

1 BEFORE THE  
2 FLORIDA PUBLIC SERVICE COMMISSION

3 In the Matter of:

4 DOCKET NO. 150002-EG

5 ENERGY CONSERVATION COST  
6 RECOVERY CLAUSE.  
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7  
8 PROCEEDINGS: PREHEARING CONFERENCE

9  
10 COMMISSIONER  
PARTICIPATING: CHAIRMAN ART GRAHAM  
PREHEARING OFFICER

11 DATE: Monday, October 19, 2015

12 TIME: Commenced at 2:19 p.m.  
13 Concluded at 2:25 p.m.

14 PLACE: Betty Easley Conference Center  
Room 148  
15 4075 Esplanade Way  
Tallahassee, Florida

16 REPORTED BY: LINDA BOLES, CRR, RPR  
17 Official FPSC Reporter  
18 (850) 413-6734

## 1 APPEARANCES:

2 JAMES D. BEASLEY, J. JEFFRY WAHLEN and ASHLEY  
3 M. DANIELS, ESQUIRES, Ausley & McMullen, Post Office Box  
4 391, Tallahassee, Florida 32302, appearing on behalf of  
5 Tampa Electric Company.

6 JEFFREY A. STONE, RUSSELL A. BADDERS, STEVEN  
7 R. GRIFFIN, ESQUIRES, Beggs & Lane, P.O. Box 12950,  
8 Pensacola, Florida 32591-2950, appearing on behalf of  
9 Gulf Power Company.

10 DIANNE M. TRIPLETT, ESQUIRE, 299 First Avenue  
11 North, St. Petersburg, Florida 33701; and MATTHEW R.  
12 BERNIER, ESQUIRE, 106 East College Avenue, Suite 800,  
13 Tallahassee, Florida 32301-7740; appearing on behalf of  
14 Duke Energy Florida, Inc.

15 JOHN T. BUTLER, R. WADE LITCHFIELD, and MARIA  
16 J. MONCADA, ESQUIRES, 700 Universe Boulevard, Juno  
17 Beach, Florida 33408-0420, appearing on behalf of  
18 Florida Power & Light Company.

19 BETH KEATING, ESQUIRE, Gunster Law Firm, 215  
20 South Monroe Street, Suite 601, Tallahassee, Florida  
21 32301-1839, appearing on behalf of Florida Public  
22 Utilities Company.

## 1 APPEARANCES (Continued):

2 JON C. MOYLE, JR., and KAREN PUTNAL, ESQUIRES,  
3 Moyle Law Firm, P.A., 118 North Gadsden Street,  
4 Tallahassee, Florida 32301, appearing on behalf of  
5 Florida Industrial Power Users Group.

6 J.R. KELLY, PUBLIC COUNSEL; CHARLES REHWINKEL,  
7 DEPUTY PUBLIC COUNSEL; and PATRICIA A. CHRISTENSEN,  
8 DEPUTY PUBLIC COUNSEL, ESQUIRES, Office of Public  
9 Counsel, c/o The Florida Legislature, 111 West Madison  
10 Street, Room 812, Tallahassee, Florida 32399-1400,  
11 appearing on behalf of the Citizens of the State of  
12 Florida.

13 JAMES W. BREW, OWEN J. KOPON and LAURA A.  
14 WYNN, ESQUIRES, Xenopoulos & Brew, P.C., 1025 Thomas  
15 Jefferson Street, NW, Eight Floor, West Tower,  
16 Washington, DC 20007, appearing on behalf of White  
17 Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate  
18 - White Springs.

19 LEE ENG TAN and BIANCA LHERISSON, ESQUIRES,  
20 Florida Public Service Commission, 2540 Shumard Oak  
21 Boulevard, Tallahassee, Florida 32399-0850, appearing on  
22 behalf of the Florida Public Service Commission.

## 1 APPEARANCES (Continued):

2 MARY ANNE HELTON, ESQUIRE, Advisor to the  
3 Commission, 2540 Shumard Oak Boulevard, Tallahassee,  
4 Florida 32399-0850, appearing as advisor to the Florida  
5 Public Service Commission.

