

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of : DOCKET NO. 000007-EI
: ENVIRONMENTAL COST :
RECOVERY CLAUSE. :

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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER LILA A. JABER
Prehearing Officer

DATE: Friday, November 3, 2000

TIME: Commenced at 1:30 p.m.
Concluded at 4:05 p.m.

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

REPORTED BY: TRICIA DeMARTE
Official FPSC Reporter



1 **APPEARANCES:**

2 JEFFREY A. STONE and RUSSELL A. BADDERS,
3 Beggs & Lane, 700 Blount Building, 3 West Garden
4 Street, Post Office Box 12950, Pensacola, Florida
5 32576-2950, appearing on behalf of Gulf Power
6 Company (GULF).

7 JAMES D. BEASLEY, Ausley & McMullen, Post
8 Office Box 391, Tallahassee, Florida 32302,
9 appearing on behalf of Tampa Electric Company
10 (TECO).

11 VICKI GORDON-KAUFMAN, McWhirter Reeves Law
12 Firm, 177 South Gadsden Street, Tallahassee, Florida
13 32301, appearing on behalf of Florida Industrial
14 Power Users Group (FIPUG).

15 MATTHEW M. CHILDS, Steel, Hector & Davis,
16 215 South Monroe Street, Suite 601, Tallahassee,
17 Florida 32301, appearing on behalf of Florida Power
18 & Light Company (FPL).

19 STEPHEN C. BURGESS, Deputy Public Counsel,
20 Office of Public Counsel, 111 West Madison Street,
21 Room 812, Tallahassee, Florida 32399-1400, appearing
22 on behalf of the Citizens of the State of Florida
23 (OPC).

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1 APPEARANCES CONTINUED:

2 MARLENE STERN, Florida Public Service
3 Commission, Division of Legal Services, 2540 Shumard
4 Oak Boulevard, Tallahassee, Florida 32399-0870,
5 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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2 COMMISSIONER JABER: Mr. Keating, why don't you
3 go ahead and read the notice?

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

13 COMMISSIONER JABER: Let's take appearances for
14 Docket 7.

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

18 MR. STONE: Jeffrey A. Stone and Russell A.
19 Badders, law firm of Beggs & Lane of Pensacola. The
20 address is as stated in the draft prehearing order, and we
21 represent Gulf Power Company.

22 MR. CHILDS: Matthew Childs of the firm of
23 Steel, Hector & Davis. I'm appearing on behalf of Florida
24 Power & Light Company.

25 MR. BURGESS: I'm Steve Burgess here for the

1 Office of Public Counsel, representing the citizens of the
2 state of Florida.

3 MS. GORDON-KAUFMAN: Vicki Gordon-Kaufman of the
4 McWhirter Reeves Law Firm, 117 South Gadsden Street,
5 Tallahassee, 32301, on behalf of the Florida Industrial
6 Power Users Group.

7 COMMISSIONER JABER: All right. Ms. Stern,
8 appearance?

9 MS. STERN: I'm Marlene Stern on behalf of the
10 Commissioner Staff.

11 COMMISSIONER JABER: All right. Are there any
12 preliminary matters before we take changes and corrections
13 to the prehearing order?

14 MS. STERN: Not on Staff's part.

15 COMMISSIONER JABER: Parties? All right. Any
16 changes to Page 1 and Page 2?

17 On Page 2, Ms. Stern, add the language about the
18 bench decision.

19 Page 3. Page 4. Mr. Burgess, we'll capitalize
20 your middle initial.

21 MR. BURGESS: I saw that, but I thought it would
22 be petty to mention it, petty of me to mention it.

23 COMMISSIONER JABER: I understood. Page 3.
24 Page 4. Page 5.

25 MR. BEASLEY: On Page 5, I have some additional

1 issues for Tampa Electric's witnesses. For Ms. Zwolak, if
2 you could add to that list 11G and 11H. And Mr. Nelson,
3 if you could add 11G; for Mr. Martin, 11G. That's all on
4 that page.

