

1 **APPEARANCES:**

2 NORMAN H. HORTON, JR., Messer, Caparello &
3 Self, P.A., Post Office Box 1876, Tallahassee,
4 Florida 32302-1876, appearing on behalf of Florida
5 Public Utilities Company (FPUC).

6 JAMES A. MCGEE, Post Office Box 14042,
7 3201 34th Street South, St. Petersburg, Florida
8 33733, appearing on behalf of Florida Power
9 Corporation (FPC).

10 JEFFREY A. STONE and RUSSELL A. BADDERS,
11 Beggs & Lane, 700 Blount Building, 3 West Garden
12 Street, Post Office Box 12950, Pensacola, Florida
13 32576-2950, appearing on behalf of Gulf Power
14 Company (GULF).

15 JAMES D. BEASLEY, Ausley & McMullen, Post
16 Office Box 391, Tallahassee, Florida 32302,
17 appearing on behalf of Tampa Electric Company
18 (TECO).

19 VICKI GORDON-KAUFMAN, McWhirter Reeves Law
20 Firm, 117 South Gadsden Street, Tallahassee, Florida
21 32301, appearing on behalf of Florida Industrial
22 Power Users Group (FIPUG).

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1 APPEARANCES CONTINUED:

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

6 STEPHEN C. BURGESS, Deputy Public Counsel,
7 Office of Public Counsel, 111 West Madison Street,
8 Room 812, Tallahassee, Florida 32399-1400, appearing
9 on behalf of the Citizens of the State of Florida
10 (OPC).

11 COCHRAN KEATING, Florida Public Service
12 Commission, Division of Legal Services, 2540 Shumard
13 Oak Boulevard, Tallahassee, Florida 32399-0870,
14 appearing on behalf of the Commission Staff (STAFF).

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P R O C E E D I N G S

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COMMISSIONER JABER: Mr. Keating, why don't you go ahead and read the notice?

MR. KEATING: Pursuant to notice issued September 29th, 2000, and amended October 6th, 2000, this time and place have been set for a prehearing conference in Docket Number 000001-EI, fuel and purchased power cost recovery clause and generating performance incentive factor; Docket Number 000002-EG, energy conservation cost recovery clause; Docket Number 000003-GU, purchased gas adjustment true-up; and Docket Number 000007-EI, environmental cost recovery clause.

COMMISSIONER JABER: Docket 1, let's take appearances.

MR. HORTON: Norman H. Horton, Jr., of Messer, Caparello & Self, Post Office Box 1876, Tallahassee, on behalf of Florida Public Utilities Company.

MR. BEASLEY: I'm James D. Beasley with the law firm of Ausley & McMullen, P. O. Box 391, Tallahassee, Florida 32302. I'm representing Tampa Electric Company.

MR. McGEE: James McGee, Post Office Box 14042, St. Petersburg, 33733, on behalf of Florida Power Corporation.

MR. STONE: Jeffrey A. Stone and Russell A. Badders of Beggs & Lane. The address is as listed in the

1 draft prehearing order, and we're appearing on behalf of
2 Gulf Power Company.

3 MR. CHILDS: Matthew Childs, firm of Steel,
4 Hector & Davis, appearing on behalf of Florida Power &
5 Light Company.

6 MR. BURGESS: Steve Burgess with the Office of
7 Public Counsel, representing the citizens of the state of
8 Florida.

9 MS. GORDON-KAUFMAN: Vicki Gordon-Kaufman of the
10 McWhirter Reeves Law Firm, 117 South Gadsden Street,
11 Tallahassee, 32301, appearing on behalf of the Florida
12 Industrial Power Users Group.

13 MR. KEATING: Cochran Keating, appearing on
14 behalf of Commissioner Staff.

15 COMMISSIONER JABER: All right. Mr. Keating,
16 any preliminary matters in this docket?

17 MR. KEATING: I don't believe so. I know TECO
18 filed some modifications to the prehearing statement
19 yesterday. Those aren't reflected in the draft prehearing
20 order. I suppose we could get to those changes as we go
21 through the issues in the draft prehearing order.

22 Staff has also been able to take some updated
23 positions based on discovery just received in the last few
24 days. It's not reflected in the prehearing order -- in
25 the draft prehearing order. I believe those have all been

1 handed out. Copies of those have been handed out to the
2 parties, to the court reporter, and hopefully to you as
3 well.

4 COMMISSIONER JABER: Let's make sure so that
5 we're not -- we don't interrupt the middle of this.

6 MR. KEATING: All right.

7 COMMISSIONER JABER: You handed me revised
8 positions on -- Staff -- revised positions on 13E, 13G?

9 MR. KEATING: Yes.

10 COMMISSIONER JABER: Issue 7?

11 MR. KEATING: Yes.

12 COMMISSIONER JABER: Issue 20?

13 MR. KEATING: Yes.

14 COMMISSIONER JABER: And Issue 21?

15 MR. KEATING: That's correct.

16 COMMISSIONER JABER: Any parties need those
17 revised positions? Do we need additional copies; is
18 that -- do you mind if we take five minutes off the
19 record?

20 (Brief recess.)

21 COMMISSIONER JABER: Let's go back on the
22 record. All right. Mr. Keating, you could read the
23 position for Issue 20, the revised position, when we get
24 to Issue 20.

25 MR. KEATING: I will.

1 COMMISSIONER JABER: All right. Any changes to
2 Page 2 of the draft prehearing order? Page 3. Page 4.
3 Page 5.

4 MR. KEATING: If you'll note just for
5 informational purposes on Page 5, we have included
6 language similar to the other dockets that have come up
7 thus far discussing the possibility of witnesses being
8 excused if no Commissioners on the panel have questions
9 for those witnesses. Right now, we can't identify until
10 we go through the issues any of -- the issues are
11 stipulated, so none of those witnesses are yet marked for
12 being excused.

13 COMMISSIONER JABER: Okay. Any changes to
14 Page 6?

15 MR. BEASLEY: Commissioner, on the issues list
16 for Witness J. Denise Jordan at the bottom of the page --

17 COMMISSIONER JABER: Yes.

18 MR. BEASLEY: -- we can insert Issue 10, I
19 believe, next to Issue 13D.

20 COMMISSIONER JABER: That's fine. Any other
21 changes to that page? Page 7.

22 MR. BEASLEY: Commissioner, on --

23 COMMISSIONER JABER: Jim, you need to put your
24 mic on.

25 MR. BEASLEY: Thank you. If you would, please

1 add Issue 4 in front of Issue 14 for Mr. Buckley; strike
2 Issue 9 for Mr. Brown. And then as Cochran Keating
3 indicated, we filed some revised corrections to our
4 issues. I have an extra copy of that if you do not have
5 it there.

6 COMMISSIONER JABER: I have it. Thank you.

7 MR. BEASLEY: In our statement of position,
8 basic position, about a little close to halfway down where
9 that number is 0.202, that needs to be changed to 0.199.

10 COMMISSIONER JABER: All right. The corrections
11 are noted.

12 MR. BURGESS: Commissioner, for OPC, I would
13 prefer to just have none as our --

14 COMMISSIONER JABER: Basic position?

15 MR. BURGESS: -- basic position, yes. Thank
16 you.

17 COMMISSIONER JABER: Any other changes to Page
18 7?

19 Mr. Keating, so that I don't forget to do this
20 later, the correct positions filed by TECO November 2nd
21 need to be incorporated in the prehearing order.

22 MR. KEATING: They will.

23 COMMISSIONER JABER: Changes to Page 8? Changes
24 to Page 9?

25 MR. BURGESS: To Page 8, Commissioner, I would

1 like OPC's position to accept Staff's position.

2 COMMISSIONER JABER: Under Issue 1, OPC accepts
3 Staff position.

4 MR. STONE: Commissioner, under Gulf, there's an
5 apparent typo. The -- instead of a decimal point, it
6 should be a comma in front of the 661.

7 COMMISSIONER JABER: Thank you.

8 MS. GORDON-KAUFMAN: Commissioner, FIPUG takes
9 no position on Issue 1.

10 COMMISSIONER JABER: No position, period?

11 MS. GORDON-KAUFMAN: Yes, ma'am.

12 MR. KEATING: Commissioner Jaber, if we could go
13 through the pages containing the issues, I think we can
14 perhaps get an indication from the parties if we can
15 stipulate to those issues. I think it would be maybe
16 easier to go through issue by issue from here on.

17 COMMISSIONER JABER: All right. Fine. Any
18 other changes to Issue 1?

19 MR. KEATING: I believe that Staff is in
20 agreement with the -- well, Staff believes that we can
21 stipulate Issue 1 as to all the utilities. We had taken
22 no position for Florida Power & Light, and it's my
23 understanding that we now agree with the position that was
24 taken by Florida Power & Light listed in -- listed above
25 there in this page.

1 So unless TECO -- or I'm sorry, unless FIPUG or
2 Public Counsel have an objection -- I believe FIPUG has
3 taken no position, and Public Counsel agrees with Staff.

4 COMMISSIONER JABER: What he's saying is, the
5 numbers seem to match now. So unless the two of you have
6 any objections, we're going to reflect that Issue 1 is a
7 stipulated issue.

8 MS. GORDON-KAUFMAN: I have no objection.

9 MR. BURGESS: No objection.

10 COMMISSIONER JABER: All right. Mr. Keating,
11 Issue 2, changes, corrections?

12 MR. BURGESS: Commissioner, OPC would accept
13 Staff's position.

14 MR. BEASLEY: Commissioner, Tampa Electric has
15 filed yesterday the corrected number for that issue for
16 Tampa Electric. It's \$34,058,660 underrecovery.

