

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water and wastewater rates in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole Counties, by Utilities, Inc. of Florida.

DOCKET NO. 20200139-WS  
ORDER NO. PSC-2021-0064-PHO-WS  
ISSUED: January 29, 2021

PREHEARING ORDER

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (F.A.C.), a Prehearing Conference was held on January 19, 2021, in Tallahassee, Florida, before Commissioner Andrew Giles Fay, as Prehearing Officer.

APPEARANCES:

MARTIN S. FRIEDMAN, ESQUIRE, DEAN MEAD, 420 South Orange Avenue, Suite 700, Orlando, FL 32801  
JOHN L. WHARTON, ESQUIRE, DEAN, MEAD & DUNBAR, 106 East College Avenue, Suite 1200, Tallahassee, Florida 32301  
On behalf of Utilities, Inc. of Florida (UIF).

CHARLES J. REHWINKEL, STEPHANIE MORSE, ANASTACIA PIRRELLO, Office of Public Counsel, c/o The Florida Legislature, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400  
On behalf of the Citizens of the State of Florida (OPC).

WALTER L. TRIERWEILER and BIANCA Y. LHERISSON, ESQUIRES, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850  
On behalf of the Florida Public Service Commission (Staff).

MARY ANNE HELTON, ESQUIRE, Deputy General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850  
Advisor to the Florida Public Service Commission.

KEITH C. HETRICK, ESQUIRE, General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850  
Florida Public Service Commission General Counsel.

**I. CASE BACKGROUND**

Utilities, Inc. of Florida (UIF or Utility) is a Class A utility providing water and wastewater service through 27 systems in the following counties: Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole. On July 13, 2020, UIF filed an application for approval of interim and final water and wastewater rate increases. By letter dated September 3, 2020, the Utility was advised that its Minimum Filing Requirements (MFRs) were complete and the official date of filing was established as August 31, 2020. The intervention of Office of Public Counsel (OPC) was acknowledged by Order No. PSC-2020-0259-PCO-WS, issued on July 24, 2020. A hearing is scheduled for February 2-4, 2021.

**II. CONDUCT OF PROCEEDINGS**

Pursuant to Rule 28-106.211, F.A.C., this Prehearing Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of this case.

State buildings are currently closed to the public and other restrictions on gathering remain in place due to COVID-19. Accordingly, the hearing will be conducted remotely, and all parties and witnesses shall be prepared to present argument and testimony by communications media technology. The Commission shall act as the host of the hearing and will use a combination of technologies to ensure full participation. The Commission will employ GoToMeeting as an audio and video platform for the hearing, which will include a telephone number for audio-only participation.

A GoToMeeting invitation shall be provided to counsel for each party. It shall be the responsibility of counsel to provide their clients, client representatives, and witnesses with the invitation, which will allow them to access the hearing, as necessary. Counsel for each party will also be provided the call-in number for audio participation.

Any member of the public who wants to observe or listen to the proceedings may do so by accessing the live video broadcast on each day of the hearing, which is available from the Commission website. Upon completion of the hearing, the archived video will also be available.

**III. JURISDICTION**

This Commission is vested with jurisdiction over the subject matter by the provisions of Chapter 367, Florida Statutes (F.S.). This hearing will be governed by said Chapter and Chapters 25-30, 25-22, and 28-106, F.A.C., as well as any other applicable provisions of law.

**IV. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION**

Information for which proprietary confidential business information status is requested pursuant to Section 367.156, F.S., and Rule 25-22.006, F.A.C., shall be treated by the Commission as confidential. The information shall be exempt from Section 119.07(1), F.S., pending a formal ruling on such request by the Commission or pending return of the information

to the person providing the information. If no determination of confidentiality has been made and the information has not been made a part of the evidentiary record in this proceeding, it shall be returned to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of this proceeding, it shall be returned to the person providing the information within the time period set forth in Section 367.156, F.S. The Commission may determine that continued possession of the information is necessary for the Commission to conduct its business.

