

1 APPEARANCES:

2 JOHN T. BUTLER, JESSICA CANO, and KEVIN I. C.
3 DONALDSON, ESQUIRES, 700 Universe Boulevard, Juno Beach,
4 Florida 33408-0420, appearing on behalf of Florida Power
5 & Light Company.

6 DIANNE M. TRIPLETT and MATTHEW R. BERNIER,
7 ESQUIRES, Duke Energy Florida, 299 First Avenue N.,
8 FL-151, St. Petersburg, Florida 33701, appearing on
9 behalf of Duke Energy Florida.

10 JAMES D. BEASLEY, J. JEFFRY WAHLEN, and ASHLEY
11 M. DANIELS, ESQUIRES, Ausley Law Firm, Post Office Box
12 391, Tallahassee, Florida 32302, appearing on behalf of
13 Tampa Electric Company.

14 STEVEN R. GRIFFIN, JEFFREY A. STONE, and
15 RUSSELL A. BADDERS, ESQUIRES, Beggs & Lane, Post Office
16 Box 12950, Pensacola, Florida 32591-2950, appearing on
17 behalf of Gulf Power Company.

18 JOHN FINNIGAN, ESQUIRE, 128 Winding Brook
19 Lane, Cincinnati, Ohio 45174, appearing on behalf of
20 Environmental Defense Fund.

21 GARY V. PERKO and BROOKE E. LEWIS, ESQUIRES,
22 119 S. Monroe Street, Suite 300, Tallahassee, Florida
23 32301, appearing on behalf of JEA.

1 APPEARANCES (CONTINUED):

2 JILL M. TAUBER, DAVID GUEST, ALISA COE, and
3 GEORGE CAVROS, ESQUIRES, 111 S. Martin Luther King Jr.
4 Boulevard, Tallahassee, Florida 32301; 120 E. Oakland
5 Park Boulevard, Suite 105, Fort Lauderdale, Florida
6 33334; and 1625 Massachusetts Avenue N.E., Suite 702,
7 Washington D.C. 20036, appearing on behalf of Southern
8 Alliance for Clean Energy.

9 ROBERT SCHEFFEL WRIGHT and JOHN T. LAVIA III,
10 ESQUIRES, 1300 Thomaswood Drive, Tallahassee, Florida
11 32308, appearing on behalf of Walmart Stores East, LP,
12 and Sam's East, Inc.

13 JAMES W. BREW and F. ALVIN TAYLOR, ESQUIRES,
14 c/o Brickfield Law Firm, 1025 Thomas Jefferson Street,
15 NW, Eighth Floor, West Tower, Washington, DC
16 20007-5201, appearing on behalf of White Springs
17 Agricultural Chemicals, Inc., d/b/a PCS Phosphate -
18 White Springs.

19 ERIK L. SAYLER, ESQUIRE, Office of Public
20 Counsel, 111 West Madison Street, Room 812, Tallahassee,
21 Florida 32399-1400, appearing on behalf of the Citizens
22 of the State of Florida.

23 DIANA A. CSANK, ESQUIRE, 50 F Street NW, 8th
24 Floor, Washington, DC 20001, appearing on behalf of
25 Sierra Club.

1 APPEARANCES (CONTINUED):

2 JON C. MOYLE, JR., and KAREN PUTNAL, ESQUIRES,
3 118 North Gadsden Street, Tallahassee, Florida 32312,
4 appearing on behalf of the Florida Industrial Power
5 Users Group.

6 ALTON E. DREW, ESQUIRE, 667 Peoples Street, SW
7 #4, Atlanta, Georgia 30310, appearing on behalf of the
8 Florida State Conference of the NAACP.

9 STEVEN L. HALL, ESQUIRE, 407 South Calhoun
10 Street, Suite 520, Tallahassee, Florida 32399, appearing
11 on behalf of the Florida Department of Agriculture and
12 Consumer Services.

13 CHARLES MURPHY, LEE ENG TAN, and KELLEY F.
14 CORBARI, ESQUIRES, FPSC General Counsel's Office, 2540
15 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,
16 appearing on behalf of the Florida Public Service
17 Commission Staff.

18 MARY ANNE HELTON, Deputy General Counsel and
19 Curt Kiser, General Counsel, Florida Public Service
20 Commission, 2540 Shumard Oak Boulevard, Tallahassee,
21 Florida 32399-0850, Advisor to the Florida Public
22 Service Commission.

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER BRISÉ: All right. Good morning.

If we could settle in, and we'll try to get started at the latter half of 9:30, the latter 30 seconds of the 9:30, so that we can still be on time.

Thank you for joining us today on this nice day somewhat. And I know all of you want to get out of here so you can go watch that U.S. versus Germany game today. I have my colors on. I tried to avoid wearing the soccer tie and stuff just to be professional today.

So with that, we're going to go ahead and call this Prehearing to order, Docket Numbers 130199-EI, 130202-EI, and 130203-EM [sic], our review of the Numeric Conservation Goals.

So, Lee Eng, would you read the notice, please.

MS. TAN: Pursuant to notice issued by the Commission Clerk, this time and place has been set for a Prehearing Conference in Docket Numbers 130199-EI through 130202-EI, and Docket Number 130203-EM.

COMMISSIONER BRISÉ: Okay. Thank you.

We are going to take appearances at this time, recognizing that there are not 14 seats out there, so I think people are lining up on that end as well. And if people need to move around so that individuals have

1 access to the microphone, let's be courteous about that
2 as well.

3 Okay. So we'll start taking appearances.

4 **MR. BUTLER:** Thank you, Commissioner. John
5 Butler, Florida Power & Light Company, appearing in
6 Docket 13019 [sic]. Also entering appearances in that
7 docket for Jessica Cano and Kevin Donaldson.

8 **COMMISSIONER BRISÉ:** Okay. Thank you.

9 **MS. TRIPLETT:** Good morning. Dianne Triplett
10 on behalf of Duke Energy Florida, making an appearance
11 in Docket 130200. And I'd also like to enter an
12 appearance for Matthew Bernier.

13 **COMMISSIONER BRISÉ:** Okay.

14 **MR. BEASLEY:** Commissioner, I'm Jim Beasley
15 appearing with Jeff Wahlen and Ashley Daniels on behalf
16 of Tampa Electric Company in the 130201 docket.

17 **COMMISSIONER BRISÉ:** All right.

18 **MR. GRIFFIN:** Good morning, Commissioner.
19 Steven Griffin with Beggs & Lane on behalf of Gulf Power
20 in Docket 130202, entering my appearance, also Jeffrey
21 A. Stone and Russell A. Badders.

22 **COMMISSIONER BRISÉ:** Thank you.

23 **MR. FINNIGAN:** Your Honor, good morning. My
24 name is John Finnigan. I'm with Environmental Defense
25 Fund, and I'm entering an appearance in the 130199, 200,

1 201, and 202 dockets.

2 **COMMISSIONER BRISÉ:** All right. Thank you.