6 CHARLIE BECK, General Counsel, Florida Public  
7 Service Commission, 2540 Shumard Oak Boulevard,  
8 Tallahassee Florida, appearing as General Counsel to the  
9 Florida Public Service Commission.

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## P R O C E E D I N G S

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2           **CHAIRMAN GRAHAM:** Okay. I figure the sooner  
3 we get started, the sooner we can get done.

4           We will call this prehearing to order. Let  
5 the record show it is Monday at 2:00, and this is the  
6 fuel clause prehearing.

7           Staff, if -- excuse me. Staff, if I can get  
8 you to read the notice, please.

9           **MS. MAPP:** By notice issued October 5th, 2015,  
10 this time and place is set for a Prehearing Conference  
11 in the following dockets: 150001-EI, 150002-EG,  
12 150003-GU, 150004-GU, and 150007-EI. The purpose of the  
13 prehearing is set out in the notice.

14           **CHAIRMAN GRAHAM:** Okay. I think we need to  
15 take appearances.

16           **MR. BUTLER:** Good afternoon, Mr. Chairman.  
17 John Butler appearing on behalf of Florida Power & Light  
18 Company in the 01, 02, and 07 dockets. I'd also like to  
19 enter an appearance for Wade Litchfield and Maria  
20 Moncada in those three dockets, and for Jessica Cano in  
21 the 01 docket only. Thank you.

22           **MR. BERNIER:** Good afternoon, Mr. Chairman.  
23 Matt Bernier for Duke Energy Florida, and making an  
24 appearance in the 01, 02, and 07 dockets. I'd also like  
25 to enter an appearance for Dianne Triplett in those same

1 dockets and John Burnett in the 01 docket only. Thank  
2 you.

3 **MR. BEASLEY:** Good afternoon, Chairman Graham.  
4 James D. Beasley appearing with J. Jeffry Wahlen, Ashley  
5 M. Daniels in the 01, 02, and 07 dockets for Tampa  
6 Electric.

7 **MR. BADDERS:** Good afternoon, Chairman.  
8 Russell Badders on behalf of Gulf Power Company in the  
9 01, 02, and 07 dockets. I'd also like to enter an  
10 appearance for Jeffrey A. Stone and Steven R. Griffin in  
11 the same dockets.

12 **MS. KEATING:** Good afternoon, Mr. Chairman.  
13 Beth Keating with the Gunster Law Firm here this  
14 afternoon for FPUC in the 01 and 02 dockets. Also here  
15 for FPUC in the 03 dockets, as well as Florida City Gas.  
16 And in the 04 docket appearing for FPUC, FPUC Fort  
17 Meade, FPUC Indiantown Division, Chesapeake, and Florida  
18 City Gas.

19 **MS. PUTNAL:** Good afternoon, Chairman Graham.  
20 I'm Karen Putnal. I'm here today on behalf of the  
21 Florida Industrial Power Users Group. I'd like to make  
22 an appearance in the 01, 02, and 07 dockets, and also  
23 enter an appearance for Jon Moyle in those same dockets.  
24 Thank you.

25 **MR. LAVIA:** Good afternoon, Mr. Chairman.

1 J. LaVia with the Gardner Law Firm making an appearance  
2 in the 01 docket on behalf of the Florida Retail  
3 Federation. I'd also like to make an appearance for my  
4 law partner Robert Scheffel Wright in the same  
5 01 docket. Thank you.

6 **MR. KOPON:** Good afternoon, Mr. Chairman.  
7 Owen Kopon for PCS Phosphate/White Springs in the 01,  
8 02, and 07 dockets. And I'd also like to make an  
9 appearance for James Brew and Laura Wynn.

10 **MR. REHWINKEL:** Good afternoon, Mr. Chairman.  
11 Let me try to do this. Charles J. Rehwinkel with the  
12 Office of Public Counsel making an appearance in all  
13 dockets, along with J. R. Kelly in all dockets.

14 In the 02 docket that would -- the appearance  
15 would be additionally with Patricia Christensen. In the  
16 03 docket, Patricia Christensen also. In the 04 docket,  
17 I am the only one making an appearance in addition to  
18 Mr. Kelly. And in the 07 docket, Patricia Christensen  
19 also.

