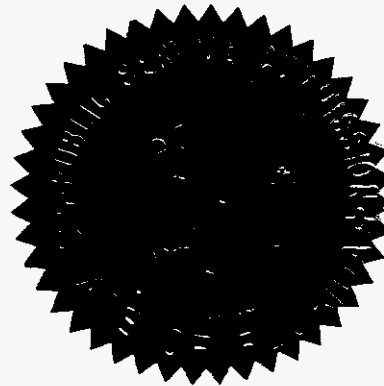


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 100002-EG

ENERGY CONSERVATION COST
RECOVERY CLAUSE.



PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONER
PARTICIPATING: COMMISSIONER LISA POLAK EDGAR
PREHEARING OFFICER

DATE: Wednesday, January 19, 2011

TIME: Commenced at 1:47 p.m.
Concluded at 1:52 p.m.

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

REPORTED BY: JANE FAUROT, RPR
Official FPSC Reporter
(850) 413-6732

DOCUMENT NUMBER DATE

00468 JAN 20

1 APPEARANCES:

2 JOHN BUTLER, ESQUIRE, 700 Universe
3 Boulevard, Juno Beach, Florida 33408-9429, appearing
4 on behalf of Florida Power & Light Company.

5 VICKI GORDON KAUFMAN, ESQUIRE, Keefe Law
6 Firm, 118 North Gadsden Street, Tallahassee, Florida
7 32301, appearing on behalf of Florida Industrial
8 Power Users Group.

9 CHARLIE BECK, ESQUIRE, Office of Public
10 Counsel, c/o The Florida Legislature, 111 W. Madison
11 St., Room 812, Tallahassee, Florida 32399-1400,
12 appearing on behalf of the Citizens of Florida.

13 LEE ENG TAN, ESQUIRE, and KATHERINE
14 FLEMING, ESQUIRE, FPSC General Counsel's Office, 2540
15 Shumard Oak Boulevard, Tallahassee, Florida
16 32399-0850, appearing on behalf of the Florida Public
17 Service Commission Staff.

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

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P R O C E E D I N G S

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2 **COMMISSIONER EDGAR:** And we will move on to
3 the next docket, which is 02, energy conservation.

4 Ms. Tan, any preliminary matters for this
5 docket?

6 **MS. TAN:** There are no preliminary matters at
7 this time. We note that it appears that all issues in
8 this docket are stipulated, noting that FIPUG and OPC
9 take no position.

10 **COMMISSIONER EDGAR:** Any comments from any of
11 the parties before we go section-by-section? Okay.
12 Hearing none, then, similarly, we will go quickly
13 through the draft prehearing order section-by-section
14 heading. If you have any comments, please speak right
15 up.

16 Section I, case background. Section II,
17 conduct of proceedings. Section III, jurisdiction.
18 Section IV, procedure for handling confidential
19 information. Section V, prefiled testimony and
20 exhibits. Section VI, order of witnesses.

21 **MS. TAN:** Commissioner, it appears that all
22 witnesses in this docket may also be excused. After
23 this prehearing conference, we will confer with the
24 Commissioners and advise the parties whether or not that
25 can happen.

1 **COMMISSIONER EDGAR:** Counsel, any concerns
2 about that? No.

3 **MR. BUTLER:** No.

4 **COMMISSIONER EDGAR:** Okay. We are all in
5 agreement. Then, Section VII, basic positions.

6 **MS. KAUFMAN:** Commissioner, I do have a change
7 on that for FIPUG that I just don't think it got picked
8 up. But at any rate, our basic position would be none
9 at this time, so we would delete what's in the draft.

10 **COMMISSIONER EDGAR:** Okay. Ms. Tan.

11 **MS. TAN:** We will take care of that.

12 **COMMISSIONER EDGAR:** Okay. All right. Thank
13 you very much, Ms. Kaufman.

14 Any other changes -- excuse me. Everybody at
15 my house is battling a cold, and I think we're losing.
16 I apologize.

17 Okay. Any other changes to Section VIII?

18 **MR. BUTLER:** No.

19 **COMMISSIONER EDGAR:** Okay. We will move on
20 then. Section IX.

21 **MS. TAN:** Staff will prepare a Comprehensive
22 Exhibit List which contains all the prefiled testimony,
23 and we will provide it to the parties.

24 **COMMISSIONER EDGAR:** Okay. Section X.

25 **MS. TAN:** There are proposed stipulations on

1 all issues, noting that FIPUG and OPC have taken no
2 position.