17 MR. KEATING: And with that correction, Staff
18 will change its position as to Florida Power & Light to
19 the position stated by Florida Power & Light, \$518,005,376
20 underrecovery, and I believe that issue could be shown as
21 stipulated as well.

22 COMMISSIONER JABER: Ms. Kaufman, did you have a
23 change to your position on Issue 2? Does it need to say
24 no position?

25 MS. GORDON-KAUFMAN: Yes, ma'am, we take no

1 position.

2 COMMISSIONER JABER: And with that, do you and
3 Mr. Burgess object to reflecting Issue 2 as a stipulated
4 issue?

5 MS. GORDON-KAUFMAN: No objection.

6 MR. BURGESS: We do not.

7 COMMISSIONER JABER: Mr. Keating, that's a
8 stipulated issue. Issue 3.

9 MR. KEATING: Staff would change its position as
10 to Florida Power & Light -- it's on Page 10 -- to read
11 \$518,005,376 underrecovery. If the Commission approves
12 Staff's position in Issue 11A, FPL should collect
13 \$259,002,688 during calendar year 2001. And with that
14 change, I believe Issue 3 could be shown as stipulated.

15 COMMISSIONER JABER: All right. Hold on.
16 Mr. Burgess, do you have any changes to your position?

17 MR. BURGESS: We would accept Staff's position.

18 MS. GORDON-KAUFMAN: And we would take no
19 position for FIPUG.

20 COMMISSIONER JABER: Parties, any changes to
21 Issue 3? Okay. Mr. Burgess and Ms. Kaufman, I think with
22 that we can reflect Issue 3 as a stipulated issue.

23 MR. BURGESS: Correct.

24 COMMISSIONER JABER: Changes to Issue 4?

25 MR. BURGESS: Issue 4, Public Counsel accepts

1 Staff's position.

2 MS. GORDON-KAUFMAN: FIPUG takes no position.

3 MR. KEATING: And perhaps before Public Counsel
4 accepts Staff's position, I better make our change on that
5 one. With respect to Florida Power Corporation, we will
6 be changing our position to no position at this time.
7 It's my understanding that Florida Power will be
8 submitting some new schedules reflecting a smaller GPIF
9 reward and that this number is affected -- I believe we
10 can -- I believe that's something that can be stipulated
11 to. And perhaps if we get agreement after the prehearing,
12 if we could show that as a -- if we agree with Florida
13 Power Corporation, we could show that as stipulated as to
14 them.

15 We still have no position with respect to
16 Florida Power & Light. So I believe as far as Issue
17 4 goes, it could be shown as stipulated as to all the
18 companies except for Florida Power Corporation and Florida
19 Power & Light as of today.

20 COMMISSIONER JABER: Mr. Burgess, do you want to
21 go back to no position pending evidence adduced at hearing
22 or --

23 MR. BURGESS: It could be -- it sounds like it
24 can be stipulated. We don't have a position.

25 COMMISSIONER JABER: If you have a change in the

1 next couple of days based on what Staff finds out, just
2 articulate that to Mr. Keating.

3 MR. BURGESS: Thank you.

4 COMMISSIONER JABER: And all the positions can
5 be reflected in the prehearing order, Cochran.

6 MR. KEATING: And let me make a correction to
7 Staff's position with regard to FPL. It's my
8 understanding that we agree with Florida Power & Light's
9 position stated on this issue, and it's 2.925 cents per
10 kilowatt hour.

11 COMMISSIONER JABER: All right.

12 MR. KEATING: So that could be shown as
13 stipulated with respect to everyone but Florida Power
14 Corporation right now.

15 COMMISSIONER JABER: And what are you waiting on
16 from Florida Power Corporation?

17 MR. KEATING: It's my understanding that Florida
18 Power will be submitting some new schedules that reflect a
19 smaller GPIF reward amount that has some fall-out effect
20 on the levelized fuel cost recovery factor that we're --

21 COMMISSIONER JABER: When do you expect that
22 information?

23 MR. MCGEE: I can provide that number today.
24 The filing will either be here this afternoon or on Monday
25 morning.

1 COMMISSIONER JABER: This afternoon or tomorrow
2 morning?

3 MR. McGEE: Monday --

4 COMMISSIONER JABER: Monday morning.

5 MR. McGEE: Monday morning; right. I think when
6 we get to that GPIF issue if we can reach a stipulation
7 with Staff, and I think there's a pretty good chance of
8 that, then this Issue 4 is really kind of a fall-out
9 issue.

10 COMMISSIONER JABER: All right. We'll leave it
11 as it is, Mr. Keating, for now, and if a stipulation
12 results, just make the changes in the prehearing order.

13 MR. KEATING: Okay.

14 COMMISSIONER JABER: Issue 5.

15 MR. BURGESS: Commissioner, we'll agree with
16 Staff or any number of the parties here that seem to be in
17 pretty much a substantive agreement.

18 COMMISSIONER JABER: Any other changes to Issue
19 5?

20 MS. GORDON-KAUFMAN: Yes, FIPUG will agree with
21 Staff as well.

22 MR. KEATING: Issue 5 then, I believe, could be
23 shown as stipulated.

24 COMMISSIONER JABER: Any objections to showing
25 Issue 5 as a stipulated issue? Issue 6.

1 MR. BURGESS: Commissioner, we'll accept Staff's
2 position on this as well.

3 MS. GORDON-KAUFMAN: FIPUG takes no position.

4 COMMISSIONER JABER: Any other changes?

5 MR. KEATING: I believe that issue could be
6 shown as stipulated as to all of the utilities.

7 COMMISSIONER JABER: Any objection to that?
8 Issue 6 would be a stipulated issue. Mr. Burgess, you
9 don't have an objection to that? Ms. Kaufman?

10 MS. GORDON-KAUFMAN: Huh-uh.

11 MR. BURGESS: No, Commissioner.

12 COMMISSIONER JABER: All right. Issue 7.

13 MR. BURGESS: Commissioner, we take no position.

14 MS. GORDON-KAUFMAN: And FIPUG takes no position
15 also.

16 COMMISSIONER JABER: Is Issue 7 a stipulated
17 issue, Mr. Keating?

18 MR. HORTON: Commissioner?

19 COMMISSIONER JABER: Uh-huh.

20 MR. HORTON: As to Florida Public Utilities, on
21 Page 17, the factors shown on Page 17, those should be
22 changed to reflect the factors as shown in the Staff's
23 position in their handout.

24 COMMISSIONER JABER: Yes. Do you have that,
25 Mr. Keating?

1 MR. KEATING: Yes. And Staff's position in the
2 handout, just to be clear, indicates that we have no
3 position with respect to Florida Power Corporation, but
4 with respect to each of the other utilities, I believe
5 they can be shown as a stipulated issue.

6 COMMISSIONER JABER: Are you waiting for
7 outstanding discovery from Florida Power Corporation and
8 Florida Power & Light?

9 MR. KEATING: I believe that's a fall-out issue
10 that's also affected by Issue 4. And I believe with Issue
11 4, we had that -- we are waiting for the same information
12 from Florida Power Corporation to resolve Issue 4 and
13 Issue 7.

14 COMMISSIONER JABER: All right. So it's quite
15 possible this would be a stipulated issue in the next
16 couple of days?

17 MR. KEATING: I believe so.

18 COMMISSIONER JABER: All right. Issue 8, Page
19 19.

20 MR. BURGESS: Commissioner, on Issue 8, we
21 accept Staff's position.

22 MS. GORDON-KAUFMAN: FIPUG takes no position.

23 MR. KEATING: I believe Issue 8 could then be
24 shown as stipulated.

25 COMMISSIONER JABER: Any objections? Okay. It

1 will be reflected as a stipulated issue. Issue 9.

2 MR. BEASLEY: Commissioners, Tampa Electric
3 would change its position to simply agree with the Staff's
4 memorandum attached.

5 MR. MCGEE: That would be the position of
6 Florida Power. We would be willing to revise our position
7 to indicate that conformance with Staff's in the interest
8 of a stipulation on this issue.

9 COMMISSIONER JABER: Thank you. What's the --
10 what's Staff's memorandum, September 20th, 2000,
11 memorandum to the parties?

12 MR. KEATING: What's included in that? What's
13 the substance of that memorandum?

14 COMMISSIONER JABER: Uh-huh.

15 MR. KEATING: We met with the parties to the
16 fuel docket after -- well, it was actually just before the
17 Commission shareholder incentive order was issued but
18 after the decision was made at agenda. We felt that we
19 needed to work out an implementation methodology, how we
20 were going to put into practice the shareholder incentive
21 mechanism that the Commission had approved. What we've
22 done, beginning with the numbered paragraphs -- this is on
23 Page 45, marked Exhibit A of the draft prehearing order.

24 COMMISSIONER JABER: Cochran, I can't hear you.

25 MR. KEATING: I'm sorry. The second set of

1 numbered paragraphs starting at the bottom of the
2 first page beginning with 1, going on to the second page,
3 two, three, four, five, six, and on the third page,
4 seven, sets forth the methodology that Staff proposed at
5 that meeting, and actually this memorandum came out of the
6 meeting after discussion with the companies. This is
7 essentially what Staff had proposed, and we believe it's
8 an appropriate methodology to implement that shareholder
9 incentive mechanism.

10 COMMISSIONER JABER: Should this be an exhibit,
11 or have you all identified it and agreed to it coming into
12 the record as an exhibit?

