commissioners  
20 so you have to keep it simple so we can understand it.

21 MR. STONE: In our case, what we're talking about is  
22 what we've requested, I guess?

23 MR. VANDIVER: We will give the parties the format.

24 COMMISSIONER BEARD: Unless you want to take Public  
25 Counsel's position, we can put this case to bed.

1 MR. STONE: I just want to make sure we're not  
2 expecting our spreadsheet to identify at this point all the  
3 numbers by issue; you're just talking about what it is that our  
4 basic case comes up with in terms of rate base, NOI and --

5 COMMISSIONER BEARD: And cost of capital.

6 MR. STONE: -- cost of capital, okay.

7 MR. STONE: Fine.

8 COMMISSIONER BEARD: Let me ask -- let me let them  
9 catch up with us here. (Pause)

10 Staff can tell me. In the past, haven't we typically  
11 put together -- let's all come back together, please. Rob? Ed?  
12 Let's all get back on the same sheet of music. And Joe is back,  
13 too.

14 Rob?

15 MR. VANDIVER: Yes, sir?

16 COMMISSIONER BEARD: Haven't we typically in the past  
17 had a spreadsheet put together by Staff that puts everybody's  
18 position together side-by-side?

19 MR. VANDIVER: Yes, sir, and that's what I understand  
20 the Commission wants this time.

21 COMMISSIONER BEARD: That's correct, and we have to  
22 have yours.

23 MR. VANDIVER: And it's for three parties; it's for  
24 Gulf, Public Counsel and Staff. The other parties doesn't  
25 typically participate in that process.



1           COMMISSIONER BEARD: Would you not have an example of  
2 what the columns look like so that they can fill in the blanks,  
3 net effect.

4           MR. SLEMKEWICZ: Typically the other parties don't take  
5 any positions on --

6           COMMISSIONER BEARD: No, that's what I'm saying, --

7           MR. SLEMKEWICZ: Oh, I'm sorry.

8           COMMISSIONER BEARD: Gulf is sitting here asking the  
9 question about "How much detail do you want, this and that?" And  
10 what I'm saying is don't you all have some items that they can  
11 fill in the blank on?

12           MR. SLEMKEWICZ: All they really have to do to help me  
13 would be to just by each issue number to list all the issue  
14 numbers and to put a dollar figure by each issue number for the,  
15 all the revenue requirement numbers through, I guess, Issue 112.

16           THE REPORTER: May I have your name for the record,  
17 please?

18           MR. SLEMKEWICZ: John Slemkewicz, I'm with the Electric  
19 and Gas.

20           MR. HALE: In the past, that's not what we have filed.  
21 What we have filed in this case is just the NOI statement, the  
22 rate base and the capital structure. As far as trying to go down  
23 and identify in that order, it takes some time to do that and I  
24 don't know if it would be --

25           MR. SLEMKEWICZ: That's why we have had problems in the

1 past, I would have to plug figures in to make theirs come out.  
2 And, you know, we have, we basically have the Company's as they  
3 filed. Then there's Staff, we have each individual adjustment  
4 for each issue. And then --

5 COMMISSIONER BEARD: Let me ask this question. In most  
6 instances, wouldn't, for example, Public Counsel's position be in  
7 their position statement of that issue?

8 MR. SLEMKEWICZ: Sometimes it's just, "Yes." Or you don't  
9 really know what the dollar amount that they're trying to come  
10 out with.

11 COMMISSIONER BEARD: Could you all get together and  
12 find out which ones we're talking about? If you have a dollar  
13 amount, fine. If you don't, we'll put a question mark in.

14 MR. HALE: That's what I was going to say. There are a  
15 number of issues that we have not been able to identify dollar  
16 amounts or it is not an appropriate thing to come up with a  
17 dollar amount.

18 COMMISSIONER BEARD: If they don't have a dollar  
19 amount, they don't have a dollar amount. They'll have to verify  
20 that. That would be one we may have to pencil in during the  
21 hearing, if they finally come to one. Or I guess in theory  
22 you'll have a position when the thing is over.