3 **MR. PERKO:** Excuse me, Commissioner. Just to
4 get all the utilities in, Gary Perko on behalf of JEA.
5 Also entering an appearance for Brooke Lewis.

6 **COMMISSIONER BRISÉ:** Okay. Thank you.

7 **MS. TAUBER:** Good morning.

8 **COMMISSIONER BRISÉ:** If you could turn on your
9 mike.

10 **MS. TAUBER:** Good morning. Jill Tauber with
11 EarthJustice entering an appearance on behalf of
12 Southern Alliance for Clean Energy, along with my
13 colleagues David Guest, Alisa Coe, and George Cavros.
14 And we are entering our appearances for dockets ending
15 199, 200, 201, and 202.

16 **COMMISSIONER BRISÉ:** All right. Thank you.

17 **MR. WRIGHT:** Thank you, Commissioner. Robert
18 Scheffel Wright and John T. Lavia III on behalf of
19 Wal-Mart Stores East and Sam's East in all dockets,
20 130199 through 130205 [sic].

21 **COMMISSIONER BRISÉ:** Okay. Thank you.

22 **MR. BREW:** Good morning, Commissioner. James
23 Brew and Al Taylor appearing for White Springs
24 Agricultural Chemicals/PCS Phosphate. We've intervened
25 in all dockets, but our concern is the 130200 Duke

1 docket.

2 **COMMISSIONER BRISÉ:** Okay. Thank you.

3 **MR. SAYLER:** Erik Sayler on behalf of the
4 Office of Public Counsel, an appearance in Docket Number
5 130199 through 130202.

6 **COMMISSIONER BRISÉ:** Okay. Thank you.

7 **MS. CSANK:** Diana Csank on behalf of Sierra
8 Club appearing in all five dockets, 130199 through
9 130203.

10 **COMMISSIONER BRISÉ:** All right. Thank you.

11 **MR. MOYLE:** Jon Moyle with the Moyle Law Firm
12 appearing on behalf of the Florida Industrial Power
13 Users Group, FIPUG. We are in, in the FPL, Duke, TECO,
14 and Gulf dockets. And I'd also like to enter an
15 appearance for Karen Putnal with our firm.

16 **COMMISSIONER BRISÉ:** Okay. Thank you.

17 **MR. DREW:** Good morning, Chairman. My name is
18 Alton Drew. I'm entering an appearance for the Florida
19 State Conference of the NAACP in Docket Numbers
20 130199 through 130205 [sic].

21 **COMMISSIONER BRISÉ:** Okay. Thank you.

22 **MR. HALL:** Commissioner, Steven Hall from the
23 Department of Agriculture and Consumer Services entering
24 an appearance for 130199 through 130203.

25 **COMMISSIONER BRISÉ:** All right. Thank you.

1 Anybody else on this end that needs to make an
2 appearance? Okay.

3 **MS. TAN:** Charlie Murphy appearing for Docket
4 Numbers 130199 and 130200; myself, Lee Eng Tan, for
5 Dockets Number 130199 through 130203; and Kelley Corbari
6 for Docket Number 130203, all appearing on behalf of the
7 Commission.

8 **COMMISSIONER BRISÉ:** Thank you.

9 **MS. HELTON:** And Mary Anne Helton, advisor to
10 the Commission for all the dockets. And also appearing
11 today is our General Counsel, Curt Kiser.

12 **COMMISSIONER BRISÉ:** All right. Thank you.
13 All right. That's a lot of appearances there, so I
14 suppose it's going to be a very active set of cases that
15 we've got here.

16 Ultimately, and I'll say this now and I'll
17 probably say this again as we go through the process,
18 ultimately we want to establish some goals that are
19 reasonable, and we want to hear from everyone and give
20 everyone an opportunity to be heard and allow the
21 evidence to take us where it leads us. So we certainly
22 hope that everyone that is here will work with that
23 spirit and work with that goal in mind as we hopefully
24 set out to establish some, some good goals for, for us
25 within this process.

1 All right. Preliminary matters.

2 **MS. TAN:** Commissioner, the NAACP has filed a
3 petition for intervention and a motion to late file its
4 prehearing statement.

5 **COMMISSIONER BRISÉ:** Okay. Should I rule on
6 that now, or can I do that a little bit later?

7 **MS. TAN:** Whatever you wish. You may want to
8 ask if anyone has any objections to their intervention.

9 **COMMISSIONER BRISÉ:** Sure. Sure. That's a
10 good idea.

11 **MS. TAN:** And if not, you can decide.

12 **COMMISSIONER BRISÉ:** All right. Is there
13 anyone that has any objections to the NAACP intervening?

14 Yes, ma'am.

15 **MS. TAUBER:** Your Honor, this is Jill Tauber
16 on behalf of SACE. SACE does not have objections but
17 will note that we have, in light of just receiving the
18 two pleadings and new information contained therein, we
19 just wanted to apprise the Commission that we are
20 reviewing the filings and may seek to file a response as
21 we complete our review. I just wanted to let you know
22 that.

23 **COMMISSIONER BRISÉ:** Okay. Understood.

24 Okay. Yes.

25 **MS. CSANK:** Your Honor, Diana Csank on behalf

1 of Sierra Club with the same -- we're in the same
2 position as SACE on, as far as still considering the,
3 the filings.

4 **COMMISSIONER BRISÉ:** Okay. Thank you.

5 **MR. WRIGHT:** Commissioner, Wal-Mart supports
6 the NAACP's intervention and would support their motion
7 for leave to file a late-filed prehearing statement.

8 **COMMISSIONER BRISÉ:** Okay. All right. Mary
9 Anne.

10 **MS. HELTON:** Mr. Chairman, the Uniform Rule of
11 Procedure allows seven days to respond to a motion or a
12 petition if times allows. So if you want to give an
13 opportunity to SACE or the Sierra Club to file a
14 response, you may want to set a date sooner than that so
15 that you can make a ruling so that NAACP and all others
16 involved in the proceeding will know how to proceed.

17 **COMMISSIONER BRISÉ:** Sure. But ultimately we
18 can decide that -- I can decide that the NAACP can
19 intervene, and anyone who has issues with the issues
20 that they bring up can be addressed as, as we move
21 forward.

22 **MS. HELTON:** You know, we are -- we're here at
23 the Prehearing Conference. So if you decide that time
24 does not allow the seven days response, I think you can,
25 you can rule today, and that may be helpful to the

1 process.

2 **COMMISSIONER BRISÉ:** Right.

3 **MS. HELTON:** And then if those Intervenors
4 disagree, then they can seek reconsideration from the
5 full Commission.

6 **COMMISSIONER BRISÉ:** Sure. Sure. So I'm
7 going to go ahead and make my ruling at this time. By
8 its petition to intervene, the NAACP has met the
9 standard of associational standing, so I grant the
10 petition to the NAACP. And part of my rationale is they
11 represent actual consumers and -- just like everyone
12 else here. So, so, therefore, we will grant their
13 petition to intervene.

14 **MR. DREW:** Thank you, Mr. Chairman.