13 MR. KEATING: As a hearing exhibit?

14 COMMISSIONER JABER: Uh-huh.

15 MR. KEATING: We have identified it in the
16 exhibits portion of the draft prehearing order as an
17 exhibit.

18 COMMISSIONER JABER: Point that out to me when
19 we get there. All right.

20 MS. GORDON-KAUFMAN: Commissioner Jaber, just so
21 it's clear on Issue 9, we do not agree with that
22 memorandum. We don't have a stipulation. In fact, we
23 have filed a protest of the order that is supposed to be
24 being implemented through this memorandum.

25 COMMISSIONER JABER: All right.

1 MS. GORDON-KAUFMAN: And we do not agree. We
2 were at that meeting, but I think as Mr. Keating said, the
3 order came out after the meeting, and after we reviewed
4 it, we did file a protest to it.

5 COMMISSIONER JABER: Well, it's not going to be
6 a stipulated issue, but thanks.

7 MS. GORDON-KAUFMAN: Well, I just raised that
8 because in discussing it I don't know that it's an issue
9 on which there's any testimony. It's more of a legal
10 issue in terms of what the effect of our protest is and
11 whether or not the Commission can implement a PAA order
12 that has been protested. And, of course, we would say
13 that you could not and that matter remains pending.

14 MR. CHILDS: One observation, I don't think my
15 comment is going to resolve it, but I would point out that
16 only a portion of that order was PAA.

17 MS. GORDON-KAUFMAN: Right, I agree.

18 MR. CHILDS: And so it was --

19 MS. GORDON-KAUFMAN: Yeah, I agree, only a
20 portion of it was PAA, and it's the portion that seeks to
21 implement it, and that's what we protested.

22 COMMISSIONER JABER: All right. Well, with
23 respect to the issue, obviously, it's staying in, and it's
24 not a stipulated issue, but I understand your point.

25 MS. GORDON-KAUFMAN: Thank you.

1 COMMISSIONER JABER: And I think that you
2 appreciate that only a portion of the order is PAA.
3 Mr. Childs, I think that's exactly what she was talking
4 about.

5 MR. CHILDS: Okay.

6 COMMISSIONER JABER: Mr. Burgess, it looked like
7 you had something you were going to say.

8 MR. BURGESS: No, I was coughing.

9 COMMISSIONER JABER: All right. Any other
10 changes to Issue 9? Issue 10.

11 MR. BEASLEY: Commissioners, the PAA portion of
12 that order is the treatment of this and not how to
13 implement it, and we would urge that this issue can, in
14 fact, go forward and be decided by the Commission without
15 intruding upon FIPUG's rights under the protest that it
16 filed against that portion of the order.

17 COMMISSIONER JABER: You mean as a bench
18 decision?

19 MR. BEASLEY: Yes, ma'am.

20 COMMISSIONER JABER: That will be decided at the
21 hearing.

22 MR. BURGESS: Commissioner, with regard to Issue
23 10, OPC would agree with FIPUG.

24 COMMISSIONER JABER: Let me come back to Staff.
25 I didn't mean to leave you out on Issues 9 and 10. It's

1 my inclination to leave Issues 9 and 10 the way they are,
2 and however they will be resolved, we'll resolve at the
3 hearing.

4 MR. KEATING: Okay. Yeah. We believe that the
5 issues are appropriate for resolution at the hearing as
6 they are stated. I think we have some disagreement with
7 FIPUG as to the effect of their motion for clarification
8 and protested portion of -- the PAA portion of the order
9 implementing or adopting the shareholder incentive
10 mechanism. And I suppose -- it seems to me that when I
11 first read through FIPUG's positions on these issues, to
12 me it raised the question of whether these should be
13 issues in the hearing or not. It's sort of a threshold
14 question, and maybe -- I'm just throwing this out. I
15 don't know if we want to identify a separate issue.

16 COMMISSIONER JABER: For?

17 MR. KEATING: For -- should we go forward
18 implementing the shareholder incentive mechanism given
19 that there's a protest or just hear that under the
20 existing issues?

21 COMMISSIONER JABER: Oh, as a sperate legal
22 issue? I think it's inherent in Issues 9 and 10, I really
23 do. I think it's in there.

24 MR. KEATING: Okay.

25 COMMISSIONER JABER: And certainly Ms. Kaufman

1 is capable of bringing it out. No, I'd leave it in, and
2 I'm not inclined to add any more issues. To the degree
3 that there are legal parts to that issue, you know, I
4 think that you can bring it out.

5 When are you all taking a recommendation to
6 agenda on the motion for reconsideration and motion for
7 clarification?

8 MR. KEATING: On the November I believe it's the
9 28th agenda is the next agenda that we can take it to. So
10 that is the week following the hearing in this docket.

11 COMMISSIONER JABER: Okay. Anything else on
12 Issues 9 or 10? Issue 11A.

13 MR. BEASLEY: Commissioner, if I could inquire
14 as to FIPUG and OPC's position on Issue 10?

15 COMMISSIONER JABER: OPC agreed with FIPUG on
16 Issue 10.

17 MR. BURGESS: Correct.

18 COMMISSIONER JABER: Mr. Burgess, did you file a
19 motion for reconsideration of that order?

20 MR. BURGESS: No. We filed a response to
21 FIPUG's motion for reconsideration.

22 COMMISSIONER JABER: All right. Issue 11A.

23 MR. KEATING: Commissioner, before we go on to
24 Issue 11A, it is my understanding that -- and I hate to
25 speak for Gulf, but they may have a change to their

1 position on that issue.

2 COMMISSIONER JABER: On Issue 11A?

3 MR. KEATING: On Issue 10.

4 COMMISSIONER JABER: Oh, Issue 10. Mr. Stone,
5 do you have a different position on Issue 10 now?

6 MR. STONE: We agree with Staff. We will change
7 our number to agree with Staff.

8 COMMISSIONER JABER: Thank you.

9 MR. BEASLEY: Commissioner, one further
10 clarification on Issue 10. Given OPC and FIPUG's
11 position, and that is whether their concern about Issue 10
12 is solely the legal argument that was presented, or
13 whether they have any difficulty with the numbers, or just
14 the raw calculations that produced those numbers?

15 MR. BURGESS: I don't -- I mean, if the question
16 is posed to me, my understanding is that at this point, we
17 have a controversy on the issue as stated. We've taken a
18 position to give an indication as to where we stand on the
19 issue, but if it's an open issue, that aspects -- all
20 aspects of the issue are open.

21 COMMISSIONER JABER: Well, that brings up a good
22 question then. Is the issue worded as concisely as it
23 could be? I understand Mr. Beasley's point. If it's, you
24 know -- let's try to narrow it down. Your concern, is it
25 one of implementation or --

1 MR. BURGESS: No. At this point it is as
2 FIPUG's position states it, but it's my understanding that
3 then as we go forward through a hearing with the general
4 process, as we go forward through the hearing with an open
5 issue, that parties who have an issue stated are not
6 precluded from taking some other approach subsequent to
7 the evidence that's produced at the hearing.

8 MS. GORDON-KAUFMAN: I would agree with that.

9 COMMISSIONER JABER: But in the next couple of
10 days, why don't you all talk and see if there is a change
11 to the issue that is necessary that may accommodate what
12 some of your concern is.

13 MR. BEASLEY: All we're wanting to do is avoid
14 bringing people up here if there's not going to be any
15 question about the calculation, and the only concern is
16 that -- the concern expressed by FIPUG in the prehearing
17 statement.

18 COMMISSIONER JABER: Yeah, I think Mr. Burgess
19 and Ms. Kaufman understood that.

20 MR. KEATING: I'd like to make one correction
21 before we go on to the company-specific fuel issues. I
22 apologize for this. I need to go back to Issue 4 and to
23 Issue 7. I've been informed that those are fall-out --
24 well, that those issues may be affected by the resolution
25 of Issues 9 and 10. And because those issues are not

1 stipulated, perhaps we shouldn't -- we can't show those as
2 stipulated yet, although I can convey that the Staff
3 agrees with the companies' positions on the issues, but
4 depending on what happens with Issues 9 and 10 --

5 COMMISSIONER JABER: Okay. Issues 4 and 7 are
6 dependent upon the resolution of Issues 9 and 10; is that
7 correct?

8 MR. KEATING: That's my understanding.

9 COMMISSIONER JABER: All right. And in that
10 regard, Issues 4 and 7 will not be reflected as stipulated
11 issues but rather fall-out issues dependent upon issues
12 9 and 10.

13 MR. BEASLEY: Commissioner Jaber, I'm informed
14 that Tampa Electric doesn't have any impact from 9 and 10
15 on the actual cost recovery amounts because we don't have
16 any impact to the gains, and therefore, there is no reason
17 to hold up 4 and 7 depending on the outcome of 9 and 10.

18 MR. KEATING: Commissioner Jaber, what I propose
19 is, Staff instead of trying to work through that here at
20 the prehearing, perhaps after the prehearing we can speak
21 with the companies and narrow down, you know, try to pin
22 down as many stipulated issues and witnesses as possible.
23 I don't know. We may need to talk a little more about the
24 exact fall-out effect of Issues 9 and 10.

25 COMMISSIONER JABER: That's fine.

1 MR. HORTON: Commissioner, I was just going to
2 point out, Florida Public Utilities is not -- doesn't have
3 anything in those issues you're talking about. So I think
4 to the extent that the issues are stipulated, as to FPUC
5 they would not be affected by 9 and 10.

6 MR. KEATING: That's correct.

7 COMMISSIONER JABER: Right.

8 MR. CHILDS: I apologize, was Staff saying that
9 they were going to attempt to evaluate the extent to which
10 9 and 10 affected these other issues and get with the
11 parties?

