

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for limited proceeding to approve first solar base rate adjustment (SoBRA), effective September 1, 2018, by Tampa Electric Company.

DOCKET NO. 20170260-EI
ORDER NO. PSC-2018-0220-PCO-EI
ISSUED: May 1, 2018

ORDER GRANTING REQUEST TO PARTICIPATE AT HEARING

By Order No. PSC-2018-0187-PCO-EI, issued April 19, 2018, in this docket, the Florida Industrial Power Users Group (FIPUG) was granted permission to intervene in this docket. FIPUG filed a Prehearing Statement on April 13, 2018.

By Order No. PSC-2018-0077-PCO-EI, the Order Establishing Procedure issued in this docket on February 14, 2018, parties were instructed that “[u]nless excused by the Prehearing Officer for good cause shown, each party (or designated representative) shall personally appear at the Prehearing Conference. Failure of a party (or that party’s representative) to appear shall constitute waiver of that party’s issues and positions, and that party may be dismissed from the proceeding.”

Pursuant to notice, a Prehearing Conference was held on April 26, 2018, beginning at 9:30 a.m. FIPUG failed to make an appearance at the Prehearing Conference. On that same date, after the conclusion of the Prehearing Conference, counsel for FIPUG filed a letter of apology, explaining that he had erroneously calendared the Prehearing Conference for 1:30 p.m., and representing that the other parties in this docket have indicated that they would not object if FIPUG participated in the upcoming hearing.

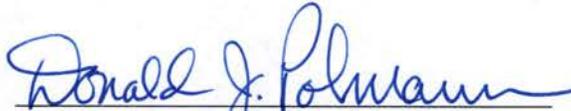
This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

I find it appropriate to grant FIPUG’s request to participate in the upcoming hearing. Counsel for FIPUG’s failure to appear at the Prehearing Conference appears to have been an honest mistake, and one that counsel attempted to rectify immediately upon realizing his error. I note that, as indicated in the parties’ Prehearing Statements, FIPUG’s positions on the issues of this case are virtually identical to the positions of the Office of Public Counsel. Thus, allowing FIPUG’s continued participation despite its absence at the Prehearing Conference will not prejudice the other parties to the case.

Based upon the foregoing, it is

ORDERED by Commissioner Donald J. Polmann, as Prehearing Officer, that FIPUG’s request to participate in the upcoming hearing in this case is granted.

By ORDER of Commissioner Donald J. Polmann, as Prehearing Officer, this 1st day
of May, 2018.



DONALD J. POLMANN, Ph.D., P.E.
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.