15 **COMMISSIONER BRISÉ:** Okay.

16 **MS. TAN:** Commissioner, I think you might want
17 to rule that the NAACP will take the case as they find
18 it pursuant to --

19 **COMMISSIONER BRISÉ:** Absolutely. The case is
20 as it stands, and, you know, you take it as it is right
21 now.

22 **MS. TAN:** And, in addition, since you've
23 granted the petition to intervene, staff would like to
24 add the NAACP's prehearing statement to the Prehearing
25 Order -- to the Prehearing Order.

1 **COMMISSIONER BRISÉ:** Sure. Okay.

2 All right. Anything else that we need to deal
3 with in preliminary matters? This is the time. Okay.

4 **MS. TAN:** While we're adding the prehearing
5 statement, we would also think it's probably appropriate
6 to grant the motion to late file the prehearing
7 statement.

8 **COMMISSIONER BRISÉ:** Okay. So I thought that
9 that was all included in that. But -- so we will grant
10 them permission to take leave to provide the prehearing
11 statements.

12 **MS. TAN:** Just to be on the safe side.

13 **COMMISSIONER BRISÉ:** Okay. All right. So now
14 we're going to start moving through the Prehearing
15 Order, so let's go through the Draft Prehearing Order.
16 We'll identify sections, and I want the parties to go --
17 to let me know if there are any corrections or changes
18 that need to be made. We may go quickly through this,
19 so please speak up if you have a change or correction
20 that needs to be made.

21 I have a little bit of swimmer's ear, so
22 please speak up, speak up loud. It's summertime and
23 your kids want to go swimming all the time, and, you
24 know, you take one swimming and then the other one gets
25 back from school and you got to get back in the pool,

1 so.

2 So Section I, case background. All right.
3 Any issues there? Okay. Seeing none, so that seems to
4 be okay.

5 Section II, conduct of proceedings.

6 Okay. Jurisdiction, Section III.

7 Section IV, procedures for handling
8 confidential information.

9 All right. Section V, prefiled testimony and
10 exhibits, witnesses. Are parties willing to shorten or
11 dispense with witness summaries of testimonies, if any?

12 **MR. BUTLER:** I don't think we would want to
13 dispense with it. I probably could be persuaded to
14 shorten it, if need be.

15 **COMMISSIONER BRISÉ:** Okay. We typically
16 provide five minutes for that. Okay? Everybody
17 understand? Everybody in agreement with that, five
18 minutes? So make sure your witnesses are prepared for
19 five minutes, and five minutes really means five
20 minutes.

21 **MR. BUTLER:** You'll have the lights here;
22 right?

23 **COMMISSIONER BRISÉ:** Yes. We do have the, the
24 light apparatus that will help guide that process for,
25 for those who this may be your first time coming through

1 this process with witnesses. So we'll have a fixture,
2 trap door -- (Laughter) -- in which you -- green means
3 go; yellow means you have two minutes left; red means
4 you have about a minute left; and when it starts
5 blinking, you should have stopped. Okay?

6 Okay. Section VI, order of witnesses. Are
7 any parties willing to stipulate to any witnesses at
8 this particular point?

9 **MR. BUTLER:** FPL -- excuse me. FPL would be
10 willing to stipulate to the admission into the record of
11 the Intervenor witnesses' testimony and exhibits, waive
12 cross-examination, and have those witnesses excused, if
13 it turns out that's what actually happens, if the
14 Commissioners don't have questions for them. So it
15 would facilitate the saving of time and travel expense
16 of them coming to the hearing. If it turns out that
17 there's going to be questions for them, then obviously
18 we would want the opportunity to participate in that
19 process.

20 **COMMISSIONER BRISÉ:** All right.

21 **MS. TRIPLETT:** And the same thing for Duke
22 Energy Florida, sir.

23 **COMMISSIONER BRISÉ:** Okay.

24 **MR. BEASLEY:** And for Tampa Electric.

25 **MR. GRIFFIN:** And for Gulf Power.

1 **COMMISSIONER BRISÉ:** Okay.

2 **MR. PERKO:** As well as JEA.

3 **COMMISSIONER BRISÉ:** Okay.

4 **MR. FINNIGAN:** Same for Environmental Defense
5 Fund.

6 **COMMISSIONER BRISÉ:** Okay. All right. Any
7 other witnesses that people are interested in having
8 stipulated to? Okay.

9 All right. Does that cover it for, for
10 witnesses? Okay.

11 **MS. TAUBER:** Your Honor, just one, one
12 logistical matter.

13 **COMMISSIONER BRISÉ:** Sure.

14 **MS. TAUBER:** One of SACE's witnesses, Mr. Karl
15 Rábago, is coming in from out of town and has a conflict
16 with the first two days of the hearing. I believe it
17 may well be likely that it wouldn't require a
18 reshuffling of the order, but we were hoping to request
19 today a date certain for him to testify of July 23rd,
20 and so I wanted to raise that now.

21 **COMMISSIONER BRISÉ:** Okay.

22 **MS. TAN:** Commissioner, we have suggested to
23 the parties that if they have somebody that they would
24 like to change the order with -- because there are so
25 many witnesses -- that they ask the other parties to

1 come to agreement. And then when they have agreement,
2 to bring that to the Prehearing Officer.

3 **COMMISSIONER BRISÉ:** Yeah. I think that that
4 would probably work best because there are so many
5 potential witnesses. And what I've, what I have found,
6 that sometimes when we set a time certain or day certain
7 for a particular witness, we may end up getting backed
8 up, you know, with cross-examination and so forth and so
9 on, so we may end up being behind. So if parties can
10 come up with an agreement, that would probably work
11 best. And we can work that through our staff attorneys,
12 and then it'll come to me and then we'll make a
13 decision.

14 **MS. TAUBER:** And we will certainly confer with
15 the parties. Thank you.

16 **COMMISSIONER BRISÉ:** All right. Thank you
17 very much.

18 Okay. Anything else in terms of order of
19 witnesses?

20 **MR. MOYLE:** In preparing for it, I just want
21 to be clear that the offer on the stipulation for the
22 other witnesses was an offer at this point.

23 **COMMISSIONER BRISÉ:** Right.

24 **MR. MOYLE:** And it's not a done deal unless
25 the Intervenors come back and say, "We'll take your

1 offer." Correct?

2 **COMMISSIONER BRISÉ:** Yes.

3 **MR. MOYLE:** Okay. All right. And FIPUG does
4 not have any problem with taking witnesses out of order
5 and don't feel a need to be contacted as a matter of
6 proceeding. We're good with whatever the parties work
7 out.

8 **COMMISSIONER BRISÉ:** All right. Thank you.

9 Okay. Moving on to Section VII, basic
10 positions.

11 **MR. FINNIGAN:** Your Honor, John Finnigan on
12 behalf of Environmental Defense Fund.

13 I noted that on the order of witnesses our
14 issues were not listed, and I think the proper issues
15 for us ought to be 3, 4, 5, and 11.