5 COMMISSIONER JABER: Okay. So added. And,
6 Ms. Stern, add the language in about excusing the
7 witnesses, getting back to the parties by November 13th,
8 the same language that Mr. Keating had in the other
9 orders.

10 MR. STONE: Commissioner Jaber, on Witness Vick
11 for Gulf, the issue that is right now listed as Issue 10
12 should read Issue 10A. And on Witness Ritenour for Gulf,
13 the issue that is listed as Issue 10 should be listed as
14 Issue 10B.

15 COMMISSIONER JABER: Thank you. FP&L, you don't
16 have any changes to the issues?

17 MR. CHILDS: We have -- on Page 5 for the
18 issues, it should -- it reads 1-8, it should read 1-9.

19 COMMISSIONER JABER: Thank you. All right.
20 Page 6. Page 7.

21 MR. BEASLEY: Commissioners --

22 MR. BURGESS: Excuse me.

23 MR. BEASLEY: -- Tampa Electric's position on
24 Issue 1, the dollar amount shown there should be changed
25 to \$281,469 with the witness's name Ms. Zwolak.

1 COMMISSIONER JABER: Thank you.

2 MR. BURGESS: Commissioner, if I could just go
3 back to Page 6, our position. I'd just say none instead
4 of the none necessary from there.

5 COMMISSIONER JABER: All right. Any other
6 changes to Page 7?

7 MS. GORDON-KAUFMAN: FIPUG has no position on
8 Issue 1.

9 MR. BURGESS: Commissioner, I would for OPC say
10 accept Staff's position.

11 COMMISSIONER JABER: On Issue 1?

12 MR. BURGESS: Yes.

13 COMMISSIONER JABER: Staff, do you have -- is
14 Issue 1 a stipulated issue?

15 MS. STERN: Yes, it is.

16 COMMISSIONER JABER: Is there any objection to
17 showing Issue 1 as a stipulated issue?

18 MR. BURGESS: No.

19 COMMISSIONER JABER: Issue 2.

20 MS. GORDON-KAUFMAN: FIPUG has no position on
21 Issue 2.

22 MR. BEASLEY: Commission, Tampa Electric has
23 modified its position. The dollar amount shown in Tampa
24 Electric's position should be changed to \$3,071,714 with
25 Ms. Zwolak as a witness.

1 MR. BURGESS: Commissioner, OPC would accept
2 Staff's position.

3 COMMISSIONER JABER: Staff, it says you have no
4 position with respect to TECO and Gulf. Are there any
5 changes today?

6 MS. STERN: Staff changes its position on Gulf.
7 The number is \$1,266,925. So Staff is now in agreement
8 with Gulf.

9 COMMISSIONER JABER: TECO.

10 MS. STERN: TECO, Staff will need some
11 additional time to review information on that number. We
12 have just received discovery responses, so it will be a
13 few days to review, and we may need to communicate with
14 them also.

15 COMMISSIONER JABER: Sounds good. It is my
16 goal -- I'll tell you what I told Mr. Cochran, that it
17 is -- Mr. Cochran, Mr. Keating. It is my goal to have the
18 order signed by November 13th for the benefit of the
19 Commissioners. So make sure that you do the best you can
20 to have that resolved before then. Issue 3.

21 MR. BURGESS: Commissioner, OPC, we could accept
22 Staff's position.

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

24 MR. BEASLEY: Tampa Electric has submitted
25 corrections to its position on that issue. The dollar

1 amount shown should be changed to \$2,790,245, and the
2 witness is Ms. Zwolak.

