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NUCLEAR REGULATORY COMMISSION

Title: Florida Power and Light Company
Turkey Point Plant, Units 3 and 4

Docket Number: 50-250-LA and 50-251-LA

ASLBP Number: 15-935-02-LA-BD01

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1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

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4 ATOMIC SAFETY AND LICENSING BOARD PANEL

5 + + + + +

6 CONFERENCE CALL

7 -----x

8 In the Matter of: : Docket Nos.

9 FLORIDA POWER & LIGHT : 50-250-LA and

10 COMPANY : 50-251-LA

11 : ASLBP No.

12 (Turkey Point Nuclear : 15-935-02-LA-BD01

13 Generating, Units :

14 3 and 4) :

15 -----x

16 Wednesday, April 29, 2015

17
18 Teleconference19
20 BEFORE:

21 MICHAEL M. GIBSON, Chair

22 DR. MICHAEL F. KENNEDY, Administrative Judge

23 DR. WILLIAM W. SAGER, Administrative Judge

24

25

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

2 10:05 a.m.

3 CHAIR GIBSON: We're going to have to go
4 back and do announcement of counsel for the record.

5 Counsel for the Applicant?

6 MR. HAMRICK: Yes. This is Steve Hamrick,
7 counsel for Florida Power & Light.

8 CHAIR GIBSON: Staff?

9 MR. ROTH: David Roth, counsel for the
10 Staff. Also Brian Harris and Daniel Straus are here
11 too.

12 CHAIR GIBSON: And for CASE?

13 MR. WHITE: Barry White, authorized
14 representative for CASE.

15 CHAIR GIBSON: Very well.

16 Okay. Let me start by first saying, Mr.
17 White --

18 OPERATOR: This is the operator. I'm
19 sorry. Are you ready to begin the conference?

20 CHAIR GIBSON: Yes, I am.

21 OPERATOR: Okay. Who am I introducing?
22 Who do you want me to introduce when I open up the
23 line?

24 CHAIR GIBSON: You don't need to introduce
25 anyone, ma'am.

1 OPERATOR: Okay.

2 CHAIR GIBSON: Just open it up and they
3 can listen.

4 OPERATOR: Okay. Sounds good. One
5 moment. Let me open it up here. One moment. Okay.
6 Your line is open. You may begin when you're ready.

7 CHAIR GIBSON: Thank you, ma'am.

8 Mr. White, I want to first of all
9 reiterate that when you file by email, all filings
10 must be in the form of attachments to the email. The
11 filing should not be contained in the body of the
12 email.

13 Additionally, the Board does not need to
14 receive memos of consultation exchanged by the parties
15 prior to the filing of the motion. The consultation
16 only needs to be certified in the actual motion you
17 filed. Do you understand that, Mr. White?

18 MR. WHITE: Yes, sir.

19 CHAIR GIBSON: Very well. Okay.

20 Let's first talk about the disclosure
21 requirements. Is everyone clear on what the
22 scheduling order would require them to disclose?

23 Staff?

24 MR. HAMRICK: This is Steve -- oh.

25 MR. ROTH: David Roth for the Staff. Yes,

1 Your Honor.

2 CHAIR GIBSON: Applicant?

3 MR. HAMRICK: Yes, we are clear.

4 CHAIR GIBSON: Mr. White.

5 MR. WHITE: Yes, I am.

6 CHAIR GIBSON: Okay. Very well. Now, you
7 know there are a couple of differences with your joint
8 motion. You all asked for a 30-day extension of the
9 initial disclosures instead of 120 days. You all
10 asked for 120 days and we only made it a 30-day
11 extension.

12 I think just to make sure you understand,
13 we did not feel that the level of complexity arising
14 from one admitted contention justified additional
15 delay to the period set by regulation for initial
16 mandatory disclosures in the hearing file.

17 We think that any further delay is
18 unnecessary and not justified and so, for that reason,
19 we put 30 days in there.

20 Secondly, we noted about waiver of
21 privilege logs because that is a very important issue
22 to the Board and we want to make sure that all the
23 parties understand the significance of waiving a
24 privilege log before they do so.

25 Third, we changed and made clear that the

1 definition of drafts does not concern documents that
2 have been shared between the parties. That
3 essentially would prevent them from being drafts.