16 **COMMISSIONER BRISÉ:** Okay. I'm going to let
17 staff handle that. Okay. So I think that's noted, but
18 Lee Eng?

19 **MS. TAN:** Yes. We'll make those changes.

20 **COMMISSIONER BRISÉ:** Okay. Anyone have issues
21 with those changes? Okay.

22 All right. Still on basic positions.

23 **MR. WRIGHT:** Commissioner, thank you. I just
24 want to advise everyone -- and I did speak with Ms. Tan
25 yesterday about this -- Wal-Mart will be modifying our

1 statement of basic position, and we will also be
2 modifying our positions on a number of the substantive
3 issues, which we will furnish as directed by you and
4 staff.

5 **COMMISSIONER BRISÉ:** Okay. Thank you.

6 **MR. WRIGHT:** I won't bring it up again.

7 Thanks.

8 **COMMISSIONER BRISÉ:** Thank you. Okay.

9 Anything else from anyone else on basic
10 positions?

11 Okay. Moving forward, Section VIII, issues
12 and positions.

13 All right. Since I'm hearing nothing, that,
14 that works. I'll give you a little more time to go
15 through, go through the positions. But I'm sure if you
16 had one that was burning, you had your notes prepared
17 already, so.

18 **MR. MOYLE:** Do you want, do you want to take
19 these not like Issue 1, Issue 2, just take them kind of
20 en masse because FIPUG has --

21 **COMMISSIONER BRISÉ:** Yeah. I think if you
22 went through and said what -- which ones you identify
23 as, as, as issues.

24 **MR. MOYLE:** Okay. FIPUG has a slight addition
25 to Issue Number 6.

1 **COMMISSIONER BRISÉ:** Okay.

2 **MR. MOYLE:** And the issue is, you know, "What
3 cost-effectiveness test or tests should the Commission
4 use to set goals, pursuant to Section 366.82?" And
5 FIPUG sets its position. We would just add, and I'll
6 quote, The Commission should also consider whether a
7 two-year or three-year, quote, payback, end quote,
8 screen should be utilized in making a cost-effectiveness
9 determination. So that's a one-sentence addition.

10 **COMMISSIONER BRISÉ:** Okay. If you could say
11 that again for me.

12 **MR. MOYLE:** Sure. The Commission should also
13 consider whether a two-year or three-year, quote,
14 payback, end quote, screen should be utilized in making
15 a cost-effectiveness determination.

16 **COMMISSIONER BRISÉ:** Okay. Any objections
17 or -- okay. Okay. That works for me. Let me check
18 with our staff.

19 **MS. TAN:** Yes. If there's any questions, I'll
20 have, I'll have you send an email to me with the
21 additional information.

22 **MR. MOYLE:** Sure.

23 **COMMISSIONER BRISÉ:** Okay. Thank you.

24 Okay. Anyone else?

25 Okay. If not, then the issues and the

1 positions, notwithstanding FIPUG's addition there, will
2 stand as they stand right now. Right?

3 **MR. BREW:** Commissioner, it's my understanding
4 that positions that are labeled "No position at this
5 time" become "No position."

6 **COMMISSIONER BRISÉ:** That is correct.

7 **MR. BREW:** Thank you.

8 **COMMISSIONER BRISÉ:** Okay. Okay.

9 All right. So is everyone comfortable where
10 we are, where we stand right now? Okay. So I'll take
11 silence as an affirmative. Okay.

12 Section IX, exhibit list. Staff, would you
13 address this, please.

14 **MS. TAN:** Staff notes that staff will prepare
15 a Comprehensive Exhibit List, which will consist of all
16 the prefiled exhibits for the purposes of numbering and
17 identifying the exhibits at hearing. Staff will provide
18 the exhibit list to the parties as soon as possible. We
19 also intend to prepare a proposed stipulated exhibit,
20 which will be composed of discovery responses and
21 deposition transcripts which we will provide to the
22 parties in advance of the hearing.

23 **COMMISSIONER BRISÉ:** Okay. Mr. Sayler.

24 **MR. SAYLER:** Just how far in advance of the
25 hearing will the staff's stipulated exhibit be provided?

1 **MS. TAN:** The discovery deadline is on the 7th
2 of July, and, therefore, following that closure, we will
3 be able to have a list that will go out to everyone.

4 **MR. SAYLER:** Thank you.

5 **MR. BUTLER:** Commissioner Brisé.

6 **COMMISSIONER BRISÉ:** Yes.

7 **MR. BUTLER:** Just a question/comment here, a
8 possible typo. On page 30 at the beginning of the
9 reference to the direct exhibits and then over on
10 page -- I'm sorry -- page 50 and then over on page 61,
11 the beginning of the rebuttal exhibits, the first entry
12 says "Name, Utility/Intervenor, ABC-1." Is that
13 supposed to be there, or is that just like a dummy entry
14 that was left in the Prehearing Order?

15 **COMMISSIONER BRISÉ:** It's probably a dummy
16 entry.

17 **MS. TAN:** All that signifies is how to do the
18 initials. The ABC-1 is the initial. So, for example,
19 for the first witness, it's Steven R. Sims, that ABC is
20 SRS. But we will take it out.

21 **MR. BUTLER:** Thank you.

22 **COMMISSIONER BRISÉ:** All right.

23 Mr. Brew.

24 **MR. BREW:** Commissioner, I do have two
25 corrections on Issues 8 and 9. The PCS position should

1 be revised to read the same as FIPUG's.

2 **COMMISSIONER BRISÉ:** Okay.

3 **MR. BREW:** And I'll provide that language to
4 staff.

5 **COMMISSIONER BRISÉ:** All right. Thank you.

6 **MR. SAYLER:** Mr. Chairman, with regard to the
7 staff's stipulated exhibit or list -- or exhibit that
8 they'd like to be stipulated, there's quite a bit of
9 discovery already that's been gone forth in this docket.
10 If there's a possibility to break that into two: One
11 that's provided sooner to the parties; and then after
12 the discovery deadline closes to, if there's any
13 additional discovery that they want to put in, to
14 provide a second one just so that -- because there's a
15 lot of documents to review by all the parties. And if
16 they're seeking a stipulation, it's helpful to actually
17 put eyes on all of them ahead of time.

18 **COMMISSIONER BRISÉ:** Okay. Logistically --

19 **MS. TAN:** We do have a draft Comprehensive
20 Exhibit List, so we can get that out earlier.

21 **COMMISSIONER BRISÉ:** All right. Thank you. I
22 just wanted to make sure from a logistical perspective
23 we were in position to do so.

24 **MR. SAYLER:** Thank you.

25 **COMMISSIONER BRISÉ:** Okay. Anything else on

1 the exhibit list?

2 All right.

3 **MS. TAUBER:** I have one addition.

4 **COMMISSIONER BRISÉ:** Sure.

5 **MS. TAUBER:** Or a couple of questions on
6 behalf of SACE.

7 The, in the Draft Prehearing Order it states
8 that "Parties and Staff reserve the right to identify
9 additional exhibits for the purposes of
10 cross-examination." And I would -- we would like to add
11 that parties are able to utilize any exhibit listed by
12 another party for the purposes of cross-examination or
13 redirect examination.

