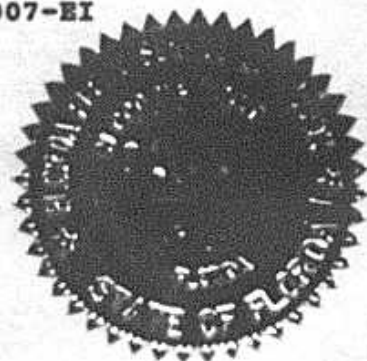


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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of : DOCKET NO. 980007-EI
Environmental cost :
recovery clause. :



PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER SUSAN F. CLARK
Prehearing Officer

DATE: Monday, November 16, 1998

TIME: Commenced at 1:30 p.m.
Concluded at 3:40 p.m.

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

REPORTED BY: H. RUTHE POTAMI, CSR, RPR
Official Commission Reporter

DOCUMENT NUMBER - DATE

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FPSC-RECORDS/REPORTING

1 **APPEARANCES:**

2 **MATTHEW M. CHILDS**, Steel, Hector and Davis,
3 215 South Monroe Street, Suite 601, Tallahassee,
4 Florida 32301. Appearing on behalf of **Florida Power &**
5 **Light Company (FPL)**.

6 **JEFFREY A. STONE** and **RUSSELL A. BADDEPS**,
7 Beggs & Lane, 700 Blount Building, 3 West Garden
8 Street, Post Office Box 12950, Pensacola, Florida
9 32576-2950, appearing on behalf of **Gulf Power Company**.

10 **LEE I. WILLIS**, **JAMES D. BEASLEY** and
11 **HARRY W. LONG**, Ausley & McMullen, Post Office Box 391,
12 Tallahassee, Florida 32302, appearing on behalf of
13 **Tampa Electric Company (TECO)**.

14 **VICKI GORDON KAUFMAN**, McWhirter, Reeves,
15 McGlothlin, Davidson, Rief and Bakas, appearing on
16 behalf of **Florida Industrial Power Users Group (FPIG)**.

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1 **APPEARANCES CONTINUED:**

2 **JOHN ROGER HOWE**, Deputy Public Counsel,
3 Office of Public Counsel, 111 West Madison Street,
4 Room 812, Tallahassee, Florida 32399-1400, appearing
5 on behalf of the **Citizens of the State of Florida.**

6 **LESLIE J. FAUGH**, Florida Public Service
7 Commission, Division of Legal Services, 2540 Shumard
8 Oak Boulevard, Tallahassee, Florida 32399-0870,
9 appearing on behalf of the **Commission Staff.**

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P R O C E E D I N G S

(Hearing convened at 1:30 p.m.)

COMMISSIONER CLARK: We'll call the prehearings to order. Counsel, will you please read the notice?

MR. KEATING: Pursuant to notice issued October 19th, 1998, this time and place have been set for a prehearing in the following dockets: Docket No. 980001-EI, fuel and purchased power cost recovery clause and generating performance incentive factor; Docket No. 980002-EG, energy conservation cost recovery clause; Docket No. 980003-GU, purchased gas adjustment true-up; and Docket No. 980007-EI, environmental cost recovery clause.

COMMISSIONER CLARK: We'll take appearances.

MR. WILLIS: I'm Lee L. Willis, appearing together with James D. Beasley, Post Office Box 391, Tallahassee, Florida 32302, appearing together with Harry W. Long, Jr., P.O. Box 111, Tampa, Florida 33601, appearing on behalf of Tampa Electric Company in the 01 and the 07 docket.

MR. PALECKI: Michael Palecki, 955 East 25th Street, Hialeah, Florida 33013, appearing on behalf of City Gas Company of Florida in the 03 docket.

MR. MCGEE: James McGee, Post Office

1 Box 14042, St. Petersburg, 33733, appearing on behalf
2 of Florida Power Corporation in the 01 and 02 dockets.

3 MR. STONE: I'm Jeffrey A. Stone, and with
4 me is Russell Badders. We're of the law firm Beggs &
5 Lane. We're representing Gulf Power Company in the
6 01, 02 and 07 dockets.

7 MR. CHILDS: Commissioner, my name is
8 Matthew Childs of the firm of Steel Hector & Davis.
9 I'm appearing on behalf of Florida Power & Light
10 Company in the 01 and the 07 docket. I believe
11 Mr. Guyton will be here shortly in the 02 docket.

12 MR. HORTON: Norman H. Horton, Jr. of
13 Messer, Caparello & Self, appearing in the 03 on
14 behalf of Sebring Gas System and South Florida Natural
15 Gas.

16 MR. HOFFMAN: Commissioner, my name is
17 Kenneth A. Hoffman. My address is Post Office
18 Box 551, Tallahassee, Florida 32302, and I'm appearing
19 on behalf of Florida Public Utilities Company in the
20 01 and 03 dockets.

21 MR. SCHIEFELBEIN: Wayne Schiefelbein, Ruden
22 McClosky Smith Schuster & Russell. I'm appearing on
23 behalf of Chesapeake Utilities Corporation in the 03
24 docket.

25 MR. NICHOLSON: David Nicholson, Post Office

1 Box 1531, appearing on behalf of People's Gas System
2 in the 03 docket.

3 MR. HOWE: Commissioner Clark, I'm Roger
4 Howe with the Public Counsel's Office. The address is
5 as shown in the prehearing orders. I'm appearing on
6 behalf of the citizens of the state of Florida in the
7 01, 02, 03 and 07 dockets.

8 MS. KAUFMAN: Vicki Gordon Kaufman of the
9 McWhirter Reeves Law Firm, 117 South Gadsden,
10 Tallahassee, Florida 32301. I'm appearing on behalf
11 of the Florida Industrial Power Users Group in the 01,
12 02 and 07 dockets.

13 MS. FAUGH: Leslie Paugh on behalf of Staff
14 in the 01 and 07 dockets.

15 MR. KEATING: Cochran Keating on behalf of
16 Staff in the 02 and 03 dockets.

17 COMMISSIONER CLARK: Anyone else?
18 Mr. Guyton, Mr. Childs has entered your appearance.
19 We're glad you're here.

20 First of all, let me thank everyone for
21 allowing us to move the prehearing conference to this
22 afternoon. I really appreciated it. I'm sorry if it
23 inconvenienced you. I had to take my mother for some
24 tests, and she really appreciated having me there, so
25 thank you all, and she thanks you.

1 Any preliminary matters?

2 MS. PAUGH: No preliminary matters, but we
3 do have a recommendation in terms of expeditiousness
4 for the proceeding, what dockets we may wish to
5 consider first; and that would be the 03 docket and
6 then the 02 docket, and the gas folks can then leave
7 if they do desire.

