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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20210002-EG

ENERGY CONSERVATION COST
RECOVERY CLAUSE

_____ /

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: COMMISSIONER ANDREW GILES FAY
PREHEARING OFFICER

DATE: Wednesday, October 13, 2021

TIME: Commenced: 1:00 p.m.
Concluded: 2:15 p.m.

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

REPORTED BY: ANDREA KOMARIDIS WRAY
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
112 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
(850) 894-0828

1 APPEARANCES:

2 MARIA J. MONCADA, and JOEL T. BAKER, ESQUIRES,
3 700 Universe Boulevard, Juno Beach, Florida 33408-0420,
4 appearing on behalf of Florida Power & Light Company.

5 DIANNE M. TRIPLETT, ESQUIRE, 299 First Avenue
6 North, St. Petersburg, Florida 33701; and MATTHEW R.
7 BERNIER, STEPHANIE A. CUELLO, ESQUIRES, 106 East College
8 Avenue, Suite 800, Tallahassee, Florida 32301-7740,
9 appearing on behalf of Duke Energy Florida, LLC.

10 JAMES D. BEASLEY, J. JEFFRY WAHLEN, and
11 MALCOLM N. MEANS, ESQUIRES, Post Office Box 391,
12 Tallahassee, Florida 32302, appearing on behalf of Tampa
13 Electric Company.

14 BETH KEATING, ESQUIRE, 215 South Monroe
15 Street, Suite 601, Tallahassee, Florida 32301-1839,
16 appearing on behalf of Florida Public Utilities Company.

17 RICHARD GENTRY, THE PUBLIC COUNSEL; CHARLES
18 REHWINKEL, DEPUTY PUBLIC COUNSEL; and PATRICIA A.
19 CHRISTENSEN, STEPHANIE A. MORSE, MARY A. WESSLING,
20 ANASTACIA PIRRELLO, ESQUIRES, Office of Public Counsel,
21 c/o The Florida Legislature, 111 West Madison Street,
22 Room 812, Tallahassee, Florida 32399-1400, appearing on
23 behalf of the Citizens of the State of Florida.

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1 APPEARANCES (Continued):

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

6 PETER J. MATTHEIS and MICHAEL K. LAVANGA,
7 ESQUIRES, 1025 Thomas Jefferson Street, NW, Eighth
8 Floor, West Tower, Washington, DC 20007, appearing on
9 behalf of Nucor Steel Florida, Inc.

10 JAMES W. BREW AND LAURA WYNN BAKER, ESQUIRES,
11 1025 Thomas Jefferson Street, NW, Eighth Floor, West
12 Tower, Washington, DC 20007, appearing on behalf of
13 White Springs Agricultural Chemicals, Inc. d/b/a PCS
14 Phosphate - White Springs.

15 GEORGE CAVROS, ESQUIRE, 120 East Oakland Park
16 Boulevard, Suite 105, Oakland Park, Florida 33334, on
17 behalf of Southern Alliance for Clean Energy.

18 WALTER L. TRIERWEILER, ESQUIRE, FPSC General
19 Counsel's Office, 2540 Shumard Oak Boulevard,
20 Tallahassee, Florida 32399-0850, appearing on behalf of
21 the Florida Public Service Commission Staff.

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1 APPEARANCES (Continued):

2 KEITH C. HETRICK, GENERAL COUNSEL; MARY ANNE
3 HELTON, DEPUTY GENERAL COUNSEL, Florida Public Service
4 Commission, 2540 Shumard Oak Boulevard, Tallahassee,
5 Florida 32399-0850, Advisor to the Florida Public
6 Service Commission.

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

2 COMMISSIONER FAY: All right. Good afternoon,
3 everyone. It's 1:00 on October 13th.

4 Staff, please call this hearing to order --
5 read the notice, I should say.

6 MS. OSBORN: By notice issued on October 5th,
7 2021, this time and place has been set for
8 prehearing conferences in Docket Nos. 20210001-EI,
9 20210002-EG, 20210003-GU, 20210004-GU, and
10 20210007-EI.