It is the policy of this Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 367.156, F.S., to protect proprietary confidential business information from disclosure outside the proceeding. Therefore, any party wishing to use any proprietary confidential business information, as that term is defined in Section 367.156, F.S., at the hearing shall adhere to the following:

- (1) When confidential information is used in the hearing that has not been filed as prefiled testimony or prefiled exhibits, parties must follow the procedures for providing confidential electronic exhibits to the Commission Clerk prior to the hearing.
- (2) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise confidentiality. Therefore, confidential information must be presented by written exhibit.

At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the court reporter shall be retained in the Office of Commission Clerk's confidential files. If such material is admitted into the evidentiary record at hearing and is not otherwise subject to a request for confidential classification filed with the Commission, the source of the information must file a request for confidential classification of the information within 21 days of the conclusion of the hearing, as set forth in Rule 25-22.006(8)(b), F.A.C., if continued confidentiality of the information is to be maintained.

#### **V. PREFILED TESTIMONY AND EXHIBITS, WITNESSES**

Testimony of all witnesses to be sponsored by the parties and staff has been prefiled and will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to timely and appropriate objections. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Summaries of testimony shall be limited to three minutes.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer. After all parties and Staff have had the opportunity to cross-examine the witness, the

exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

The parties shall avoid duplicative or repetitious cross-examination. Further, friendly cross-examination will not be allowed. Cross-examination shall be limited to witnesses whose testimony is adverse to the party desiring to cross-examine. Any party conducting what appears to be a friendly cross-examination of a witness should be prepared to indicate why that witness's direct testimony is adverse to its interests.

## **VI. ORDER OF WITNESSES**

The Parties have stipulated to the prefiled testimony and exhibits of the following witnesses, and these witnesses have been excused from further participation in this Hearing: Hicks, Dobiac, Elicegui, Lewis, Garrett, and D'Ascendis. In addition to stipulating to the admissibility of their prefiled testimony and exhibits, the Parties have agreed that the deposition transcripts of Garrett and D'Ascendis should be moved into the record.

Each witness, whether participating or excused, and their prefiled exhibits, will be taken up in the following order:

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
Shawn M. Elicegui <b>[Stipulated and Excused]</b>	UIF	24
Dylan W. D'Ascendis <b>[Stipulated and Excused]</b>	UIF	22
Jared Deason	UIF	18, 25 , 38, 39, 41
Frank Seidman	UIF	5-11
Patrick C. Flynn	UIF	1, 3, 4, 6, 26, 41
Deborah D. Swain	UIF	2-4, 12-21 , 23-37, 40, 43
Andrea C. Crane	OPC	2, 3, 4, 12, 13, 14, 16, 23, 24, 26, 27, 29, 30, 31, 32, 33, 40, 41,

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
David J. Garrett [Stipulated and Excused]	OPC	18, 19, 20, 21, 22,
Frank W. Radigan	OPC	2, 3, 5, 6, 7, 9,
Sarah Lewis [Stipulated and Excused]	OPC	1
<b>Debra Dobiac</b> [Stipulated and Excused]	STAFF	18, 24, 35
Rhonda L. Hicks [Stipulated and Excused]	STAFF	1
<u>Rebuttal</u>		
Dylan W. D'Ascendis [Stipulated and Excused]	UIF	22
Chris Snow	UIF	1
Jared Deason	UIF	18, 25, 32, 38, 39, 41
Frank Seidman	UIF	5-11
Patrick C. Flynn	UIF	1, 3, 4, 6, 26, 41
Deborah D. Swain	UIF	2-4, 12-21, 23-37, 40, 43

## VII. BASIC POSITIONS

**UIF:** In order to allow UIF recover its reasonable and prudent expenses and to have an opportunity to earn a reasonable return on its property used and useful in the public service, it is entitled to annual water operating revenues in the amount of \$19,416,373 and annual wastewater operating revenues in the amount of \$26,827,568.