3 COMMISSIONER JABER: Staff.

4 MS. STERN: Staff has a change in its position
5 on Gulf. \$1,808,517 should be refunded.

6 COMMISSIONER JABER: TECO.

7 MR. BEASLEY: We noted our change of \$2,790,245.
8 That should be reflected as an underrecovery.

9 COMMISSIONER JABER: I'm sorry, Mr. Beasley, I
10 was --

11 MR. BEASLEY: Okay.

12 COMMISSIONER JABER: Staff, with respect to
13 TECO, do you have a change?

14 MS. STERN: The same as the previous issue. We
15 need a little more time to review that information.

16 COMMISSIONER JABER: Okay.

17 MR. CHILDS: Commissioner, would those Issues
18 2 and 3 be shown as stipulated for FPL where I think we
19 are all in agreement, or is that implicit when we go
20 through it?

21 COMMISSIONER JABER: Mr. Keating said that
22 traditionally you show the issue stipulated with respect
23 to certain parties even if the entire issue doesn't get
24 stipulated, and I think the same thing would be
25 appropriate here.

1 MS. STERN: Okay. Yeah, we'll show Issue
2 2 stipulated for FPL and Gulf, and also Issue 3 stipulated
3 for FPL and Gulf.

4 MR. CHILDS: Thank you.

5 MR. STONE: Thank you.

6 COMMISSIONER JABER: All right. Issue 4, bottom
7 of Page 8 and Page 9.

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

9 MR. BURGESS: And, Commissioner, we'll accept
10 Staff's position.

11 MR. BEASLEY: And we have submitted a correction
12 to the number in our position. That number should be
13 \$28,081,761 with the witnesses Zwolak, Martin, and Nelson.

14 MS. STERN: Staff wants to change its position
15 for Gulf. We want to show \$10,786,018.

16 COMMISSIONER JABER: And with TECO, you're still
17 waiting on information. So with respect to -- well,
18 you're not in agreement with FP&L; correct?

19 MS. STERN: Yes, we are. We can stipulate this
20 with respect to FPL and Gulf.

21 COMMISSIONER JABER: Well, your position seems
22 different. So do you need to change your position under
23 FP&L to agrees with FP&L? Oh, I see. The number is the
24 same.

25 MR. CHILDS: When we file our position, we --

1 well, there's more here, but the number is the same.

2 COMMISSIONER JABER: All right. So with respect
3 to FP&L and Gulf, can we show it as a stipulated issue?

4 MS. STERN: Yes.

5 COMMISSIONER JABER: Issue 5.

6 MR. BURGESS: Commissioner, OPC would agree with
7 the language that appears to be in some fashion or another
8 in everybody else's position to the time.

9 COMMISSIONER JABER: Is Issue 5 a stipulation?

10 MS. STERN: Yes. And we recommend using Staff's
11 language.

12 COMMISSIONER JABER: Is there any problem with
13 using Staff's language as a proposed stipulation to Issue
14 5?

15 MR. CHILDS: Acceptable.

16 MR. STONE: No objection.

17 COMMISSIONER JABER: Issue 6.

18 MR. BEASLEY: Commissioner, if I could add
19 witness -- go back to Issue 5 for a moment and add Witness
20 Zwolak behind Tampa Electric's position.

21 COMMISSIONER JABER: Actually, Mr. Beasley, you
22 gave us that information early on; right?

23 MR. BEASLEY: Yes, I did.

24 COMMISSIONER JABER: Staff, why don't you just,
25 you know, in the final draft go back and insert the

1 witnesses' names where appropriate for all parties?

2 MS. STERN: Okay.

3 COMMISSIONER JABER: Where the issue numbers are
4 reflected on Page 5 --

5 MS. STERN: Okay.

6 COMMISSIONER JABER: -- you need to go and add
7 the names to the issues. Issue 6.

8 MS. STERN: I think all the parties agree, even
9 though the language is a little different.

10 COMMISSIONER JABER: Which language should be
11 used as a stipulation?

12 MS. STERN: Staff's.

13 COMMISSIONER JABER: All right. It is a
14 stipulated issue using Staff's language. Issue 7.

15 MS. STERN: Staff's changed its position on
16 Issue 7. Jim Breman is passing out the changes. With
17 these changes, you'll see that Staff is now in agreement
18 with FPL and Gulf.

