

1 APPEARANCES:

2 BETH KEATING, ESQUIRE, Gunster Law Firm, 215
3 South Monroe Street, Suite 601, Tallahassee, Florida
4 32301-1839, appearing on behalf of Florida Public
5 Utilities Company and Florida City Gas.

6 J.R. KELLY, PUBLIC COUNSEL, PATRICIA A.
7 CHRISTENSEN, and CHARLES REHWINKEL, ESQUIRES, Office of
8 Public Counsel, c/o The Florida Legislature, 111 West
9 Madison Street, Room 812, Tallahassee, Florida
10 32399-1400, appearing on behalf of the Citizens of
11 Florida.

12 KEINO YOUNG and KYESHA MAPP, ESQUIRES, FPSC
13 General Counsel's Office, 2540 Shumard Oak Boulevard,
14 Tallahassee, Florida 32399-0850, appearing on behalf of
15 the Florida Public Service Commission Staff.

16 MARY ANNE HELTON, DEPUTY GENERAL COUNSEL,
17 Florida Public Service Commission, 2540 Shumard Oak
18 Boulevard, Tallahassee, Florida 32399-0850, Advisor to
19 the Florida Public Service Commission.
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P R O C E E D I N G S

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2 **COMMISSIONER BROWN:** Good afternoon. Thank
3 you all for being so patient. And today is October 8th,
4 2014, roughly around 1:30. This is the 2014 clause
5 prehearing conferences for the following dockets:
6 140002-EG, 140003-GU, 140004-GU, 140007-EI, and
7 140001-EI. I would like to call this prehearing to
8 order.

9 Staff, can you please read the notice for this
10 proceeding.

11 **MS. TAN:** By notice issued September 17th,
12 2014, this time and place is set for a prehearing
13 conference in the following dockets: 140001-EI,
14 140002-EG, 140003-GU, 140004-GU, and 140007-EI. The
15 purpose of the prehearing conference is set out in the
16 notice.

17 **COMMISSIONER BROWN:** Thank you so much.

18 There are five dockets to address today.
19 Staff suggests that appearances be taken up all at once,
20 so all parties should enter their appearances and
21 declare the dockets that they are entering an appearance
22 for, although I do recognize that several parties will
23 be making appearances for more than one docket.

24 After the parties have made their appearances,
25 staff will make their appearance as a whole. Starting

1 with my left, Mr. Butler.

2 **MR. BUTLER:** Thank you, Commissioner. For
3 FPL -- excuse me -- John Butler, Wade Litchfield, and
4 Maria Moncada in the 01 docket. Appearance for John
5 Butler, Ken Rubin in the 02 docket, and John Butler,
6 Wade Litchfield, and Maria Moncada in the 07 docket.
7 Thank you.

8 **COMMISSIONER BROWN:** Okay.

9 **MR. BEASLEY:** Good afternoon, Commissioner.
10 James D. Beasley appearing with J. Jeffry Wahlen, Ashley
11 M. Daniels, all of the law firm of Ausley & McMullen, on
12 behalf of Tampa Electric Company in the 01, the 02, and
13 the 07 dockets.

14 **MR. BADDERS:** Good afternoon. Russell Badders
15 appearing on behalf of Gulf Power. I'd like to enter an
16 appearance for myself, Jeffrey A. Stone, and Steven R.
17 Griffin in the 01, 02, and 07 dockets.

18 **MR. BERNIER:** Good afternoon, Commissioner.
19 Matt Bernier with Duke Energy. I'd like to enter an
20 appearance for myself, John Burnett, and Dianne Triplett
21 in the 01, 02, and 07 dockets, as well as Gary Perko in
22 the 07 docket.

23 **MR. REHWINKEL:** Good morning, Commissioner.

24 **COMMISSIONER BROWN:** Afternoon.

25 **MR. REHWINKEL:** Good afternoon, Commissioner.

1 Charles Rehwinkel and Patty Christensen with
2 the Office of Public Counsel. We would like to have our
3 appearances reflected in all the clause dockets, and
4 also like to make an appearance in all the dockets for
5 J. R. Kelly, Public Counsel. Thank you.

6 **MR. MOYLE:** Good afternoon. Jon Moyle with
7 the Moyle Law Firm representing the Florida Industrial
8 Power Users Group. The Florida Industrial Power Users
9 Group, commonly referred to as FIPUG, is in the 01, the
10 02, and the 07 docket. In addition to me, Karen Putnal
11 and Vicki Gordon Kaufman should also be noted as making
12 appearances. Thank you.