**OPC:** The rate increase requested by UIF in this docket is not fully substantiated by evidence or law. Numerous adjustments are required to protect the interests of customers and to satisfy the statutory mandate to implement fair and reasonable rates. Additionally, the proposed Sewer and Water Improvement Mechanism would represent a sweeping change in policy, which only the Legislature can validly make. Not only is the proposed mechanism unnecessary, but approval of the scheme would exceed the Commission's statutory grant of authority.

**STAFF:** Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

### **VIII. ISSUES AND POSITIONS**

**ISSUE 1: Is the overall quality of service provided by the Utility satisfactory, and, if not, what systems have quality of service issues and what action should be taken by the Commission?**

**UIF:** The quality of service is satisfactory for all systems (Flynn & Snow).

**OPC:** No. Several systems have quality of service issues, including but not limited to, Lake Utility Services, Inc. (LUSI), Wekiva Hunt Club/Sanlando Utilities and Mid-County Services, Inc. At minimum, the Commission should find these three systems have marginal or unsatisfactory quality of service and should reduce the return on equity for the Utility by at least 50 basis points. If any specific UIF system or systems have a history of repeated or unresolved issues, such as Pasco-Summertree, the return on equity should be reduced by 100 basis points.

**STAFF:** Staff has no position at this time.

**ISSUE 2: Should any adjustments be made to test year plant-in-service balances?**

**UIF:** Yes, as set forth on Schedules A-1 and A-2 of the MFRs (Swain).

**OPC:** Yes. Approximately half of the projects proposed by the Company were complete at the time testimony was filed in this case. OPC proposes adjustments to those that are either under construction or awaiting construction because the project documentation does not indicate the projects will be in-service by the end of the 24-month period after the test year, as required by 367.081(2)(a)2., F.S. Additionally, there are six projects which are studies unrelated to a construction project which were erroneously included as plant in service. The six projects which should be excluded from plant-in service are the Labrador Engineering WWTP Master Plan, Sandalhaven Smoke Testing/I&I Investigation, Sanlando ENG F5/C1/L2 FM, Sanlando UIF CIP Analysis/Modeling, Summertree ST PW-Smoke Testing/I&I Investigation and UIF Wekiva Eng Northwestern Bridge WM Replacement.

**STAFF:** Staff has no position at this time.

**ISSUE 3: Should adjustments be made to the Utility's pro forma plant additions?**

**UIF:** Yes, adjustments should be made to each pro forma plant addition where the updated estimated expenditures differ from the amounts identified in the MFR's (Flynn & Swain).

**OPC:** Yes. For the approximately half of the 45 projects proposed to be completed over the 24-month period after the end of the test year, UIF has failed to provide sufficient verification of construction timing and final price. As such, there is no evidentiary basis upon which to approve these projects or to include these costs into the post-test year plant additions.

**STAFF:** Staff has no position at this time.

**ISSUE 4: What are the appropriate plant retirements to be made in this docket?**

**UIF:** Water - \$687,102; Wastewater - \$8,219,142 (Swain & Flynn).

**OPC:** The appropriate plant retirements are tied to the capital additions that are ultimately authorized by the Commission. If the Commission accepts the recommendation of OPC's expert to exclude several of the Company's claimed plant additions from rate base, then retirements associated with those additions should be added back to rate base, since these retirements will not occur if the associated new capital additions are not completed.

**STAFF:** Staff has no position at this time.

**ISSUE 5: Proposed Type 2 Stipulation; see Section X**

**ISSUE 6: Proposed Type 2 Stipulation; see Section X**

**ISSUE 7: Proposed Type 2 Stipulation; see Section X**

**ISSUE 8: Proposed Type 2 Stipulation; see Section X**

**ISSUE 9: What are the appropriate used and useful percentages for the wastewater treatment and related facilities of each wastewater system?**

**UIF:** All wastewater treatment and related facilities are 100% used and useful except as follows: LUSI - 70%, and Crownwood – 78.44%. In Sandalhaven, the used and useful percentage of purchased capacity should be 51.62%, the force main, master lift station structure, and the pumping equipment should be 100% (Seidman).