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

20 MR. BURGESS: Commissioner, we have no position.

21 MS. GORDON-KAUFMAN: No position.

22 COMMISSIONER JABER: Okay. So you don't object
23 to a stipulation on Issue 7?

24 MR. BURGESS: We do not.

25 MS. GORDON-KAUFMAN: No.

1 COMMISSIONER JABER: All right. Ms. Stern, you
2 can reflect Issue 7 as a stipulated issue with the new
3 positions.

4 MS. STERN: Okay.

5 COMMISSIONER JABER: Issue 8.

6 MS. STERN: Issue 8, Staff changed its position
7 as well. It's also on the handout. And you'll also see
8 that Staff is now in agreement with FPL and Gulf.

9 COMMISSIONER JABER: Mr. Burgess, no position?

10 MR. BURGESS: Commissioner, we will accept
11 Staff's position.

12 COMMISSIONER JABER: Okay. Accept Staff
13 position on Issue 8. Ms. Kaufman.

14 MS. GORDON-KAUFMAN: We'll take no position,
15 Commissioner.

16 COMMISSIONER JABER: All right.

17 MR. BEASLEY: Commissioners, for Tampa Electric
18 on Page 13, we have submitted revised factors to take the
19 place of those shown there, and I will give you those
20 briefly. For RS and RST, the number is .165. For GS,
21 GST, and TS, the number is .165. For GSD, GSDT, it is
22 .164. For GSLD, et cetera, it's .163. For IST3 and SBI3,
23 it is .159. For IST3 and SBI3, it is .162. And for the
24 average factor -- excuse me, SL and OL, it is .164, excuse
25 me, 162, and the average factor is .164.

1 COMMISSIONER JABER: Okay. Let me repeat the
2 last two so that the record is clear.

3 MR. BEASLEY: The last two, SL and OL is .162,
4 and the average factor is .164.

5 COMMISSIONER JABER: Thank you. Those changes
6 will be incorporated. And with those changes, is there
7 any objection to a stipulation? Staff, this is a fall-out
8 issue according to your position?

9 MS. STERN: Yes, it is.

10 COMMISSIONER JABER: All right.

11 MS. STERN: FPL, Gulf, and Staff are all in
12 agreement on this issue.

13 COMMISSIONER JABER: So can it be reflected as a
14 stipulated issue?

15 MS. STERN: Yes.

16 COMMISSIONER JABER: Any objection to that?
17 Okay. Issue 9.

18 MR. BURGESS: Commissioner, OPC would like to
19 take the position that we have taken and add to it the
20 position that Staff has. In other words, our first -- our
21 sentence would be the first sentence, and then we'd add
22 the two that Staff has.

23 COMMISSIONER JABER: All right. Ms. Stern, do
24 you understand that? He is borrowing your two sentences
25 and adding them to OPC's position.

1 MS. STERN: Yes, I understand that.

2 COMMISSIONER JABER: Okay.

3 MR. CHILDS: Florida Power & Light needs to add
4 a position.

5 COMMISSIONER JABER: Okay.

6 MR. CHILDS: Agree with Staff.

7 MS. GORDON-KAUFMAN: And FIPUG agrees with
8 Staff.

9 MS. STERN: I think we can show a stipulated
10 issue here for all the parties using OPC's language.

11 COMMISSIONER JABER: All right. It will be a
12 stipulated issue using OPC's language.

13 Issue 10A. Do you have changes to 10A, Staff?

14 MS. STERN: Yeah. The handout shows a change in
15 the phrasing of our position.

16 COMMISSIONER JABER: You gave the court reporter
17 a copy of this, didn't you?

18 MS. STERN: Yes.

19 COMMISSIONER JABER: All right.

20 MR. STONE: Commissioner Jaber, the company is
21 not opposed to deferring the issue as long as it is
22 recognized that the company filed its petition seeking
23 prospective recovery of these expenditures. It's a
24 capital item, and that when the ultimate policy issue is
25 resolved, then it would -- we wouldn't be caught in a

1 never-never land for having deferred the issue, and I
2 think that's in agreement with what the Staff is saying.
3 So there should be no problem with deferring the issue.