13 **MR. BREW:** Good afternoon, Commissioner.

14 For White Springs Agricultural Chemicals/PCS
15 Phosphate, I'm James Brew with the firm of Brickfield,
16 Burchette & Ritts. And I'd like to make an appearance
17 for Owen Kopon, and we're appearing in the dockets 01,
18 02, and 07.

19 **COMMISSIONER BROWN:** Thank you.

20 **MS. KEATING:** Good afternoon, Commissioner.

21 Beth Keating with the Gunster Law Firm. I'm
22 here this afternoon in the 01 and 02 dockets for Florida
23 Public Utilities, in the 03 docket I'm here for FPU and
24 Florida City Gas, and in the 04 docket I'm here for FPU,
25 Florida City Gas, Chesapeake, Indiantown, and Fort

1 Meade.

2 **COMMISSIONER BROWN:** Very popular.

3 **MR. WRIGHT:** Good afternoon, Commissioner.

4 Robert Scheffel Wright of the Gardner, Bist,
5 Wiener Law Firm appearing in the 140001 fuel cost
6 recovery docket on behalf of the Florida Retail
7 Federation, along with my partner John T. LaVia, III.
8 Also I am appearing, Mr. LaVia and I are appearing in
9 the energy conservation cost recovery docket on behalf
10 of Wal-Mart Stores East and Sam's East. Thank you.

11 **COMMISSIONER BROWN:** Thank you.

12 **MR. CAVROS:** Good afternoon, Commissioner.

13 George Cavros on behalf of the Southern
14 Alliance for Clean Energy, and I will be representing
15 the organization in the 02 and the 07 docket. Thank
16 you.

17 **COMMISSIONER BROWN:** Thank you. Nice to have
18 you here.

19 Staff.

20 **MR. HORTON:** Commissioner?

21 **COMMISSIONER BROWN:** Oh, there you are.

22 **MR. HORTON:** I snuck in on you. Norman H.
23 Horton, Jr., on behalf of Sebring Gas Company in the
24 04 docket. And I'd also like to enter an appearance for
25 Robert J. Telfer, III, of the same firm.

1 **COMMISSIONER BROWN:** Thank you for being here.
2 And now staff.

3 **MS. TAN:** Lee Eng Tan on behalf of the
4 02 docket, Kyesha Mapp and Keino Young on the 03 docket,
5 Kelley Corbari on the 04 docket, Charles Murphy on the
6 07 docket, and Martha Barrera on the 01 docket. Thank
7 you.

8 **COMMISSIONER BROWN:** Thank you so much.
9 Mary Anne.

10 **MS. HELTON:** And Mary Anne Helton, I'm here as
11 your advisor in all the dockets.

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13 **COMMISSIONER BROWN:** We're going to move to
14 the 03 docket. This will convene the 140003 docket in
15 the 2014 clause proceedings.

16 Mr. Keino Young, at this point are there any
17 preliminary matters?

18 **MR. YOUNG:** At this point there are none and
19 none are expected, Madam Commissioner.

20 **COMMISSIONER BROWN:** Uh-huh.

21 **MR. YOUNG:** Staff would note that, for the
22 record that St. Joe Natural Gas Company and Peoples Gas
23 Systems, Incorporated, have been excused from this
24 prehearing and hearing in the 03 and the 04 docket. And
25 staff would note that the parties, that the parties and

1 staff are proposing a stipulation on all issues, as
2 reflected in Section VIII and Section X of the draft
3 Prehearing Order.

4 **COMMISSIONER BROWN:** Great. Thank you. So
5 we're going to move even swifter through this one.

6 So Section I, case background. Please jump in
7 if you have any corrections or changes.

8 Section II, conduct of proceedings.

9 Section III, jurisdiction.

10 Section IV, procedure for handling
11 confidential information.

12 Again, please jump in if you have any changes.

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

15 Section VI, the order of witnesses. Staff.

16 **MR. YOUNG:** Staff notes that the witnesses may
17 be excused if the Commissioner seeks cross -- if no
18 Commissioner seeks cross-examination. At this time it
19 appears that all witnesses can be excused, but staff
20 will confirm with each Commissioner and contact the
21 parties as soon as possible.

22 **COMMISSIONER BROWN:** Okay. Section VII, basic
23 positions.

24 **MS. CHRISTENSEN:** Commissioner, Patty
25 Christensen with the Office of Public Counsel. We would

1 change our position to none.

2 **COMMISSIONER BROWN:** None. Not no position,
3 just none?