12 COMMISSIONER JABER: No. I think they -- let me
13 try to understand what Mr. Keating is saying. As 4 and
14 7 are worded now and as the positions are worded now, they
15 think it's a stipulated issue with respect to the numbers,
16 but they are hesitant to call it a stipulated issue until
17 they see the resolution to Issues 9 and 10. And in that
18 regard, they would like a little bit of time to meet with
19 the parties and talk about 4, 7, 9, and 10.

20 MR. CHILDS: Okay. Thank you.

21 COMMISSIONER JABER: All right. We're leaving
22 Issue 10. 11A.

23 MS. GORDON-KAUFMAN: On 11A, FIPUG would agree
24 with Staff.

25 MR. KEATING: And, Commissioner, I'd point out

1 on 11A that I believe FPL and Public Counsel's positions
2 respond to a previous version of Issue 11A. It used to
3 read, should the Commission authorize FPL to collect the
4 estimated underrecovery over a two-year period? Well, I'm
5 paraphrasing, and now the issue is worded as, how should
6 the Commissioner authorize FPL to collect its estimated
7 underrecovery? So I think the positions from FPL and
8 Public Counsel that begin with "yes" may be confusing.

9 MR. CHILDS: We should strike the "yes." We
10 would strike the "yes."

11 COMMISSIONER JABER: Mr. Burgess, do you have --

12 MR. BURGESS: For OPC, we would strike the "yes"
13 and say, "over a two-year period or longer."

14 COMMISSIONER JABER: Thank you. Any other
15 changes to 11A?

16 MR. KEATING: I don't believe so. I would
17 ask -- I'm hesitant, but I would ask if we could show this
18 issue as stipulated. And Public Counsel's position is the
19 only one that leads me to believe it may not be
20 stipulated.

21 MR. BURGESS: Yes, we can.

22 COMMISSIONER JABER: When he says, "over a
23 two-year period or longer," it's a stipulated issue. 11B.

24 MR. BURGESS: Commissioner, we would agree with
25 Florida Power & Light.

1 MS. GORDON-KAUFMAN: FIPUG has no position.

2 COMMISSIONER JABER: Staff.

3 MR. KEATING: Staff would like to propose a
4 rewording of the issue, and I believe the positions that
5 are stated would respond to the revised issue as well.
6 And if any of the parties would like to -- that are
7 affected by this would like to think about that a little
8 longer, perhaps we could come back to it. But what we
9 would propose is to remove the words beginning in the
10 second line of the position, "remainder of the." After
11 December 31st, 2000, we would end the sentence with a
12 question mark and delete the remainder of the issue. So
13 the issue --

14 COMMISSIONER JABER: For the record,
15 Mr. Keating, why don't you read the new issue?

16 MR. KEATING: The new issue would read, "What is
17 the appropriate regulatory treatment for the estimated
18 underrecovery balance projected for December 31st, 2000?"
19 I don't know that there's --

20 COMMISSIONER JABER: Does that make it a generic
21 issue now?

22 MR. KEATING: No. It's still with respect to --
23 I guess we could reword it to, "What is the appropriate
24 regulatory treatment for Florida Power & Light Company's
25 estimated underrecovery balance projected for

1 December 31st, 2000?"

2 COMMISSIONER JABER: Yeah, let's do that --
3 well, assuming there are no objections to the rewording of
4 the issue. Mr. Childs.

5 MR. CHILDS: We would put a period after 2000
6 and strike the rest, is that how it would go?

7 MR. KEATING: A question mark.

8 COMMISSIONER JABER: Mr. Keating, why don't you
9 read it again?

10 MR. KEATING: "What is the appropriate
11 regulatory treatment for Florida Power & Light's estimated
12 underrecovery balance projected for December 31st, 2000,"
13 question mark.

14 COMMISSIONER JABER: Mr. Burgess. Ms. Kaufman.

15 MS. GORDON-KAUFMAN: I have no objection to the
16 rewording.

17 MR. BURGESS: I don't object to the rewording.
18 I might have to think a little bit through as to whether
19 that changes the response.

20 MR. CHILDS: I would like to come back to that.
21 I'm not sure I --

22 COMMISSIONER JABER: Why don't we do that?
23 We'll do that.

24 Staff, at the end of this docket, we'll come
25 back to Page 23, Issue 11B. 11C.

1 MR. KEATING: I don't believe there are any
2 changes. There are none for Staff.

3 MR. BURGESS: Commissioner, excuse me. I'm
4 sorry.

5 MR. KEATING: Go ahead.

6 MR. BURGESS: For Public Counsel, we would
7 accept Staff's position.

8 COMMISSIONER JABER: On 11C?

9 MR. BURGESS: Correct.

10 MR. KEATING: And as I think the position is
11 made clear, if there is no protest of the Commission's
12 order approving the settlement agreement between FPL and
13 Okeelanta and Osceola cogenerators, this issue should be
14 withdrawn. The protest period ends next Thursday,
15 November 9th, and I believe you had said earlier you would
16 like to have the prehearing orders issued the 13th. We
17 can delete that issue on the 9th or at the close of
18 business on the 9th if there's no protest.

19 COMMISSIONER JABER: All right. Mr. Burgess,
20 Ms. Kaufman, you understand that? That if there is no
21 protest, we're removing this issue.

22 MR. BURGESS: Yes.

23 MS. GORDON-KAUFMAN: That's fine.

24 MR. BURGESS: I agree with that.

25 COMMISSIONER JABER: Issue 11D.

1 MR. KEATING: Commissioner, on 11D, Staff met
2 with Florida Power & Light and Public Counsel. I think
3 what we resolved to do is to remove that issue, and we
4 have proposed stipulation language that we believe would
5 address Florida Power & Light's concerns with raising that
6 issue, and I believe we'll pass that language out right
7 now.

8 COMMISSIONER JABER: Mr. Childs, do you agree
9 with that?

10 MR. CHILDS: Yes, we do. And my understanding
11 is that this would be -- we would drop this issue, and
12 this language would be shown as -- elsewhere in the order
13 as a stipulation.

14 COMMISSIONER JABER: Mr. Burgess.

15 MR. BURGESS: Yes, we stipulate to this language
16 in response to the issue.

17 COMMISSIONER JABER: Ms. Kaufman, I don't know
18 if you have a position --

19 MS. GORDON-KAUFMAN: We have no position on this
20 issue.

21 COMMISSIONER JABER: All right. Mr. Keating,
22 why don't you go ahead and read this language since it's
23 short into the record as a stipulation to be reflected at
24 the end of the prehearing order? And Issue 11D will be
25 dropped.

1 MR. KEATING: The stipulation would read: FPL
2 will be incurring costs beginning in 2001 necessary for
3 the St. Lucie Spent Fuel Storage Project. However, FPL is
4 in the process of exploring which alternative or
5 alternatives to use to accomplish this project. All
6 parties agree that FPL is not precluded from seeking
7 recovery of costs associated with the St. Lucie Spent Fuel
8 Storage Project at a later date. However, this does not
9 and is not intended to prejudge the merits of the costs or
10 the appropriate recovery mechanism.

11 COMMISSIONER JABER: Okay. Thank you.
12 Issue 12A.

13 MR. BURGESS: Commissioner, Public Counsel takes
14 no position.

15 COMMISSIONER JABER: Any other changes to 12A?

16 MS. GORDON-KAUFMAN: Commissioner, FIPUG takes
17 no position on any of the 12 issues, the sub-issues for
18 Florida Power Corporation.

19 COMMISSIONER JABER: Thank you.

20 MR. KEATING: I believe Issue 12A can be shown
21 as stipulated.

22 COMMISSIONER JABER: Florida Power; is that
23 correct?

24 MR. McGEE: Yes, that's correct. I think that
25 will be true of B, C, D as well.

1 COMMISSIONER JABER: Any objections to showing
2 12A, 12B, and 12C as stipulated issues?

3 MR. BURGESS: No objections from Public Counsel.

4 MS. GORDON-KAUFMAN: We have no objection.

5 MR. KEATING: And Staff agrees that they can be
6 shown as stipulated issues.

7 COMMISSIONER JABER: All right. That brings us
8 to 12D, Page 27.

9 MR. BURGESS: Commissioner, OPC would agree with
10 Staff.

11 COMMISSIONER JABER: Thank you. FIPUG.

12 MS. GORDON-KAUFMAN: We will agree with Staff as
13 well.

14 COMMISSIONER JABER: Staff.

15 MR. KEATING: I believe that Issue 12D can be
16 shown as stipulated.

17 COMMISSIONER JABER: Any objections?
18 Stipulated. Issue 12E.

19 MR. McGEE: Commissioner, 12E changed from the
20 time we put our position together, and it reflects a
21 Seminole contract that no longer is subject to the issue.
22 I have some revised wording to insert there. I could read
23 it for you now, or I could just get with Cochran after the
24 prehearing and --

25 COMMISSIONER JABER: Well, for the record, why

1 don't you go ahead and read it? We have the court
2 reporter here, and then make sure that Mr. Keating has the
3 language later.

4 MR. MCGEE: Sure. Florida Power's position
5 would read: Yes. FPC's proposed regulatory treatment
6 includes necessary safeguards to ensure that retail
7 customers are protected from any potential adverse
8 consequences associated with the sale.