23 MR. HALE: 90% of our issues, we do have a dollar  
24 amount shown there, so there shouldn't any problem.

25 COMMISSIONER BEARD: Okay.

1 MR. VANDIVER: Staff will get with Mr. Scarbrough and  
2 the Company and sit down with Public Counsel as well, today.

3 COMMISSIONER BEARD: I really don't want to get  
4 involved in the design of a spreadsheet.

5 MR. VANDIVER: I know you don't.

6 COMMISSIONER BEARD: In fact, I won't. You would have  
7 a mess then.

8 Okay, that takes care of that and that. Before we get  
9 to the audit report, is there anything left? Because after I  
10 hear enough bickering and complaining, I'll get up and leave.

11 MR. MCGLOTHLIN: I have a couple of things,  
12 Commissioner.

13 COMMISSIONER BEARD: One thing for you, Issue 157 is  
14 your issue and they dropped it.

15 MR. MCGLOTHLIN: Yes. I already indicated by  
16 correspondence that we're satisfied it's covered in 136 and this  
17 is duplicative and can be deleted.

18 COMMISSIONER BEARD: Okay. 157 is out of here.

19 MR. MCGLOTHLIN. And on 137, the rewording that Staff  
20 supplied this morning has led to a need on our part to provide a  
21 position. I can supply that --

22 COMMISSIONER BEARD: By noon tomorrow.

23 MR. MCGLOTHLIN: I can do it today.

24 COMMISSIONER BEARD: When you get done, yeah, that's  
25 fine. Anything else for the good of the cause before we get to

1 the fun?

2 MR. PALECKI: I'm not sure if there were any new  
3 statements of position on issues, the new Issues 154 and 155. If  
4 there are, the parties can supply them to me after the hearing.

5 COMMISSIONER BEARD: Anything that's going in this  
6 order, okay, is going to be here by noon tomorrow. That's the  
7 deal. So take a good, hard look.

8 Now anything else? Let's talk about the Staff audit  
9 report.

10 MR. VANDIVER: Yesterday in Pensacola Staff had the  
11 audit exit conference with representatives of Gulf Power. The  
12 Office of Public Counsel attended as an observer at that meeting.  
13 As a result, there were certain portions of the audit report  
14 rewritten or were agreed to be rewritten. It's my understanding  
15 that there, that that new draft is now out. And so we have a  
16 final audit report.

17 In certain cases, of course, it was more or less agreed  
18 to disagree, the Company would address the Staff concerns in  
19 their responses. And we are prepared to go forward.

20 COMMISSIONER BEARD: Responses are due when?

21 MR. VANDIVER: I talked with Mr. Holland yesterday and  
22 he could better speak to it. But it's my understanding we could  
23 have that prior to the hearing.

24 MR. HOLLAND: We can do that.

25 MR. VANDIVER: And at the present time, it looks like

1 we will be having Mr. Freeman take the stand. That is somewhat  
2 fluid, however. It may be that Mr. Holland, once he's evaluated  
3 the responses of Gulf Power, that we could possibly stipulate in  
4 both the audit and the audit responses. But that will have to  
5 wait on Mr. Holland looking at it.

6 COMMISSIONER BEARD: That's fine.

7 MR. VANDIVER: As to additional issues, no specific  
8 additional issues were identified. The Electric and Gas Staff  
9 has prepared a document going through the audit and listing which  
10 issues they fall under and which issues the Staff considered to  
11 be nonissues. It's my understanding that Public Counsel has  
12 taken the position that certain of these audit disclosures,  
13 specifically Nos. 1, 3, 4, 6, 7, 9, 21, 34, 35, 54, 58, 59 and  
14 60, would all fall under the existing Issue 38.

15 COMMISSIONER BEARD: There's 13 of them I count.

16 MR. VANDIVER: Yes, sir.

17 COMMISSIONER BEARD: That would fall under issue what?

18 MR. VANDIVER: 38, which is the general mismanagement  
19 issue. Now, -- and I think Staff is comfortable with that  
20 position. We need to talk about the mechanics of how we intend  
21 to deal with that in this hearing. And so I guess we need to  
22 hear from the parties and see where they are. And if I have  
23 misstated any Public Counsel's position?

24 COMMISSIONER BEARD: Let me start with what I'm hearing  
25 you say. One, you would place these as topics -- we'll call it

1 that for lack of a better word -- that would fall under Issue 38  
2 that would then require additional live testimony on the part of  
3 Public Counsel's witness in that issue. We have just one witness  
4 to that issue?