14 **COMMISSIONER BRISÉ:** Okay. Let me see how we
15 deal with that. When you say any exhibit by any other
16 party dealing particularly with that particular witness,
17 or any other party, any other witness. So if you could
18 specify what you mean by that.

19 **MS. TAUBER:** To be able to utilize any exhibit
20 that has been listed in the exhibit list by another
21 party, that any party can use such exhibits.

22 **COMMISSIONER BRISÉ:** Okay.

23 **MS. HELTON:** Any use of any exhibit is going
24 to be subject to the normal rules set out in Chapter 120
25 in the *Rules of Civil Procedure*. So it would have to be

1 relevant.

2 **COMMISSIONER BRISÉ:** Right.

3 **MS. HELTON:** You know, within the scope of the
4 direct examination, you know, that typical thing.

5 **COMMISSIONER BRISÉ:** Yes. I don't think that
6 that should be a problem.

7 **MS. TAUBER:** Okay. And the same with
8 discovery responses as well, just the same.

9 **MS. HELTON:** I'm sorry. My boss was talking
10 to me at the same time as the counsel --

11 **MS. TAUBER:** I apologize.

12 **MS. HELTON:** -- so I didn't hear her comment.

13 **MS. TAUBER:** I apologize. I was just
14 confirming, and the same for discovery responses as
15 well.

16 **MS. HELTON:** Yes.

17 **MS. TAUBER:** Okay.

18 **COMMISSIONER BRISÉ:** Okay.

19 **MR. BUTLER:** Commissioner Brisé.

20 **COMMISSIONER BRISÉ:** Yes.

21 **MR. BUTLER:** I'd like to comment on that
22 briefly, if I may.

23 **COMMISSIONER BRISÉ:** Sure.

24 **MR. BUTLER:** You know, we've got this
25 consolidation of dockets for discovery and various

1 purposes. I want to be sure I understand what's being
2 proposed. Because obviously our witnesses are going to
3 prepare to be able to address their exhibits and any of
4 the discovery responses that they would have sponsored,
5 really any of the discovery responses that FPL will have
6 provided. But it would be extremely burdensome and I
7 don't think serve any real great purpose for our
8 witnesses to be expected to become familiar with all of
9 the exhibits and all of the discovery in the other
10 dockets here for the other utilities.

11 And so I don't want there to be an
12 expectation -- or if there is, I want to be sure I know
13 about it -- that our witnesses are going to be having to
14 become familiar with everything that's been generated by
15 the other companies in, in their dockets. I think that
16 would be overly burdensome and would object to it.

17 **MR. BEASLEY:** We would echo that, Commissioner
18 Brisé, that our witness is not familiar with the various
19 documents prepared and submitted by the other parties
20 and could not really be reasonably expected to respond
21 to questions about those dockets.

22 **COMMISSIONER BRISÉ:** Sure.

23 **MS. TAUBER:** And just to clarify, we -- the,
24 the use of such exhibits would only be, we would only
25 anticipate using it as necessary and relevant, which I

1 think would address the concerns raised by counsel.

2 **MR. BUTLER:** It wouldn't address my concern,
3 because my concern is that, you know, what is before our
4 witnesses are the exhibits they have proffered and the
5 discovery responses that FPL has prepared and produced.
6 And I just, I don't want to undertake the added burden
7 of having to have our witnesses prepare to be familiar
8 with everything else that's been produced in all five of
9 the dockets. Certainly without -- I would say at a
10 minimum if there's some small number of specific items
11 that are identified well in advance, you know, we'd
12 consider that. But I don't want to have our witnesses
13 be shown an exhibit from, you know, a deposition taken
14 or a discovery response in another docket that they
15 haven't seen before and look bad because they're not
16 able on the spot to understand what's in it and respond
17 to cross-examination about it.

18 **MR. MOYLE:** Can I weigh in on this briefly?

19 **COMMISSIONER BRISÉ:** Sure. Go right ahead.

20 **MR. MOYLE:** I mean, we all -- a lot of us have
21 practiced in front of the Commission for many, many
22 years. It's my understanding there's never been any
23 kind of requirement with respect to cross-examination
24 that you have to pre-identify a cross-examination
25 exhibit and identify it. It sort of defeats the purpose

1 of cross-examination. Part of it is, okay, put, put it
2 in front of a witness and see how they respond. And if,
3 you know, if, if the witness is not familiar with the,
4 with the exhibit, he can just say, you know, "It was
5 filed by TECO. I don't know, I'm not familiar with it."
6 So I just want to make sure we're not encroaching or
7 eroding on the long-honored practice that on
8 cross-examination, you know, you're free to use
9 documents that, you know, have to be relevant and things
10 like that, but we're not putting some kind of a
11 constraint that you have to pre-identify
12 cross-examination documents.

13 **COMMISSIONER BRISÉ:** Okay.

14 **MR. GUEST:** Your Honor, may I respond to that?
15 I'm sorry. It seems to me that the issue is -- I agree,
16 of course, that's right -- what we want to do is offer
17 them for the truth of the matter stated. Their
18 interrogatory answers, they're admissions like any other
19 admission.

20 **COMMISSIONER BRISÉ:** If you could --

21 **MR. GUEST:** I'm sorry. We want to offer them
22 for the truth of the matter stated because these are
23 admissions, they're admissible as admissions. For
24 depositions, they're also admissible. So we want to
25 clarify in total agreement that we're offering them for

1 the truth of the matter stated.

2 **COMMISSIONER BRISÉ:** Okay.

3 **MR. BREW:** Commissioner.

4 **COMMISSIONER BRISÉ:** Mr. Brew.

5 **MR. BREW:** We -- I, I've had discussions on
6 this issue with staff in the past, and my concern is
7 about offering information as sworn evidence that nobody
8 has vetted. And so to the extent that a document is
9 offered simply for the truth of the matter stated, I
10 don't have a concern. But to the extent that more is
11 asserted to it and there's no sponsor, then we'll have a
12 discussion on the record.

13 **MR. GUEST:** Well, this is only for
14 cross-examination, so that doesn't come into play.

15 **COMMISSIONER BRISÉ:** Okay. Anybody else on
16 this issue before I turn to staff? Okay.

17 **MS. HELTON:** Mr. Chairman, we're doing a lot
18 of talking in the abstract here without knowing exactly
19 what documents are being talked about. We have in the
20 past, as Mr. Moyle pointed out, dealt with exhibits that
21 have been distributed and the witnesses have been
22 cross-examined on that were not part of prefiled
23 testimony and prefiled exhibits and were not part of
24 staff's Comprehensive Exhibit List and were not part of
25 the discovery that was conducted in, in the proceeding.