4 Let me ask, does anyone have any questions
5 about those things? Let me start with Staff.

6 MR. ROTH: No, Your Honor. No questions.

7 CHAIR GIBSON: Applicant?

8 MR. HAMRICK: No, I don't have any
9 questions.

10 CHAIR GIBSON: And Mr. White.

11 MR. WHITE: No, not at this time.

12 CHAIR GIBSON: Very well. Now, we -- I
13 think what we need to do now is to find out what kind
14 of -- whether the schedule is going to work for the
15 parties. I understand that there's a motion for stay
16 pending but, for the time being, I think we have to
17 assume that we need to proceed with this order if that
18 motion for stay is not going to be granted. So I
19 guess we need to find out is the schedule going to
20 work for you.

21 Let's start with the Staff.

22 MR. ROTH: Your Honor, we believe it would
23 be most efficient if it was staggered filing rather
24 than simultaneous filing. That would provide the most
25 responsive and easiest to understand filings.

1 With that said, the main items that the
2 Staff wants to avoid for the schedule are to have the
3 Indian Point proceeding dates land very close to the
4 Turkey Point proceeding dates because the counsel, Mr.
5 Harris and I, are the same counsel for both
6 proceedings, for both hearings.

7 CHAIR GIBSON: And that is set in
8 November. Is that correct?

9 MR. ROTH: That's correct.

10 CHAIR GIBSON: Okay. Very well.

11 Now, just for the benefit of all of us,
12 were we to change this from a simultaneous to a
13 staggered filing, how would that affect the scheduling
14 order?

15 MR. ROTH: David Roth for the Staff.
16 Then, of course, the initial filing would be from
17 CASE. In a manner consistent with Indian Point, the
18 response to filings for the Staff and the Applicant
19 would show up sometime later, presumptively 60 days
20 after CASE filed.

21 CHAIR GIBSON: And what is the reason that
22 you maintain that there needs to be a staggered
23 filing?

24 MR. ROTH: To be most responsive to the
25 issues that CASE wishes to have litigated it is

1 simplest if we clearly see exactly what their
2 positions are. Otherwise, we may be filing on items
3 where the parties are in agreement. We may actually
4 entirely not address an issue that CASE thinks is a
5 significant issue because we haven't seen what their
6 reasons are.

7 CHAIR GIBSON: Okay. If we were to
8 stagger this, then I assume instead of September 14 or
9 September 21, we'd be looking at something
10 significantly lighter. Is that correct?

11 MR. ROTH: Yes, Your Honor.

12 CHAIR GIBSON: Okay. And have you
13 calculated those times out, counsel?

14 MR. ROTH: No, I have not immediately
15 calculated those out. In a few minutes we could after
16 the call we could certainly propose a schedule based
17 on that after consulting with the other parties, too.

18 CHAIR GIBSON: Okay. Well, I do think
19 it's important. Have you consulted with the other
20 parties about this?

21 MR. ROTH: No, Your Honor. We have not.

22 CHAIR GIBSON: Okay. Anything else,
23 Staff?

24 MR. ROTH: One moment, Your Honor.

25 One other item to emphasize and the

1 reasons for suggesting changes to the schedule.
2 Again, we wish to make certain that not just the
3 hearing dates between Indian Point and Turkey Point
4 overlap, but the preparation of testimony, motions for
5 cross-examine, questions for the Board, that all those
6 items are not arriving simultaneously. The
7 proceedings will move on. We're just trying to avoid
8 having them arrive on the same Friday, for instance.

9 CHAIR GIBSON: Sure. All right. Very
10 well.

11 All right. Applicant, how about you?

12 MR. HAMRICK: This is Steve Hamrick for
13 the Applicant. I am open to the suggestion put
14 forward by the Staff to have staggered filings. I
15 think in light of the procedural posture based on
16 CASE's contention, it would be helpful for CASE to go
17 first in order to, as the Staff said, clarify the
18 issues that are outstanding so that we don't waste
19 everyone's time by addressing issues that may not be
20 relevant.

21 On a somewhat related issue, I realize
22 that the motion to stay is not -- we're not discussing
23 that right now. One thing we did discuss in that
24 motion that affects our scheduling discussions is that
25 there are two, and potentially a third, administrative

1 hearing on very kind of interrelated issues in Florida
2 this summer.

3 I believe it's scheduled for July 13th and
4 one in August. We will most likely use the very same
5 experts and we will have some challenge meeting the
6 initial June 22nd date for initial positions and
7 testimony while those experts are tied up in those
8 other -- in preparations for those other hearings.

9 I do think that the Staff's proposal of a
10 staggered hearing might aid FPL in its, I guess,
11 resource management to help that by pushing back the
12 date somewhat for FPL's initial filings.