5 MR. HALE: For Issue 38? I don't think we really have  
6 one speaking to it.

7 COMMISSIONER BEARD: Okay, hang on a second, let me get  
8 where I am. (Pause)

9 Well, we can approach it from a different angle then,  
10 you're going to have to have a witness for 38, I assume. Or are  
11 you talking about cross-examining?

12 MR. HALE: Yes. Just the record at this point and  
13 cross examination.

14 COMMISSIONER BEARD: Then you would not be sponsoring  
15 any additional live testimony with respect to those, just  
16 crossing their witness?

17 MR. HALE: I was going to ask about that. The live  
18 testimony coming from Mr. Freeman, is that going to be confined  
19 within the audit report completely or is he going to be  
20 addressing other issues?

21 MR. VANDIVER: Only the audit report. That's the only  
22 thing he can talk about.

23 MR. HOWE: Commissioner Beard, considering that the  
24 audit report and the response is going to be coming in at such a  
25 late date, the report is going to be on the Company's response to

1 the audit. We would like to have the opportunity that, if  
2 appropriate, for witnesses we have on individual issues who have  
3 not had a chance to address the audit report, if we could address  
4 questions to them on direct in the nature of, "This audit report  
5 is now addressing an issue --"

6 COMMISSIONER BEARD: I have no problem with that. That  
7 is what actually was envisioned. My question is that, I think in  
8 fairness, we need to identify what witnesses potentially where we  
9 would be potentially lumping this into one Issue 38. So would  
10 you then add 38 to each one of your witnesses' issues to testify  
11 to?

12 MR. HALE: Yeah, to the extent that the audit  
13 disclosure affects an issue listed here on this sheet, I  
14 definitely think they would be testifying to something if  
15 something new came out of Bob Freeman's testimony. So we would  
16 be listing those on Issue 38 also.

17 COMMISSIONER BEARD: Well, I haven't heard from Gulf  
18 yet, but we will. I'm just talking to the mechanics of this  
19 proposal. You have the potential, Public Counsel, you have the  
20 potential in theory of a stipulation of the audit report and the  
21 responses into the record. Obviously, you can kill that  
22 stipulation. I want to think through here the potentials. I  
23 mean, you can, obviously as a party, can stop that.

24 MR. HOWE: You're referring here to Issue 38, which is  
25 expressed as, "Should the newly authorized return on common

1 equity be reduced if it is determined that Gulf has been  
2 mismanaged?"

3 COMMISSIONER BEARD: It is my understanding that these  
4 items that came out of Staff audit report, take an example,  
5 something that came up in the tax rate hearing, the '88 tax rate,  
6 was the Levin bonus. It's not in the test year. As I understand  
7 it, there's no dollar that would impact in this rate case. The  
8 only way that issue impacts is to the extent that should Gulf be  
9 managing its company in that form and fashion?

10 So you don't bring it up in any dollar figures anywhere  
11 else, if I understand it, because it's not test, it doesn't  
12 impact. It would only be he responsive to, "Is this the way  
13 companies do business or not?"

14 MR. HOWE: I'm not sure he'll be pleased to hear it,  
15 but --

16 COMMISSIONER BEARD: Time out. (Pause)

17 MR. HOWE: I was going to say, Commissioner Beard, we  
18 would identify Mr. Larkin as the appropriate witness to address  
19 this issue.

20 COMMISSIONER BEARD: You don't think Mr. Larkin is  
21 going to be tickled about that?

22 MR. HOWE: I'm pretty sure he won't be.

23 COMMISSIONER BEARD: I understand. Okay. Now?

24 MR. HOLLAND: Commissioner Beard, as I discussed with  
25 Mr. Vandiver, not the only but the primary reason that Gulf does



1 not feel at this point at least that it could stipulate is Public  
2 Counsel's position that these issues that they've identified do  
3 pertain to and are relevant to Issue 38. Of course, we disagree  
4 with that and would need through cross examination of Mr. Freeman  
5 to explore that question.

6 It would be my or it was my impression last week and  
7 continues to be my impression that the way we will handle this,  
8 there are no new issues that have been identified, that we would,  
9 with supplemental direct, primarily from Mr. Scarbrough, Mr. Bell  
10 and maybe Mr. McMillan and some other witnesses, as far as  
11 certain of these issues, develop additional testimony that is  
12 responsive to it.