9 COMMISSIONER JABER: Any other changes to 12E?

10 MR. BURGESS: Commissioner, OPC would take no
11 position.

12 MS. GORDON-KAUFMAN: And FIPUG would take no
13 position.

14 MR. KEATING: Commissioner, I believe this is an
15 issue that once Staff and Public Counsel have a chance to
16 just agree on the language, it can be shown as stipulated,
17 and I think that's a very good possibility.

18 COMMISSIONER JABER: Do you need more time to
19 think about this language, or do you want him to read it
20 again?

21 MR. KEATING: Well, we were hoping that they
22 would just agree with our position and adopt that as the
23 stipulated position.

24 COMMISSIONER JABER: Sounds like an offer to me.

25 MR. MCGEE: How about if we just say, "yes," and

1 put the rest of it in parenthesis?

2 COMMISSIONER JABER: I think we will leave 12E
3 the way it is with the revised position and let you all
4 think about it.

5 MR. MCGEE: We will work this out.

6 COMMISSIONER JABER: Great. Issue 13A.

7 MR. BURGESS: Commissioner, OPC takes no
8 position.

9 MS. GORDON-KAUFMAN: And FIPUG takes no
10 position.

11 MR. KEATING: Commissioner --

12 COMMISSIONER JABER: All right. TECO, this
13 looks like a stipulated issue.

14 MR. BURGESS: Commissioner, if I might add,
15 Public Counsel takes no position on 13A, B, C, or any of
16 the 13s down through G.

17 COMMISSIONER JABER: Thank you, Mr. Burgess.
18 FIPUG.

19 MS. GORDON-KAUFMAN: We take no position on 13A,
20 B, C, and D, but our positions are stated for E, and I
21 guess we can talk about those when we get to them.

22 COMMISSIONER JABER: All right. Staff.

23 MR. KEATING: We have no change to our position,
24 so I believe that Issues 13A through D could be shown as
25 stipulated.

1 MR. BEASLEY: You said A through D?

2 MR. KEATING: A through D.

3 COMMISSIONER JABER: Now, do you actually leave
4 the issue in place in the prehearing order and just have
5 it reflected as a stipulated issue, or do you move it to
6 the stipulations at the end?

7 MR. KEATING: We've usually shown it as a
8 stipulated issue in the prehearing order in the order that
9 they are set forth right now.

10 COMMISSIONER JABER: All right.

11 MR. KEATING: And I believe we could also show
12 it -- we could reference that -- we could list all the
13 stipulated issues under proposed stipulations at the end
14 of the prehearing order as well.

15 COMMISSIONER JABER: No, I don't want it done
16 both ways. I want you to pick one and do one thing.

17 MR. KEATING: Okay.

18 COMMISSIONER JABER: Okay. So 13A is a
19 stipulated issue. 13B is a stipulated issue. 13C is a
20 stipulated issue and 13D.

21 13E. Ms. Kaufman, you said you had comments on
22 13E?

23 MS. GORDON-KAUFMAN: No. My position is
24 correctly reflected there; it's yes.

25 COMMISSIONER JABER: Mr. Burgess.

1 MR. BURGESS: We have no position on any of the
2 13s.

3 COMMISSIONER JABER: All right. Staff.

4 MR. KEATING: And Staff would change its
5 position to say, "yes," and that's shown in the --
6 everybody should have a handout reflecting Staff's
7 positions on 13E and 13G.

8 COMMISSIONER JABER: Okay.

9 MR. BEASLEY: Commissioner, I would suggest that
10 13E and G should be considered together because they are
11 both parts of the same proposal. It's a package proposal,
12 and I do have some questions about Staff's position on
13 Issue 13G.

14 COMMISSIONER JABER: Let's jump to 13G. Are
15 there any changes to the positions?

16 MS. GORDON-KAUFMAN: Yes, Commissioner. On 13G,
17 FIPUG would agree with Tampa Electric.

18 COMMISSIONER JABER: OPC, no position?

19 MR. BURGESS: Correct.

20 COMMISSIONER JABER: What is the difference
21 between 13E and 13G, Staff?

22 MR. KEATING: 13E asks whether TECO's
23 experimental pilot program for seasonally-differentiated
24 fuel factors for interruptable customers should be
25 approved. We felt that Issue 13G was appropriate as well,

1 that it asks if there is a revenue differential that may
2 occur due to this pilot program, what is the appropriate
3 regulatory treatment for that revenue differential. I
4 think TECO has proposed that the differential should be
5 recovered from the general body of ratepayers through the
6 normal true-up process and fuel clause.

7 As Staff's position in the handout states, we
8 believe that at this time the Commission should not allow
9 TECO to recover any revenue shortfall from the general
10 body of ratepayers, and that the Commission should review
11 the information provided in TECO's April 2002 true-up
12 filing to determine whether the general body of ratepayers
13 has benefited from the pilot program and whether TECO
14 should be permitted to recover the revenue differential
15 from them.

16 MR. BEASLEY: Commissioner, I guess our concern
17 is, the way Staff has worded their issue, it looks as
18 though they think that this should be approved as an
19 experimental pilot program which means the Staff considers
20 it to be a good program. We don't -- because it is an
21 experimental pilot program, we don't know now what the
22 effect is going to be, whether there's going to be a
23 shortfall or otherwise, as with any other experimental
24 pilot program, but we don't want to be -- I think the
25 policy of whether it should be treated through the true-up

1 should be decided now on the front end rather than later.
2 That suggests Monday morning quarterbacking, and we
3 wouldn't want to have that be required to guarantee the
4 outcome of an experimental program.

5 That's why you experiment on R&D or have
6 programs like this, is to determine what the effect will
7 be, but it could be positive from the ratepayers. It
8 could be somewhat negative. We don't know, but we think
9 it should be treated through the true-up.

10 COMMISSIONER JABER: What you want -- let me
11 understand your point. You want a protection for the
12 company that to the degree there's a revenue shortfall, it
13 will be collected through the clause?

14 MR. BEASLEY: If it's a shortfall. It might not
15 be a shortfall. It might be something that benefits the
16 ratepayers, but we don't want to have a no-win
17 proposition --

18 COMMISSIONER JABER: And to the degree -- and to
19 the degree there's a windfall, then your position would be
20 that that flow through through the clause?

21 MR. BEASLEY: Exactly, exactly.

22 MR. BURGESS: I had forgotten that this was the
23 one that Staff had filed the changed language -- with the
24 changed language. Public Counsel agrees with Staff. And
25 I would suggest that Mr. Beasley is arguing the merits of

1 the case, and it would be -- the proper time would be at
2 the hearing.

3 COMMISSIONER JABER: Staff.

4 MR. KEATING: I would agree that, I mean, it
5 sounds like we're getting into the merits of how Issue 13G
6 should be answered. I suppose that we could leave the
7 issues as they are and have the Commission -- I don't know
8 if there's any harm in leaving them as they are because
9 either way I think there's an issue as to how the
10 shortfall is recovered.

11 COMMISSIONER JABER: Yeah, well, I think
12 Mr. Beasley did get into the merits, but I think his
13 point, his original point was the wording of the issue.
14 If not anything, you need it to fall right under 13E that
15 it was part of 13E.

16 You know, Mr. Beasley, I think to handle that
17 concern, the vote -- to the degree there will be a vote at
18 the hearing, we could certainly take up 13E and 13G
19 together.

20 MR. BEASLEY: That would be fine. And I would
21 suggest that 13G is really a policy issue for the
22 Commission which I think would be more appropriately
23 handled through oral argument at the hearing, just brief
24 oral argument on that issue as opposed to having a witness
25 testify on it because --

1 COMMISSIONER JABER: It's a legal issue, in your
2 opinion? In your opinion, it's a legal issue?

3 MR. BEASLEY: Yes, ma'am.

4 COMMISSIONER JABER: Staff.

5 MR. KEATING: It seems to be more of a policy
6 issue.

7 COMMISSIONER JABER: If it's policy, it's not
8 legal. What is the appropriate regulatory treatment? I
9 mean, you know, I suppose it has legal ramifications.
10 Let's do this: We're leaving the issues the way they are.
11 If you, you know, believe that oral argument is necessary,
12 you're certainly not precluded from asking for that at the
13 beginning of the hearing. But to the degree you're going
14 to ask for that, I would ask that you contact the
15 parties --

16 MR. BEASLEY: Sure.

17 COMMISSIONER JABER: -- and let them know well
18 in advance so that they can prepare, and if your request
19 for an argument at the beginning of the hearing is
20 granted, they are adequately prepared.

21 Mr. Burgess, is that sufficient?

22 MR. BURGESS: That's fine. And I just want to
23 confirm that we are not taking no position as I indicated
24 twice earlier to you, but rather we are agreeing
25 affirmatively with Staff's language in their position on

1 Issue 13G.

2 COMMISSIONER JABER: I made a notation on my
3 copy that OPC was agreeing with Staff on Issue 13G.

4 MR. BURGESS: Thank you.

5 COMMISSIONER JABER: Make sure that's
6 incorporated, Mr. Keating.

7 MR. BURGESS: Thank you.

8 COMMISSIONER JABER: Ms. Kaufman, do you have
9 any objection to any of that?

10 MS. GORDON-KAUFMAN: No. And as I said, we
11 agree with Tampa Electric.

12 COMMISSIONER JABER: All right. Let's go back
13 to 13F. TECO, I don't see a position for you all on 13F.

14 MR. BEASLEY: I have it here, Commissioner. And
15 I can -- if it will save time, I can supply this to the
16 Staff for incorporation into the prehearing statement --
17 or prehearing order.

