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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 110309-EI

PETITION TO DETERMINE NEED FOR
MODERNIZATION OF PORT EVERGLADES
PLANT, BY FLORIDA POWER & LIGHT
COMPANY.

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONER
PARTICIPATING: COMMISSIONER EDUARDO E. BALBIS
PREHEARING OFFICER

DATE: Tuesday, January 31, 2012

TIME: Commenced at 9:30 a.m.
Concluded at 9:37 a.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
00626 JAN 31 2012

1 APPEARANCES:

2 WILLIAM P. COX, JOHN T. BUTLER, and MARIA J.
3 MONCADA, ESQUIRES, Florida Power & Light Company, 700
4 Universe Boulevard, Juno Beach, Florida 33408-0420,
5 appearing on behalf of Florida Power & Light Company.

6 CHARLES MURPHY, ESQUIRE, FPSC General
7 Counsel's Office, 2540 Shumard Oak Boulevard,
8 Tallahassee, Florida 32399-0850, appearing on behalf of
9 the Florida Public Service Commission Staff.

10 MARY ANNE HELTON, DEPUTY GENERAL COUNSEL, FPSC
11 General Counsel's Office, 2540 Shumard Oak Boulevard,
12 Tallahassee, Florida 32399-0850, appearing as advisor to
13 the Commission.

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

2 COMMISSIONER BALBIS: Good morning. I'd like
3 to call the FPL Port Everglades modernization prehearing
4 to order. Staff, would you please read the notice.

5 MR. MURPHY: Yes, sir. Pursuant to notice,
6 this time and place has been set for a Prehearing
7 Conference in Docket No. 110309-EI.

8 COMMISSIONER BALBIS: Okay. Now we will take
9 appearances starting with Florida Power & Light.

10 MR. COX: Good morning, Commissioner Balbis.
11 My name is Will Cox, and I'm appearing on behalf of
12 Florida Power & Light Company at the address provided in
13 the draft Prehearing Order. I'd also like to enter
14 appearances on behalf of John Butler and Maria Moncada
15 for FPL. Thank you.

16 COMMISSIONER BALBIS: Okay. Thank you.
17 And Staff?

18 MR. MURPHY: Charlie Murphy representing the
19 Commission Staff.

20 MS. HELTON: And Mary Anne Helton, advisor to
21 the Commission.

22 COMMISSIONER BALBIS: Thank you. And, Staff,
23 are there any preliminary matters?

24 MR. MURPHY: Yes, sir, there are. Staff has
25 been working with FPL regarding the possibility of

1 stipulating issues, testimony, and witnesses. This will
2 need to be finalized after the prehearing, between the
3 prehearing and the hearing to the extent that it can be
4 finalized.

5 **COMMISSIONER BALBIS:** Okay. Thank you. And I
6 believe that the Commission has stated previously,
7 obviously stipulations, when agreed upon, are
8 encouraged. And, however, one of the concerns that I
9 have is, is when we have witnesses that are stipulated
10 and we get to the point of a decision, that if there are
11 any last-minute questions, there may not be an
12 appropriate person available. So I would request that
13 if witnesses, all witnesses are stipulated and their
14 testimony is entered into the record, that Florida Power
15 & Light provide a witness that can -- at the decision
16 point to be available for, to answer any general
17 questions that the Commission may have.

18 **MR. COX:** Okay. Rene Silva is our overall
19 case witness for this need determination petition, so he
20 would be the one that I would probably recommend as our,
21 our overall witness to handle any general questions.

22 **COMMISSIONER BALBIS:** Okay. Thank you. Are
23 there any other preliminary matters?

24 **MR. MURPHY:** No, sir.

25 **COMMISSIONER BALBIS:** Okay. So now we can go

1 through the draft Prehearing Order. I assume that all
2 parties have the draft Prehearing Order.

3 MR. COX: Yes, we do.

4 COMMISSIONER BALBIS: Okay. And we'll start
5 with Section I. Any comments or corrections on Section
6 I?

7 MR. COX: No.

8 COMMISSIONER BALBIS: Okay. Section II,
9 conduct of proceedings.

10 Seeing none, we'll move on to Section III,
11 jurisdiction.

12 Section IV, procedure for handling
13 confidential information.

14 Section V, prefiled testimony and exhibits,
15 witnesses.

16 Section VI, order of witnesses.

17 Section VII --

18 MR. MURPHY: Commissioner?

19 COMMISSIONER BALBIS: Yes, sir.

20 MR. MURPHY: With your permission, I believe
21 that there had been discussion about the possibility of
22 Witness Gnecco -- I don't know if I've got it right.