3 **COMMISSIONER EDGAR:** And, again, everybody
4 comfortable with the language as it's described in the
5 draft prehearing order? Okay.

6 Section XI, pending motions. Mr. Butler.

7 **MR. BUTLER:** I'm sorry. I apologize for
8 interrupting. Going back to Section IX, the exhibit
9 list, maybe I'm just confused here. I have in my
10 notebook here a document that I thought was the
11 Comprehensive Exhibit List, and I'm wondering is that --

12 **MS. TAN:** Yes, we have e-mailed it out.

13 **MR. BUTLER:** I'm sorry?

14 **MS. TAN:** Yes, that is the correct
15 Comprehensive Exhibit List.

16 **MR. BUTLER:** Okay. I was just wondering if
17 there are no objections to it, go ahead and --

18 **MS. TAN:** There are no objections.

19 **MR. BUTLER:** -- get that on the record. But
20 we don't have any objections to it, and it sounded like
21 that it was something to come, and I thought if we could
22 get it wrapped up here maybe we could just go ahead and
23 do that.

24 **COMMISSIONER EDGAR:** Okay. So the proposed
25 Comprehensive Exhibit List, which shows Exhibits 1

1 through 4, is that the document that we are all --

2 MS. TAN: Yes.

3 COMMISSIONER EDGAR: Is that the correct
4 version?

5 MS. TAN: Yes.

6 COMMISSIONER EDGAR: Okay. And so at this
7 point, are there any proposed changes to this document?
8 No. Okay. So we can recognize this as the proposed
9 Comprehensive Exhibit List that has been agreed to by
10 all parties, and then leave it for entering at the
11 hearing. Does that work for you?

12 MR. BUTLER: That's great. That would be
13 fine. Thank you.

14 COMMISSIONER EDGAR: Okay. Then that brings
15 us back to Section X, proposed stipulations.

16 MS. TAN: In the proposed stipulations there
17 are proposed stipulations on all issues, noting that
18 FIPUG and OPC have taken no position.

19 COMMISSIONER EDGAR: Okay. And, Ms. Kaufman,
20 you are reflected accurately?

21 MS. KAUFMAN: I am. Thank you, Commissioner.

22 COMMISSIONER EDGAR: Okay. Great. Okay.
23 Section XI. We talked about no pending motions,
24 correct?

25 MS. TAN: That is correct.

1 **COMMISSIONER EDGAR:** Okay. And, Section XII,
2 pending confidentiality motions.

3 **MS. TAN:** There are five pending
4 confidentiality requests which will be addressed by
5 separate orders.

6 **COMMISSIONER EDGAR:** Any idea when?

7 **MS. TAN:** We'll hopefully get it done before
8 the hearing.

9 **COMMISSIONER EDGAR:** Okay. Thank you.

10 And Section XIII, post-hearing procedures.

11 **MS. TAN:** If there are briefs filed, they
12 should total no more than 40 pages.

13 **COMMISSIONER EDGAR:** Section XIV, rulings,
14 opening statements.

15 **MR. BUTLER:** That's fine.

16 **COMMISSIONER EDGAR:** Okay. That brings us to
17 the end of the draft prehearing order. Any other
18 comments before we close out today for this particular
19 docket?

20 **MS. KAUFMAN:** Commissioner Edgar, I would
21 simply ask to be excused from the 02 docket, as well.

22 **COMMISSIONER EDGAR:** Okay. Any others? No.
23 Okay. So then similarly, as we did with the previous
24 docket, also I ask you to coordinate with staff, noting
25 that request, and for staff to coordinate that with the

1 Chairman's Office.

2 MS. KAUFMAN: Yes, ma'am.

3 COMMISSIONER EDGAR: Okay. Than that closes
4 out the 02 docket for today.

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2 STATE OF FLORIDA)

3 : CERTIFICATE OF REPORTER

4 COUNTY OF LEON)

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6 I, JANE FAUROT, RPR, Chief, Hearing
7 Reporter Services Section, FPSC Division of
8 Commission Clerk, do hereby certify that the
9 foregoing proceeding was heard at the time and place
10 herein stated.

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

17
18 I FURTHER CERTIFY that I am not a relative,
19 employee, attorney or counsel of any of the parties,
20 nor am I a relative or employee of any of the
21 parties' attorney or counsel connected with the
22 action, nor am I financially interested in the
23 action.

24
25 DATED THIS 20th day of January, 2011.

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