13 CHAIR GIBSON: Could you give us a little
14 bit more information about what these pending matters
15 are but for the state agencies?

16 MR. HAMRICK: Certainly. One of the
17 issues that's been discussed in this case is the use
18 of new wells in the upper Floridan aquifer, the
19 aquifer that is below the surficial Biscayne aquifer
20 for water to be used -- to be added to the cooling
21 canal system.

22 That's one of the steps that needs to be
23 taken for FPL to comply with the administrative order
24 on cooling canal salinity. In order to install and
25 operate those wells, FPL needs an amendment to its

1 site certification for Units 3, 4, and 5 that would
2 allow the drilling and production of those wells.

3 That is a site certification amendment hearing that
4 has been challenged by third parties. That is set for
5 a hearing before an ALJ in Florida on July 13th.

6 The other issue is the actual
7 administrative order itself has been challenged by
8 several third parties. That case is set before the
9 same ALJ tentatively for August 3rd. There was a
10 motion to consolidate the two hearings and the ALJ
11 denied that motion so there will be two separate
12 hearings; one on July 13th and one tentatively set for
13 August 3rd.

14 The third issue hearing has not yet been
15 set -- a date has not been set but the FPL's
16 withdrawal of water from the L-31 canal, that's the
17 surface water from the canal, that was granted
18 recently by the South Florida Water Management
19 District.

20 However, it was granted subject to an
21 opportunity for a hearing. We understand that third
22 parties are intending to request a hearing. I don't
23 believe they have -- it may have happened this
24 morning, I don't know, but as far as I know it has not
25 happened yet but we expect a third party challenge to

1 that South Florida Water Management District decision.

2 CHAIR GIBSON: Could you give us a rough
3 idea of the probable time frame for that dispute
4 before the South Florida Management District to be
5 resolved by the state agency?

6 MR. HAMRICK: I can't --

7 CHAIR GIBSON: That decision to, you know,
8 the state courts so this could be dragged on for
9 years. Just in terms of an actual decision by the
10 South Florida Management District what are you looking
11 at realistically?

12 MR. HAMRICK: I am not directly handling
13 that case. It's hard for me to give you a very good
14 estimate. My understanding is that a hearing would be
15 in August/September, late summer, early fall time
16 frame. I believe they try to do it relatively
17 quickly. I don't think it's a matter of waiting until
18 next spring or something like that. I think it would
19 be a relatively quick hearing.

20 MR. WHITE: If I may on that particular
21 thing, I believe the South Florida --

22 CHAIR GIBSON: Just a minute. Mr. White,
23 is that you?

24 MR. WHITE: Yes, please.

25 CHAIR GIBSON: You'll need to be sure to

1 identify yourself because the court reporter cannot
2 tell who is speaking.

3 MR. WHITE: Thank you.

4 CHAIR GIBSON: Okay. Please identify
5 yourself and then you can speak.

6 MR. WHITE: Barry White, CASE Miami. Just
7 for the record, I believe that the Water Management
8 District approved 100 million gallons a day withdrawal
9 from the L-31E canal beginning June 1st and that's, I
10 guess, what's been appealed.

11 CHAIR GIBSON: Okay. I want to make sure
12 we understand what we're talking about here. When you
13 say that's being appealed, that is being appealed to
14 whom? Is that with the South Florida Management
15 District itself or is that to a court in Florida?

16 MR. WHITE: I am not a party to that
17 action and I do not know.

18 CHAIR GIBSON: Let me ask the Applicant.

19 Do you know?

20 MR. HAMRICK: Yes. It's an administrative
21 proceeding before an ALJ is my understanding.

22 CHAIR GIBSON: Which would be to challenge
23 this approval of the 100 million gallon withdrawal
24 that occurred on June 1st.

25 MR. HAMRICK: That's my understanding,

1 yes.

2 CHAIR GIBSON: Fair enough. Fair enough.

3 Now, we are unfamiliar with Florida state
4 procedures so, Mr. Hamrick, could you give us an idea
5 of how the ALJ system works there? Do they normally
6 issue a decision on the day of the hearing? Do they
7 issue it a week later? Do they issue it a month later
8 or a year later? Could you give us some idea of the
9 time frame we're looking at here typically?

10 MR. HAMRICK: They normally issue written
11 opinions after the fact much like the ASLB would do.
12 I don't expect there to be a decision from the bench,
13 but I also don't expect it to be a year. I would
14 expect a similar situation. After the hearing there
15 would be proposed findings of fact and conclusions of
16 law. Then after that would be a reasonable ALJ time
17 frame 30, 60 days would be my estimate for a decision.