8 COMMISSIONER CLARK: 03, 02, then what?

9 MS. PAUGH: 01 and 07.

10 COMMISSIONER CLARK: Any objection to
11 following that order? (No response.)

12 Seeing none, we'll follow that order. And I
13 need to tell you all that I apologize; I have not had
14 an opportunity to read the prehearing orders and the
15 motions that are pending. It may take us a little
16 longer, but I'm sure we'll get through it.

17 Starting with the 03.

18 (Whereupon other dockets were discussed.)

19 - - - - -

20 COMMISSIONER CLARK: Now we're on 07.

21 Staff, how do you want to proceed on this?

22 MS. PAUGH: I will have to recommend issue
23 by issue for the 07 docket as well, Commissioner. And
24 Mr. Stone can note that we have noted the correction
25 to his name.

1 **COMMISSIONER CLARK:** Any changes to Pages 1
2 through 5? (No response.)

3 Okay. Issue 1 on Page 6.

4 **MS. FAUGH:** Staff has a position for FPL and
5 Gulf on Issue 1, and that has been handed out to the
6 parties.

7 **MR. STONE:** Gulf is in agreement with
8 Staff's number that was handed out.

9 **MR. CHILDS:** FPL agrees on Issue 1 with
10 Staff's number.

11 **MS. FAUGH:** This issue can be stipulated.

12 **COMMISSIONER CLARK:** Issue 1A.

13 **MS. FAUGH:** Staff has supplied a position
14 for TECO in Issue 1A in the handout that is different
15 from the position reflected in the draft prehearing
16 order.

17 **COMMISSIONER CLARK:** Is that change
18 acceptable, or can you stipulate to it, Mr. Willis?

19 **MR. WILLIS:** We need to take that under
20 advisement. We can't at this point.

21 **COMMISSIONER CLARK:** Okay. All right.
22 Let's leave 1A pending.

23 Issue 2?

24 **MS. FAUGH:** Staff has provided positions for
25 FPL, Gulf -- I'm sorry -- Gulf in Issue 2.

1 MR. STONE: We understand that that number
2 reflects Staff's position on Issue 9, and we are
3 willing to agree to this position.

4 MR. WILLIS: If we could go back to
5 Issue 1A, we will agree with Staff's number on 1A.

6 COMMISSIONER CLARK: Okay. So Issue 1A is
7 stipulated; is that correct?

8 MR. WILLIS: Yes.

9 MS. PAUGH: Yes, that is correct,
10 Commissioner.

11 COMMISSIONER CLARK: All right. Issue 2.

12 MS. PAUGH: With respect to Issue 2, Staff
13 has not been able to take a position for FPL or TECO.
14 And the reason for that is, just for your information,
15 in the 07 docket we had to do extensive discovery in
16 the form of depositions and written discovery as well
17 for all three recovering utilities.

18 The depositions were duces tecum notices
19 that had extensive documents, and there were a lot of
20 late-filed deposition exhibits, and we have furiously
21 been going through all of those documents, but we just
22 simply could not get through all of it.

23 I would suggest that Staff will be able to
24 take a position within, I would say, 48 hours and
25 advise the companies, and if the companies can agree,

1 then we can move forward with a stipulated issue if
2 that's acceptable to the Commissioner.

3 **COMMISSIONER CLARK:** That's acceptable. So,
4 Gulf, have you had an opportunity to look at the
5 number on Staff's handout?

6 **MR. STONE:** We are in agreement with Staff's
7 number on the handout based on our understanding that
8 it reflects their recommendation in Issue 9.

9 **COMMISSIONER CLARK:** And Staff will continue
10 to work on Issue 2, and if possible, stipulate.

11 **MS. FAUGH:** That's correct.

12 **MR. HOWE:** Commissioner Clark, Public
13 Counsel's position on Issue 2 would be that the
14 projected environmental cost recovery amounts should
15 not be approved. See OPC position on Issue 11.

16 **MR. CHILDS:** May I ask a question on this
17 Issue 2 for Staff?

18 As to Florida Power & Light Company, is the
19 only outstanding matter for Issue 2, Issue 8 and the
20 adjustment that the Staff now recommends be made there
21 plus the revenue expansion factor? I think we've
22 agreed on a revenue expansion factor.

23 I have read your position Issue 8. It seems
24 to me that -- they have a revised position as to
25 Florida Power & Light in Issue 8 which is -- affects

1 this projected period for Issue -- set forth in
2 Issue 2.

3 If it's understood that as to the
4 engineering cost which you address in that issue, that
5 that can be brought up in true-up as a normal true-up
6 item would be, then I think we can resolve it now.

7 **MS. PAUGH:** The short answer to your
8 question is yes, it's based on what you see in
9 Issue 8, and the tax factor. We just have to do the
10 calculation.

11 **MR. CHILDS:** Well, what I wanted to indicate
12 in case anybody else even -- you know, Public Counsel
13 or FIPUG, that, you know, as to that, we are agreeable
14 to making that change recognizing that there's a
15 mathematical computation that follows, that it's just
16 a matter of math.

17 **MS. PAUGH:** That's correct.

18 **MR. CHILDS:** Okay. And then if I could
19 inquire, Commissioner, as to Mr. Howe's Issue 11, I
20 don't know how he proposes to address that, and I
21 raise that as it relates to whether ultimately we're
22 going to have the witnesses be here.

23 **MR. HOWE:** Well, Mr. Childs, the reason I
24 raise that in the preliminary list of issues, and as
25 stated in the position we've taken on Issue 11, is it

1 is our understanding that the Commission in its '94
2 order, that's Order No. PSC-94-0044-FOF-EI, made the
3 specific finding that they will allow cost recovery if
4 the utility is currently earning a fair rate of
5 return.

6 I believe the onus is on the company to
7 establish that they're earning a fair rate of return.

8 MR. CHILDS: Oh, I'm sorry. I didn't mean
9 to address the merits of it. I meant you have this
10 issue; did you mean that, you know, you have any
11 position as to whether it should be argued, briefed,
12 or whatever for the Commission to make a decision?

13 MR. HOWE: Oh, as to the procedural steps?

14 MR. CHILDS: Yeah.

15 MR. HOWE: I'm --

16 COMMISSIONER CLARK: I gather this is for
17 the purpose of seeing if you need a witness here.

18 MR. CHILDS: I don't think this issue
19 relates -- I mean, that it relates to a witness
20 testifying, and I assume that ultimately we're going
21 to, if we can stipulate, agree that our witnesses
22 don't need to make the trip, and if he wants to pursue
23 his issue, that's fine. I just wanted to clarify
24 that.

25 MR. HOWE: Procedurally -- I guess the

1 opportunity for a short oral presentation to the
2 Commissioners would probably suffice. I mean, there's
3 not enough law -- argument to justify writing a brief,
4 I don't believe. So I think we could identify
5 Issue 11 as an issue of policy, for example.