13 COMMISSIONER BEARD: You wouldn't have any in this area  
14 from Mr. McCrary?

15 MR. HOLLAND: Not, not really. Because -- well, mean  
16 the Levin bonus is one that, if that is an issue, that he would  
17 need to speak to. You identified one. If that is an issue and  
18 he is the witness who is primary responsible for addressing Issue  
19 38, so yes, to the extent that that is the case, he would be  
20 responding to that.

21 COMMISSIONER BEARD: Yeah. I was thinking, I was  
22 thinking about cross and not thinking about direct additional  
23 testimony.

24 MR. HOLLAND: Probably the way this will -- and trying  
25 to think through it all, and it's not something that has come up

1 a great deal -- we would cross examine Mr. Freeman. Depending on  
2 the responses from Mr. Freeman, then in rebuttal of Mr. McCrary,  
3 of Mr. Scarbrough, of whoever, we would handle it that way.

4 COMMISSIONER BEARD: Right. Right. So you would have  
5 some additional or supplemental direct live testimony from -- and  
6 let's identify them. Mr. Scarbrough?

7 MR. HOLLAND: Let's see.

8 COMMISSIONER BEARD: If you can generally identify  
9 them. And I'm not going to hold you.

10 MR. HOLLAND: All right.

11 COMMISSIONER BEARD: At this stage of the game.

12 MR. HOLLAND: Well, I'm just sitting here thinking.

13 Mr. McCrary on, for example, the Levin situation. Mr.  
14 Scarbrough, certainly, on certain of the accounting matters.  
15 Mr. Gilbert, there's some questions in here about the budgeting  
16 process. Mr. Bell, likewise as far as the budgeting.

17 I think one way to do it, Mr. Scarbrough just suggested  
18 and I think it probably would be appropriate, is look at who is the  
19 Company witness responsible for the issue identified in the handout  
20 that Staff has passed out. A possible exception to that --

21 COMMISSIONER BEARD: I don't have a copy of that, do I?

22 MR. VANDIVER: No, sir. I'll give you mine.

23 (Conference between Mr. Vandiver and Commissioner Beard off the  
24 record.)

25 COMMISSIONER BEARD: Okay, I think that makes sense

1 then.

2 MR. HOLLAND: 38?

3 COMMISSIONER BEARD: There's an issue reference that  
4 would tell us who might be providing additional live testimony.  
5 That pretty well puts everybody on record.

6 MR. HOLLAND: With a general parameter. But you need  
7 to, specifically with --

8 COMMISSIONER BEARD: I understand.

9 MR. HOLLAND: -- Issue 36, Mr. McCrary would not speak  
10 to, for example, the work order system, those kinds of things.  
11 Those are --

12 COMMISSIONER BEARD: What we will need to do is go back  
13 and, obviously, wherever on this sheet where there shows an issue  
14 referenced to an item in the audit, anybody whose name comes as a  
15 result of that probably needs to be added on the Prehearing Order  
16 as addressing Issue 38 as well. Am I making sense?

17 MR. PALECKI: Would the Company be able to give us that  
18 information in writing?

19 MR. HOLLAND: I think so.

20 MR. PALECKI: We would probably need it by about  
21 tomorrow. We have to get this out on Monday, the Prehearing  
22 Order.

23 COMMISSIONER BEARD: Do it by tomorrow noon.

24 MR. HOLLAND: I think we can do that.

25 COMMISSIONER BEARD: Based on what I'm looking at here,

1 it shouldn't be long. We're talking about 13 issues and there's  
2 a name associated with them.

3 MR. HOLLAND: We can do that. We will also identify to  
4 the extent that additional witnesses will be necessary to  
5 reference to discuss to provide supplemental testimony on these  
6 other issues that are identified here, we will do that, as well.

7 COMMISSIONER BEARD: The other?

8 MR. HOLLAND: The issues under "Issue Reference" on the  
9 handout?

10 COMMISSIONER BEARD: Yeah.

11 MR. HOLLAND: There are some of these, perhaps, that,  
12 because of the nature of the disclosure, that some other witness  
13 other than that listed in the Prehearing Order will need to be  
14 added to that position. And we will --

15 COMMISSIONER BEARD: On that particular issue, yeah.

16 MR. HOLLAND: -- on that particular issue, we will do  
17 that, as well.

18 COMMISSIONER BEARD: I'm, quite frankly, not holding my  
19 breath that we are going to see stipulation in of the audit and  
20 the responses.