18 CHAIR GIBSON: Okay.

19 Mr. White, do you have anything to
20 contradict what Mr. Hamrick just said about the normal
21 time frame for a decision from an Administrative Law
22 Judge from either one of these agencies?

23 MR. WHITE: I have the DOHA hearings that
24 you're talking about, gentlemen, in the state. I
25 really cannot -- I can't -- I have no direct

1 experience with that but I can relate.

2 CHAIR GIBSON: Okay. Fair enough.

3 Staff, do you have any knowledge one way
4 or another on this?

5 MR. ROTH: No, Your Honor. We have not
6 looked into how long for them to issue their decision.

7 CHAIR GIBSON: Let me see if I can sort of
8 describe what I'm hearing as the music behind the
9 words here. The Applicant is suggesting that were we
10 to delay the issuance or the filing of some of these
11 reports until we had some kind of fact-finding by an
12 Administrative Law Judge after a hearing, we would be
13 in a better position to rule on the pending contention
14 than if we were to go ahead and go forward with this
15 because whatever the Administrative Law Judge might
16 come out with could bear on the decision that we would
17 reach. Is that a fair statement, Mr. Hamrick?

18 MR. HAMRICK: That's a fair statement,
19 yes.

20 CHAIR GIBSON: Okay. All right. What is
21 your view of that, Mr. White?

22 MR. WHITE: A few things. Just to address
23 the facts on the ground if that's relevant. The need
24 for 100 million gallons a day is immediate because of
25 the problems we're having in the cooling canal. If

1 these legal proceedings are going to delay that,
2 that's a real time problem.

3 I don't know how that's going to be
4 handled given the circumstances on the ground whether
5 or not they will be allowed to commence the withdrawal
6 of the water or there will be a stay of that. That is
7 something that has to happen immediately. If the
8 impact of filing the lawsuits is to delay that
9 withdrawal, I would point out FPL is going to have a
10 major problem there in the cooling canals. Something
11 is going to have to change.

12 CHAIR GIBSON: Before you go to your next
13 point, let me just ask you, Mr. Hamrick, do you know
14 how that would normally work? Would there be a stay
15 of this order or the order that was issued on June 1st
16 go forward until after a decision by the
17 Administrative Law Judge which might affect that
18 order? Is there some stay involved?

19 MR. HAMRICK: I think that's -- I can't
20 predict that. I believe there would be a stay of the
21 authorization. However, there could be a request to
22 lift the stay. It's not possible for me to predict
23 right now what would happen on that.

24 CHAIR GIBSON: Sure. And I appreciate you
25 don't know what's going to happen. I'm just trying to

1 find out what the practical effect is of filing -- of
2 challenging the order that was issued on June 1st.
3 That's all.

4 MR. HAMRICK: I believe that the practical
5 effect initially would be to stay its effectiveness
6 subject to further motions and things like that.

7 CHAIR GIBSON: So would it be fair to say
8 then that Florida Power & Light has no interest in
9 delaying that proceeding at all, that it will be
10 moving as expeditiously as possible to get that matter
11 resolved.

12 MR. HAMRICK: To the extent that a hearing
13 request actually is submitted, I believe FPL would
14 have an interest in resolving it expeditiously, yes.

15 CHAIR GIBSON: Fair enough. Fair enough.
16 I realize you don't know whether it's been filed or
17 not.

18 MR. HAMRICK: Right.

19 CHAIR GIBSON: We have to assume for the
20 sake of argument now as we are trying to understand
21 these concerns that is essentially -- what your
22 position will be if that is challenged that you all
23 would be working as quickly as possible to get that
24 resolved. There's no -- you all have no interest in
25 delay because of the way the process works. Is that

1 a fair statement?

2 MR. HAMRICK: That is. I would be happy
3 to -- I think there may be some movement on these
4 types of issues over the next few days or weeks. I
5 would be happy to commit to submitting a letter to the
6 Board informing it if there are relevant scheduled
7 considerations that come out in the next few days.

8 CHAIR GIBSON: I think that would be very
9 helpful for us. Now, before we go further on that, I
10 need to go back to Mr. White. I interrupted him
11 because I wanted to know. He wasn't sure about what
12 the possibility was of a stay. Hopefully I didn't
13 completely derail your train of thought, Mr. White.
14 You can go to your second point now, unless there is
15 something else you want to say about this stay that
16 Mr. Hamrick just said.