**OPC:** The appropriate used and useful percentages for each wastewater system below 100% are as follows:

- Mid-County: 93.67%
- Labrador: 79.94%
- Lake Placid: 29.79%
- LUSI: 65%
- Marion-Golden Hills/Crownwood: 78.44%

**STAFF:** Staff has no position at this time.

**ISSUE 10: Proposed Type 2 Stipulation; see Section X**

**ISSUE 11: Proposed Type 2 Stipulation; see Section X**

**ISSUE 12: Should any adjustments be made to test year accumulated depreciation?**

**UIF:** Yes. Water – (\$5,249,620); Wastewater – (\$2,869,610) (Swain).

**OPC:** Yes. The Commission should make those adjustments that are necessary to be consistent with OPC's recommendations regarding utility plant additions. Therefore, the Commission should eliminate one year of depreciation expense that the Company added to the reserve related to the utility plant-in-service additions that are subject to Mr. Radigan's adjustment. It is also necessary to reduce the Company's reserve adjustment associated with retirements since some of those retirements may not occur. OPC recommends an accumulated depreciation adjustment of \$62,729 for water per Exhibit ACC-2, Schedule 5 and of \$3,488,242 per Exhibit ACC-3, Schedule 6.

**STAFF:** Staff has no position at this time.

**ISSUE 13: Should any adjustments be made to test year CIAC balances?**

**UIF:** Yes. Water – (\$87,827); Wastewater – (\$753,220) (Swain).

**OPC:** Yes. The Commission should make those adjustments that are necessary to be consistent with OPC's recommendations regarding utility plant additions and



associated retirements. Therefore, the Commission should adjust the CIAC balances to account for those projected plant retirements that were funded by CIAC but which the OPC reversed in its retirement adjustment, as discussed on page 14 of Ms. Crane's testimony. OPC's adjustments are shown on Exhibit ACC-2, Schedule 6 for water and in Exhibit ACC-2, Schedule 7 for sewer.

**STAFF:** Staff has no position at this time.

**ISSUE 14: Should any adjustments be made to test year accumulated amortization of CIAC?**

**UIF:** Yes. Water – (\$88,677); Wastewater – (\$2,217,848) (Swain).

**OPC:** Yes. Adjustments to accumulated amortization should be made consistent with the adjustment to the CIAC balances discussed in Issue 13. These adjustments are also shown on Exhibit ACC-2, Schedule 6 for water and in Exhibit ACC-2, Schedule 7 for sewer.

**STAFF:** Staff has no position at this time.

**ISSUE 15: DROPPED**

**ISSUE 16: What is the appropriate working capital allowance?**

**UIF:** Water - \$4,151,132; Wastewater - \$5,551,167 (Swain).

**OPC:** The appropriate working capital allowance for water is \$1,847,933 as shown on Exhibit ACC-2, Schedule 3. The appropriate working capital allowance for sewer is \$2,348,716, as shown on Exhibit ACC-3, Schedule 3.

**STAFF:** Staff has no position at this time.

**ISSUE 17: What is the appropriate rate base for the adjusted December 31, 2019, test year?**

**UIF:** Water - \$56,913,982; Wastewater - \$89,747,179 (Swain).

**OPC:** The appropriate rate base for the December 31, 2019 test year for water is \$54,066,409, as shown in Exhibit ACC-2, Schedule 3. The appropriate rate base for the December 31, 2019 test year for sewer is \$74,394,657, as shown on Exhibit ACC-3, Schedule 3.

**STAFF:** Staff has no position at this time.

**ISSUE 18: What is the appropriate amount of accumulated deferred taxes to include in the capital structure?**

**UIF:** \$7,156,450, plus \$5,353,825 in TCJA (Swain).

**OPC:** The components of the capital structure should be adjusted consistent with the recommendations of Mr. Garrett regarding the percentages of long-term debt, short-term debt, and common equity. As discussed on pages 7-8 of Mr. Garrett's testimony, the capital structure should reflect 4.88% accumulated deferred taxes, which is the percentage of accumulated deferred taxes reflected in the capital structure proposed by UIF.