4 We filed our petition. It was prospect to the
5 time we filed our petition, and we're just simply
6 deferring the final determination on this particular
7 project until we have these more generic policy issues
8 resolved.

9 COMMISSIONER JABER: Staff, do you have any
10 problem with deferring the issue? It sounds like Gulf is
11 reserving the right to bring back the determination after
12 the policy issue is decided.

13 MS. STERN: Yes. And that's how we would
14 propose it be handled as well, so we're in agreement on
15 deferring the issue.

16 COMMISSIONER JABER: FIPUG. Public Counsel.

17 MS. GORDON-KAUFMAN: I haven't seen the revised
18 language. I had agreed with what is in the prehearing
19 statement as it is now.

20 COMMISSIONER JABER: You don't have a copy of
21 Staff's revised --

22 MS. GORDON-KAUFMAN: I don't think so.

23 MS. STERN: Jim will bring you one right now.

24 MR. BURGESS: Commissioner, our only concern is
25 that it not be -- and from what Mr. Stone has represented,

1 I'm not worried about it, but our only concern is that it
2 not be taken as -- or inferred that there was some
3 preapproval as a result of deferring it.

4 MR. STONE: And we understand that and agree
5 with his statement.

6 COMMISSIONER JABER: Good.

7 MS. GORDON-KAUFMAN: I can agree with Staff.

8 COMMISSIONER JABER: All right. Then,
9 Ms. Stern, we will drop Issue 10A with the understanding
10 that Gulf is going to raise it at a different date after
11 the -- raise the issue after a workshop is held and a
12 policy order is issued.

13 MS. STERN: Okay. So we'll delete that entirely
14 from the final prehearing order.

15 COMMISSIONER JABER: Yes. 10B.

16 MS. GORDON-KAUFMAN: FIPUG has no position on
17 10B.

18 MR. BURGESS: OPC has no position.

19 COMMISSIONER JABER: Staff.

20 MS. STERN: The other parties are all in
21 agreement, and we recommend it be stipulated using Staff's
22 language.

23 COMMISSIONER JABER: Any objections?

24 MS. GORDON-KAUFMAN: No.

25 COMMISSIONER JABER: Stipulated issue using

1 Staff's language. 10C.

2 MS. GORDON-KAUFMAN: FIPUG has no position on
3 10C.

4 COMMISSIONER JABER: Public Counsel.

5 MR. BURGESS: We have no position.

6 COMMISSIONER JABER: Staff.

7 MS. STERN: This could also be stipulated, and
8 we recommend using Staff's language.

9 COMMISSIONER JABER: Any objections to
10 stipulating 10C using Staff's language?

11 MR. STONE: No objection.

12 COMMISSIONER JABER: All right. We'll reflect
13 it as a stipulated issue. Issue 10D.

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

15 MR. BURGESS: OPC has no position.

16 MS. STERN: Okay. This could be stipulated as
17 well using Staff's language.

18 COMMISSIONER JABER: Any objections to
19 stipulating this issue using Staff's language? All right.
20 Issue 10E.

21 MS. GORDON-KAUFMAN: We have no position.

22 MR. BURGESS: OPC agrees with or accepts Staff's
23 position on this. It appears -- well, I better not say
24 whether it was consistent.

25 COMMISSIONER JABER: Staff.

1 MS. STERN: This could be stipulated as well,
2 and we would recommend using Gulf's language.

3 COMMISSIONER JABER: Mr. Burgess, do you have
4 any objection to showing this as a stipulated issue using
5 Gulf's language?