6 **COMMISSIONER CLARK:** Needing no witness or
7 having --

8 **MR. HOWE:** Needing no witness, yes.

9 **COMMISSIONER CLARK:** Okay. Well, let's just
10 go through the issues, and when we get through
11 Issue 11, we'll deal with how it should be
12 characterized.

13 Where are we?

14 **MS. FAUGH:** Issue 3, Commissioner.

15 **MS. KAUFMAN:** Commissioner Clark, on
16 Issue 2, FIPUG agrees with Public Counsel.

17 **MS. FAUGH:** So Issue 2 cannot be stipulated
18 in that case, regardless of what Staff works out for
19 the numbers.

20 **COMMISSIONER CLARK:** Because it will be
21 affected by Issue 11.

22 **MS. KAUFMAN:** (Nodding head.)

23 **COMMISSIONER CLARK:** Okay. Issue 3?

24 **MS. FAUGH:** This issue can be stipulated if
25 the companies will agree to use our wording.

1 MR. CHILDS: FPL agrees.

2 MR. STONE: Gulf agrees.

3 MR. WILLIS: Tampa Electric agrees.

4 COMMISSIONER CLARK: Issue 4.

5 MS. PAUGH: This issue can be stipulated if
6 the companies will agree to use our wording.

7 MR. CHILDS: FPL agrees.

8 MR. WILLIS: Tampa Electric agrees.

9 MR. STONE: Gulf agrees.

10 COMMISSIONER CLARK: Issue 5.

11 MS. PAUGH: The same is true of Issue 5, if
12 the companies will agree to use our wording.

13 MR. WILLIS: Tampa Electric agrees.

14 MR. CHILDS: We agree.

15 MR. STONE: It is the same. We agree.

16 COMMISSIONER CLARK: Issue 7.

17 MS. PAUGH: Issue 6. Staff has provided in
18 the handout document a revised position for Issue 6
19 with respect to Gulf. Staff has not been able to
20 formulate positions with respect to FPL and TECO at
21 this time for the same reasons as stated before, but
22 should within 48 hours.

23 COMMISSIONER CLARK: Say that again, please.

24 MS. PAUGH: Staff has submitted a revised
25 position on Issue 6 for Gulf Power Company. We have

1 not been able to resolve the FPL and TECO. We just
2 haven't finalized our position with respect to FPL and
3 TECO and will within 48 hours, and we'll advise the
4 companies of what that position is.

5 **COMMISSIONER CLARK:** Mr. Stone, do you agree
6 with the --

7 **MR. STONE:** We agree with the numbers that
8 Staff has provided us today with regard to Issue 6.

9 **MR. HOWE:** Commissioner Clark, Public
10 Counsel's position would be that the proposed
11 environmental cost recovery factors should not be
12 approved. See OPC position on Issue 11.

13 **COMMISSIONER CLARK:** Issue 7.

14 **MS. PAUGH:** Issue 7, Staff position is
15 provided in the handout. It's essentially that the
16 matter should be deferred to a Staff workshop.

17 **MR. STONE:** If Staff would agree to strike
18 the word "Yes, however," Gulf would be in agreement.
19 That way it doesn't predecide the issue.

20 **MR. CHILDS:** And I guess the question is, do
21 we agree that it should be deferred as Staff proposed
22 it, that is --

23 **MS. PAUGH:** Well, actually I probably
24 misspoke. Staff's position is that filing three
25 months in advance is appropriate. If the companies

1 don't agree with that, we're happy to have a Staff
2 workshop on the issue.

3 There are a number of things we need to work
4 out in the 07 docket anyway in terms of filing
5 requirements and timing that just need work.

6 **MR. CHILDS:** Okay. Well, we don't agree
7 with that, because we see that we've got a timing
8 problem there in terms of when you file and when you
9 know, so we would like to address that further in a
10 workshop.

11 **MS. PAUGH:** That will be fine.

12 **MR. WILLIS:** Why don't we just TP these
13 issues. There's no reason to leave issues here we
14 know that we have those points to work out when we've
15 just had that discussion with Staff, rather than have
16 a specific wording in this order.

17 **MS. PAUGH:** My preference would be that the
18 prehearing order indicate that a Staff workshop will
19 be held, just so everyone is clear on the direction
20 we're headed, if that is the decision.

21 **COMMISSIONER CLARK:** Well, evidently what I
22 hear the company saying is they're not prepared at
23 this point to agree to the three months prior to the
24 due date for setting minimum filing requirements. I
25 see no reason to keep it in the prehearing orders.

1 You can go to workshop on it.

2 MS. PAUGH: Okay.

3 COMMISSIONER CLARK: You don't need it in an
4 order to do that.

5 MS. PAUGH: Okay.

6 COMMISSIONER CLARK: Just let the Chairman
7 know that's what you want to do. And as I understand
8 it, we have a year to work that out. Maybe nine
9 months, I suppose.

10 MR. WILLIS: And we'll do the same thing in
11 7A?

12 COMMISSIONER CLARK: Yes. So 7 and 7A will
13 be taken out of the prehearing order.

14 Issue 8.

15 MS. PAUGH: Staff has provided its position
16 on Issue 8 and provided that to Mr. Childs a little
17 bit in advance of the prehearing.

18 MR. CHILDS: Commissioner, this is a lengthy
19 position by the Staff. Basically -- and I'm reading
20 from it -- it recommends that there be a reduction of
21 the forecast by \$996,000, and then there's some
22 explanation for that.

23 Florida Power & Light Company had in
24 discovery provided some information about engineering
25 costs. Staff's position notes that they're not

1 covered in the testimony. These are engineering
2 costs, and my understanding was that they came about
3 later on in the process; but nevertheless, we would
4 agree that the forecasted expenses be reduced.

5 I would think that it's -- that as to the
6 engineering costs that are associated with the
7 program, that we would be able to -- that were not
8 included in the original forecast, that we would be
9 able to bring those forward in the true-up portion for
10 consideration.

11 MS. FAUGH: That's appropriate.

12 COMMISSIONER CLARK: Any position from FIPUG
13 or Public Counsel?

14 MR. HOWE: Are we speaking here of Issue 8?

15 COMMISSIONER CLARK: Yes.

16 MR. HOWE: Public Counsel's position will be
17 as stated, except the issue at the end of the second
18 line should be Issue 11 instead of 7B.

19 MS. KAUFMAN: And FIPUG's position will be
20 the same as Public Counsel's.

21 COMMISSIONER CLARK: Let me be clear. With
22 respect to 8A, are you going to -- it's acceptable to
23 Staff to have the engineering amounts be included in a
24 future true-up so that will you be amending the
25 position on Issue 8 to make that clear, and then we

1 can get a stipulation on Issue 8?