1 And we've always managed to deal with it at the time in
2 the proper context and looking at it with respect to
3 Chapter 120 and, as my boss pointed out, Chapter 90 and
4 whether it should be admitted or not. And I have full
5 faith that we will be able to do that when the hearing
6 comes. And just, you know, keep -- let everybody keep
7 in mind that there's obviously a lot of parties here,
8 there's quite a few witnesses. We have a limited amount
9 of time. And so one way to keep the, the hearing going
10 and processing well is to ensure before you even start
11 that the document is relevant, that it is the
12 appropriate witness to be examined about it and such.
13 And I think that we can handle it when we get there.

14 **COMMISSIONER BRISÉ:** Yeah. I mean, I tend to
15 agree that the way we have operated works, and so we
16 will continue to do so.

17 Just for everyone to bear in mind, you know,
18 if a witness is prepared for, for whatever they're
19 prepared for, that's what they came to testify about.
20 And so whatever is posed to them in cross-examination
21 has to be relevant to their testimony. And I'm sure
22 whoever is the Chairman at the time will rule on
23 whatever objections are lodged at that time, and so we
24 will deal with it that way.

25 Okay. Anything else on exhibits?

1 Okay. Section X, proposed stipulations.
2 Apparently FIPUG, SACE, and Duke have proposed
3 stipulations regarding standing, and Gulf is not opposed
4 to stipulation of witnesses or issues. Okay.

5 **MR. MOYLE:** If I could just speak, speak to
6 that briefly, Mr. Chairman.

7 **COMMISSIONER BRISÉ:** Sure.

8 **MR. MOYLE:** You know, FIPUG has put forward a
9 stipulation that has been agreed to by Duke. I believe
10 FPL has also agreed to that stipulation. And we're in
11 discussions with the other two parties. It's somewhat
12 of a --

13 **COMMISSIONER BRISÉ:** Work in progress.

14 **MR. MOYLE:** -- back channel conversation.
15 We're continuing to work on it, but we'll try to, try to
16 have it nailed down before the, you know, the hearing
17 begins. But we appreciate the parties' cooperation on
18 the standing stipulation.

19 **COMMISSIONER BRISÉ:** Okay. So it's a work in
20 progress, not a back channel conversation.

21 **MR. MOYLE:** I think, yeah, I think we're
22 stipulated with Duke and with FPL as we sit here today,
23 and I'm in discussions with, with Gulf and TECO.

24 **COMMISSIONER BRISÉ:** All right. Thank you.

25 Mr. Saylor? Okay. All right. Anyone else?

1 **MR. FINNIGAN:** Your Honor, John Finnigan on
2 behalf of Environmental Defense Fund.

3 To the extent that these discussions are still
4 in progress, we'll participate in those too and see
5 that -- or use our best efforts to try to work out a
6 stipulation on this issue. If this issue cannot be
7 stipulated for our organization, then we would ask leave
8 to be able to present witnesses to address this issue.
9 We have not identified those at this time because it has
10 not been clear to us whether this issue will be raised
11 at the hearing.

12 **COMMISSIONER BRISÉ:** Okay. SACE.

13 **MR. GUEST:** Okay. Let me -- I'm just trying
14 to add some confusion here. The NAACP jumped in and
15 properly the Court held that they're consumers and
16 they've got standing. We've got exactly the same thing.
17 The Commission said our establish -- our standing has
18 been established. I don't quite understand what else we
19 need than that. I think -- am I right? I mean, we've
20 got, we've got a Commission order the same as NAACP.

21 **MR. BUTLER:** I will state for FPL's sake that
22 we don't have any intention of challenging the standing
23 of any of the parties that have had their standing
24 granted by Commission orders. So if that's a potential
25 concern, at least for FPL, I'd like to take it off the

1 table.

2 **COMMISSIONER BRISÉ:** Okay. Anyone else?

3 **MR. GRIFFIN:** The same is true for Gulf Power.

4 **MR. BEASLEY:** Tampa Electric as well.

5 **MS. TRIPLETT:** And for Duke Energy, we have a
6 stipulation with SACE, and then we were not going to
7 challenge the standing for anyone else.

8 **COMMISSIONER BRISÉ:** Okay. Thank you.

9 All right. So that's it with the proposed
10 stipulations as they, as they stand.

11 As you may have noted, if you've practiced
12 here before this Commission, this Commission appreciates
13 when parties come together and they work out issues. So
14 this, I think, can be a very long process if we, if we
15 make it that way. But if there are issues that, that
16 can be worked out in advance so that the issues that are
17 of greater importance to each of the parties, that we
18 could devote more time to those, that would be greatly
19 appreciated by the Commission. Okay?

20 All right. Moving on to Section Number XI,
21 pending motions.

22 **MS. TAN:** Commissioner, staff is not aware of
23 any pending motions.

24 **COMMISSIONER BRISÉ:** Okay. Section XII,
25 pending confidentiality motions.

1 **MS. TAN:** Commissioner, there are six pending
2 confidentiality requests which will be addressed by
3 separate order.

4 **COMMISSIONER BRISÉ:** Okay. Perfect.
5 Section XIII, post-hearing procedures.

6 **MR. BUTLER:** Commissioner Brisé, for FPL I
7 would like to say that, succinct as we try to be, we're
8 concerned about the word limits here on the statements
9 of basic position and would like to propose that the
10 50-word limit be increased to 75 with two issues that
11 are of each party's choosing, that that could be
12 expanded to 100. That's an approach we used in one of
13 our rate cases that seemed to work pretty well where
14 different parties have different ones that they want to
15 spend more time on. But we'd like to see those 50-word
16 limits increased just because it gets really tough to
17 say anything substantive within just 50 words.

18 **COMMISSIONER BRISÉ:** So I'm feeling generous
19 today, so we're just going to do 100 across the board.

20 **MR. BUTLER:** Oh, all right. Thank you.

21 **COMMISSIONER BRISÉ:** All right. Yes, sir.

22 **MR. GUEST:** I was just waiting for --

23 **COMMISSIONER BRISÉ:** Turn your mike on.

24 **MR. GUEST:** I was just waiting for 14. I was
25 just jumping ahead. I'm sorry.

1 **COMMISSIONER BRISÉ:** Okay. No problem.

2 Okay. So I hope that works for everyone.

3 Mr. Saylor.

4 **MR. SAYLER:** Yes. On the page, excuse me, on
5 the word limits definitely, and I did have a comment
6 when it came to the page limit at that time.

7 There are a number of Intervenors that have
8 intervened in all the dockets, four or five, and it may
9 be difficult for the Intervenors who have intervened in
10 those five dockets to get everything they need to say
11 for the individual utilities in just 40 pages. So with
12 that, for the Intervenors if there's a possibility of
13 increasing that page limit, I think that would be
14 helpful.

15 **COMMISSIONER BRISÉ:** Do you have a proposal?

16 **MR. SAYLER:** I would probably say 60, but I
17 would have to look to the other Intervenors to see if
18 that's enough for them to make all their arguments on
19 the post-hearing brief.

20 **MR. GUEST:** 60 works.

21 **COMMISSIONER BRISÉ:** Okay. All right. Yes.

