

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 070602-EI

In the Matter of:

PETITION FOR DETERMINATION OF NEED
FOR EXPANSION OF TURKEY POINT AND
ST. LUCIE NUCLEAR POWER PLANTS, FOR
EXEMPTION FROM BID RULE 25-22.082,
F.A.C., AND FOR COST RECOVERY THROUGH
THE COMMISSION'S NUCLEAR POWER PLANT
COST RECOVERY RULE, RULE 25-6.0423,
F.A.C.



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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER NANCY ARGENZIANO
 PREHEARING OFFICER

DATE: Monday, December 3, 2007

TIME: Commenced at 3:00 p.m.
 Concluded at 3:07 p.m.

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

REPORTED BY: LINDA BOLES, RPR, CRR
 Official FPSC Reporter
 (850) 413-6734

DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION 10658 DEC-4 5

FPSC-COMMISSION CLERK

1 APPEARANCES:

2 BRYAN S. ANDERSON, ESQUIRE; R. WADE LITCHFIELD,
3 ESQUIRE; MITCH ROSS, ESQUIRE; and JESSICA CANO, ESQUIRE,
4 Florida Power & Light Company, 700 Universe Boulevard, Juno
5 Beach, Florida 33408-0420, appearing on behalf of Florida Power
6 & Light Company.

7 JENNIFER BRUBAKER, ESQUIRE, and KATHERINE FLEMING,
8 ESQUIRE, FPSC General Counsel's Office, 2540 Shumard Oak
9 Boulevard, Tallahassee, Florida 32399-0850, appearing on behalf
10 of the Florida Public Service Commission Staff.

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P R O C E E D I N G S

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2 COMMISSIONER ARGENZIANO: Good afternoon, everyone,
3 and I'm glad everybody is here. I think we're all here and I
4 think we're ready to go. So let's call the hearing to order,
5 and if staff would please read the notice.

6 MS. BRUBAKER: Good afternoon, Commissioner.
7 Pursuant to notice, this time and place has been scheduled for
8 the purpose of conducting a Prehearing Conference in Docket
9 070602-EI. The purpose of the Prehearing Conference is set
10 forth more fully in the notice.

11 COMMISSIONER ARGENZIANO: Thank you. Okay. Let's
12 just go ahead and take appearances, since we're so jammed here
13 this morning or this afternoon.

14 MR. ANDERSON: Good afternoon, Commissioner.

15 COMMISSIONER ARGENZIANO: Good afternoon.

16 MR. ANDERSON: My name is Bryan, B-R-Y-A-N, Anderson.
17 I'd like to also enter the appearances of my colleagues:
18 R. Wade, W-A-D-E, Litchfield, Mitch Ross and Jessica A. Cano,
19 C-A-N-O. Our address is 700 Universe Boulevard, Juno Beach,
20 Florida, on behalf of Florida Power & Light Company.

21 COMMISSIONER ARGENZIANO: Thank you and welcome.

22 MR. ANDERSON: Thank you.

23 COMMISSIONER ARGENZIANO: Are there any preliminary
24 matters we need to address before we get to the draft
25 Prehearing Order?

1 MS. BRUBAKER: Staff is not aware of any at this
2 time.

3 COMMISSIONER ARGENZIANO: Anything from the parties?

4 MR. ANDERSON: No, Commissioner.

5 COMMISSIONER ARGENZIANO: Okay. Let's go through the
6 draft Prehearing Order now. And I'll identify the sections and
7 I want, I want you to holler up, give a yo, a hey, a hand wave
8 or anything. If you -- if there are any corrections or
9 changes, please just catch my attention because we'll try to go
10 through this quickly and we'll start now.

11 So Section I on case background.

12 MR. ANDERSON: None from FPL.

13 MS. BRUBAKER: None for staff.

14 COMMISSIONER ARGENZIANO: Okay. Section II, conduct
15 of proceedings.

16 MR. ANDERSON: Looks fine.

17 MS. BRUBAKER: No change.

18 COMMISSIONER ARGENZIANO: Okay. No change.

19 Section III, jurisdiction.

20 MR. ANDERSON: No change.

21 MS. BRUBAKER: No change.

22 COMMISSIONER ARGENZIANO: IV, procedure for handling
23 confidential information.

24 MR. ANDERSON: No change.

25 MS. BRUBAKER: No change.

1 COMMISSIONER ARGENZIANO: Okay. V, prefiled
2 testimony and exhibits, witnesses.

3 MR. ANDERSON: No change.

4 COMMISSIONER ARGENZIANO: No change. We're just
5 moving right along here.

6 Section VI, order of witnesses.

7 MS. BRUBAKER: I would note with regard to the order
8 of witnesses that, and this will also come up in conversation
9 with other sections of the prehearing, draft Prehearing Order,
10 it looks as though proposed stipulations will be proposed for
11 each of the issues that have been identified in this
12 proceeding. Pursuant to that, staff has polled all the
13 Commissioners' offices to see whether FPL's witnesses, who are
14 at this time the only witnesses to the proceeding, whether
15 those witnesses could be excused. All Commissioner offices
16 have responded to staff, to me that those witnesses can be
17 excused, so I would ask simply that the Prehearing Order be
18 allowed to reflect that.