2 MS. PAUGH: Staff could amend its position,
3 yes.

4 COMMISSIONER CLARK: Say that again.

5 MS. PAUGH: Staff could amend its position
6 to reflect that, yes. That doesn't address Public
7 Counsel's --

8 COMMISSIONER CLARK: I understand that. But
9 so you will include in there the agreement you just
10 made with Mr. Childs with respect to future true-up so
11 that there can be a stipulation as to this issue,
12 except for the fact that it's dependent on Issue 11
13 for Public Counsel and FIPUG?

14 MS. PAUGH: That's correct.

15 COMMISSIONER CLARK: Okay. Issue 8.

16 MS. PAUGH: Issue 8A.

17 COMMISSIONER CLARK: Yes. I'm sorry.

18 MS. PAUGH: Staff has submitted its
19 position.

20 COMMISSIONER CLARK: Mr. Childs?

21 MR. CHILDS: On 8A?

22 COMMISSIONER CLARK: Yes. Do you need more
23 time to look at it?

24 MR. CHILDS: I guess I hadn't realized that
25 we had a -- I'm sorry. (Pause)

1 I think we agree with it. We, I guess,
2 believe it's the same. (Pause) It is. We agree with
3 it.

4 COMMISSIONER CLARK: Okay.

5 MS. PAUGH: Does FPL agree to Staff's
6 wording?

7 MR. CHILDS: We will.

8 COMMISSIONER CLARK: So Issue 8A is
9 stipulated.

10 Issue 9.

11 MS. PAUGH: Staff has supplied a position on
12 Issue 9 to Gulf Power Company as well as Issue 9A.

13 MR. STONE: With regard to Staff's position
14 on Issue 9, there is a statement at the end of the
15 first paragraph that makes reference to in the event
16 that this particular O&M activity is not undertaken,
17 because the requirement is not in the final permit
18 when it is issued, that the amounts shown in the
19 projection should be refunded to the customers.

20 We just note for the record that that is a
21 feature of the true-up process and would happen as a
22 matter of automatic calculation, and so it would not
23 be a separate line item of refund.

24 MS. PAUGH: That's correct, Commissioner.

25 COMMISSIONER CLARK: Okay.

1 **MR. STONE:** And with regard to -- I
2 understand that Staff is willing to make a change to
3 some language on Page 2, and it's the last full
4 paragraph under the quoted material after the comma
5 where it starts out "budget estimates". I think we've
6 agreed to strike that clause as it's worded and insert
7 "the estimate in this case is not appropriate."

8 **MS. PAUGH:** That's acceptable, Commissioner.

9 **MR. STONE:** With that change, we agree with
10 Staff's position.

11 **COMMISSIONER CLARK:** Okay.

12 **MR. STONE:** And we also agree with Staff's
13 position on 9A.

14 **COMMISSIONER CLARK:** Okay. We'll show those
15 stipulated.

16 **MR. HOWE:** Commissioner Clark, Public
17 Counsel's position on 9, 9A, 9B, 9C, 9D should all be
18 "No. An increase in Gulf's rates is not appropriate
19 at this time. See position statement on Issue 11."

20 **COMMISSIONER CLARK:** And FIPUG agrees with
21 is that; is that correct?

22 **MS. KAUFMAN:** Yes, with the exception of 9A.
23 I think our position on that would be that the project
24 should be allocated on 12 CP and 1/13 as opposed to
25 energy.

1 **COMMISSIONER CLARK:** So that would be an
2 addition.

3 **MS. KAUFMAN:** Yes, if it were to be approved
4 for recovery.

5 **MR. STONE:** So am I to understand that we
6 need to have a witness to address the cost allocation?

7 **MS. KAUFMAN:** Yes, sir.

8 **MS. PAUGH:** Staff has a different position
9 from Public Counsels on those issues, if you want to
10 take them one by one, or whatever, or not at all.

11 **COMMISSIONER CLARK:** Well, we've taken care
12 of 9 and 9A.

13 **MS. PAUGH:** 9A, we've resolved with Staff,
14 anyway.

15 **COMMISSIONER CLARK:** And then FIPUG's
16 position would be the same as Public Counsel with the
17 addition of how it should be allocated.

18 Okay. 9B.

19 **MS. PAUGH:** Staff's position on 9B is that
20 we can agree with their language.

21 While I have the floor, I'd like to take a
22 moment to publicly compliment Gulf Power's efforts to
23 comply with Staff's extensive discovery requests and
24 concerns both throughout the depositions and documents
25 afterward, and their issue statement clearly reflects

1 that they heard our cry and they answered it. So we
2 thank you.

3 COMMISSIONER CLARK: Okay. So Issue 9B, at
4 least Gulf and Staff agree, but Public Counsel and OPC
5 don't agree based on their position on Issue 11.

6 Issue 9.

7 MS. PAUGH: 9C?

8 COMMISSIONER CLARK: Yes.

9 MS. PAUGH: If they will agree to our
10 language, at least with respect to Staff, we can
11 stipulate this issue.

12 MR. STONE: We agree with Staff's position
13 on 9C.

14 COMMISSIONER CLARK: 9D.

15 MS. PAUGH: Staff's position is that we can
16 stipulate to Gulf's language in 9D.

17 COMMISSIONER CLARK: Okay. 9E.

18 MS. PAUGH: We do not have agreement on
19 Issue 9E.

20 MR. HOWE: Commissioner Clark, on Public
21 Counsel's position on Issue 9E, the reference at the
22 very end of the position should be to Issue 11, not to
23 Issue 7B.

24 COMMISSIONER CLARK: Okay. Issue 10.

25 MS. PAUGH: This is one of the issues on

1 which we have not been able to take a position yet,
2 but we will just as soon as we can.

3 **COMMISSIONER CLARK:** Let me ask Public
4 Counsel, what is your position on 10, and FIPUG?

5 **MR. HOWE:** Public Counsel's position on
6 issue -- which are we on?

7 **COMMISSIONER CLARK:** All right. You have a
8 position on 10. Nothing further needed?

9 **MS. KAUFMAN:** No, ma'am.

10 **MR. HOWE:** Basically the basis for the
11 opposition will be based on our position on Issue 11.

12 **COMMISSIONER CLARK:** Let's add that to their
13 position.

14 Issue 10A.

15 **MR. WILLIS:** Commissioner, we will also,
16 when Staff gives us their position, we will look at it
17 and see if we can work out language as well.

18 **MS. PAUGH:** Thank you.

19 **COMMISSIONER CLARK:** Any changes to 10A?

20 **MS. PAUGH:** Staff can stipulate to TECO's
21 language in 10A.

22 **MS. KAUFMAN:** Commissioner Clark, FIPUG will
23 take no position on that issue.