22 **MS. TRIPLETT:** Commissioner, I'm sorry. I
23 thought I heard that that was proposed as a one-sided
24 page limit increase. And while I really don't want to
25 take an extra 20 pages, but if I need them, I think it's

1 fair for all parties to have the opportunity if there is
2 going to be a page limit increase.

3 **MR. SAYLER:** What's good for the goose is good
4 for the gander.

5 **COMMISSIONER BRISÉ:** Yeah. I think if we
6 were, if we were to grant 60 pages, that we would do
7 that across the board. Now I'm going to look at my
8 staff and see if they want to kill me if I want to do
9 60.

10 **MS. HELTON:** Succinct is always better.

11 **COMMISSIONER BRISÉ:** Okay. So we'll do 50.
12 Okay? We'll do 50 and -- recognizing that this, this
13 docket is going to be voluminous. Okay. These dockets
14 rather.

15 **MR. SAYLER:** Thank you.

16 **COMMISSIONER BRISÉ:** Okay. Mr. Brew.

17 **MR. BREW:** You are, of course, giving license
18 to lawyers to talk more and write more.

19 **COMMISSIONER BRISÉ:** I don't -- yeah. I'm
20 giving license to write more, not necessarily talk more.

21 (Laughter.)

22 Okay. Anything else on post-hearing
23 procedures? Okay.

24 Section XIV. Staff.

25 **MS. TAN:** Commissioner, staff believes that

1 opening statements should not exceed ten minutes.

2 **COMMISSIONER BRISÉ:** I agree that it should
3 not exceed ten minutes.

4 **MR. GUEST:** May I be heard on that, is that
5 this is a very complex case with a jillion parties in
6 it. I really do think it would serve the interest of
7 time to just make those positions very clear in a
8 succinct way so that there's a road map of where we're
9 going. So I would propose to try to shorten the
10 proceedings by giving another five minutes. This is
11 going to last a long time, and it could shorten it that
12 way, I think.

13 **COMMISSIONER BRISÉ:** Okay. Well, you're going
14 along with my thinking. So this, this is difficult for
15 me because when I'm thinking about it, I think our first
16 day begins at 1:30. And just logistically, right, we
17 have 14 parties at ten minutes a pop. That's an hour --
18 that's 140 minutes. So that's, that's a lot of time to
19 get through opening statements. And I recognize that
20 there is a lot of value in, in getting what you need to
21 get out in your opening statements. Because I figure
22 that if you don't get what you need out in your opening
23 statements, you're going to make it difficult during
24 cross-examination and try to finish your cross, finish
25 your opening statement during cross-examination, at

1 least some of you will.

2 So that is particularly difficult for me, and
3 I -- you know, I worked on a number with staff on
4 yesterday, and I'm going to go ahead and propose that.
5 And we're going to say about seven and a half minutes
6 for opening statements. And if you, if you have an
7 issue with that, please let me know now so that maybe we
8 can talk about it.

9 Mr. Brew.

10 **MR. BREW:** I can assure you PCS won't take
11 more than seven.

12 **COMMISSIONER BRISÉ:** Okay. All right.

13 **MR. GUEST:** Well, Your Honor, let me make one
14 suggestion is that if folks -- a lot of these folks,
15 it's repetitive. And I think that if you could, if you
16 could give at least us some leeway to go up to 15, I
17 really do honestly think it would be shorter. I think
18 most of those folks weren't going to take very much
19 time.

20 **COMMISSIONER BRISÉ:** Didn't you just tell me
21 five?

22 **MR. GUEST:** Pardon me?

23 **COMMISSIONER BRISÉ:** Didn't you just suggest
24 five prior to --

25 **MR. GUEST:** No. I suggested 15.

1 **COMMISSIONER BRISÉ:** No. No. Before that you
2 suggested five.

3 **MR. GUEST:** I'm sorry. I was --

4 **MR. WRIGHT:** You really did say five.

5 **MR. GUEST:** Okay. Well, I'm, I'm -- I
6 apologize.

7 **COMMISSIONER BRISÉ:** Okay.

8 **MR. GUEST:** I'm not paying attention to what
9 I'm saying myself.

10 **COMMISSIONER BRISÉ:** Okay.

11 **MR. GUEST:** So what I was proposing to do was
12 to, was because it's so complicated I actually do think
13 it would be shorter, a shorter hearing if at least some
14 of us could set out what our story is in 15 minutes, and
15 that shortens cross and I think it clarifies the issues.
16 I don't think everybody needs to do that; I don't think
17 everybody was planning on doing that.

18 **COMMISSIONER BRISÉ:** No. What we -- we will
19 provide the same amount of time for everyone in this
20 docket. So we'll do it at seven -- seven and a half
21 minutes, and that's what it will be.

22 **MS. CSANK:** Commissioner, this is Diana Csank
23 on behalf of Sierra Club.

24 **COMMISSIONER BRISÉ:** Yes.

25 **MS. CSANK:** Just as a follow on to that

1 conversation, perhaps the parties can discuss sharing
2 time to still meet the cap that you and staff have
3 envisioned, but also to get at this issue of some of us
4 speaking to multiple dockets and not just one.

5 **COMMISSIONER BRISÉ:** Understood. Understood.
6 Seven and a half it is. Okay? And so, you know, try to
7 fit your story into seven and a half. Okay?

8 **MS. CSANK:** Commissioner, point of
9 clarification. So will sharing be allowed or each party
10 is limited to seven and a half?

11 **COMMISSIONER BRISÉ:** Seven and a half per
12 party.

13 **MS. CSANK:** Understood. Thank you.

14 **COMMISSIONER BRISÉ:** Okay. Okay.
15 Now obviously the Chairman on the day of the hearing
16 can, can make adjustments, but my suggestion is
17 seven and a half minutes per party. Okay?

18 Other matters. Are there any other matters to
19 address in this Prehearing Conference?

20 **MS. TAN:** Commissioner, staff requests that
21 with the exception of the issues that the parties have
22 decided to take no position, to the extent that parties'
23 positions change due to discussion here at the
24 Prehearing Conference, that they provide any such
25 changes to staff by the close of business on June 30th.

1 **COMMISSIONER BRISÉ:** Okay.

2 **MS. TAN:** And, in addition, staff requests
3 that if the parties -- perhaps that you can suggest that
4 if the parties wish to use demonstrative items at the
5 hearing conference, to make the request through staff,
6 and then it can be granted on a case-by-case basis.

7 **COMMISSIONER BRISÉ:** Yes, and that's
8 important. As we get into the actual hearing itself, if
9 you have things that you want to either demonstrate and
10 have something up or something to pass out to the
11 Commissioners, please make it available to staff so that
12 they will make it available to us. It just makes it a
13 little bit more efficient than having multiple people
14 walking around the Commission chambers and taking more
15 time than, than is necessary. Okay?

16 **MR. MOYLE:** Is there any -- is there any -- I
17 know we've used, demonstrative exhibits have been used
18 previously. A lot of times they are exhibits that are
19 already in the case so people have seen them. I assume
20 to the extent somebody was going to use a demonstrative
21 exhibit that was new, that the parties would see it in
22 advance.