**STAFF:** Staff has no position at this time.

**ISSUE 19: What is the appropriate amount of customer deposits to include in the capital structure?**

**UIF:** \$248,501 (Swain).

**OPC:** The components of the capital structure should be adjusted consistent with the recommendations of Mr. Garrett regarding the percentages of long-term debt, short-term debt, and common equity. As discussed on pages 7-8 of Mr. Garrett's testimony, the capital structure should reflect 0.17% customer deposits, which is the percentage of accumulated deferred taxes reflected in the capital structure proposed by UIF.

**STAFF:** Staff has no position at this time.

**ISSUE 20: What is the appropriate cost rate for short-term debt for the test year?**

**UIF:** \$4.04% (Swain)

**OPC:** The capital structure should consist of 5% short-term debt at a cost rate of 4.04% for water and sewer. The capital structure recommended by OPC's expert, as adjusted to further include customer deposits, tax credits and deferred taxes, includes 4.56% short-term debt.

**STAFF:** Staff has no position at this time.

**ISSUE 21: What is the appropriate cost rate for long-term debt for the test year?**

**UIF:** 5.78% (Swain)

**OPC:** The capital structure should consist of 50% long-term debt at a cost rate of 5.78% for water and sewer. The capital structure recommended by OPC's expert, as adjusted to further include customer deposits, tax credits and deferred taxes, includes 45.63% long-term debt.

**STAFF:** Staff has no position at this time.

**ISSUE 22: What is the appropriate return on equity (ROE) for the test year?**

**UIF:** 11.75% (D'Ascendis).

**OPC:** The appropriate ROE for the test year is 9.50%. (Garrett)

**STAFF:** Staff has no position at this time.

**ISSUE 23: What is the appropriate weighted average cost of capital including the proper components, amounts and cost rates associated with the capital structure?**

**UIF:** 7.889% (Swain).

**OPC:** The appropriate WACC based on OPC's proposed capital structure and cost rates is 6.73%. (Crane).

**STAFF:** Staff has no position at this time.

**ISSUE 24: What are the appropriate test year revenues?**

**UIF:** Water - \$16,603,928; Wastewater - \$20,305,882 (Swain).

**OPC:** OPC did not propose any adjustments to the Company's claimed test year revenues at present rates. With regard to proposed rates, there should be adjustments of \$1,693,982 to the Company's claimed water revenue deficiency of \$2,823,848, as shown on Exhibit ACC-2, Schedule 1. This would result in an overall water revenue increase of no more than approximately 6.8%. In addition, OPC's proposed sewer adjustments indicate a revenue deficiency of no more than \$2,577,689, as summarized on Exhibit ACC-3, Schedule 1. This reflects revenue requirement adjustments of \$3,951,694 to the Company's claimed revenue deficiency of \$6,529,383. OPC's proposed adjustments would result in an overall sewer revenue increase of no more than approximately 12.7%. (Crane p 42 lines 4-12)

**STAFF:** Staff has no position at this time.

**ISSUE 25: Proposed Type 2 Stipulation; see Section X**

**ISSUE 26: Should any adjustment be made to the Utility's proposed pro forma expense?**

**UIF:** Yes. (Swain & Flynn)  
618/718 Chemicals, Water - (\$29,448), Sewer - \$1,121  
675/775 Telephone Expense, Water – (\$480), Sewer – (\$439)

**OPC:** Yes. OPC proposes that several adjustments to the Company's pro forma expense claims should be made, as discussed on pages 20-41 of Ms. Crane's testimony. OPC's expense adjustments are summarized on Exhibit ACC-2, Schedule 8 for water and on Exhibit ACC-3, Schedule 9 for sewer.

**STAFF:** Staff has no position at this time.

**ISSUE 27: Should any further adjustments be made to the Utility's test year O&M expenses?**

**UIF:** Yes. Water - \$373,246; Wastewater - \$575,233 (Swain).

**OPC:** Yes. OPC proposes that several adjustments to the Company's pro forma expense claims should be made, as discussed on pages 20-41 of Ms. Crane's testimony. OPC's expense adjustments are summarized on Exhibit ACC-2, Schedule 8 for water and on Exhibit ACC-3, Schedule 9 for sewer.