24 **COMMISSIONER CLARK:** Okay. So it's
25 stipulated.

1 **MS. KAUFMAN:** Commissioner Clark, we just
2 want our position to be clear. We don't stipulate to
3 that, but we recognize the prior decisions of this
4 Commission on this issue.

5 **COMMISSIONER CLARK:** But it's stipulated
6 between Sta^{ff} and TECO, so there's no need to put
7 on -- well, there won't be cross-examination on this
8 issue.

9 10B.

10 **MR. STONE:** Commissioner, if I might, I hate
11 to make us jump backwards, but now that FIPUG has
12 clarified its position on 10A, I wonder if they might
13 offer the same clarification to their objection to the
14 position on -- 9C and 9A, I believe, are the two
15 allocation issues that were not --

16 **MS. KAUFMAN:** Mr. Stone, I don't think I
17 objected to 9C. I take no position on that. But on
18 9A, my position is the same as what your position was
19 originally.

20 **MR. STONE:** And I understand that. Our
21 position was that when we thought it was a capital
22 project. We've since determined that it's an O&M
23 project, and consistent with the Commission's prior
24 decisions on similar activities in the past, that is
25 the reason for the change in our position to agree

1 with Staff.

2 MS. KAUFMAN: I understand, but I'm going to
3 stick with my position on 9A.

4 MR. STONE: But I noted your objection on
5 TECO's issue was a similar situation, and I thought
6 maybe you might offer the clarification that you don't
7 agree, but that you're willing to accept the prior
8 Commission decisions.

9 MS. KAUFMAN: I see a distinction between
10 TECO's projects and Gulf's, because TECO's are related
11 to the Clean Air Act. So I guess what I'm saying is
12 no, I don't agree.

13 MR. STONE: I thought it was worth a shot.

14 COMMISSIONER CLARK: Okay. 10B.

15 MS. PAUGH: Staff will provide a position as
16 soon as we can.

17 MR. WILLIS: And Tampa Electric will review
18 it and see if we can come to an agreement.

19 COMMISSIONER CLARK: 10C.

20 MS. PAUGH: Staff can stipulate to TECO's
21 language in 10C.

22 MR. WILLIS: With respect to 10B, Mr. Howe,
23 is your position the same, that the basis of your
24 opposition is Issue 11?

25 MR. HOWE: Actually it's twofold on this

1 c e. It's "No, based on FIPUG's position," and also
2 on issue -- on our position on Issue 11.

3 COMMISSIONER CLARK: Issue 10C.

4 MS. PAUGH: Staff agreed with TECO's
5 language on 10C.

6 COMMISSIONER CLARK: Okay. 10D.

7 MS. PAUGH: We have a correction to the
8 issue statement, and this correction arose out of the
9 depositions themselves.

10 We determined that these classifiers were
11 replacements, not additions. So on issues 10D, 10E,
12 10F and 10G, the word "addition" in the issue
13 statement should be changed to "replacement".

14 Staff is not able to take a position at this
15 time on the issue, but will as soon as possible.

16 COMMISSIONER CLARK: Are you speaking just
17 to 10E right now?

18 MS. PAUGH: Actually, I'm speaking to 10D.

19 COMMISSIONER CLARK: Okay. 10E.

20 MS. PAUGH: Staff agrees with TECO's
21 language in 10E.

22 COMMISSIONER CLARK: FIPUG and Public
23 Counsel?

24 MR. HOWE: Public Counsel takes no position.

25 MS. KAUFMAN: FIPUG takes no position.

1 **COMMISSIONER CLARK:** On 10E, you do have a
2 position.

3 **MR. HOWE:** I'm sorry. Oh, I'm sorry. You
4 were referring to FIPUG?

5 **MS. KAUFMAN:** I'm sorry. I thought we were
6 back on the allocation issue. On 10E, yes, our
7 position is correctly stated.

8 **COMMISSIONER CLARK:** Okay. 10F.

9 **MS. PAUGH:** Staff will provide a position as
10 soon as possible.

11 **COMMISSIONER CLARK:** And FIPUG and OPC are
12 correct as stated?

13 **MR. HOWE:** Yes, ma'am.

14 **COMMISSIONER CLARK:** 10G.

15 **MS. PAUGH:** Staff accepts Tampa Electric
16 Company's language on Issue 10G.

17 **MS. KAUFMAN:** FIPUG has no position.

18 **COMMISSIONER CLARK:** And OPC?

19 **MR. HOWE:** Same for OPC; no position.

20 **COMMISSIONER CLARK:** 10H.

21 **MS. PAUGH:** Staff will provide a position as
22 soon as possible.

23 **COMMISSIONER CLARK:** Are FIPUG and OPC's
24 positions correct on this one?

25 **MS. KAUFMAN:** Yes, ma'am.

1 MR. HOWE: Yes, ma'am.

2 COMMISSIONER CLARK: Okay. 10I.

3 MS. PAUGH: Staff agrees with TECO's wording
4 on Issue 10I.

5 MS. KAUFMAN: FIPUG takes no position.

6 MR. HOWE: Same for Public Counsel.

7 COMMISSIONER CLARK: Okay. 10J.

8 MS. PAUGH: Staff will provide a position as
9 soon as possible.

10 COMMISSIONER CLARK: FIPUG and OPC's
11 positions are correct?

12 MR. HOWE: Public Counsel's position on 10J
13 should be "no".

14 MS. KAUFMAN: FIPUG's position is correct.

15 COMMISSIONER CLARK: 10K.

16 MS. PAUGH: Staff can agree with TECO's
17 language on 10K.

18 MS. KAUFMAN: FIPUG takes no position.

19 MR. HOWE: Public counsel also takes no
20 position.

21 COMMISSIONER CLARK: 10L.

22 MS. PAUGH: I think that means 10K is
23 stipulated.

24 COMMISSIONER CLARK: Okay.

25 MS. PAUGH: We have to get them while we

1 can. (Laughter)

2 Staff will provide a position on 10L as soon
3 as possible.

4 MR. HOWE: Public Counsel's position on 10L
5 should be just "no".

6 COMMISSIONER CLARK: FIPUG, is yours
7 correct?

8 MS. KAUFMAN: It is.

9 COMMISSIONER CLARK: 10M.

10 MS. PAUGH: Staff agrees with TECO's
11 language on 10M.

12 MS. KAUFMAN: FIPUG takes no position.

13 COMMISSIONER CLARK: So it can be
14 stipulated? 10M can be stipulated?

15 MR. HOWE: Public Counsel takes no position
16 on 10M, also.

17 COMMISSIONER CLARK: Okay. 10N.

18 MS. PAUGH: Staff will provide a position as
19 soon as possible.

20 MR. HOWE: Public Counsel's position would
21 be just "no" on 10N.

22 COMMISSIONER CLARK: And FIPUG, yours is
23 correct on that one?

24 MS. KAUFMAN: Yes, ma'am.

25 COMMISSIONER CLARK: 100?

1 MR. HOWE: Public Counsel takes no position.

2 MS. KAUFMAN: And FIPUG would agree with
3 Tampa Electric.

4 MS. PAUGH: Staff can agree with TECO's
5 language on 100.

6 COMMISSIONER CLARK: So that can be
7 stipulated.

8 Issue 11.

9 MR. WILLIS: Commissioner, Tampa Electric
10 has provided a position on that issue, and we also
11 have a concern with respect to the wording of that
12 issue, and have suggested that the wording be changed
13 to "Should the Commission continue its policy of
14 considering earnings on rate base in its continuing
15 surveillance program and at base rate proceedings?"