11 The purpose of these prehearings is set out
12 more fully in the notice.

13 COMMISSIONER FAY: Great. Thank you,
14 Ms. Osborn.

15 We'll now take appearances.

16 MS. OSBORN: Yes, Commissioner. There are
17 five dockets to address today. Staff suggest that
18 all appearances be taken at once. All parties
19 should enter their appearances and declare the
20 dockets that they are entering an appearance for.

21 Several parties will make appearances. After
22 the parties make their appearances, staff will need
23 to make theirs.

24 COMMISSIONER FAY: Okay. Great.

25 We'll start taking appearances. We'll begin

1 Florida Power & Light.

2 MS. MONCADA: Good afternoon, Commissioner.
3 Maria Moncada with Florida Power & Light and Gulf
4 Power Company in the 01, 02, and 07 dockets.

5 I would also like to enter an appearance in
6 the 01 and 07 dockets for Wade Litchfield, Russell
7 Badders, and David Lee; and in the 02 docket, for
8 Joel Baker.

9 Thank you.

10 COMMISSIONER FAY: Great. Thank you.

11 Next, we'll move on to Duke Energy.

12 MS. CUELLO: Good afternoon. This is
13 Stephanie Cuello on behalf of Duke Energy. I would
14 also like to make appearances for Dianne Triplett
15 and Matt Bernier, and that will be in the 01, the
16 02, and the 07.

17 COMMISSIONER FAY: Okay. Great. Thank you.

18 Florida Public Utilities.

19 MS. KEATING: Good afternoon, Commissioner.
20 This is Beth Keating with the Gunster Law Firm here
21 this afternoon in the 01 and 02 dockets for FPUC;
22 in the 03 docket for FPU and also for Florida City
23 Gas. And then, in the 04 docket, I'm here for FPUC
24 Chesapeake and Florida City Gas, as well as
25 Sebring.

1 Also in the 03 docket, I'd like to enter an
2 appearance for Chris Wright and Greg Munson, as
3 well as in the 04 docket, both for Florida City
4 Gas.

5 COMMISSIONER FAY: Okay. Great. Thank you,
6 Ms. Keating. That might be the hardest part of
7 your hearing today. That --

8 MS. KEATING: Seriously.

9 COMMISSIONER FAY: Next, we have TECO.

10 MR. MEANS: Good afternoon, Commissioner.
11 Malcolm Means with the Ausley McMullen Law Firm
12 appearing on behalf of Tampa Electric in the 01,
13 02, and 07 dockets. And I'd also like to enter
14 appearances for Jim Beasley and Jeff Wahlen in
15 these dockets.

16 Thank you.

17 COMMISSIONER FAY: Great.

18 And then we have Peoples Gas.

19 MR. BROWN: Andy Brown of the Law Firm of
20 Macfarlane, Ferguson, McMullen in Tampa, on behalf
21 of Peoples Gas.

22 COMMISSIONER FAY: Okay. We have granted
23 excusal for St. Joe Natural Gas Company.

24 So, next we have Sebring. Anybody appearing
25 for Sebring Gas?

1 Beth, did you already mention it?

2 MS. KEATING: I did, Commissioner.

3 COMMISSIONER FAY: Okay. Great. Thank you.

4 MS. KEATING: I apologize. Yes.

5 COMMISSIONER FAY: OPC.

6 MS. WESSLING: Thank you, Commissioner. This
7 is Ali Wessling with the Office of Public Counsel.
8 And, for all of the dockets, I'd like to enter an
9 appearance as well for Richard Gentry, Charles
10 Rehwinkel, Stephanie Morse, Patricia Christensen,
11 and Anastacia Pirrello.