23 MR. COX: It's John Gnecco.

24 MR. MURPHY: Gnecco -- being excused, and I
25 wondered if we could take that up at this point.

1 **MR. COX:** Yes. Commissioner Balbis, our
2 witness John Gnecco is facing a serious health issue,
3 and if there was a possibility that he could be
4 stipulated and not have to appear at the hearing, that
5 would be our request.

6 **COMMISSIONER BALBIS:** Okay. Thank you. And I
7 will take that under advisement. I don't see any issues
8 with excusing that witness. And please let Mr. Gnecco
9 know that our thoughts and prayers are with him.

10 **MR. COX:** Thank you.

11 **COMMISSIONER BALBIS:** Okay. Moving on to
12 basic positions, which is item 7 -- or Section VII.

13 Seeing no comments, we'll move on to -- I have
14 that -- okay. So Sections VIII and IX, IX being the
15 exhibit list.

16 **MR. MURPHY:** Yes, Commissioner. Staff will
17 prepare an exhibit list to enter into the record at the
18 hearing.

19 **COMMISSIONER BALBIS:** Okay. And the -- I have
20 the old draft, which appears to have a typographical
21 error on Section IX, exhibit list. Will that be
22 corrected?

23 **MR. MURPHY:** Yes, sir. We'll fix that.

24 **COMMISSIONER BALBIS:** Okay. Thank you. And
25 going on to Section X, proposed stipulations.

1 **MR. MURPHY:** Just as we've discussed before,
2 we're trying to work with the company to stipulate some
3 matters.

4 **MR. COX:** And for FPL, we will continue to
5 work with Staff on those stipulations, Commissioner
6 Balbis.

7 **COMMISSIONER BALBIS:** Okay. Thank you.

8 And Section XI, pending motions. Are there
9 any pending motions at this time?

10 **MR. MURPHY:** No, sir.

11 **COMMISSIONER BALBIS:** Section XII, Section
12 XIII, and Section XIV.

13 **MR. COX:** On Section XIV, Commissioner Balbis,
14 the company wanted to request that we be allotted up to
15 ten minutes for an opening statement. It's customary in
16 recent need determinations that ten minutes per party
17 has been allowed. And given the amount of witnesses and
18 information we're putting forward, we think it would be
19 helpful if we had up to ten minutes.

20 **COMMISSIONER BALBIS:** Okay. Thank you. I'll
21 take that under advisement.

22 Okay. Are there any other comments or
23 questions on the draft Prehearing Order?

24 **MR. MURPHY:** No, sir, for Staff.

25 **MR. COX:** Commissioner Balbis, in terms of the

1 issue of whether certain witnesses will appear or not
2 and whether or not they'd be released from the hearing,
3 would we expect something from your office, a Prehearing
4 Order, or how would that be communicated?

5 The Staff -- I'm not sure -- we just want to
6 make sure we have the witnesses that are required for
7 the hearing and let them know appropriately.

8 **COMMISSIONER BALBIS:** Okay. And, you know,
9 obviously one of the options is including it in the
10 Prehearing Order. It depends on the timing of the
11 discussions that you have with Staff and certainly any
12 stipulations.

13 **MR. COX:** Okay.

14 **COMMISSIONER BALBIS:** But I will give you as
15 much notice as possible so you don't have to make
16 arrangements that you would have to cancel.

17 **MR. COX:** Thank you. I just wanted to make
18 sure we were clear on that. Thank you very much.

19 **COMMISSIONER BALBIS:** Okay. Are there any
20 other matters?

21 **MR. MURPHY:** No, sir.

22 **COMMISSIONER BALBIS:** Okay. With that, this
23 meeting is adjourned. Thank you.

24 (Proceeding adjourned at 9:37 a.m.)

25

1 STATE OF FLORIDA)
: CERTIFICATE OF REPORTER
2 COUNTY OF LEON)

3
4 I, LINDA BOLES, RPR, CRR, Official Commission
Reporter, do hereby certify that the foregoing
5 proceeding was heard at the time and place herein
stated.

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

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

12 DATED THIS 31st day of January, 2012.

13
14 Linda Boles
15 LINDA BOLES, RPR, CRR
FPSC Official Commission Reporter
16 (850) 413-6734
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