16 COMMISSIONER CLARK: You know, Mr. Willis,
17 that really doesn't answer what's at issue for me. I
18 suppose if you could say "Should the Commission
19 consider whether approval of environmental cost
20 recovery factor -- I suppose that could change --
21 should consider its earnings position -- I guess I
22 find neither one of them very acceptable.

23 MR. WILLIS: Well, they should be neutrally
24 stated. "Should the Commission consider the company's
25 earnings position with respect to cost recovery under

1 the environmental cost recovery clause?"

2 COMMISSIONER CLARK: Mr. Howe, haven't we
3 decided this?

4 MR. HOWE: I don't believe so.

5 MR. STONE: Commissioner Clark, with all due
6 respect, I believe that we have, and we have reflected
7 that in our position on the issue, which we have just
8 handed out.

9 COMMISSIONER CLARK: You just handed
10 something out?

11 MR. STONE: Yes, Commissioner. A rep of the
12 company was handing out Gulf's position on OPC's
13 issue, and I believe everyone has been given a copy of
14 it.

15 I would note for the record that we found a
16 typographical error after we left Pensacola this
17 morning, and I've crossed out a stray digit.

18 MR. WILLIS: Another suggested wording of
19 the issue, Commissioner Clark, may be "Should
20 environmental cost recovery under the ECRC be adjusted
21 to reflect current utility earnings?"

22 COMMISSIONER CLARK: Mr. Howe, I read your
23 position, and you seem to say that -- I mean, it's
24 your argument that they're paying more than once, but
25 you acknowledge that we found that if the utility is

1 currently earning a fair return, that it should be
2 able to recover on a petition prudently incurred
3 environmental costs through the ECRC if such costs
4 were incurred after the effective date and if such
5 costs were not being recovered through another cost
6 recovery mechanism.

7 MR. HOWE: Yes, ma'am.

8 COMMISSIONER CLARK: What's new?

9 MR. HOWE: I think the distinction is, the
10 way -- from our view, the way the utilities have been
11 filing these petitions under the environmental cost
12 recovery docket has been that if they're earning
13 within their last allowed return on equity range, that
14 they're entitled to recover these costs.

15 In our view, if the Commission had wanted to
16 use those terms in that order, they would have done
17 so. The Commission didn't say, if the utilities are
18 earning within their last allowed return on equity
19 range." The Commission said, if they're earning a
20 fair return. We think that makes it incumbent upon
21 the Commission to consider what the companies'
22 earnings are.

23 Now, one of the things we're going to be
24 asking for the Commission to do in answering this
25 issue for us is give us some guidance, for example,

1 whether there is any way to address the level of
2 environmental costs a utility seeks to recover other
3 than us filing a rate case or return on equity case.

4 We would like guidance from the Commission
5 and from the companies to tell us how they would
6 prefer that we proceed to address this issue.

7 COMMISSIONER CLARK: Is it your position
8 that even though we may allow it based on the fact
9 that they are -- even if they are currently earning a
10 fair return, is your issue really where they're
11 earning above a fair return?

12 MR. HOWE: Where they're earning above a
13 fair return as determined by current financial market
14 conditions.

15 COMMISSIONER CLARK: Oh, I see. So your
16 issue on 11 is as stated, but with the addition "and,
17 if so, what should be done about it?" And "If so,
18 what is the appropriate remedy?"

19 MR. HOWE: That would be fair, yes.

20 COMMISSIONER CLARK: I take it what you're
21 looking for is a statement from the Commission that
22 earnings are not at issue in environmental cost
23 recovery factors.

24 MR. HOWE: No. I would say just the
25 opposite, that earnings are at issue; that, for

1 example, if a --

2 COMMISSIONER CLARK: You want a decision
3 either way?

4 MR. HOWE: Yes. Yes. I mean, our basic
5 position is that if a utility is earning a healthy
6 return in today's environment, even after inclusion of
7 the environmental costs they seek to recover, that
8 it's not appropriate for the Commission to grant such
9 a utility a rate increase.

10 MR. WILLIS: What that would involve is a
11 mini rate case every time we had one of these
12 hearings. And that was the point that I made with
13 respect to stating this issue; that the Commission has
14 a continuing policy of keeping a very vigorous
15 continuous surveillance program, a position that --
16 where either the Commission on its own motion or any
17 party felt that that needed to be addressed, a
18 separate petition was filed, but these proceedings
19 would not be protracted to try to have three rate
20 cases in the period of three days.

21 COMMISSIONER CLARK: How about this:
22 "Should the Commission continue its policy of
23 considering earnings on rate base in its continuing
24 surveillance programs?"

25 Actually I think it should be this way:

1 "Should the Commission consider a company's current
2 earnings in determining whether to approve cost
3 recovery under the environmental cost recovery -- what
4 does the "C" stand for?

5 MR. HOWE: Clause, probably.

6 COMMISSIONER CLARK: Thank you. "Or should
7 the Commission continue its policy of considering
8 earnings on rate base in its continuing surveillance
9 program and in base rate proceedings?"

10 Is that acceptable.

11 MR. HOWE: I think just the first part of it
12 would get to it. I mean, could you read before you
13 got to the "and"?

14 MR. WILLIS: That's before she balanced it.

15 COMMISSIONER CLARK: That's right.

16 MR. HOWE: Well, I guess that's the issue,
17 though. In other words, "Should the Commission
18 consider the company's current earnings in deciding
19 whether --

20 COMMISSIONER CLARK: Right.

21 MR. HOWE: That's it.

22 COMMISSIONER CLARK: Or should it --

23 MR. HOWE: Well, what I mean is I assume if
24 you reject that position, you're going to revert back
25 to your existing --

1 **COMMISSIONER CLARK:** I'm just suggesting we
2 put both propositions in the issue to make it put
3 forth both types of handling it.

4 **MR. HOWE:** I guess I would have a little
5 trouble, then, with the second part where you said
6 "continue its existing policy."