20 Let me go back to the 01 docket. The  
21 appearances will also be Patricia Christensen, John  
22 Truitt, and Erik Sayler in addition to myself and  
23 Mr. Kelly. Thank you.

24 **CHAIRMAN GRAHAM:** Okay.

25 **MR. HORTON:** Mr. Chairman, Norman H. Horton,

1 Jr., appearing in the 04 docket for Sebring Gas.

2 **CHAIRMAN GRAHAM:** That's the 04 docket?

3 **MR. HORTON:** Yes, sir. The 04 docket.

4 **CHAIRMAN GRAHAM:** Okay.

5 **MS. MAPP:** Kyesha Mapp appearing in the  
6 03 docket, Suzanne Brownless -- and making an appearance  
7 for Suzanne Brownless, Danijela Janjic, and John  
8 Villafrate in the 01 docket; Lee Eng Tan and Bianca  
9 Lherisson in the 02 docket; Leslie Ames and Kelley  
10 Corbari in the 04 docket; and Charles Murphy in the 07  
11 docket.

12 **CHAIRMAN GRAHAM:** Okay. Was that --

13 **MS. HELTON:** Mary Anne Helton. I'm here as an  
14 advisor for you in all of the dockets.

15 **MR. BECK:** And Charlie Beck, General Counsel.

16 **CHAIRMAN GRAHAM:** Is that all the appearances?

17 Okay. So the order of the dockets today are  
18 going to be the 03 docket, then the 04 docket, then the  
19 02 docket, then the 07 docket, and then the 01 docket.

20 \* \* \* \* \*

21 **CHAIRMAN GRAHAM:** And we'll move on to the  
22 02 docket.

23 Okay. Staff, any -- excuse me -- any  
24 preliminary matters?

25 **MS. TAN:** At this point there are none and



1 none are expected.

2 **CHAIRMAN GRAHAM:** Okay. Once again, we will  
3 proceed through the proceeding order -- I'm sorry -- we  
4 will proceed through the Draft Prehearing Order. We'll  
5 go through it section by section. Let me know if  
6 there's anything you want to change or alter.

7 Section I. Section II. Section III.  
8 Section IV. Section V.

9 **MS. TAN:** Chairman, FIPUG has raised  
10 objections to the expertise of all witnesses for whom no  
11 area of expertise were listed in the prefiled testimony.  
12 The IOUs have filed this information in the docket file  
13 on October 14th, 2015.

14 **CHAIRMAN GRAHAM:** Okay. So having reviewed  
15 that, are there still any objections, FIPUG?

16 **MS. PUTNAL:** Objections to the expertise of  
17 witnesses?

18 **CHAIRMAN GRAHAM:** Yes.

19 **MS. PUTNAL:** No, sir.

20 **CHAIRMAN GRAHAM:** No?

21 **MS. PUTNAL:** No, no objections.

22 **CHAIRMAN GRAHAM:** Okay. Section VI. Section  
23 VII.

24 **MS. PUTNAL:** In section VII, Chairman Graham,  
25 I believe FIPUG states throughout Section VII that it

1 was FIPUG's position at the time of preparing its  
2 prehearing statement that the parties must prove -- or  
3 the utility must prove -- carry its burden of proof in  
4 this matter. And at this point, after discussion with  
5 counsel, FIPUG is prepared to revise its prehearing  
6 statement to take no position on the issues and allow,  
7 if possible, a Type B stipulation to go forward.

8 **CHAIRMAN GRAHAM:** Staff?

9 **MS. TAN:** We will note that.

10 **CHAIRMAN GRAHAM:** Okay. Anybody else on  
11 Section VII? Section VIII.

12 **MS. TAN:** And in addition, the Order  
13 Establishing Procedure does require that a party take a  
14 position at the Prehearing Conference unless good cause  
15 is shown as to why that party can't take a position at  
16 that time. And, accordingly, if the party's position  
17 shows a no position at this time, the party must change  
18 it at today's Prehearing Conference or show good cause  
19 why it can't take a position; otherwise, the Prehearing  
20 Order will reflect no position for that party for that  
21 issue.