12 COMMISSIONER FAY: Great. Thank you,
13 Ms. Wessling.

14 Next is FIPUG.

15 MR. MOYLE: Good afternoon. Jon Moyle with
16 the Moyle Law Firm on behalf of the Florida
17 Industrial Power Users Group. I'd also like to
18 enter an appearance for Karen Putnal with our firm.
19 And we are appearing in the 01, 02, and 07 dockets.

20 COMMISSIONER FAY: Great. Thank you.

21 PCS Phosphate.

22 MR. BREW: Yes, good afternoon, Commissioner.
23 For White Springs Agricultural -- Agricultural
24 Chemicals, PCS Phosphate, I am James Brew. I'd
25 like to also note an appearance for Laura Wynn

1 Baker. And we are appearing in the 01, 02, and 07
2 dockets.

3 COMMISSIONER FAY: Okay. Great. Thank you,
4 Mr. Brew.

5 Nucor?

6 MR. LAVANGA: Yes, good afternoon,
7 Commissioner. I'm Mike Lavanga of the Law Firm of
8 Stone, Mattheis, Xenopoulos & Brew, appearing today
9 on behalf of Nucor Steel Florida, Inc. I'd also
10 like to enter an appearance for Peter Mattheis, and
11 we are here today in the 01, 02, and 07 dockets.

12 COMMISSIONER FAY: Great. Thank you.

13 Next, we have Mr. Cavros on the line.

14 Mr. Cavros, are you there?

15 MR. CAVROS: Good afternoon, Commissioner.
16 George Cavros appearing remotely today on behalf of
17 Southern Alliance for Clean Energy in the 02
18 docket.

19 COMMISSIONER FAY: Okay. Great. Thank you,
20 Mr. Cavros.

21 Next, we have Commission staff.

22 MS. OSBORN: For the 02 docket will be Walt
23 Trierweiler; the 03 docket is myself, Stefanie-Jo
24 Osborn; for the 04 docket is Matthew Jones and Lee
25 Eng Tan; for the 07 docket is Charles Murphy and

1 Jacob Imig; and for the 01 docket is Suzanne
2 Brownless.

3 COMMISSIONER FAY: Okay. Great. Thank you.
4 Next --

5 MS. HELTON: And --

6 COMMISSIONER FAY: Go ahead.

7 MS. HELTON: Mary Anne Helton is here as your
8 advisor for all of the dockets. I'd also like to
9 enter an appearance for your general counsel, Keith
10 Hetrick.

11 COMMISSIONER FAY: Okay. Any -- any parties
12 that we missed?

13 MR. PERRY: Yeah, Commissioner, on behalf of
14 the Florida Retail Federation, my name is Timothy
15 Perry with the firm of Gardner, Bist, Bowden, Dee,
16 LaVia, Wright, Perry & Harper. And I'd also like
17 to enter an appearance for Schef Wright and Jay
18 LaVia, with my firm.

19 COMMISSIONER FAY: Okay. Great. Thanks,
20 Mr. Perry. And I -- I'm presuming you're for the
21 01 docket?

22 MR. PERRY: That's correct, for the 01 docket.

23 COMMISSIONER FAY: Okay.

24 MR. PERRY: And we filed a motion to intervene
25 yesterday.

1 COMMISSIONER FAY: Okay. Great. Thank you.

2 So, next we will move into the dockets. We'll
3 start with 02 -- we'll be doing 02, 03, 04, 07, and
4 then 01 last.

5 I'd like to start -- Mr. Trierweiler, how are
6 you?

7 MR. TRIERWEILER: I'm doing great.

8 COMMISSIONER FAY: There you are. Okay. Go
9 ahead.

10 MR. TRIERWEILER: We don't have any
11 preliminary matters at this time, so we can move
12 into the draft prehearing order.

13 COMMISSIONER FAY: Okay. Great.

14 And I -- I think that you worked through some
15 stipulations on this. I'll probably move through
16 this docket fairly quickly.

