

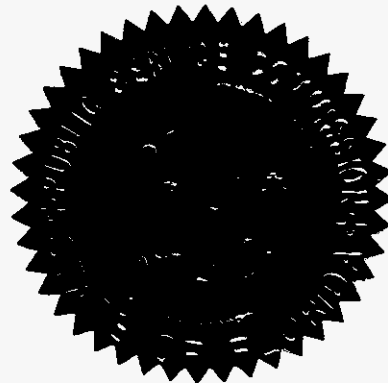
BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of:

DOCKET NO. 100007-EI

ENVIRONMENTAL COST RECOVERY
CLAUSE.



PROCEEDINGS:	PREHEARING CONFERENCE
COMMISSIONER PARTICIPATING:	COMMISSIONER LISA POLAK EDGAR PREHEARING OFFICER
DATE:	Wednesday, January 19, 2011
TIME:	Commenced at 1:52 p.m. Concluded at 2:00 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

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1 APPEARANCES:

2 JOHN T. BUTLER, ESQUIRE, Florida Power & Light
3 Company, 700 Universe Boulevard, Juno Beach, Florida
4 33408-0420, appearing on behalf of Florida Power & Light
5 Company.

6 VICKI GORDON KAUFMAN, ESQUIRE, Keefe, Anchors
7 Gordon & Moyle, P.A., 118 North Gadsden Street, Tallahassee,
8 Florida 32301, appearing on behalf of Florida Industrial
9 Power Users Group.

10 CAPTAIN ALLEN JUNGELS, USAF, Utility Litigation &
11 Negotiation Team, Staff Attorney, AFLSA/JACL-ULFSC, 139
12 Barnes Drive, Suite 1, Tyndall AFB, Florida 32403-5317,
13 appearing on behalf of Federal Executive Agencies.

14 CHARLIE BECK, ESQUIRE, Office of Public Counsel,
15 c/o The Florida Legislature, 111 W. Madison St., Room 812,
16 Tallahassee, Florida 32399-1400, appearing on behalf of the
17 Citizens of Florida.

18 MARTHA BROWN, ESQUIRE, and ANNA WILLIAMS, ESQUIRE,
19 FPSC General Counsel's Office, 2540 Shumard Oak Boulevard,
20 Tallahassee, Florida 32399-0850, appearing on behalf of the
21 Florida Public Service Commission Staff.

22 MARY ANNE HELTON, Deputy General Counsel, Florida
23 Public Service Commission, 2540 Shumard Oak Boulevard,
24 Tallahassee, Florida 32399-0850, Advisor to the Commission.

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P R O C E E D I N G S

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2 **COMMISSIONER EDGAR:** And that brings us to the
3 electric conservation docket, 07.

4 Ms. Brown, preliminary matters.

5 **MS. BROWN:** Commissioner, staff points out that
6 there are proposed stipulations on all issues in this
7 docket except for Issue 9D. We are still working on a
8 stipulation on that. We are going to meet after the
9 prehearing conference to see if we can finalize it.

10 It's my understanding that FPL has filed revised
11 schedules to indicate that regardless of how those
12 negotiations turn out, they have removed all of the costs
13 associated with the ESP project from the 2011 factors.
14 And that being said, staff has reviewed those numbers and
15 will change those numbers in the final prehearing order,
16 but they appear to be correct.

17 **COMMISSIONER EDGAR:** Mr. Butler.

18 **MR. BUTLER:** That is accurate. We e-mailed to
19 all of the parties the revised factors and revised
20 cost-recovery amounts for 2011 earlier today. We will
21 file with the Clerk's Office tomorrow a set of the -- the
22 complete set of the revised schedules so those are part of
23 the record for the proceeding; but, yes, that is our
24 intent. And I believe that we have avoided any issues
25 over approval of the costs or the factors for 2011 by

1 taking those costs out of our projections.

2 **COMMISSIONER EDGAR:** Okay. And to Mr. Beck, Ms.
3 Kaufman, and Mr. Jungels, are we all comfortable there and
4 clear as to where we are and where we are going? I see
5 yes from Mr. Beck.

6 **MR. BECK:** Yes.

7 **MS. KAUFMAN:** Yes.

8 **CAPTAIN JUNGELS:** Yes.

9 **COMMISSIONER EDGAR:** Okay. Thank you very much.
10 Ms. Brown, any other preliminary matters?

11 **MS. BROWN:** No, Madam Commissioner, not that I'm
12 aware of.

13 **COMMISSIONER EDGAR:** Okay. Then as with the
14 previous, we'll go through the draft prehearing order
15 section by section. Speak right up.

16 Section I, case background. Section II, conduct
17 of proceedings. Section III, jurisdiction. Section IV,
18 procedure for handling confidential information.

19 Section V, prefiled testimony and exhibits.

20 Section VI, order of witnesses.

21 Ms. Brown.

22 **MS. BROWN:** Yes.

23 Commissioner, we mentioned earlier that we are
24 still proposing working on a proposed stipulation for
25 Issue 9D. And if we reach that stipulation, that will

1 make it an entirely stipulated case and the witnesses can
2 be excused. We will reflect that in the final prehearing
3 order and notify the parties after we talk to the
4 Commissioners that they can be excused.