**STAFF:** Staff has no position at this time.

**ISSUE 28: Proposed Type 2 Stipulation; see Section X**

**ISSUE 29: Should any adjustments be made to test year taxes other than income?**

**UIF:** Yes. Water - \$203,117; Wastewater - \$617,805 (Swain).

**OPC:** Yes. A payroll tax adjustment should be applied to reflect the impact of OPC's recommended adjustments to eliminate costs for new employee positions, reduce the annual labor cost escalator, eliminate severance costs and eliminate 50% of incentive compensation award costs. For water, a payroll tax expense adjustment of \$17,537 should be made, as shown on Exhibit ACC-2, Schedule 13. For sewer,

a payroll tax adjustment of \$16,097 should be made, as shown on Exhibit ACC-2, Schedule 14.

It is also necessary to make adjustments to property tax expense in order to reflect certain reductions to utility plant-in-service and adjustments to non-used and useful plant (for the sewer utility). For water, a property tax expense adjustment of \$8,551 should be made per Exhibit ACC-2, Schedule 19. For sewer, a property tax expense adjustment of \$166,291 related to plant additions should be made, as shown on Exhibit ACC-3, Schedule 21, and a further property tax expense adjustment of \$21,885 related to non-used and useful plant, as shown on Exhibit ACC-3, Schedule 22.

**STAFF:** Staff has no position at this time.

**ISSUE 30: Should any adjustments be made to test year depreciation expense?**

**UIF:** Yes. Water - \$189,350; Wastewater - \$430,120 (Swain).

**OPC:** Yes. For water, a depreciation expense adjustment of \$13,581 related to plant additions should be made, as shown on Exhibit ACC-2, Schedule 18. For sewer, an expense adjustment of \$348,738 related to plant additions should be made, as shown on Exhibit ACC-3, Schedule 19, and an additional expense adjustment of \$77,091 related to non-used and useful plant, as shown in Exhibit ACC-3, Schedule 20.

**STAFF:** Staff has no position at this time.

**ISSUE 31: Should any adjustments be made to test year amortization of CIAC expense?**

**UIF:** Yes. Water – (\$3,126); Wastewater – (\$440,021) (Swain).

**OPC:** The adjustments that should be made to CIAC amortization expense are included in the depreciation expense adjustments shown in Exhibit ACC-2, Schedule 18 for water and in Exhibit ACC-3, Schedules 19 and 20, for sewer.

**STAFF:** Staff has no position at this time.

**ISSUE 32: What is the appropriate amount of test year income taxes?**

**UIF:** Water - \$909,274; Wastewater - \$1,433,944 (Swain).

**OPC:** The income taxes will depend upon the specific level of revenues authorized by the Commission. However, the income taxes should reflect a state income tax rate

of 4.46% in determining pro forma income tax expense. In addition, the Commission should return unprotected excess deferred income taxes to ratepayers over a five-year period.

**STAFF:** Staff has no position at this time.

**ISSUE 33: What is the appropriate revenue requirement for the adjusted December 31, 2019 test year?**

**UIF:** Water - \$19,416,373; Wastewater - \$26,827,568 (Swain).

**OPC:** The appropriate revenue requirement should be calculated using a base revenue increase of \$1,129,866 for water, as shown in Exhibit ACC-2, Schedule 1 and a base revenue increase of \$2,577,689 for sewer, as shown in Exhibit ACC-3, Schedule 1.