6 MR. BURGESS: No, we have no objection. We take
7 no position, if it's going to be.

8 COMMISSIONER JABER: What?

9 MR. BURGESS: We take no position on it. We
10 have no objection to it being stipulated.

11 COMMISSIONER JABER: Okay. 11A.

12 MR. BEASLEY: Tampa Electric would add the
13 witness references to Ms. Zwolak, Nelson, and Martin.

14 COMMISSIONER JABER: Nelson, Zwolak, and --

15 MR. BEASLEY: Martin.

16 COMMISSIONER JABER: Okay. OPC. FIPUG.

17 MR. BURGESS: No position on 11A.

18 MS. GORDON-KAUFMAN: Commissioner, we have no
19 position on any of these Tampa Electric issues.

20 COMMISSIONER JABER: Thank you. Staff.

21 MS. STERN: Okay. Then 11A can be stipulated
22 using Staff's language.

23 COMMISSIONER JABER: Is that true for 11B as
24 well?

25 MS. STERN: Yes, and 11C, 11D, 11E, 11F. And

1 for 11G, we have new language, so --

2 COMMISSIONER JABER: Okay. Let's do 11A to 11F.

3 MR. BURGESS: We have no position.

4 MS. GORDON-KAUFMAN: Same.

5 COMMISSIONER JABER: So is there any objection
6 to showing 11A through 11F as stipulated issues using
7 Staff's language?

8 MR. BEASLEY: No objection.

9 COMMISSIONER JABER: Okay. Staff, 11G.

10 MS. STERN: On the handout that Jim passed out,
11 our revised language is shown, and it brings us into
12 agreement with TECO. So that is -- that could be
13 stipulated provided everyone agrees with the language in
14 11G on the handout.

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

16 COMMISSIONER JABER: Okay. Is there any
17 objection to stipulating 11G using Staff's new language as
18 passed out today?

19 MR. BEASLEY: No objection.

20 COMMISSIONER JABER: Ms. Stern, you need to --
21 since we're leaving the issues in, go ahead and reflect
22 that FIPUG had no position on 11G as well.

23 MS. STERN: Yes.

24 COMMISSIONER JABER: 11H.

25 MR. BURGESS: Commissioner, we have no position.

1 MS. GORDON-KAUFMAN: And we have no position on
2 that issue.

3 MS. STERN: This could be then stipulated
4 using --

5 COMMISSIONER JABER: Any objections? All right.
6 Show 11H as a stipulated issue.

7 Any changes to the exhibit list on Page 22?

8 MR. BEASLEY: Commissioners, we had a couple of
9 corrections on the witness -- or excuse me, the Exhibit ID
10 for -- it's shown on Page 24. KOZ-1 at the top of the
11 page should be KOZ-2, and if you show it revised -- the
12 word "revised" in place of the word "final" in the
13 description. And then KOZ-2 should be changed to KOZ-3,
14 and insert the word "revised" in front of the text of that
15 description.

16 COMMISSIONER JABER: Revised forms 42-1P?

17 MR. BEASLEY: That's correct.

18 COMMISSIONER JABER: All right. Any changes to
19 Pages 23, 22, 23, and 24? Page 25. Page 25 under
20 proposed stipulations, what does that mean? Oh, this will
21 be taken care of, Ms. Stern, by the language with respect
22 to excusing the witnesses.

23 MS. STERN: Okay.

24 COMMISSIONER JABER: Mr. Stone, we can delete it
25 from here; right?

1 MR. STONE: Yes. For the record, it does appear
2 that all of Gulf's witnesses in this docket are subject to
3 being excused pending Commissioner review.

4 COMMISSIONER JABER: Right. All of the
5 witnesses are subject to being excused pending the
6 Commission's review on all issues. I'm going to leave
7 that up to you all to get back to us.

8 No pending motions in this docket, Ms. Stern?

9 MS. STERN: No.

10 COMMISSIONER JABER: No pending confidentiality
11 requests?

12 MS. STERN: No.

13 COMMISSIONER JABER: All right. Anything else
14 in this docket before we adjourn the prehearing
15 conference?

16 MR. BEASLEY: Commissioner, did you indicate
17 dates by which the parties should indicate whether they
18 have questions for witnesses?

