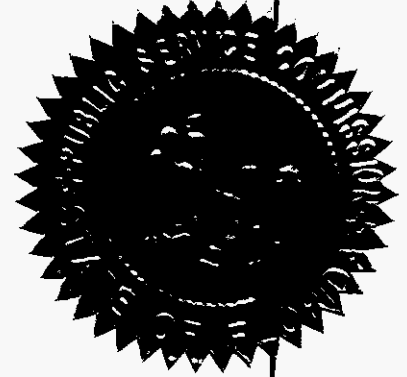


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 080501-EI

In the Matter of:

PETITION FOR WAIVER OF RULE 25-17.250
(1) AND (2) (A), F.A.C., WHICH REQUIRES
PROGRESS ENERGY FLORIDA TO HAVE A STANDARD
OFFER CONTRACT OPEN UNTIL A REQUEST FOR
PROPOSAL IS ISSUED FOR SAME AVOIDED UNIT
IN STANDARD OFFER CONTRACT, AND FOR
APPROVAL OF STANDARD OFFER CONTRACT.



PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER NANCY ARGENZIANO
PREHEARING OFFICER

DATE: Monday, April 6, 2009

TIME: Commenced at 9:33 a.m.
Concluded at 9:36 a.m.

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

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

DOCUMENT NUMBER-DATE

03300 APR 14 09

FPSC-COMMISSION CLERK

1 PARTICIPATING:

2 JOHN T. BURNETT, ESQUIRE, Progress Energy
3 Service Company, LLC, Post Office Box 14042,
4 St. Petersburg, Florida 33733-4042, representing
5 Progress Energy Florida, Inc.

6 JAMES W. BREW, ESQUIRE, 1025 Thomas Jefferson
7 Street, NW, Eighth Floor, West Tower, Washington, DC
8 20007-5201, representing PCS Phosphate.

9 JEAN HARTMAN, ESQUIRE, FPSC General Counsel's
10 Office, 2540 Shumard Oak Boulevard, Tallahassee, Florida
11 32399-0850, representing the Commission Staff.

12 MARY ANNE HELTON, DEPUTY GENERAL COUNSEL, FPSC
13 General Counsel's Office, 2540 Shumard Oak Boulevard,
14 Tallahassee, Florida 32399-0850, appearing as advisor to
15 the Commission.

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P R O C E E D I N G S

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COMMISSIONER ARGENZIANO: Let's call our prehearing to order, and if staff would please read the notice.

MS. HARTMAN: Pursuant to notice, this time and place has been scheduled for the purpose of conducting a Prehearing Conference in Docket 080501-EQ. The purpose of the Prehearing Conference is set forth more fully in the notice.

COMMISSIONER ARGENZIANO: Are there any preliminary matters we need to go through?

MS. HARTMAN: Staff is not aware of any.

COMMISSIONER ARGENZIANO: Okay. Let's move on. And I understand staff will make some comments with respect to certain sections.

MS. HARTMAN: Yes. And --

COMMISSIONER ARGENZIANO: Do you want to just go through them, because it looks like we have a short prehearing here and why don't we just, just --

MS. HELTON: Madam Chairman, before that though, can we take appearances? That probably needs to be done for the record.

COMMISSIONER ARGENZIANO: Oh, that would be a good thing. Absolutely. Hi.

And I notice that your children are in the

1 back of the room.

2 MR. BURNETT: Yes, ma'am.

3 COMMISSIONER ARGENZIANO: You're teaching them
4 young.

5 Hi, guys. We hope we don't bore you to death.
6 We'll get you out of here real quick. Please go ahead.

7 MR. BURNETT: Yes, ma'am. Good morning. John
8 Burnett on behalf of Progress Energy Florida.

9 MR. BREW: Good morning, Commissioner. I'm
10 James Brew of the firm of Brickfield, Burchette, Ritts &
11 Stone, for PCS Phosphate.

12 COMMISSIONER ARGENZIANO: Great.

13 MS. HARTMAN: Jean Hartman for Commission
14 staff.

15 MS. HELTON: And Mary Anne Helton, advisor to
16 the Commission.

17 COMMISSIONER ARGENZIANO: It's good that
18 you're here. Let's proceed through.

19 Exhibit list.

20 MS. HARTMAN: I believe Mr. Brew had a comment
21 about the exhibit list.

22 COMMISSIONER ARGENZIANO: Mr. Brew.

23 MR. BREW: Yes, Commissioner. Thank you.
24 Because this matter started out as Docket 070235-EQ, the
25 testimony that had been filed previously by PCS has been

1 rolled in in the exhibits of Mr. Gammon. And the
2 supplement testimony we've filed in this docket contains
3 similar references. So just for clarification, exhibits
4 that are listed MJM-1 and MJM-2 are the exhibits
5 attached to Mr. Marz's supplemental testimony, the
6 testimony filed in this docket; whereas, MJM-3 was filed
7 in the earlier docket and is reflected in --

8 COMMISSIONER ARGENZIANO: 070235?

9 MR. BREW: Yes.

10 COMMISSIONER ARGENZIANO: Okay. So noted.

11 Thank you.

12 Staff.

13 MS. HARTMAN: Staff would like to note for the
14 record that we will prepare a Comprehensive Exhibit List
15 consisting of all the prefiled exhibits for the purpose
16 of numbering and identifying the exhibits at hearing and
17 we will provide the exhibit list to parties as soon as
18 possible.

19 COMMISSIONER ARGENZIANO: Great. Next.

20 MS. HARTMAN: Staff is not aware of any
21 proposed stipulations.

22 COMMISSIONER ARGENZIANO: Okay.

23 Confidentiality motions.

24 MS. HARTMAN: No.

25 COMMISSIONER ARGENZIANO: Okay.

1 MS. HARTMAN: Staff would also suggest that
2 the Prehearing Officer make a ruling that opening
3 statements, if any, should not exceed ten minutes.

4 COMMISSIONER ARGENZIANO: Any problems?
5 Everybody okay?

6 MR. BURNETT: No, ma'am.

7 MR. BREW: That's fine.

8 COMMISSIONER ARGENZIANO: Okay. All right.
9 Any other matters?

10 MS. HARTMAN: Staff is not aware of any.

11 COMMISSIONER ARGENZIANO: Okay. Now that
12 we've gotten your children out of here early, take them
13 someplace nice.

14 MR. BURNETT: Yes, ma'am.

15 COMMISSIONER ARGENZIANO: Okay. With that,
16 we're adjourned.

17 (Prehearing Conference concluded at 9:36 a.m.)
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STATE OF FLORIDA)
 :
COUNTY OF LEON)


CERTIFICATE OF REPORTER

I, LINDA BOLES, RPR, CRR, 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 14th day of April, 2009.



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