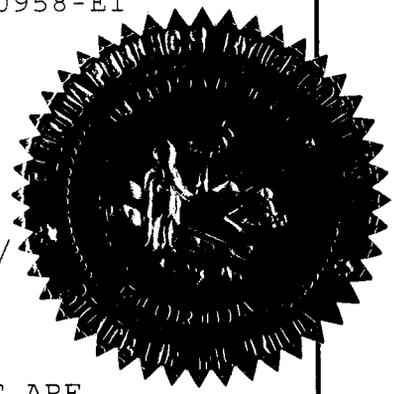


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 050958-EI

In the Matter of:

PETITION FOR APPROVAL OF NEW ENVIRONMENTAL
PROGRAM FOR COST RECOVERY THROUGH ENVIRONMENTAL
COST RECOVERY CLAUSE BY TAMPA ELECTRIC COMPANY.



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PROCEEDINGS: PREHEARING

BEFORE: COMMISSIONER MATTHEW M. CARTER, II
 Prehearing Officer

DATE: Thursday, February 22, 2007

TIME: Commenced at 9:26 a.m.
 Concluded at 10:31 a.m.

PLACE: Betty Easley Conference Center
 Room 148
 4075 Esplanade Way
 Tallahassee, Florida

REPORTED BY: LINDA BOLES, CRR, RPR
 Official FPSC Reporter
 (850) 413-6734

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1 PARTICIPATING:

2 JAMES D. BEASLEY, ESQUIRE, Ausley Law Firm,
3 Post Office Box 391, Tallahassee, Florida 32302, appearing on
4 behalf of Tampa Electric Company.

5 PATRICIA A. CHRISTENSEN, ESQUIRE, Office of Public
6 Counsel, c/o The Florida Legislature, 111 West Madison Street,
7 Room 812, Tallahassee, Florida 32399-1400, appearing on behalf
8 of the Citizens of the State of Florida.

9 MARTHA BROWN, ESQUIRE, and KEINO YOUNG, ESQUIRE, FPSC
10 General Counsel's Office, 2540 Shumard Oak Boulevard,
11 Tallahassee, Florida 32399-0850, appearing on behalf of the
12 Commission Staff.

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P R O C E E D I N G S

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COMMISSIONER CARTER: Call the hearing to order.

Would you read the notice, please.

MS. BROWN: By notice issued January 29th, 2007, this time and place was set for a prehearing conference in Docket Number 050958-EI, petition for approval of new environmental program for cost recovery through Environmental Cost Recovery Clause by Tampa Electric Company. The purpose of the prehearing conference is set out in the notice.

COMMISSIONER CARTER: Okay. Thank you.

We'll now take appearances.

MR. BEASLEY: Good morning, Commissioner. I'm James D. Beasley representing Tampa Electric Company.

MS. CHRISTENSEN: Patty Christensen on behalf of the Office of Public Counsel.

MS. BROWN: Martha Carter Brown and Keino Young on behalf of the Commission.

COMMISSIONER CARTER: Okay. Ms. Brown, are there any preliminary matters we need to address before we get into the draft?

MS. BROWN: I'm not aware of any, Commissioner.

COMMISSIONER CARTER: All right. Let us go through our draft prehearing order now. Basically I'll identify the sections and, parties, just let me know if there are any corrections that need to be made.

1 Section I, conduct of proceedings. Any corrections
2 or changes?

3 Section II, case background. Any corrections or
4 changes?

5 Section III, jurisdiction. Any corrections or
6 changes?

7 Section IV, procedure for handling confidential
8 information. Any corrections or changes?

9 Section V, prefiled testimony and exhibits and
10 witnesses. Any corrections or changes?

11 Section VI, order of witnesses. Any corrections or
12 changes?

13 Section VII, basic positions. Any corrections or
14 changes?

15 Section VIII, issues and positions. Are there any
16 corrections or changes?

17 MS. BROWN: Commissioner, I would just point out at
18 this time that Issue 2 has been stipulated and the draft -- and
19 the prehearing order will reflect that proposed stipulation.