17 If any of the parties do have an issue in a
18 section that I'm going through, please just speak
19 up to -- to grab my attention and we'll make sure
20 we -- we give you the time to speak on that -- that
21 section.

22 So, with that, I will walk through each one,
23 starting with Section I, Case Background.

24 Section II, Conduct of Proceedings.

25 And Section III, Jurisdiction.

1 Section IV, Procedure for Handling
2 Confidential Information.

3 Section V, Prefiled Testimony and Exhibits and
4 Witnesses.

5 Staff?

6 MR. TRIERWEILER: Staff suggests that, for any
7 witnesses who are not excused, that their summary
8 of their testimony be no longer than three minutes.

9 COMMISSIONER FAY: Great.

10 All parties agree with that?

11 MS. MONCADA: Yes.

12 COMMISSIONER FAY: Okay. Great.

13 Section VI, order of witnesses.

14 MR. TRIERWEILER: If stipulations of issues
15 and witness testimony can be reached, staff will
16 confirm with each Commissioner whether such
17 witnesses can be excused.

18 If no Commissioner has a question of a
19 stipulated witness, the witness may be excused from
20 the hearing and his or her testimony and exhibits
21 entered into the record at the hearing, as though
22 read.

23 The OEP requires that each party take a
24 position at the prehearing conference unless good
25 cause can be shown why they can't do so. If a

1 party's position in the draft prehearing order is
2 listed as "no position at this time", that party
3 must change it today or show good cause why it
4 can't take a position.

5 Absent a showing of good cause, the prehearing
6 order will reflect "no position" for that party on
7 that issue. If parties have not taken a position
8 or wish to change a position, staff suggests that
9 they be allowed to do so by tomorrow at noon.

10 A "no position" on an issue prohibits any
11 party from cross-examining witnesses with regard to
12 those issues or briefing on those issues.

13 COMMISSIONER FAY: Great.

14 Do the parties have any -- well, we'll stay
15 with that. We'll move on to Basic Positions,
16 Section VII, if there are no issues with that.
17 Basic positions -- do the parties have any changes?

18 Okay. We'll move to on Section VIII, Issues
19 and Positions.

20 Mr. Trierweiler?

21 MR. TRIERWEILER: Issues and positions are
22 included in the draft prehearing order.

23 COMMISSIONER FAY: Great.

24 Any other issues that need to be discussed?

25 MS. WESSLING: Commissioner, is this the right

1 time to announce issues starting with Issue 1, if
2 we've changed them?

3 COMMISSIONER FAY: So -- yeah, if -- if you do
4 have language you want or -- or a specific change
5 you want to make at this time, it's something you
6 can address, but I'd also encourage you to include
7 the language and submit it by clo- -- by noon
8 tomorrow.

9 MS. WESSLING: Certainly.

10 COMMISSIONER FAY: Okay. So, go ahead.

11 MS. WESSLING: So, for -- on behalf of OPC for
12 Issue 1, we would be willing to facilitate a Type 2
13 stipulation. And that would also apply to
14 Issues 2, 3, 4, and 5.

15 And, for Issue 6, we will provide a revised
16 position no later than noon tomorrow.

17 COMMISSIONER FAY: Okay.

18 MS. WESSLING: For Issue 7, we would stipulate
19 to the effective date that the other parties have
20 mentioned.

21 And on Issue 8, we'd be willing to enter into
22 a Type 1 stipulation, as well as on Issue 9, a
23 Type 1 stipulation.

24 And for Issue 10, we would change our position
25 to simply "no position."

1 COMMISSIONER FAY: Okay. Is that all,
2 Ms. Wessling?

3 MS. WESSLING: Yes, sir.

4 COMMISSIONER FAY: Okay. Great.

5 Any -- any other parties have any other
6 matters?

7 MR. MEANS: Commissioner, we'd like to make
8 one oral modification to our position on Issue 4.

9 COMMISSIONER FAY: Okay.

10 MR. MEANS: That's the issue that asked about
11 the total amount to be collected next year. We'd
12 like to provide a number, in the event that the
13 Commission approves the settlement agreement in
14 Tampa Electric's pending rate case.