19 COMMISSIONER JABER: Staff, what did you say?
20 Your attempt is to meet with the Commissioners
21 individually between now and November 13th? So how much
22 time --

23 MS. STERN: To meet with the Commissioners?

24 COMMISSIONER JABER: To find out if they mind if
25 witnesses are excused from the hearing.

1 MS. STERN: Yes, I guess we will meet with them
2 then.

3 COMMISSIONER JABER: How much time do you --
4 here's what the parties are asking. They are going to get
5 together. The parties are going to confer about what
6 cross-examination they might need.

7 MS. STERN: Right.

8 COMMISSIONER JABER: And they are going to give
9 you a list of witnesses they believe whose testimony can
10 be inserted into the record without cross-examination.
11 When do you need that information so that you can go and
12 talk to the Commissioners?

13 MS. STERN: By Wednesday of next week.

14 MR. STONE: Commissioner, if I may, at least in
15 regards to Docket 000007, I believe subject to -- I guess
16 I'm asking FIPUG and OPC. I believe we could reach that
17 determination right now as regards to Gulf's witnesses,
18 although it's usually been stipulated. And so unless they
19 have any objection, I think we can indicate to Staff right
20 now that Witness Vick and Witness Ritenour are subject to
21 being inserted into the record as though read unless
22 there's an objection by a Commissioner.

23 MS. GORDON-KAUFMAN: I think that's right.

24 COMMISSIONER JABER: All right.

25 MR. BURGESS: I agree with that.

1 MR. BEASLEY: And I would in a similar vein
2 suggest that Witnesses Nelson and Martin for Tampa
3 Electric have been essentially stipulated because of their
4 issues, and Witness Zwolak is the only remaining witness,
5 of course, subject to the parties and Staff determining
6 whether they have any questions for her.

7 COMMISSIONER JABER: FP&L.

8 MR. CHILDS: I don't think we have any issues
9 that remain open that we have witnesses on. If everyone
10 is acceptable to waiving cross, I would appreciate it.

11 COMMISSIONER JABER: And you agree --

12 MS. GORDON-KAUFMAN: Yes.

13 COMMISSIONER JABER: -- with that, Mr. Burgess?

14 MR. BURGESS: I agree with that, yes.

15 COMMISSIONER JABER: So the parties are waiting
16 on you all then.

17 MS. STERN: Okay.

18 COMMISSIONER JABER: You've heard from all the
19 parties, so make sure you get back to them before
20 November 13th.

21 Anything else?

22 MR. BEASLEY: Did the agreement from FIPUG and
23 OPC apply both to Tampa Electric and Florida Power &
24 Light, the witnesses I mentioned, Nelson and Martin?

25 MR. BURGESS: It did as far as I was concerned.

1 COMMISSIONER JABER: It did.

2 MS. GORDON-KAUFMAN: Yes, Mr. Beasley.

3 MR. BEASLEY: Thank you.

4 COMMISSIONER JABER: All right. This prehearing
5 is adjourned. Thank you.

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)

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5 I, TRICIA DeMARTE, Official FPSC Commission Reporter,
6 do hereby certify that the Prehearing Conference in Docket
7 No. 000007-EI was heard by the Florida Public Service
8 Commission at the time and place herein stated.

9

10 It is further certified that I stenographically
11 reported the said proceedings; that the same has been
12 transcribed under my direct supervision; and that this
13 transcript, consisting of 25 pages, constitutes a true
14 transcription of my notes of said proceedings.

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

20

DATED this 8th day of November, 2000.

21

22

Tricia DeMarte

TRICIA DeMARTE

23

FPSC Official Commission Reporter

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(850) 413-6736

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FLORIDA PUBLIC SERVICE COMMISSION