22 **CHAIRMAN GRAHAM:** All right. So if any party  
23 wishes to change their position, please submit your  
24 position in writing no later than the end of the day  
25 tomorrow, which is October 20th.

1           **MR. REHWINKEL:** Mr. Chairman, just for the  
2 record, the Public Counsel will be providing the same  
3 language for the 02 docket as for the 03 and 04 to  
4 facilitate a Type B stipulation on all the issues if the  
5 other parties and the staff are in agreement.

6           **CHAIRMAN GRAHAM:** Okay. Anything else on  
7 Section No. VIII? Okay. Section IX, exhibit list.

8           **MS. TAN:** Staff has prepared a Comprehensive  
9 Exhibit List which includes all prefiled testimony --  
10 all prefiled exhibits and also includes those exhibits  
11 staff wishes to include in the record. Staff will check  
12 with the parties prior to the hearing to determine if  
13 there's any objections to the Comprehensive Exhibit List  
14 or to any of staff's exhibits being entered into the  
15 record.

16           **CHAIRMAN GRAHAM:** Okay. Anything in  
17 Section -- anything else in Section IX? Section X.

18           **MS. TAN:** At this time there are no proposed  
19 stipulations, but we are hopeful that the parties and  
20 staff will reach resolution.

21           **CHAIRMAN GRAHAM:** Mr. Butler.

22           **MR. BUTLER:** I was going to comment that based  
23 on what I've heard, it sounds like, unless there are  
24 concerns staff has, that we are at a point where  
25 stipulation could be reached. I understand that FIPUG

1 has no position and would be willing to accept a Type B  
2 stipulation. And with suitable words to express their  
3 nuances on it, I believe that's Public Counsel's  
4 position as well. So I just would express for the  
5 record that so far as FPL can see, it looks like that we  
6 have the necessary elements for a stipulation on our  
7 issues.

8 **CHAIRMAN GRAHAM:** That sounds good. Let's  
9 make it happen.

10 **MS. TAN:** And we can reflect that with the --  
11 after conferring with the parties, we can reflect that  
12 in the Prehearing Order.

13 **CHAIRMAN GRAHAM:** Anybody else in Section X?  
14 Section XI.

15 **MS. TAN:** There are no pending motions in this  
16 docket.

17 **CHAIRMAN GRAHAM:** Section XII.

18 **MS. TAN:** And there are no pending  
19 confidentiality orders.

20 **CHAIRMAN GRAHAM:** Section XIII.

21 **MS. TAN:** Staff does believe, based on our  
22 current discussion, that the issues in this docket may  
23 be able to be stipulated. However, we did want to note  
24 that if the parties agree to waive the briefs, the  
25 Commission may make a bench decision for this portion of

1 the docket. And if there are any issues to be briefed,  
2 we would recommend that the briefs be no longer than 20  
3 pages.

4 **CHAIRMAN GRAHAM:** Is everybody in agreement to  
5 that? Okay. Staff.

6 **MS. TAN:** And as such, those briefs would be  
7 due on November 13th.

8 **CHAIRMAN GRAHAM:** Okay. Anything else on  
9 Section XIII? Section XIV. It looks like opening  
10 statements will be, once again, limited to five minutes  
11 per party. You can feel free to waive opening  
12 statements. And once again, your briefs are limited to  
13 20 pages.

14 Other matters, any other matters, staff?

15 **MS. TAN:** There are no other matters to be  
16 addressed.

17 **CHAIRMAN GRAHAM:** Anybody else have any other  
18 matters to come before us in this docket? Seeing none,  
19 we will adjourn the prehearing on Docket No. 2.

20 (Prehearing Conference adjourned at 2:25 p.m.)  
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1 STATE OF FLORIDA )  
2 COUNTY OF LEON ) : CERTIFICATE OF REPORTER

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

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

13 I FURTHER CERTIFY that I am not a relative,  
14 employee, attorney or counsel of any of the parties, nor  
15 am I a relative or employee of any of the parties'  
16 attorney or counsel connected with the action, nor am I  
17 financially interested in the action.

18 DATED THIS 20th day of October, 2015.

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LINDA BOLES, CRR, RPR  
FPSC Official Hearings Reporter  
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