

BEFORE THE
DIVISION OF ADMINISTRATIVE HEARINGS

ORIGINAL

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EDDY GROSSE,	:	
	:	
Petitioner,	:	DOAH CASE NO 96-5784
	:	
vs.	:	
	:	
FLORIDA POWER & LIGHT	:	FPSC DOCKET NO. 960726-EI
COMPANY,	:	
	:	
Respondent,	:	
	:	
and	:	
	:	
FLORIDA PUBLIC SERVICE	:	
COMMISSION,	:	
	:	
Intervenor.	:	



PROCEEDINGS: HEARING

BEFORE: SUSAN B. KIRKLAND
Administrative Law Judge
Division of Administrative
Hearings

DATE: Friday, February 14, 1997

TIME: Commenced at 10:00 a.m.
Concluded at 10:05 a.m.

PLACE: Division of Administrative Hearings
The DeSoto Building, Room 4
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

REPORTED BY: JOY KELLY, CSR, RPR
Chief, Bureau of Reporting

DOCUMENT NUMBER DATE
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BUREAU OF REPORTING

1 **APPEARANCES:**

2 **WILLIAM COCHRAN KEATING, IV, Florida Public**
3 **Service Commission, Division of Legal Services, 2540**
4 **Shumard Oak Boulevard, Tallahassee, Florida**
5 **32399-0870, appearing on behalf of the Commission**
6 **Staff.**

7 **BOB STONE, Florida Power & Light Company,**
8 **Law Department, 9250 West Flagler Street, Miami,**
9 **Florida, appearing on behalf of Florida Power & Light**
10 **Company, via teleconference from Miami, Florida.**

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PROCEEDINGS

(Hearing convened at 10:00 a.m.)

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3 **THE COURT:** Good morning. My name is
4 Susan B. Kirkland. I'm the Administrative Law Judge
5 in this case. This is case No. 96-5784, Eddy Grosse
6 versus Florida Power and Light Company and the Florida
7 Public Service Commission as the intervenor.

8 Would the parties make their appearances at
9 this time, and it's to be noted that the petitioner
10 has not appeared. Has anyone heard from him?

11 **MR. STONE:** Good morning, Your Honor, my
12 name is Bob Stone, attorney for Florida Power and
13 Light Company. To answer your question, no, we have
14 not. I attempted to contact him by correspondence and
15 have had no communication with him whatsoever. He is
16 not present here today.

17 I had a preliminary matter, and that is
18 there's no court reporter present at this Miami
19 location --

20 **THE COURT:** There is here.

21 **MR. STONE:** The court reporter is there.

22 **THE COURT:** Court reporter is here.

23 **MR. KEATING:** Good morning. My name is
24 Cochran Keating and I'm appearing on behalf of the
25 Florida Public Service Commission.

1 **THE COURT:** Since the petitioner has not
2 appeared, is it all the parties' opinion that the
3 petitioner has the burden of proof in this case?

4 **MR. STONE:** Florida Power and Light, the
5 respondent, would definitely believe that the
6 petitioner has the the burden of proof. And we would
7 move to dismiss under 60-Q-2022.

8 **THE COURT:** All right. I'm going to grant
9 the motion to dismiss based on failure of the
10 petitioner to present any evidence to support its
11 claim. And I will enter a recommended order that
12 essentially recommends it be dismissed based on
13 failure to present any evidence.

14 Anything else?

15 **MR. STONE:** Nothing from Florida Power and
16 Light Company, Your Honor.

17 **THE COURT:** Anything from the Florida Public
18 Service Commission?

19 **MR. KEATING:** Nothing from the Florida
20 Public Service Commission.

21 **THE COURT:** All right. It took us a while
22 but this hearing is now closed. Thank you.

23 **MR. STONE:** Thank you very much.

24 (Thereupon, the hearing concluded at
25 10:05 a.m.)

1 STATE OF FLORIDA)
2 COUNTY OF LEON)

CERTIFICATE OF REPORTER

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4 I, JOY KELLY, CSR, RPR, Chief, Commission
Reporter,

5 DO HEREBY CERTIFY that the Hearing in DOAH
6 Case No. 96-784 and FPSC Docket No. 960726 was heard
by the Division of Administrative Hearings at the time
and place herein stated; it is further

7
8 CERTIFIED that I stenographically reported
the said proceedings; that the same has been
9 transcribed under my direct supervision; and that this
transcript, consisting of 5 pages, constitutes a true
transcription of my notes of said proceedings.

10 DATED this February 14th, 1997.

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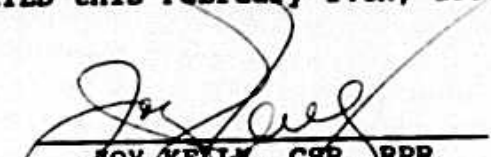
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JOY KELLY, CSR, RPR
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Official Commission Reporter
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