7 I don't believe the Commission has ever
8 differentiated between the last allowed return on
9 equity and a fair return on equity, or even stated
10 that they are one and the same under any of the orders
11 issued under its current policy.

12 **MR. SLEMKEWICZ:** Commissioner Clark, I
13 believe the big question here is what's standard. Or
14 I think what Public Counsel is getting at is what
15 standard do you use to evaluate whether the current
16 return that they're earning is fair and reasonable.
17 Do you go back to the authorized return, or do you
18 look at a current market return, and I think that's
19 the crux of his issue.

20 **MR. HOWE:** I think that's a fair statement.

21 **COMMISSIONER CLARK:** I understand that.

22 **MR. STONE:** Commissioner Clark, if that is,
23 in fact, the Public Counsel's issue, that issue was,
24 in fact, addressed in Docket 930613 as reflected in
25 the Commission order and as discussed in our position

1 on the issue.

2 MR. HOWE: I guess that could be something
3 we'd argue about.

4 COMMISSIONER CLARK: All right. How about
5 "Should the Commission consider a company's current
6 earnings in determining whether to approve cost
7 recovery through the environmental cost recovery
8 clause, or should the consideration of current
9 earnings be through the surveillance program and in
10 base rate proceedings?"

11 MR. HOWE: I don't think that will work,
12 because, for example, I believe you -- I mean, here
13 I'm going to have to speak for what I perceive is the
14 company's positions -- but that if their current
15 earnings properly compared to their last allowed
16 return on equity, they would still want you to
17 consider it.

18 I mean, current earnings are going to get
19 considered either way. The standard -- the question
20 is whether you consider -- compare their current
21 earnings to what is a fair return on today's market.

22 COMMISSIONER CLARK: Well, your point --

23 MR. HOWE: Or I guess their last --

24 COMMISSIONER CLARK: -- is should the
25 current earnings be a factor in determining whether

1 you approve them. Their position is, no, it should be
2 in the surveillance program or in base rates. And I
3 assume you can flesh out your positions in your
4 position.

5 MR. HOWE: Yes, ma'am. I guess the point
6 I'm trying to raise is, as I understand it, in the
7 company's testimony their witnesses routinely state
8 that the recovery of environmental costs will not
9 cause them to earn above their last allowed return on
10 equity.

11 COMMISSIONER CLARK: I appreciate that, and
12 you can put on a witness that says, so what, you
13 should look at current earnings, or you can argue --

14 MR. HOWE: I'm just stating that the
15 company -- I think we both are going to look at
16 current earnings. It's just whether you compare those
17 current earnings to either the last allowed or the
18 current market conditions.

19 COMMISSIONER CLARK: Okay.

20 MR. HOWE: That's my only point, that
21 current earnings are under consideration either way.

22 COMMISSIONER CLARK: Well, I'll be frank,
23 Roger. The more we get into it, it strikes me that
24 it's not a matter to be taken up in cost recovery, and
25 it's a matter you take up in another proceeding.

1 I think we have decided it, but I understand
2 the nuance that you're presenting to base your opinion
3 that we haven't decided it.

4 I'll tell you what. I'm going to allow you
5 all to work out the language and the positions. If
6 you can't, I'll resolve it. I'll be here tomorrow.
7 I'll be available Wednesday and Thursday.

8 MS. PAUGH: Okay. Thank you.

9 COMMISSIONER CLARK: Now, with respect to
10 the 07, are there any witnesses that can be excused?

11 MR. CHILDS: I think that the Florida
12 Power & Light witnesses can be excused. I think we
13 have the outstanding issue that we've just been
14 discussing is not going to be addressed that way. And
15 I believe that the other matter was that Staff was
16 going to get with us and we would resolve something
17 within 48 hours, and I don't think that's going to
18 call for a witness, but if it does, I think we would
19 come back.

20 COMMISSIONER CLARK: How about Gulf's
21 witnesses?

22 MR. STONE: Because of the outstanding
23 issues, Gulf's witnesses will both be here.

24 COMMISSIONER CLARK: Okay. TECO's
25 witnesses? At this point they'll be here; right?

1 **MR. WILLIS:** Right; unless we can work
2 out -- we're going to discuss with the Staff after
3 they take the positions, and hopefully they can be
4 excused.

5 **COMMISSIONER CLARK:** Okay. Then why don't
6 we just wait until when you have to issue the order to
7 decide how to reflect in the order which witnesses are
8 excused.

9 **MS. FAUGH:** I think we'll have to,
10 Commissioner.

11 **COMMISSIONER CLARK:** And I'm going to be
12 available throughout the week.

13 **MS. FAUGH:** Thank you. We do have one other
14 matter, if I'm not interrupting.

15 **COMMISSIONER CLARK:** Okay.

16 **MS. FAUGH:** As I indicated, Staff took
17 depositions of witnesses of all three companies, and
18 Staff has requested of all three companies that the
19 depositions, the duces tecum documents submitted by
20 the companies, and all of the late-filed exhibits for
21 all of the depositions be entered into the record.

22 I called the companies about a week ago.
23 Tampa Electric Company is ready to respond to our
24 request. If the companies don't put those documents
25 into the record, Staff is advising them that they will

1 at the time of the hearing.

2 The reason we're doing this is because
3 without those documents we basically have no record on
4 the recovery of these projects. That's where it all
5 is. So it would help with potential evidentiary
6 problems if the companies entered the documents.

7 However, if not, Staff will go ahead and
8 enter them and take up the evidentiary concerns, if
9 any, at that time.

10 COMMISSIONER CLARK: Okay. Do we know if
11 there's any objection to your --

12 MR. WILLIS: No objection.

13 MR. CHILDS: I'm not sure. I think we've
14 agreed on ours. I don't know why we -- I mean, I
15 think that they're extensive, and I don't know why we
16 put that into the record. I mean, discovery, I think
17 we've agreed to do what their position is.

18 COMMISSIONER CLARK: So you see no need to
19 put the discovery in the record?

20 MR. CHILDS: I don't think so.

21 MS. PAUGH: We feel we have no record
22 without it.

23 COMMISSIONER CLARK: Well, I think
24 Mr. Childs' point is you don't need a record if you've
25 stipulated to the issue. Is that your point?

1 MR. CHILDS: Yes.

2 MR. BREMAN: Commissioner Clark, if I may,
3 you can look at Staff's position and see that the
4 basis of our position is the documents that he's now
5 somehow objecting to.

6 COMMISSIONER CLARK: No, he's not objecting
7 to it; it's just that -- it's never been clear how to
8 handle this. I mean, in theory it seems like if we
9 stipulate all issues, you don't even have to call the
10 witnesses. They're stipulated into the record, but I
11 think we have done it that way.