18 COMMISSIONER JABER: That's good. Make sure the
19 court reporter has one, though.

20 MR. BEASLEY: Sure.

21 COMMISSIONER JABER: Have the parties seen your
22 change?

23 MR. BEASLEY: I'll tell you what, it might be
24 better just to go ahead and read -- now that I think about
25 it -- to read it into the record.

1 COMMISSIONER JABER: Go ahead.

2 MR. BEASLEY: The proposed seasonal fuel and
3 purchased power cost recovery factors for rate schedules
4 IS1, IS3, SBI1, SBI3, the fuel charge expressed in factors
5 cents per kilowatt hour would be for nonsummer 2.345 cents
6 per kilowatt hour, and in the summer, 2.626 cents per
7 kilowatt hour.

8 For rate schedules IST-1 and IST-3, on-peak, the
9 factor for nonsummer would be 2.777 cents per kilowatt,
10 and the summer would be 4.020 cents per kilowatt hour.
11 And off-peak the rates for those schedules would be
12 nonsummer 2.173 cents per kilowatt hour, and for summer,
13 the rate would be 1.941 cents per kilowatt hour.

14 COMMISSIONER JABER: Mr. Burgess.

15 MR. BURGESS: We have no position on that issue.
16 Thank you.

17 COMMISSIONER JABER: Staff. 13F.

18 MR. KEATING: We just received the discovery
19 responses from TECO that relate to this issue. We'll need
20 just a day or two or maybe a few days to go through those
21 and verify the positions that TECO has taken. So I
22 believe that we'll be able to stipulate that.

23 COMMISSIONER JABER: That's fine. All right.
24 13G we've done. Changes to Issue 14?

25 MR. BURGESS: Commissioner, OPC has no position.

1 MS. GORDON-KAUFMAN: FIPUG has no position on
2 Issue 14.

3 MR. MCGEE: The dollar figure reflected for
4 Florida Power Corporation is in error. This is the one I
5 referred to earlier, an error in the calculation for one
6 of the plants was discovered. That filing is made either
7 this afternoon or Monday morning. The revised figure will
8 change the \$2,597,148 to \$2,183,063.

9 MR. KEATING: Commissioner Jaber, Staff's
10 position is reflected in Exhibit B to the draft prehearing
11 order. It's a four-page table. Since the draft
12 prehearing order was put together and provided to the
13 parties, we have filled in several -- I believe all of the
14 blanks that there were in our positions.

15 It's my understanding that this issue could most
16 likely be shown as stipulated. This table was just
17 completed during the prehearing. We're passing it out to
18 the parties now. Perhaps because it is fairly lengthy if
19 the parties would like to look through it and get back
20 with us, then we can show that issue as stipulated after
21 the prehearing.

22 COMMISSIONER JABER: That's fine. Is there any
23 objection to that? All right. Any other changes to that
24 issue? We're on Issue 15 now, Page 32.

25 MS. GORDON-KAUFMAN: Commissioner, FIPUG has no

1 position.

2 MR. BURGESS: OPC has no position on 15.

3 MR. KEATING: And, Commissioner, again Staff's
4 position on Issue 15 is reflected in that same Exhibit B.
5 Again, I believe that that issue will most likely be shown
6 as stipulated once the parties have had a chance to look
7 through Staff's revised positions. And, again, I would
8 ask that we be permitted to show that as stipulated after
9 the parties have had a chance to do that and confirm that.

10 COMMISSIONER JABER: That's fine. After you
11 have incorporated the new numbers, confirmed with the
12 parties that it could be reflected as a stipulated issue,
13 you may reflect it as a stipulated issue in the prehearing
14 order. Any other changes to Issue 15? Issue 16.

15 MR. BURGESS: We have no position.

16 MS. GORDON-KAUFMAN: We have no position as
17 well.

18 MR. KEATING: I believe then that Issue 16 can
19 be shown as stipulated.

20 COMMISSIONER JABER: Any objections to showing
21 Issue 16 as a stipulated issue?

22 MR. BURGESS: No.

23 COMMISSIONER JABER: Issue 17.

24 MR. BURGESS: OPC takes no position.

25 MR. BEASLEY: Commissioners, we submitted a

1 correction on our position on that issue. The number that
2 is shown there should be changed to \$2,072,182
3 overrecovery. And I believe that's the same as the
4 Staff's position.

5 MR. KEATING: That is.

6 MS. GORDON-KAUFMAN: FIPUG takes no position.

7 COMMISSIONER JABER: Mr. Keating.

8 MR. KEATING: That issue can be shown as
9 stipulated.

10 COMMISSIONER JABER: Any objection? Okay.
11 Issue 18.

12 MR. BURGESS: We have no position.

13 MS. GORDON-KAUFMAN: FIPUG has no position.

14 MR. KEATING: I believe that issue can also be
15 shown as stipulated.

16 COMMISSIONER JABER: Any objection? All right.
17 Issue 19.

18 MR. BURGESS: No position.

19 MS. GORDON-KAUFMAN: FIPUG has no position.

20 MR. KEATING: On Issue 19, Staff would change
21 its position to agree with each of the positions stated by
22 the utilities under that issue. So for Florida Power
23 Corp -- I'm sorry, with the exception of Tampa Electric
24 Company. For Tampa Electric Company, we still take no
25 position at this time.

1 COMMISSIONER JABER: Are you waiting for
2 additional information?

3 MR. KEATING: I believe we have the information
4 now, but again, it was just recently received and we're
5 reviewing it. And I don't want to give the impression
6 that TECO has been late with their discovery. They have
7 actually provided it to us early so we could try to
8 resolve this prior to the prehearing.

9 COMMISSIONER JABER: All right. We'll leave it
10 as it is now, and in the next couple of days if it can be
11 reflected as a stipulated issue, that's fine. Well, I'm
12 assuming there are no objections. Okay. Issue 20.

13 MR. BURGESS: We have no position, Commissioner.

14 MS. GORDON-KAUFMAN: FIPUG has no position.

15 MR. BEASLEY: Commissioner, we changed our
16 position for Tampa Electric from the number shown there to
17 95.93916 percent.

18 COMMISSIONER JABER: Staff, you have a revised
19 position as I recall?

20 MR. KEATING: Again, with respect to -- only
21 with respect to TECO do we take no position, and that's
22 simply to allow us additional time to review the discovery
23 responses with respect to Florida Power & Light, Florida
24 Power Corporation, and Gulf. Let me read those positions
25 into the record. This is the handout that we didn't have

1 enough copies of. For Florida Power & Light, our position
2 is 99.01014 percent. For Florida Power Corporation, our
3 position is Base - 97.232 percent,
4 Intermediate - 70.241 percent, Peaking - 85.056 percent.
5 And for Gulf, our position should read 96.50747 percent.

6 And I believe with those changes, we can show
7 Issue 20 as stipulated with respect to Florida Power
8 Corporation, Florida Power & Light, and Gulf at this time,
9 and potentially with TECO once we've had a chance to
10 review the discovery.

11 COMMISSIONER JABER: That's fine. Issue 21.

12 MR. MCGEE: I have a minor correction on 20,
13 just in the interest of accuracy. Our position lists a
14 filing in a FERC docket, and it's come to my attention
15 that that may not be accurate. I would ask that you put
16 the period after December 2000 and strike the remainder of
17 that.

18 COMMISSIONER JABER: All right. The third line
19 after December 2000, we will insert a period, Mr. Cochran,
20 and strike "as filed in FERC Docket Number ER 005 PRO
21 000."

22 MR. MCGEE: Thank you.

23 MR. BURGESS: Commissioner, on Issue 21, OPC
24 takes no position.

25 COMMISSIONER JABER: Thank you.

1 MS. GORDON-KAUFMAN: And FIPUG takes no
2 position.

3 MR. BEASLEY: And Tampa Electric's position on
4 that has changed from 0.202 cents per kWh to 0.199 cents
5 per kWh.

6 COMMISSIONER JABER: You had a revised position
7 on Issue 21, it was a handout?

8 MR. BEASLEY: That's correct.

9 MR. KEATING: Yes, and Staff has a handout of
10 the revised position on Issue 21.

11 COMMISSIONER JABER: Did you give a copy to the
12 court reporter?

13 MR. KEATING: I believe so, yes.

14 COMMISSIONER JABER: All right. We will insert
15 your revised Issue 21 into the prehearing order.

16 MR. KEATING: Okay. And I believe that Issue
17 21 can be shown as stipulated with respect to Florida
18 Power Corporation, Florida Power & Light, and Gulf.
19 Again, with respect to Tampa Electric Company, we'll need
20 to review discovery responses.

21 COMMISSIONER JABER: Okay. With no objection,
22 we'll reflect it as a stipulated issue when you verify the
23 information with TECO.

24 MR. KEATING: And just for clarification, on
25 some of these issues involving more than one utility, what

1 we've done in the past is, where we've stipulated with
2 respect to certain companies but not others, indicated
3 that in the issue number where we show it stipulated and
4 in the event -- in the unlikely event that we can't reach
5 agreement on those, we would, with your permission, show
6 it as stipulated just with respect to those three
7 companies that are stipulated.

8 COMMISSIONER JABER: And excuse the witnesses
9 from the other companies?

10 MR. KEATING: Yes.

11 COMMISSIONER JABER: Okay. Great. Let's go
12 back to Issue 11B. Have you had enough time to consider
13 Issue 11B, Mr. Childs?

14 MR. CHILDS: We have considered it. Our view is
15 that the changes that Mr. Keating read out do not change
16 the sense of the issue, do not change the position. I
17 think we're in agreement with the Staff.