5 **COMMISSIONER EDGAR:** Again, I am seeing no
6 objections or concerns. So, thank you, and we will move
7 on.

8 That brings us to Section VII, basic positions.
9 Any changes?

10 **MR. BUTLER:** No.

11 **COMMISSIONER EDGAR:** Section VIII, issues and
12 positions.

13 **MR. BECK:** Commissioner, for Office of Public
14 Counsel, on Issue 9D we will be meeting after the
15 conference to see if we can stipulate. But if we don't,
16 we would like to change our position to agree with staff
17 on 9D.

18 **COMMISSIONER EDGAR:** To agree with staff on 9D
19 if the stipulation is not reached.

20 **MS. BROWN:** Yes. And if that happens, we will
21 put that in the final prehearing order.

22 **COMMISSIONER EDGAR:** Mr. Kaufman.

23 **MS. KAUFMAN:** Yes, that would be the same for
24 FIPUG. If we don't reach agreement on 9D, our position
25 would be agree with staff.

1 **COMMISSIONER EDGAR:** Okay. Thank you. So
2 noted. Mr. Jungels.

3 **CAPTAIN JUNGELS:** FEA will continue to agree
4 with FIPUG.

5 **COMMISSIONER EDGAR:** Okay. All right. So
6 noted. Thank you.

7 Section IV, exhibit list. Ms. Brown.

8 **MS. BROWN:** Yes. Commissioner, we have prepared
9 a Comprehensive Exhibit List that includes staff's agreed
10 composite exhibit, a discovery exhibit, and all the
11 prefiled exhibits. We will probably be modifying that to
12 reflect the filing that Mr. Butler is going to make
13 tomorrow, and we'll have that up-to-date. We will send it
14 out to the parties and it will be available at the
15 hearing.

16 **COMMISSIONER EDGAR:** Okay. So the draft
17 Comprehensive Exhibit List as distributed to date showing
18 Exhibits 1 through 10 with the understanding that there
19 will be an addition prior to hearing. Any questions?
20 Okay.

21 Section X, proposed stipulations.

22 **MS. BROWN:** With respect to the proposed
23 stipulations, we note that OPC and FIPUG have taken no
24 position on those.

25 **COMMISSIONER EDGAR:** But, of course, with

1 further discussion on Issue 9D as discussed.

2 MS. BROWN: Yes, correct.

3 COMMISSIONER EDGAR: Okay. Section XI, pending
4 motions. Ms. Brown.

5 MS. BROWN: No pending motions.

6 COMMISSIONER EDGAR: Section XII, pending
7 confidentiality motions.

8 MS. BROWN: Two pending confidentiality
9 requests, which we will have done before the hearing.

10 COMMISSIONER EDGAR: Thank you.

11 Mr. Butler.

12 MR. BUTLER: Yes. I'm sorry, I seem to be
13 unable to keep up with your pace, for which I apologize.
14 But going back to --

15 COMMISSIONER EDGAR: I like to keep moving. I
16 told you, speak right up. That's fine.

17 MR. BUTLER: Going back to the proposed
18 stipulations, the copy I have of the draft prehearing
19 order, it doesn't show proposed stipulations for Issues 1
20 through 4. I think, based on what we have provided and
21 will be filing tomorrow as a revised factors, I think
22 there would be proposed stipulations for those issues, as
23 well.

24 MS. BROWN: That would be correct, and we'll
25 revise the final prehearing toward to reflect that.

1 **MR. BUTLER:** Okay.

2 **COMMISSIONER EDGAR:** Okay. Anything else?

3 Okay. So noted. Thank you, Mr. Butler.

4 Okay. And that brings us to Section XIII,
5 post-hearing procedures.

6 **MS. BROWN:** If briefs are filed, they should be
7 no more than 40 pages.

8 **COMMISSIONER EDGAR:** Thank you.

9 And Section XIV, rulings.

10 **MS. BROWN:** Opening statements should be limited
11 to five minutes per party.

12 **COMMISSIONER EDGAR:** Okay. And I think we are
13 almost done. Anything else regarding this particular
14 docket before we close it out for the day?

15 **MS. KAUFMAN:** Commissioner, I would just make my
16 same request, which is if we do reach complete stipulation
17 in the 07 docket, FIPUG would ask to be excused. If we
18 don't, we'll have someone here on our behalf.

19 **COMMISSIONER EDGAR:** I'll look forward to seeing
20 you then, but I'm sure that there will be discussions
21 later. Thank you. So noted. And the staff will
22 coordinate with the Chairman's office.

23 Yes, sir.

24 **CAPTAIN JUNGELS:** I would like to make that same
25 request for FEA.

1 **COMMISSIONER EDGAR:** Okay. So noted. Thank
2 you.

3 Okay. Any other matters? Then we will close
4 out the 07 docket for today. Staff will make the changes
5 as we have discussed. Any other matters before we close
6 out completely?

7 Seeing none. Thank you to the staff. Thank you
8 to all the parties. And we adjourned.

9 **MR. BUTLER:** Thank you, Commissioner.

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STATE OF FLORIDA)

COUNTY OF LEON)


: CERTIFICATE OF REPORTER

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

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

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

DATED THIS 20th day of January, 2011.



JANE FAUROT, RPR
Official FPSC Hearings Reporter
(850) 413-6732