12 MR. CHILDS: I think that we, years ago, got
13 into the habit, particularly because we had the
14 estimated actual true-up and the final true-up, and
15 therefore the basic documents had set forth what had
16 been filed were contained in those filings.

17 I just don't understand how that relates to
18 the deposition, so that depositions or other discovery
19 documents become as a matter of record sort of as
20 routine.

21 MS. PAUGH: In this case our positions are
22 based on the deposition, the duces tecum documents,
23 and the late-filed exhibits. Therefore, our positions
24 and your agreement to our positions cannot be
25 separated. We don't have a record without them.

1 MR. WILLIS: With respect to Tampa Electric,
2 we have no objection.

3 COMMISSIONER CLARK: You know, this has
4 troubled me too, Mr. Childs, as to whether or not we
5 need to dump all this stuff into the record if there's
6 been an agreement.

7 I'm going to allow it in this case, but I
8 would like to get that resolved; when we have
9 something stipulated, is there even a reason to have
10 the witnesses here.

11 If you stipulate the issues, doesn't -- I
12 mean, courts, when you stipulate or settle cases, you
13 don't move the evidence into the record. The parties
14 have agreed there's no reason to have the record.

15 Staff, on the other hand, may find that
16 there's a reason that they need things. And I'm just
17 going to direct you, Leslie, to look at it from an
18 overall basis and maybe have some research be done as
19 to just what exactly has to be in the record for us to
20 make a decision.

21 MS. PAUGH: I'll be happy to do that. For
22 what it's worth, we're not suggesting that the
23 witnesses need to appear, just that the documents need
24 to be in the record. Did I understand Gulf to say
25 they had no objection?

1 **MR. STONE:** We have no objection. We would
2 like, when the deposition is entered into the record,
3 that it contain the errata sheets that are submitted
4 by the witnesses.

5 **COMMISSIONER CLARK:** Yes, they should
6 contain the errata sheets.

7 **MR. WILLIS:** We just assumed that the errata
8 sheets would be --

9 **MS. PAUGH:** TECO has been kind enough to
10 make copies for us. So, yes, they will be with it.

11 **Mr. Childs,** will you be objecting to the
12 entry of those documents into the record at the time
13 of the hearing?

14 **MR. CHILDS:** Probably not. My concern is
15 simply that as a matter of routine, it becomes
16 burdensome when you're going out and buying the
17 record; and, secondly, I would think that even if we
18 were going to hearing, that the parties would have the
19 opportunity to comment on whether a deposition was
20 made a part of the record -- (inaudible) --

21 **COMMISSIONER CLARK:** Matt, Ruthe can't hear
22 you.

23 **MR. CHILDS:** I'm just saying even if you
24 went to hearing on a contested issue, that the issue
25 of making a deposition a part of the record is a

1 decision that is taken up under the circumstances, and
2 so as a routine, I just don't see why you would make
3 it -- but principally it's a question of, you know, if
4 you're going to do this, then you've raised the cost
5 of doing so; plus the question of, well, why are we
6 doing it. Because if you're going to make it part of
7 the record, then maybe we ought to be asking other
8 rebuttal or follow-up questions at the time the
9 deposition was handled. I just want to avoid those
10 concerns.

11 **MS. FAUGH:** Well, my response is that we
12 don't do this routinely. This is something we need in
13 this case from all three companies because none of the
14 companies filed sufficient information for Staff to
15 make any evaluations.

16 I agree with you that if we anticipate in
17 the future making a deposition part of the record, we
18 will let you know as early as possible in case that
19 changes your cross.

20 **COMMISSIONER CLARK:** Mr. Childs, I
21 appreciate the concern. I don't think we're going to
22 resolve it here. I think it is something that on a
23 going-forward basis and with respect to what
24 procedures we're going to need to file, it should be
25 resolved.

1 I would note that I have noticed a trend
2 that we tend to dump all the discovery into the
3 record. I think we need to be more selective.

4 MS. PAUGH: Duly noted.

5 COMMISSIONER CLARK: Thank you. Anything
6 else on 07?

7 MS. PAUGH: Not from Staff.

8 COMMISSIONER CLARK: Okay. Anything else on
9 any of these dockets? (No response.)

10 Mr. Stone, you look like you want to say
11 something. Unless you hurry up, I'm going to adjourn
12 this.

13 MR. STONE: No, Commissioner. I was
14 thinking that if there was going to be an 01 hearing
15 with witnesses and there was going to be an 07
16 apparently with Gulf's witness, that we might be able
17 to get a time certain other than 9:30 Monday morning,
18 but I realize that's not practical.

19 So what you saw was a question that I
20 resolved in my own head.

21 COMMISSIONER CLARK: Okay. There being
22 nothing further to take up at this time, before I
23 adjourn it, I'll be available to resolve anything to
24 the end that we can shorten up this hearing on
25 Thanksgiving week.

1 And with that, this hearing is adjourned;
2 prehearing is adjourned. Thank you.

3 (Thereupon, the hearing concluded at
4 3:40 p.m.)

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

3 I, H. RUTHE POTAMI, CSR, RPR, Official
4 Commission Reporter,

5 DO HEREBY CERTIFY that the Prehearing
6 Conference in Docket No. 980007-EI was heard by the
7 Prehearing Officer at the time and place herein
8 stated; it is further

9 CERTIFIED that I stenographically reported
10 the said proceedings; that the same has been
11 transcribed under my direct supervision; and that this
12 transcript, consisting of 48 pages, constitutes a true
13 transcription of my notes of said proceedings.

14 DATED this 18th day of November, 1998.

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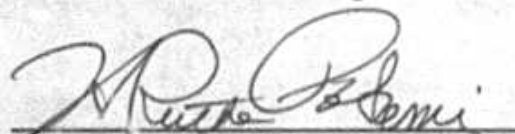
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H. RUTHE POTAMI, CSR, RPR
Official Commission Reporter
(904) 413-6734

Page 1

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of : DOCKET NO. 980007-EI
Environmental cost :
recovery clause. :

PROCEEDINGS : PREHEARING CONFERENCE
BEFORE : COMMISSIONER SUSAN F. CLARK
Prehearing Officer
DATE : Monday, November 16, 1998
TIME : Commenced at 1:30 p.m.
Concluded at 3:40 p.m.
PLACE : Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida
REPORTED BY : N. RUTHE POTAMI, CSR, RPR
Official Commission Reporter

	6	approve 26/2, 28/4, 29/1 approved 10/15, 15/12, 22/2 argue 28/2, 29/13 argued 12/11 argument 12/3, 22/24 arose 27/8 associated 18/6 Amsley 2/11 authorized 27/17 automatic 20/22 available 40/7, 41/12, 47/23 avoid 46/9
5596,000 17/21	6 8/3, 14/17, 14/18, 14/23, 15/8 601 2/3	
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