15 But I can provide the exact language in
16 writing to staff, as you suggested a moment ago.

17 COMMISSIONER FAY: Okay. And this is for
18 Issue No. 4, Mr. Means?

19 MR. MEANS: Yes, sir.

20 COMMISSIONER FAY: Okay. Great. Yeah, just
21 make sure you have it to them by noon tomorrow.
22 Thank you.

23 MR. BREW: Commissioner?

24 COMMISSIONER FAY: Yes, Mr. Brew.

25 MR. BREW: I just wanted to note that, to the

1 extent that PCS's positions agree with OPC, that
2 they stay in agreement with the OPC with the
3 changes that Ms. Wessling just discussed.

4 COMMISSIONER FAY: Okay. Great. Thank you
5 for that clarification.

6 MR. MOYLE: Ditto -- ditto for FIPUG.

7 COMMISSIONER FAY: Okay. Thank you,
8 Mr. Moyle.

9 All right. Any other parties?

10 All right. With that, we will move on to
11 Section IX, exhibit list.

12 Staff?

13 MR. TRIERWEILER: Staff has prepared a
14 comprehensive exhibit list that includes all
15 prefiled exhibits and also includes those exhibits
16 staff wishes to include in the record.

17 COMMISSIONER FAY: Great.

18 Section X, Proposed Stipulations.

19 Staff.

20 MR. TRIERWEILER: We have a proposed-
21 stipulation list that's circulating, but we don't
22 have enough agreement to discuss it at this time.

23 COMMISSIONER FAY: All righty. Section XI,
24 Pending Motions.

25 MR. TRIERWEILER: There are none.

1 COMMISSIONER FAY: Section XII, Pending
2 Confidentiality.

3 MR. TRIERWEILER: None.

4 COMMISSIONER FAY: And Section XIII, Post-
5 hearing Procedures.

6 MR. TRIERWEILER: If there is no bench
7 decision, staff recommends post-hearing briefs be
8 no longer than 40 pages.

9 COMMISSIONER FAY: Okay. Any issues from the
10 parties on that?

11 All right. Section XIV, rulings.

12 MR. TRIERWEILER: Staff recommends that the
13 prehearing officer make a ruling that opening
14 statements, if any, should not exceed three minutes
15 per party, unless any party chooses to waive its
16 opening statement.

17 Staff recommends that the prehearing officer
18 make a ruling that witness summaries be limited to
19 three minutes per witness.

20 All cross-examination exhibits that a party
21 intends to use at the hearing must be provided to
22 the Commission Clerk by the close of business on
23 October 25, 2021, in order to be processed and made
24 available digitally.

25 Attachment A to the draft prehearing order

1 explains the process for the parties to follow when
2 providing cross-examination exhibits to the clerk.

3 Exhibits that are prefiled and designated as
4 cross-examination or impeachment exhibits shall not
5 be viewed by opposing witnesses or opposing counsel
6 or otherwise have their contents or identity
7 communicated to such witnesses or counsel.

8 COMMISSIONER FAY: Great. Thank you,
9 Mr. Trierweiler.

10 All parties in agreement?

11 All right. Any other matters?

12 MR. TRIERWEILER: Any edits to the draft
13 prehearing order will be circulated to the parties
14 for review before the order will be issued. The
15 comprehensive exhibit list has already been
16 circulated.

17 COMMISSIONER FAY: Great.

18 Any other matters from the parties?

19 Okay. With that, we'll conclude the
20 prehearing for the 02 docket and move into the 03
21 docket.

22 (Docket concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, ANDREA KOMARIDIS WRAY, Court Reporter, 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 27th day of October, 2021.



ANDREA KOMARIDIS WRAY
NOTARY PUBLIC
COMMISSION #HH 089181
EXPIRES February 9, 2025