23 **COMMISSIONER BRISÉ:** It would be just as if
24 someone was putting in a new exhibit, so we would treat
25 it the same way.

1 **MR. MOYLE:** Okay. And if it's -- so if it was
2 a party with the prefiling testimony and all that stuff,
3 we'd handle it that way?

4 **COMMISSIONER BRISÉ:** Sure.

5 **MR. MOYLE:** Okay. That's great. Thanks.

6 **COMMISSIONER BRISÉ:** Okay.

7 **MR. SAYLER:** Question, Mr. Chairman.

8 **COMMISSIONER BRISÉ:** Sure.

9 **MR. SAYLER:** Erik for OPC, Erik Sayler for
10 OPC. With cross-examination exhibits, things of that
11 nature, how many copies do we need to have?

12 **COMMISSIONER BRISÉ:** Well, you need to have
13 enough copies for all of the parties and enough copies
14 for the Commissioners and staff. So I would say -- and
15 the court reporter. So what, what is the number now?
16 About 18 or 20?

17 **MS. TAN:** We would say on the, to err on the
18 side of caution probably you would want 25 copies.

19 **COMMISSIONER BRISÉ:** 25 copies.

20 **MR. SAYLER:** Thank you.

21 **COMMISSIONER BRISÉ:** Okay. All right.
22 Anything else in other matters that we need to discuss
23 at this?

24 Yes, Mr. Brew.

25 **MR. BREW:** Commissioner, back to the exhibits

1 for cross-examination. I, I assume you prefer to have
2 the, the cover sheet that we've typically used in the
3 past to, to facilitate in our identification.

4 **COMMISSIONER BRISÉ:** Yes.

5 **MS. TAN:** Correct. If you -- sorry.

6 **COMMISSIONER BRISÉ:** Go ahead.

7 **MS. TAN:** We have copies, examples of them
8 right now, if you'd like them. But also when we send
9 out the draft Comprehensive Exhibit List for review, we
10 will be sending you the exhibit cover sheet so that all
11 you have to do is customize it for your witness, and
12 then, and then you'll be able to write in the number
13 that is assigned at the time of hearing.

14 **COMMISSIONER BRISÉ:** Okay. All right.

15 Anything else? Yes.

16 **MS. CSANK:** For the benefit of those traveling
17 from out of town, can we just have the close, the
18 expected adjournment each day of the hearing? Will that
19 be 5:00 p.m., or is there another time contemplated?

20 **COMMISSIONER BRISÉ:** Generally we attempt to
21 adjourn by 5:00 p.m., but truly that is the decision of,
22 of the presiding officer. And so I can tell you that my
23 expectation is that we, that we adjourn by 5:00 p.m.,
24 but the presiding officer may have a different
25 expectation. But generally the presiding officer will

1 make, will lay that out on day one, okay, as to the
2 potential schedule for, for the whole hearing.

3 **MS. CSANK:** Thank you.

4 **COMMISSIONER BRISÉ:** Mr. Moyle.

5 **MR. MOYLE:** I, I have a question about, about
6 what the record is going to look like in this proceeding
7 because I know there's separate proceedings, but it's
8 been consolidated. So when exhibits go in, are they
9 going to be going into only one docket or are they going
10 to be going into all the dockets?

11 **COMMISSIONER BRISÉ:** That's a good question.

12 **MS. HELTON:** It's my understanding that the
13 hearing record is consolidated. So when the exhibit is
14 admitted, an exhibit is admitted into the record for
15 Florida Power & Light, it will also be there for Duke.
16 However, if you plan to use the exhibit for Duke and it
17 was admitted for purposes of Florida Power & Light,
18 then, you know, you're doing so at a little bit of a
19 risk because you need to make sure that it's relevant to
20 your argument and it's pertinent to your argument with
21 respect to, to do, if that's what you're trying to get
22 at, Mr. Moyle.

23 **MR. MOYLE:** Yes. And Mr., Mr. Guest raised
24 that point earlier about, you know, using other
25 exhibits. It sounds like the record will be

1 consolidated. So in his brief if he wanted to point out
2 an exhibit in TECO and argue it related to FPL, I guess
3 he could based on your answer.

4 **MS. HELTON:** He can, but you have to still --
5 I mean, it has to be relevant and useful to what you're
6 arguing for the other company. So, I mean, if your --
7 and, again, we're speaking in, in the abstract. I think
8 we're all smart enough to figure out how to use the
9 exhibits in a consolidated record.

10 **MR. MOYLE:** Okay. That helps. Thank you.

11 **COMMISSIONER BRISÉ:** Yes, sir.

12 **MR. PERKO:** Commissioner, I think that, that's
13 a bit of an oversimplification because there are some
14 Intervenors who only intervened in certain dockets. For
15 example, SACE has not intervened in JEA's docket, so I
16 wouldn't expect their testimony to be in the record of
17 Docket 203, but --

18 **MS. HELTON:** The way this hearing is set up I
19 don't think there's any way to do it other than to put
20 all of the testimony and all of the exhibits into the
21 same record. Now if -- when Mr. Perko writes his brief,
22 he's going to use the information that he filed for JEA.
23 And I don't know if there are any Intervenors in the JEA
24 case, but if there are, then they will know to use the
25 exhibits that were admitted for JEA. And if for

1 whatever reason there is another exhibit that's relevant
2 to JEA that was part of -- that was brought out in an
3 exhibit -- cross-examination of an FPL witness, then you
4 can do that for argumentative purposes or, or whatever.
5 But I think that there's really no other way to do it
6 unless you were to have a separate proceeding for each
7 company, and that would take forever.

8 **MR. PERKO:** And I think we can work this issue
9 out.

10 **COMMISSIONER BRISÉ:** Sure.

11 **MR. PERKO:** I just wanted to make that point.
12 I mean, I wouldn't expect that, for example, SACE would
13 be filing a brief in, in Docket 203.

14 **COMMISSIONER BRISÉ:** Right.

15 Okay. Any other matters before we adjourn?

16 All right. Seeing none, it was nice having
17 you all here today, and so go enjoy that soccer game.

18 (Prehearing Conference adjourned at 10:20
19 a.m.)
20
21
22
23
24
25

1 STATE OF FLORIDA)
 : CERTIFICATE OF REPORTER
 2 COUNTY OF LEON)

3
 4 I, LINDA BOLES, CRR, RPR, Official Commission
 Reporter, do hereby certify that the foregoing
 5 proceeding was heard at the time and place herein
 stated.

6
 7 IT IS FURTHER CERTIFIED that I stenographically
 reported the said proceedings; that the same has been
 transcribed under my direct supervision; and that this
 8 transcript constitutes a true transcription of my notes
 of said proceedings.

9
 10 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
 11 counsel connected with the action, nor am I financially
 interested in the action.

12 DATED THIS 3rd day of July, 2014.

13
 14 *Linda Boles*

15
 16 LINDA BOLES, CRR, RPR
 FPSC Official Commission Reporters
 17 (850) 413-6734