4 **MS. CHRISTENSEN:** It reads none at this time,
5 and we'd just say none, period.

6 **COMMISSIONER BROWN:** Thank you.

7 Noted?

8 **MR. YOUNG:** Duly noted.

9 **COMMISSIONER BROWN:** Okay. Any other?

10 Section VIII, issues and positions.

11 Mr. Young.

12 **MR. YOUNG:** As stated, Commissioner, the
13 parties and staff are proposing stipulation on all
14 issues as reflected in the issues in Section -- issues
15 and stipulation section of the draft Prehearing Order,
16 which is Section VIII. Also, staff notes that the Order
17 Establishing Procedure requires that the parties take a
18 position at the prehearing conference unless good cause
19 is shown as to why the party cannot take a position at
20 this time.

21 Accordingly, if a party's position in the
22 draft Prehearing Order is currently no position at this
23 time, the parties must change their position or show
24 good cause why it cannot take a position.

25 **MS. CHRISTENSEN:** Patty Christensen for the

1 Office of Public Counsel. We are changing our positions
2 from no position at this time to no position. And as
3 indicated in the earlier docket, by taking no position,
4 we are amenable to a Type 2 stipulation when we take no
5 position on the stipulation, taking ourselves out of
6 that.

7 **COMMISSIONER BROWN:** Thank you. Duly noted.

8 Any others? Further, Mr. Young?

9 **MR. YOUNG:** For the record, staff recommends
10 that to the extent that the parties here to take no
11 position or wish to change their position be allowed to
12 submit their position in writing no later than close of
13 business tomorrow, October 9th. If the party fails to
14 take a position by the time, by that time, the
15 Prehearing Order will reflect no position for that party
16 on, for such issues.

17 **COMMISSIONER BROWN:** Great. Thank you.

18 Moving along. Section IX, exhibit list.

19 **MR. YOUNG:** Staff notes that it's prepared a
20 draft comprehensive exhibit list which includes all
21 prefiled exhibits. Staff will check with the parties
22 prior to the hearing to determine if there are any
23 objections to the Comprehensive Exhibit List.

24 **COMMISSIONER BROWN:** Okay. Moving along,
25 Section X, proposed stipulations.

1 **MR. YOUNG:** As stated, at this time it appears
2 that there are proposed stipulations on all issues,
3 knowing that OPC has taken no position on all the
4 issues.

5 **COMMISSIONER BROWN:** Okay. Section XI,
6 pending motions.

7 **MR. YOUNG:** There are no pending motions.

8 **COMMISSIONER BROWN:** XII.

9 **MR. YOUNG:** There are no pending
10 confidentialities.

11 **COMMISSIONER BROWN:** Thank you for that.
12 Section XIII.

13 **MR. YOUNG:** If the parties agree to waive
14 briefs, the Commission may make a bench decision for
15 this portion of the docket. If there is a -- if there
16 are any briefs, staff recommends that post-hearing
17 briefs be no longer than 20 pages.

18 **COMMISSIONER BROWN:** Thank you.
19 Section XIV, rulings.

20 **MR. YOUNG:** Staff recommends that opening
21 statements, if any, shall be limited to five minutes per
22 party, unless the party chooses to waive opening
23 statements.

24 **COMMISSIONER BROWN:** Okay. Yes.

25 **MR. YOUNG:** If we can go back to the Section

1 XIII, post-hearing procedures.

2 **COMMISSIONER BROWN:** Go ahead.

3 **MR. YOUNG:** Staff notes that the briefs will
4 be due November 5th for the December 16th, 2014, agenda
5 conference.

6 **COMMISSIONER BROWN:** Okay. Go back to
7 rulings.

8 **MR. YOUNG:** Staff notes that St. Joe, St. Joe
9 Natural Gas Company and Peoples Gas System are excused
10 from the prehearing and the hearing in this docket and
11 will be included in the draft Prehearing Order.

12 **COMMISSIONER BROWN:** Thank you, Mr. Young.
13 Any other matters?

14 **MR. YOUNG:** There is none that staff is aware
15 of.

16 **COMMISSIONER BROWN:** Excellent work. This
17 docket is adjourned, unless any of the parties have
18 anything else to add. Thank you.

19 (Proceeding adjourned at 1:59 p.m.)
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1 STATE OF FLORIDA)
 : CERTIFICATE OF REPORTER
 2 COUNTY OF LEON)

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

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

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

12 DATED THIS 9th day of October, 2014.

13
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16 LINDA BOLES, CRR, RPR
 17 FPSC Official Hearings Reporter
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