**STAFF:** Staff has no position at this time.

**ISSUE 34: Proposed Type 2 Stipulation; see Section X**

**ISSUE 35: Proposed Type 2 Stipulation; see Section X**

**ISSUE 36: Proposed Type 2 Stipulation; see Section X**

**ISSUE 37: Proposed Type 2 Stipulation; see Section X**

**ISSUE 38: Proposed Type 2 Stipulation; see Section X**

**ISSUE 39: Proposed Type 2 Stipulation; see Section X**

**ISSUE 40: Should a new Allowance for Funds Used During Construction (AFUDC) rate be established? If yes, what is the appropriate AFUDC rate and when will it be effective?**

**UIF:** No. The current AFUDC rate should remain unchanged (Swain).

**OPC:** Yes. The AFUDC rate should be reduced to 6.73% as of the effective date of the Final Order in this docket.

**STAFF:** Staff has no position at this time.

**ISSUE 41:** **Should the Utility's request for a Sewer and Water Improvement Mechanism (SWIM) be approved? If yes, what is the amount of the first year revenue requirement?**

**UIF:** Yes. The implementation of SWIM does not impact the current rate case revenue requirement. UIF proposes to implement SWIM in conjunction with its annual index filing in 2022, and annually thereafter (Flynn & Deason).

**OPC:** No. The request for SWIM should not be approved.

**STAFF:** Staff has no position at this time.

**ISSUE 42:** **In determining whether any portion of the interim increase granted should be refunded, how should the refund be calculated, and what is the amount of the refund, if any?**

**UIF:** Any refund should be calculated in accordance with Commission policy.

**OPC:** The refund should be calculated in accordance with the Commission's findings and the rates established in this case.

**STAFF:** Staff has no position at this time.

**ISSUE 43:** **What is the appropriate amount by which rates should be reduced after the established effective date to reflect the removal of the amortized rate case expense?**

**UIF:** \$197,144 adjusted for updated information provided in discovery responses, with 52.17% allocated to water revenues and 47.86% allocated to wastewater revenues (Swain).

**OPC:** OPC takes no position on this issue nor does it have the burden of proof related to it. As such, the OPC represents that it will not contest or oppose the Commission taking action approving a proposed stipulation between the Company and another party or staff as a final resolution of these issues. No person is authorized to state that the OPC is a participant in, or party to, a stipulation on these issues, either in this docket, in an order of the Commission or in a representation to a Court.

**STAFF:** Staff has no position at this time.

**ISSUE 44:** Should the Utility be required to notify, within 90 days of an effective order finalizing this docket, that it has adjusted its books for all the applicable National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts (USOA) associated with the Commission approved adjustments?

**UIF:** Yes.

**OPC:** Yes

**STAFF:** Staff has no position at this time.

**ISSUE 45: Should this docket be closed?**

**UIF:** Yes, after confirmation that adjustments have been made.

**OPC:** No.

**STAFF:** Staff has no position at this time.

**IX. EXHIBIT LIST**

<u>Witness</u>	<u>Proffered By</u>	<u>Description</u>
<u>Direct</u>		
Shawn M. Elicegui	UIF	SME-1 Confidential
Shawn M. Elicegui	UIF	SME-2
Shawn M. Elicegui	UIF	SME-3
Shawn M. Elicegui	UIF	SME-4



<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Shawn M. Elicegui	UIF	SME-5	Summary of Management Consulting, Certified Public Accounting and IT Professional Costs
Shawn M. Elicegui	UIF	SME-6 Page 56 - Confidential	Report of Baryenbruch & Company, LLC regarding reasonableness of charges from Water Management Services during the 12 months ended December 31, 2019
Dylan W. D'Ascendis	UIF	DWD-1	Education and Experience
Dylan W. D'Ascendis	UIF	DWD-2	Analysis Supporting Information
Deborah D. Swain	UIF	DDS-1	MFRs – Financial, Rate & Engineering (except F Schedules)
Deborah D. Swain	UIF	DDS-2	Reconciliation Schedules
Frank Seidman	UIF	FS-1	Education & Experience
Frank Seidman	UIF	FS-2	Summary of Used & Useful, EUW and Excess I & I
Frank Seidman	UIF	FS-3	Engineering (“F”) Schedules
Patrick C. Flynn	UIF	PCF-1	Cypress Lakes I & I Investigation
Patrick C. Flynn	UIF	PCF-2	Eagle Ridge LS 3 & 8 Rehabilitation
Patrick C. Flynn	UIF	PCF-3	Eagle Ridge SCADA RTU Installation
Patrick C. Flynn	UIF	PCF-4	Eagle Ridge Eng. Site Improvements