17 MR. WHITE: I would just try to point out
18 the realities and what was at play that could
19 influence the judicial proceedings.

20 CHAIR GIBSON: And you don't really
21 dispute Mr. Hamrick's characterization that Florida
22 Power & Light would not have any interest in delaying
23 that proceeding because of the way the process works.
24 Is that a fair statement?

25 MR. WHITE: Correct.

1 CHAIR GIBSON: Okay. Fair enough. You
2 can go onto your second point now. I'm sorry I
3 interrupted you.

4 MR. WHITE: The only other thing I would
5 ask about is I just want to understand a little bit
6 when the idea of not filing simultaneously an order,
7 the first date that I think we have to comply with is
8 May 22nd and then June 22nd, July 22nd. Those are the
9 dates we're talking about changing?

10 CHAIR GIBSON: Yes. We would be -- well,
11 let me just say two things. I believe were we to
12 entertain some kind of a delay because of the pending
13 state proceedings, we would probably postpone the
14 filing of these days regardless of whether there was
15 a simultaneous or a staggered filing.

16 In all honesty, Mr. White, what comes out
17 of those proceedings could be very useful material for
18 what you're trying to do in this proceeding. Were an
19 Administrative Law Judge to make findings, there might
20 be useful information for you that you could use in
21 your filings. Were we to delay this that, again,
22 might be to your benefit.

23 I just don't want to -- obviously we can't
24 put this off for years waiting for this entire process
25 to run its course at the state level. We don't have

1 any factual finding on these matters and it appears,
2 at least at first blush to me, that they might have
3 some material bearing on the contention that you've
4 raised.

5 MR. WHITE: I appreciate that. On the
6 other hand, as you say, Your Honor, I would hate to
7 see this drag on forever. Could we maybe agree on a
8 60-day delay on all of these proceedings? Move it all
9 forward 60 days so that by that time we can move
10 forward?

11 CHAIR GIBSON: Let me just ask the
12 Applicant.

13 Is that -- I realize we have some Indian
14 Point issues which we'll talk about in a minute, but
15 just purely are you thinking that if we delay this 60
16 days, Mr. Hamrick, that would do it? It sounds to me
17 like 90 days might be closer to it considering that if
18 the Judge in these cases, one in July and two in
19 August, is to issue some kind of factual finding, it's
20 not likely we would see that, Mr. White, until
21 probably September before we have all of those
22 findings done which, if I'm not mistaken, would be
23 like 90 days later. Is that right?

24 MR. WHITE: I think that's right.

25 CHAIR GIBSON: Mr. Hamrick, 90 days.

1 MR. HAMRICK: Yes. Nothing that we are --
2 I guess we still have our motion for a kind of full
3 stay pending but, setting that aside for a moment, I
4 think on the mere issue of do we have enough time to
5 get together with our experts to prepare testimony, I
6 think 60 days would be sufficient for that purpose.
7 I think if we want to wait, or try to wait for some
8 kind of resolution from the pending state hearings, I
9 think 90 days is more like it.

10 CHAIR GIBSON: Okay. Now, let me just say
11 -- I want to make clear when we say resolution, it may
12 not be a final resolution in that the aggrieved party
13 may prosecute an appeal of whatever that
14 Administrative Law Judge's decision is. At least I
15 think we could all agree that within 90 days we would
16 have some kind of a factual finding from these
17 administrative proceedings.

18 Again, I think that information could be
19 relevant for this tribunal. Frankly, I think, if
20 anything, would probably work to Mr. White's benefit
21 because he would have some additional substantive
22 information that he could use in support of his
23 contention.

24 MR. WHITE: I would agree with that, Your
25 Honor.

1 CHAIR GIBSON: Let me just -- but are --
2 do you think that's realistic, Mr. Hamrick? That's
3 all. 90 days?

4 MR. HAMRICK: Just so we're clear, we're
5 talking 90 days from June 22nd so that would be
6 September -- roughly September 22nd or 90 days from
7 today?

8 CHAIR GIBSON: No, no, no. Not from
9 today. That would be 90 days from May, right?

10 MR. HAMRICK: May 22nd was the first
11 deadline that we had right now.

12 CHAIR GIBSON: Yeah, yeah. That's when we
13 need to make our disclosures.

14 MR. HAMRICK: Okay. I was thinking 90
15 days -- okay. So 90 days from -- so initial
16 disclosures would be roughly August 22nd.