20 COMMISSIONER CARTER: Okay. Any other corrections or
21 changes as to Section VIII?

22 Whenever I hear Section VIII, I always think about
23 housing.

24 Section IX, exhibit list. Any corrections or
25 changes?

1 MS. BROWN: Commissioner, it doesn't appear that any
2 testimony or exhibits can be stipulated into the record at this
3 time. I haven't checked with the parties, but I think all of
4 the witnesses are going to be testifying to the contested
5 Issue 1, so we won't be able to excuse them. Perhaps the
6 parties could tell me if that's correct.

7 MR. BEASLEY: That's correct.

8 MS. BROWN: Correct?

9 COMMISSIONER CARTER: Ms. Christensen.

10 MS. CHRISTENSEN: That's correct. My only question
11 for today was whether or not we would be taking up rebuttal and
12 direct at the same time on TECO's witnesses or whether they had
13 a preference on that. Sometimes --

14 MR. BEASLEY: We would prefer to take them in the
15 order in which they're listed and have the rebuttal separate
16 from the direct.

17 COMMISSIONER CARTER: Okay. Is that it for Section
18 VIII, issues and positions?

19 And then Section IX, our exhibit list. We kind of
20 went back to that because they're both related.

21 Okay. Hearing none, we go to Section X, proposed
22 stipulations.

23 MS. BROWN: As I said, Commissioner, the draft
24 prehearing -- the prehearing order will reflect that Issue 2,
25 there's a proposed stipulation to Issue 2.

1 COMMISSIONER CARTER: Thank you. Any pending
2 motions, Section XI?

3 MS. BROWN: Not to my knowledge, Commissioner.

4 COMMISSIONER CARTER: Okay. Section XII, pending
5 confidentiality matters.

6 MS. BROWN: No, sir.

7 COMMISSIONER CARTER: Okay. Section XIII,
8 posthearing procedures.

9 MS. BROWN: Commissioner, staff is interested to know
10 the parties' positions on a bench decision in this case. It
11 may be premature to, to make that determination, but I would --
12 since we're here, I thought I would ask.

13 MR. BEASLEY: I believe Tampa Electric would be
14 comfortable, if the Commission were to elect to make a bench
15 decision, to abide by that.

16 MS. CHRISTENSEN: Office of Public Counsel would like
17 the opportunity to file a written brief.

18 COMMISSIONER CARTER: Okay.

19 MS. BROWN: All right. Thank you.

20 COMMISSIONER CARTER: Excellent. Any other matters
21 on the posthearing procedures?

22 Rulings, Section XIV.

23 MS. BROWN: Commissioner, we suggest that you rule
24 that if a hearing is held, opening statements, if any, should
25 not exceed ten minutes per party.

1 COMMISSIONER CARTER: That's being generous.

2 MS. BROWN: Well, you can change it if you want.

3 COMMISSIONER CARTER: No. That's fine. That's
4 fine. I think that would be appropriate. Any concerns by
5 either of the parties?

6 MR. BEASLEY: Is there any desire on the part of OPC
7 to present an opening statement?

8 MS. CHRISTENSEN: At this point I have not determined
9 whether or not we would be presenting an opening statement or
10 not, so I'd like to reserve the ability to do that. If we do,
11 it will be brief.

12 COMMISSIONER CARTER: So let's make it so. Okay. So
13 that option will be out there. If you, if you determine to
14 make yourself available to it, then that's fine. If not,
15 that's still fine. Right? No harm, no foul. Okay.

16 Ms. Brown, any other matters?

17 MS. BROWN: Not that I'm aware of, Commissioner.

18 COMMISSIONER CARTER: All right. It's a great day in
19 the State of Florida. This hearing is adjourned.

20 (Hearing adjourned at 9:31.)

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STATE OF FLORIDA)
 :
COUNTY OF LEON)

CERTIFICATE OF REPORTER

I, LINDA BOLES, CRR, RPR, Official Commission 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' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 26th day of February, 2007.

Linda Boles
LINDA BOLES, CRR, RPR
FPSC Official Commission Reporter
(850) 413-6734