18 COMMISSIONER JABER: All right. Mr. Burgess,
19 you had earlier indicated you didn't expect to have any
20 problems with the changes in the issue.

21 MR. BURGESS: Yeah. I'm not sure where -- what
22 the agreement is at this point. There's some of the -- as
23 I understand it, that we're simply speaking of changing
24 how the issue is framed. And the positions still have
25 some difference, although they appear to have a good bit

1 in which they are in agreement. But my understanding is
2 we're not speaking of a stipulation at this point. We're
3 speaking simply of agreeing to recasting the issue in the
4 new language. I don't have a problem with that.

5 COMMISSIONER JABER: That's correct.

6 Mr. Keating, you have not changed Staff's position to
7 Issue 11B. You only changed the wording of the issue; is
8 that correct?

9 MR. KEATING: That's correct. Our position
10 would remain the same.

11 COMMISSIONER JABER: Why did you change the
12 wording of the issue?

13 MR. KEATING: Could I have just a moment?

14 COMMISSIONER JABER: Sure.

15 MR. KEATING: I think I can explain now.

16 COMMISSIONER JABER: That might help the
17 parties.

18 MR. KEATING: Staff had originally taken a
19 position that the unrecovered portion of the underrecovery
20 amount as of December 31st, 2001, should be left -- or the
21 recovery of that amount, the timing of the recovery of
22 that amount should be left for the Commission to decide at
23 the 2001 fuel hearing. We've since revised that position.
24 And there's -- the way the issue was previously worded, it
25 took into account the possibility that given a Commission

1 decision at next year's fuel hearing that created
2 regulatory asset beyond the period contemplated -- well,
3 that that language is no longer necessary.

4 COMMISSIONER JABER: All right. Mr. Burgess,
5 Mr. Childs, we're going to leave Issue 11B the way it's
6 been changed, the issue. And the only positions that have
7 been changed are OPC's to reflect that they agree with
8 FP&L. And FIPUG, you take no position.

9 MS. GORDON-KAUFMAN: Yes, ma'am.

10 COMMISSIONER JABER: All right. Let's go back
11 to Page 39, the exhibit list. Any changes to Page 39?
12 Page 40. 41.

13 MR. STONE: Commissioner Jaber, on Page 41 under
14 the exhibit identified as TAD-2, "Calculation of Estimated
15 True-Up for Fuel and Capacity," the year was apparently
16 inadvertently left off. It should be reflected for
17 capacity 2000.

18 COMMISSIONER JABER: Thank you. Any other
19 changes to Page 41? Page 42.

20 MR. KEATING: On Page 42, we have listed Staff's
21 memorandum regarding implementation of the shareholder
22 incentive mechanism. We would also like to include -- in
23 order to allow the parties time to determine whether they
24 have any objection prior to hearing, our intent is to ask
25 that the Commission identify as exhibits at the hearing

1 certain of the discovery responses we have received as of
2 today.

3 The discovery responses we believe we would like
4 to move into the record for Florida Power Corporation
5 would be responses to Interrogatories 1 through 3 and 11,
6 and the response to the Document Request Number 3; with
7 respect to Florida Power & Light, Interrogatories 12
8 through 14 and Document Request 2; and with respect to
9 Gulf, Document Request 2; and with respect to TECO,
10 Interrogatory 16 through 17 and Document Request 2 and 3.

11 COMMISSIONER JABER: Have you provided the
12 parties with a list of those numbers?

13 MR. KEATING: I have not. This is the
14 first time that we have provided that information to the
15 parties, and we can continue to work with them to see if
16 there's any objection.

17 COMMISSIONER JABER: Why don't you go ahead and
18 do that, and make sure that they know what the numbers
19 are. And to the degree the parties have any objections,
20 they need to let you know.

21 MR. CHILDS: We appreciate being told. I have
22 one concern. I think maybe one of the numbers that you
23 mentioned may contain some confidential information, and
24 so we will need to address that.

25 COMMISSIONER JABER: Yeah. And to the degree

1 you will use exhibits that contain confidential
2 information, I just remind you that there are procedures
3 set forth in this order and in the order on procedure that
4 you all need to follow.

5 MR. KEATING: And we will determine whether we
6 believe it's essential to use that. This is -- we wanted
7 to provide this information now to allow the parties time
8 to take a look at these to determine if they'd have any
9 objections to those exhibits being put in the record.

10 COMMISSIONER JABER: And I don't know if you all
11 do this or not in this hearing, but to the degree you will
12 seek official recognition of any orders, I ask that you
13 put that information in a list and share the orders, at
14 least order numbers with each other so we're not doing
15 that at the hearing. All right.

16 MR. KEATING: What I'd like to do in the exhibit
17 section is simply add a Staff 2 as a composite exhibit
18 including those discovery responses.

19 COMMISSIONER JABER: Okay. So a stipulated
20 exhibit is what you really are trying to achieve that
21 contain certain discovery responses?

22 MR. KEATING: Correct.

23 COMMISSIONER JABER: Okay. Mr. Keating, we will
24 go ahead and identify it preliminarily in the prehearing
25 order, and I would expect that you just modify it to the

1 degree there are any objections.

2 MR. KEATING: I will. I would also like to
3 indicate that Staff would intend to use the deposition
4 transcript of Florida Power & Light's Witness Yupp in lieu
5 of cross-examination at the hearing, and that is also a
6 potential exhibit. If that's something that can be
7 stipulated, I believe Witness Yupp could be excused if no
8 other Commissioners or parties have questions for him.

9 COMMISSIONER JABER: All right. So you are
10 seeking to enter FPL Witness Yupp's deposition transcript
11 into the record in lieu of cross-examination along with
12 his prefiled testimony.

13 MR. KEATING: Correct.

14 COMMISSIONER JABER: Mr. Childs, do you have any
15 problems with that?

16 MR. CHILDS: No. That's fine.

17 COMMISSIONER JABER: So Staff 3, Mr. Keating?

18 MR. KEATING: Yes.

19 COMMISSIONER JABER: Yupp deposition transcript?

20 MR. KEATING: Yes. I believe there will be
21 late-filed exhibits to that deposition and --

22 COMMISSIONER JABER: Wait a minute. Any parties
23 object to Mr. Yupp's prefiled testimony coming into the
24 record as though read without cross-examination?

25 MS. GORDON-KAUFMAN: No, ma'am.

1 MR. BURGESS: We do not.

2 COMMISSIONER JABER: All right.

3 MS. GORDON-KAUFMAN: Commissioner Jaber, can we
4 go back to Staff's Exhibit 1, which is the memorandum that
5 we discussed when we talked about Issues 9 and 10?

6 COMMISSIONER JABER: Hang on to that thought.
7 Were we done with Staff 3?

8 MR. KEATING: Yes. I was just going to indicate
9 that the deposition transcript, there is a late-filed
10 deposition exhibit to be included in that, and I
11 wanted to -- Mr. Childs was agreeing that that transcript
12 could be moved into the record, and I wanted to make sure
13 that he was agreeing to the late-filed exhibits as well.
14 If not, we can address that at a later time. I really
15 just wanted to let --

16 MR. CHILDS: Yes, subject to concern about
17 confidentiality on any of the late-filed. I just do not
18 know whether that's -- I don't anticipate it, but it may
19 be there. And we'll just deal with that if it's
20 confidential the way we're supposed to.

21 MR. KEATING: That's fine. My goal really is
22 just to let the parties know that this is -- what we are
23 intending to introduce as exhibits.

24 COMMISSIONER JABER: All right. That will be
25 Staff 3, and you also need to make a notation next to

1 Mr. Yupp listed as a witness that he won't be needed at
2 the hearing, that the parties have stipulated that his
3 testimony would be inserted into the record without cross.

4 Ms. Kaufman, you had a concern on Staff 1?

5 MS. GORDON-KAUFMAN: I do, Commissioner. And I
6 guess my concern may go away depending on how the
7 Commission disposes of our concerns with Issues 9 and 10.
8 But the Staff memorandum, I don't understand Staff to have
9 a witness in that case, so I'm not exactly certain how
10 they are going to sponsor an exhibit. And if we're going
11 to be involved in discussing Issues 9 and 10 in this
12 memorandum, which is the alleged implementation, I'm just
13 a little bit confused about how we're going to proceed in
14 that regard.

15 COMMISSIONER JABER: Staff.

16 MR. KEATING: What we had discussed -- I believe
17 this was touched on when we met with the parties to
18 discuss an implementation methodology was that Staff would
19 sort of memorialize what we believed was the appropriate
20 mechanism into a memorandum, and if the parties agree with
21 that, they would -- I think they have agreed in their
22 positions on Issue 9 that they adopt that memorandum.

23 COMMISSIONER JABER: Not all parties agree.

24 MR. KEATING: Correct. I'm saying the utilities
25 that have agreed with the methodology set forth in the

1 memorandum have said, we agree with this methodology. And
2 I believe that they have -- that there are witnesses that
3 they have sponsored to -- there are witnesses in this case
4 that have addressed the methodology and simply refer to
5 the Staff memorandum.

6 COMMISSIONER JABER: So you intend to use the
7 memorandum as an exhibit for cross-examination?

8 MR. KEATING: Yes, if that's necessary to have
9 it identified and moved into the record.

10 COMMISSIONER JABER: I picked up on this back in
11 your position that you identified a memorandum, and I was
12 wondering myself how you were going to get it into the
13 record absent a witness. Why don't you all meet with the
14 parties and see if you can reach a stipulation with
15 respect to the exhibit?

16 Ms. Kaufman brings up a very good point. The
17 other side of that, Mr. Keating, is if the parties have
18 testified to the calculation, you may not need the
19 memorandum, so think about that too.