19 COMMISSIONER ARGENZIANO: Absolutely. Duly noted and
20 done.

21 And Section VIII, basic positions.

22 MR. ANDERSON: No change.

23 MS. BRUBAKER: No change.

24 COMMISSIONER ARGENZIANO: No change. Okay. I'm
25 sorry. Did I say Section VIII? That was Section VII.

1 MS. BRUBAKER: Beg pardon?

2 COMMISSIONER ARGENZIANO: I'm sorry.

3 MS. BRUBAKER: I'm sorry. Am I leaping ahead? Are
4 we on Section VIII?

5 COMMISSIONER ARGENZIANO: No. I jumped ahead. We
6 are on Section VII, basic positions, and I believe there were
7 no changes.

8 MS. BRUBAKER: No changes to VII.

9 COMMISSIONER ARGENZIANO: Okay. Now we're at Section
10 VIII, issues and positions.

11 MS. BRUBAKER: Thank you. I would note gain that
12 we're exploring proposed stipulations to all issues. I do note
13 that with regard to Issue 9 there continues to be a little
14 discussion about the wording of that issue. I'm very confident
15 that in the next day or two and certainly by week's end we will
16 be able to iron out the remaining language for that proposed
17 stipulation. But with that, I think the proposed stipulations
18 will be as reflected currently, with the possible exception of
19 Issue 9.

20 COMMISSIONER ARGENZIANO: Okay. Are we okay? All
21 right. And hopefully we'll continue the discussions on that.

22 And we'll move to Section IX, exhibit list.

23 MS. BRUBAKER: If I could again, I'd simply note that
24 pursuant to procedures we've been utilizing in hearings, staff
25 will prepare a comprehensive exhibit list. It will list all

1 the prefiled exhibits and number them for ease of reference at
2 the hearing.

3 Staff is exploring also whether to prepare a
4 composite exhibit list reflecting entry, proposed entry into
5 the record of discovery responses. We have not yet made a
6 final determination whether we will propose that or not. If we
7 do, we will prepare that list and provide it to FPL in advance
8 for its review.

9 COMMISSIONER ARGENZIANO: Okay. And, Mr. Anderson,
10 that's okay?

11 MR. ANDERSON: That's just fine with FPL. We're very
12 appreciative of staff's consideration and review.

13 COMMISSIONER ARGENZIANO: Great. Thank you.

14 Okay. Section X, proposed stipulations.

15 MS. BRUBAKER: Okay. Just once again for the record,
16 it appears that we will be able to propose stipulation on all
17 issues, so it's reflected thusly in that section.

18 COMMISSIONER ARGENZIANO: Wonderful.

19 Okay. Section XI, pending motions.

20 MS. BRUBAKER: Staff is aware of none.

21 MR. ANDERSON: None on behalf of FPL.

22 COMMISSIONER ARGENZIANO: None on behalf -- okay.

23 Very good. Section XII, pending confidentiality matters.

24 MS. BRUBAKER: Currently there are no pending
25 confidentiality matters.

1 COMMISSIONER ARGENZIANO: Okay. It looks like we're
2 moving to Section XIII, posthearing procedures.

3 MS. BRUBAKER: Staff has no changes for that section.

4 COMMISSIONER ARGENZIANO: Okay. Section XIV,
5 rulings.

6 MS. BRUBAKER: With the rulings section, especially
7 when it does appear that we're moving forward for a full-blown
8 evidentiary proceeding, often the Prehearing Officer may wish
9 to make a ruling that opening statements, if any, should not
10 exceed five minutes. Again, we may or may not be in that
11 posture since it appears this may be a stipulated matter. I
12 suppose it would be appropriate to ask FPL whether they have
13 any preferences in that regard.

14 COMMISSIONER ARGENZIANO: Absolutely. Mr. Anderson?

15 MR. ANDERSON: We really don't have a preference in
16 that regard. You know, we plan to follow staff's lead in
17 finalizing this matter on Monday. We think this is a very
18 significant and important improvement for our customers that's
19 being made. We'll probably reflect that at the time of the
20 things going into the record preferably and hopefully in
21 advance of a bench ruling, but we really wish to follow staff's
22 lead as to how they want to go.

23 MS. BRUBAKER: My suggestion, I suppose, in order to
24 afford maximum flexibility on this issue is simply to reflect
25 that opening statements, if any, should not exceed five

1 minutes. I'd be happy to reflect it if it's your desire to do
2 so.

3 COMMISSIONER ARGENZIANO: That sounds great. Good to
4 go.

5 Okay. Any other matters to address in this docket?

6 MS. BRUBAKER: I'm not aware of any, Commissioner.
7 As I say, staff and FPL will continue to hold discussions
8 regarding the wording of a proposed stipulation for Issue 9.
9 Unless there are any additional changes to the Prehearing
10 Order, I think we're good to go.

11 I would ask if FPL is aware of any typographical
12 errors or anything like that, please let me know as quickly as
13 possible.

14 MR. ANDERSON: We'll do another close review, but
15 thus far the paperwork has been in very good order and there
16 have been no exceptions to report. Thank you.

17 COMMISSIONER ARGENZIANO: That's great to hear. And
18 hearing no other matters, we adjourn. Thank you.

19 (Prehearing Conference adjourned at 3:07 a.m.)
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1 STATE OF FLORIDA)
2 COUNTY OF LEON)

CERTIFICATE OF REPORTER

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I, LINDA BOLES, RPR, CRR, Official Commission Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

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

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

DATED THIS 14th day of December, 2007.

Linda Boles
LINDA BOLES, RPR, CRR
FPSC Official Commission Reporter
(850) 413-6734