17 CHAIR GIBSON: Yeah. Hold on just one
18 second, please.

19 (Whereupon, the above-entitled matter went
20 off the record at 10:35 a.m. and resumed at 10:37
21 a.m.)

22 CHAIR GIBSON: Okay. Let me -- I think I
23 understand now. Our intrepid law clerk caught my
24 error there. Yes, we're talking about 90 days from
25 June 22. Obviously this is not going to affect the

1 initial disclosures.

2 Those would need to be made irrespective
3 of this but in terms of the actual filing of this
4 information that's going to be due in June 22, we
5 would delay that 90 days. You are correct, Mr.
6 Hamrick. I wasn't tracking there was, yes, that's
7 correct.

8 MR. HAMRICK: Okay.

9 CHAIR GIBSON: Mr. White, if we're looking
10 at extending the deadlines that began on June 22 by 90
11 days, are you okay with that?

12 MR. WHITE: I think that's okay. The only
13 hesitation I have is that the problems that are on the
14 ground will continue and be exacerbated over that
15 period of time but I guess there's nothing I can do
16 about that.

17 CHAIR GIBSON: Okay. All right. Well, we
18 will table the question of whether we have a staggered
19 or simultaneous filings for now. But it does sound to
20 me, counsel for the Staff, that if we were to delay
21 this 90 days, the deadlines that began on June 22,
22 that should give you the relief that you need in terms
23 of having any conflict with Indian Point.

24 MR. ROTH: David Roth for the Staff. Yes,
25 Your Honor, that would.

1 CHAIR GIBSON: Okay. So I'm not asking
2 you to withdraw your motion to stay, Mr. Hamrick, but
3 I take it subject to that, you're okay with this
4 adjustment to the order?

5 MR. HAMRICK: That's correct.

6 CHAIR GIBSON: Okay. And Staff, you're
7 okay with it as well?

8 MR. ROTH: Yes, Your Honor.

9 CHAIR GIBSON: And Mr. White, you're okay
10 with that?

11 MR. WHITE: Yes, sir.

12 CHAIR GIBSON: Okay. Very well. What we
13 will do then is we will -- we would appreciate that
14 letter from you, Mr. Hamrick, that would sort of set
15 out -- hopefully by within the week you'll know what
16 the status is of this challenge of the order.

17 Perhaps you can consult with your
18 colleagues there who are handling the state
19 administrative proceedings and make sure that your
20 understanding that you gave us, which we understand
21 was just your understanding, is a fair depiction of
22 how things will proceed there.

23 We would all like to have that so we'll
24 know that we're not -- we would not be delaying things
25 by 90 days for no reason at all.

1 MR. HAMRICK: Certainly.

2 CHAIR GIBSON: But it does sound to me
3 like we've come up with a pretty good plan. We will
4 take under advisement your request, Staff, for
5 staggered versus simultaneous filings. I doubt
6 seriously that we would allow a 60-day difference
7 between one and the other because we're only talking
8 about one contention here.

9 We will take that under advisement. We
10 will be drafting an order that addresses these matters
11 post haste, but we will wait to issue that order until
12 we have gotten that letter from Mr. Hamrick to make
13 sure again that we're not just spinning our wheels.
14 Okay?

15 MR. HAMRICK: This is Steve Hamrick. I
16 understand and I will work to get that letter as soon
17 as practicable.

18 CHAIR GIBSON: Thank you so much.

19 All right. With that, let me ask you,
20 counsel for the Applicant, is there anything further
21 that we need to address at this time?

22 MR. HAMRICK: This is Steve Hamrick. I
23 don't believe so.

24 CHAIR GIBSON: Okay. Thank you, sir.

25 Counsel for the Staff?

1 MR. ROTH: David Roth. No, Your Honor.

2 Thank you.

3 CHAIR GIBSON: Mr. White?

4 MR. WHITE: No, Your Honor. Thank you.

5 CHAIR GIBSON: Okay.

6 Judge Sager, is there anything else we
7 need to address?

8 JUDGE SAGER: No, I think I'm okay with
9 what you guys have done so far.

10 CHAIR GIBSON: Judge Kennedy?

11 JUDGE KENNEDY: This is Judge Kennedy.
12 No, I'm good with it.

13 CHAIR GIBSON: All right. Fair enough.
14 Very well then. We will stand adjourned. As soon as
15 we get that letter from Mr. Hamrick, we'll be getting
16 an order out. Have a nice day.

17 (Whereupon, the above-entitled matter went
18 off the record at 10:42 a.m.)

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