20 MR. CHILDS: One of the things that we discussed
21 at the meeting -- and I guess I was happy that the Staff
22 did this memo. In fact, I think I -- when we discussed
23 it, it was suggested. The reason being is that the
24 Commission left the Staff and the parties with a task of
25 getting together and figuring out a way to implement their

1 decision. And we had the meeting, and one of the
2 practical problems was, well, how do we come to some
3 common ground? And Staff threw out for discussion what
4 they thought could be done, and it was suggested if they
5 put it in a memorandum, then everybody could respond to
6 the memorandum.

7 And, I mean, I didn't think that it was intended
8 that it was being offered as a judgment, but it was being
9 offered as a basis for discussion, and that's what I
10 thought the Staff was doing, so that we didn't have
11 seven or eight parties independently trying to come up
12 with their own way to implement the Commission's decision.
13 I just thought it was a common ground. It was a point of
14 reference. It is what we discussed.

15 MR. KEATING: And, Commissioner, I believe what
16 we've -- we referred to the memorandum in lieu of spelling
17 that entire procedure out in our position. We've taken
18 the position that that's the correct procedure, and I
19 believe that some of the utilities' witnesses have agreed
20 with that.

21 COMMISSIONER JABER: All right. Ms. Kaufman,
22 let's do this: We don't have to decide the admissibility
23 or the appropriateness of this as an exhibit today. We'll
24 leave the exhibit identified in the prehearing order, and
25 how Staff attempts or chooses to try to get it into the

1 record is really a decision that they can make a different
2 day.

3 MS. GORDON-KAUFMAN: That's fine, Commissioner.
4 I just wanted to -- I didn't want my silence to be
5 construed to mean that I was agreeing that that was an
6 appropriate exhibit without a witness.

7 COMMISSIONER JABER: All right. Thank you. I'm
8 on Page 43, pending confidentiality matters. There is a
9 TECO request for confidential classification for
10 Exhibit RB-1. And is there a pending request for
11 confidentiality filed by Gulf Power?

12 MR. STONE: I believe we have a notice of intent
13 to request confidentiality, and if after Staff has had an
14 opportunity to review the material, if it's returned, we
15 will not have to file a formal motion. If it is not
16 returned within that time frame, we will follow up with
17 formal motion.

18 COMMISSIONER JABER: All right. Staff, the --
19 when do you expect a ruling on TECO? Is it something that
20 can wait until the beginning of the hearing?

21 MR. KEATING: I received a recommendation from
22 technical staff today concerning whether that information
23 should be treated as confidential, and I will draft an
24 order based on that recommendation for you.

25 COMMISSIONER JABER: Okay. Good.

1 MR. STONE: And, Commissioner, I have been
2 informed that since Staff has not identified the
3 confidential material as an exhibit, that I guess it is
4 Staff's intent to return that material to Gulf.

5 MR. KEATING: I haven't -- I'll have to check on
6 that, and I will get back with Gulf and let them know.
7 But that's the procedure that we intended to use, was to
8 return that to Gulf if we did not determine that we needed
9 to keep that discovery response.

10 COMMISSIONER JABER: Is there anything else on
11 Docket 1 before we move to the next one? Mr. Childs.

12 MR. CHILDS: There is. Commissioner, on 11B,
13 I'd like to -- I don't recall whether it was left as an
14 issue that we could attempt to reach resolution on. I
15 think perhaps we could, and so if that's in the category
16 that if we do it can be shown as stipulated, I'd
17 appreciate it.

18 COMMISSIONER JABER: Absolutely. And actually,
19 that goes with respect to any issue.

20 MR. CHILDS: Okay. And as to Issues 14 and 15,
21 we have reviewed the Staff handout. They agree with our
22 numbers, and so as to us, we are in agreement.

23 COMMISSIONER JABER: 14 and 15?

24 MR. CHILDS: Correct.

25 COMMISSIONER JABER: Yes, I think Staff

1 acknowledged that they were waiting on some other
2 information.

3 Mr. Keating, what did you say on Issues 14 and
4 15?

5 MR. KEATING: On 14 and 15, that was one of our
6 handouts today, and we realize that the parties had
7 not had -- that was handed out just at the prehearing, had
8 not had time to look through that. So it's my
9 understanding that those are most likely positions that
10 can be stipulated, and I just wanted to allow the parties
11 time to look at those new positions first.

12 MR. STONE: As to Gulf, they can be stipulated
13 on 14 and 15.

14 COMMISSIONER JABER: Great.

15 MR. STONE: Commissioner, as to Issues 9 and 10,
16 I'm wondering if this is an appropriate time to inquire of
17 Public Counsel. As I understand their position that they
18 are taking with regard to those issues, it relates to the
19 motion for reconsideration and/or protest or
20 clarification, however it is styled, by FIPUG. They have
21 not actually -- other than they disagree with the
22 implementation of any incentive factor at all or incentive
23 mechanism at all, they have not really taken issue with
24 the benchmark calculation.

25 It is my understanding that in Gulf's case, the

1 amount of shareholder incentive that is reflected in the
2 factor is so small based on the current benchmark that if
3 it was removed in its entirety, it would not have any
4 impact on the factors.

5 With that information, I'm wondering if we could
6 then resolve the question as to whether or not the
7 witnesses identified for Issues 9 and 10 and then
8 consequently the following Issues 4 and 7 could be excused
9 pending whatever resolution the Commission reaches on
10 those issues.

11 COMMISSIONER JABER: So I think the question,
12 Mr. Burgess, is: Do you expect any cross-examination of
13 those witnesses as it relates to Gulf Issues 9 and 10?

14 MR. BURGESS: No. And I think this is the same
15 issue Mr. Beasley has raised as well. We don't have any
16 intention to challenge the actual numbers. It's more a
17 matter of the legal position, and so I don't have any
18 problem stipulating. Gulf's not providing the witness to
19 support the actual numbers involved.

20 COMMISSIONER JABER: Sounds like your witness's
21 testimony can be inserted without cross-examination.

22 MS. GORDON-KAUFMAN: Commissioner, I just want
23 to raise one question now that Staff has discussed what
24 they plan to do with that memorandum. I can't recall if
25 any of Gulf's witnesses refer to that memorandum in their

1 testimony. If they do not, then I don't have a problem
2 excusing them either, but if they do and that's going to
3 be the vehicle, then I probably would need to talk to
4 them.

5 COMMISSIONER JABER: Mr. Stone, do you know that
6 now, or do you need to get back to Ms. Kaufman?

7 MR. STONE: Even if they did not make specific
8 reference to the memorandum, the methodology was referred
9 to in their testimony, and it did square with the
10 memorandum.

11 COMMISSIONER JABER: Let's do this: I would
12 expect that every party actually confer with respect to
13 what witnesses can be stipulated into the record without
14 cross-examination. Why don't we leave it at that?
15 Provide that list to Staff, and Staff will incorporate
16 those names and that information into the prehearing
17 order. You need to do that anyway.

18 MR. KEATING: I have a proposed list here, but
19 it may be better to wait until the parties have had a
20 chance to sort that out.

21 COMMISSIONER JABER: Yeah, I'd prefer that. Let
22 them digest the information you have passed out; confer.
23 You can do it right after the prehearing conference. You
24 have my permission to include that information, Cochran,
25 in the prehearing order.

1 MR. KEATING: Okay. And could that go to all
2 the witnesses in this case beyond even witnesses related
3 to 9 and 10?

4 COMMISSIONER JABER: That's what I'm talking
5 about.

6 MR. KEATING: Okay.

7 COMMISSIONER JABER: Anything else?

8 MR. BEASLEY: Commissioner, Tampa Electric has
9 reviewed the handout that the Staff gave us on Issues 14
10 and 15, and can stipulate with them on those numbers.

11 COMMISSIONER JABER: Thank you.

12 MR. KEATING: Commissioner, I do have one
13 request. If the parties are going to discuss which
14 witnesses can possibly be stipulated and we're using a
15 procedure whereby we inform the other Commissioners on the
16 panel that certain witnesses will be excused, it would be
17 very helpful to get that information as soon as possible
18 so that the other Commissioners don't spend any time
19 unnecessarily preparing for the hearing.

20 COMMISSIONER JABER: Yes.

21 MR. KEATING: Okay.

22 COMMISSIONER JABER: You know, and I think that
23 that goes without saying it. The Commissioners will be
24 contacted, and you will return that information to the
25 parties by November 13th. I don't know that we need to

1 set a deadline for you all getting back to Staff. It's in
2 your best interest to let the Staff know which parties can
3 be stipulated.

4 Anything else on Docket 1? All right. The
5 prehearing as it relates to Docket 1 is concluded.

6 (Prehearing conference concluded at 4:05 p.m.)

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1 STATE OF FLORIDA)

2 : CERTIFICATE OF REPORTER

3 COUNTY OF LEON)

4 I, TRICIA DeMARTE, Official FPSC Commission Reporter,
5 do hereby certify that the Prehearing Conference in Docket
6 No. 000001-EI was heard by the Florida Public Service
7 Commission at the time and place herein stated.

8 It is further certified that I stenographically
9 reported the said proceedings; that the same has been
10 transcribed under my direct supervision; and that this
11 transcript, consisting of 66 pages, constitutes a true
12 transcription of my notes of said proceedings.

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

18 DATED this 8th day of November, 2000.

19
20 Tricia DeMarte
21 TRICIA DeMARTE
22 FPSC Official Commission Reporter
23 (850) 413-6736
24
25