21 MR. HOLLAND: I'm not, either.

22 COMMISSIONER BEARD: It's a nice thought but,  
23 realistically, I just don't see that as possible.

24 MR. PALECKI: Also, if Public Counsel is going to make  
25 those changes, we need those by tomorrow at noon as well.

1 COMMISSIONER BEARD: Okay.

2 MR. PALECKI: We just have one other housekeeping  
3 matter we'd like to take care of.

4 COMMISSIONER BEARD: Wait, before we, is there anything  
5 else out of the Staff audit that we have to discuss? Those  
6 issues that generally fall under 38, and then any other issues  
7 that must be identified with the witness relative to Staff audit  
8 in preparation for?

9 MR. VANDIVER: And that supplemental testimony will be  
10 oral testimony on the stand. We will not prefile anything,  
11 everybody is on notice to that.

12 COMMISSIONER BEARD: That's correct.

13 MR. VANDIVER: Just to be.

14 COMMISSIONER BEARD: Okay.

15 MR. PALECKI: The housekeeping matter is we don't want  
16 to have to renumber the issues that are in the draft Prehearing  
17 Order. We have omitted or deleted two issues.

18 COMMISSIONER BEARD: 115A and 157?

19 MR. PALECKI: I believe so.

20 COMMISSIONER BEARD: 115A goes away, it won't confound  
21 a Commissioner, because they will go from 115 to 116, and we  
22 won't be stupified. But we'll get stumped going from 156 to 158.

23 MR. PALECKI: I was going to suggest that on those  
24 issues that we deleted that we'll just leave those with the word  
25 "deleted" rather than actually taking the number away, which will

1 confuse the --

2 MR. VANDIVER: And the full Commission will need to  
3 vote it to back in and approve the stipulations.

4 COMMISSIONER BEARD: Sure.

5 MR. VANDIVER: So we'll just leave them.

6 COMMISSIONER BEARD: Okay, anything else? We've got a  
7 noon Friday deadline for Prehearing Order material. We have a  
8 Wednesday close of business for the date, is that right?

9 MR. VANDIVER: Yes, sir.

10 COMMISSIONER BEARD: I'm getting confused. Anything  
11 else?

12 MR. HOWE: No, sir.

13 MR. HOLLAND: (Shakes head from side to side.)

14 COMMISSIONER BEARD: Thank you.

15 MR. VANDIVER: Thank you.

16 (Hearing concluded at 11:05 a.m.)

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1 F L O R I D A )  
:  
2 COUNTY OF LEON)

CERTIFICATE OF REPORTER


3 I, SYDNEY C. SILVA, CSR, RPR, CP, Official Commission  
4 Reporter,

5 DO HEREBY CERTIFY that the Continued Prehearing  
6 Conference, in the captioned matter, Docket No. 891345-EI, was  
7 heard by the Florida Public Service Commission Prehearing Officer  
8 at the time and place herein stated; it is further

9 CERTIFIED that I reported in shorthand the proceedings  
10 held at such time and place; that the same has been transcribed  
11 under my direct supervision, and that this transcript, consisting  
12 of 38 pages, inclusive, constitutes a true and accurate  
13 transcription of my notes of said proceedings; it is further

14 CERTIFIED that I am neither of counsel nor related to  
15 the parties in said cause and have no interest, financial or  
16 otherwise, in the outcome of this docket.

17 IN WITNESS WHEREOF, I have hereunto set my hand at  
18 Tallahassee, Leon County, Florida, this 4th day of June, A.D.,  
19 1990.

20   
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J.O.A.	- Journal of Accountancy
J.O.C.	- Journal of Commerce
K.C.J.	- Kentucky Coal Journal
N.A.W.C.	- National Association of Water Companies
N.B.	- NARUC Bulletin
N.G.W.	- Natural Gas Week
N.N.	- NARUC News
O.G.J.	- Oil & Gas Journal
P.E.	- Pollution Engineering
P.G.C.	- Process Gas Consumers Report
P.O.W.	- POWER
P.P.	- Public Power
P.U.F.	- Public Utilities Fortnightly
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W.E.M.	- Water Engineering and Management
W.E.T.	- Water Engineering & Technology
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