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Patrick C. Flynn	UIF	PCF-5	Eagle Ridge Site Improvements
Patrick C. Flynn	UIF	PCF-6	Labrador WWTP Master Plan
Patrick C. Flynn	UIF	PCF-7	Longwood SCADA RTU Installation
Patrick C. Flynn	UIF	PCF-8	LUSI Engineering of Crescent Bay Raw Water Main
Patrick C. Flynn	UIF	PCF-9	LUSI Crescent Bay Raw Water Main
Patrick C. Flynn	UIF	PCF-10	LUSI Lake Groves Sulfuric Acid Storage Tank Replacement
Patrick C. Flynn	UIF	PCF-11	LUSI Hydrochloric Acid Storage Tank Relocation
Patrick C. Flynn	UIF	PCF-12	LUSI Lake Grooves RAS Pump Replacement
Patrick C. Flynn	UIF	PCF-13	LUSI Barrington WWTP Improvements
Patrick C. Flynn	UIF	PCF-14	Mid-County Master Lift Station
Patrick C. Flynn	UIF	PCF-15	Mid-County Generators at LS 4 and LS 7
Patrick C. Flynn	UIF	PCF-16	Mid-County Curlew Creek I&I Remediation
Patrick C. Flynn	UIF	PCF-17	Mid-County Headworks
Patrick C. Flynn	UIF	PCF-18	Mid-County Lift Station #10 FM Relocation

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Patrick C. Flynn	UIF	PCF-19	Pennbrooke Diffuser Replacement
Patrick C. Flynn	UIF	PCF-20	Sandalhaven SCADA Installation
Patrick C. Flynn	UIF	PCF-21	Sandalhaven I&I Investigation
Patrick C. Flynn	UIF	PCF-22	Sanlando Wekiva WWTP Improvements
Patrick C. Flynn	UIF	PCF-23	Sanlando Wekiva Headworks
Patrick C. Flynn	UIF	PCF-24	Sanlando Well Panel Replacements
Patrick C. Flynn	UIF	PCF-25	Sanlando Power Line FM & WM Replacement
Patrick C. Flynn	UIF	PCF-26	Sanlando Engineering F5/C1/L2 FM Replacements
Patrick C. Flynn	UIF	PCF-27	Sanlando I&I Corrections, Phase 4
Patrick C. Flynn	UIF	PCF-28	Sanlando EE Williamson Utility Relocations
Patrick C. Flynn	UIF	PCF-29	Sanlando Lift Station Mechanical Rehabilitation
Patrick C. Flynn	UIF	PCF-30	Sanlando FM Modeling and Development of CIP
Patrick C. Flynn	UIF	PCF-31	Sanlando GST Remediation
Patrick C. Flynn	UIF	PCF-32	Tierra Verde I&I Remediation
Patrick C. Flynn	UIF	PCF-33	Tierra Verde FM & GSM Replacement

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Patrick C. Flynn	UIF	PCF-34	Tierra Verde LS 4 Replacement
Patrick C. Flynn	UIF	PCF-35	UIF – Buena Vista Well Improvements
Patrick C. Flynn	UIF	PCF-36	UIF – Orangewood Well 1 Improvements
Patrick C. Flynn	UIF	PCF-37	UIF – Seminole County SCADA Installation
Patrick C. Flynn	UIF	PCF-38	UIF – Summertree Chlorine Dioxide Pilot Study
Patrick C. Flynn	UIF	PCF-39	UIF – Summertree I&I Remediation
Patrick C. Flynn	UIF	PCF-40	UIF – Golden Hills Galvanized Pipe Replacement
Patrick C. Flynn	UIF	PCF-41	UIF – Golden Hills Water Main Relocation
Patrick C. Flynn	UIF	PCF-42	UIF – Little Wekiva Generator
Patrick C. Flynn	UIF	PCF-43	UIF – Park Ridge Generator
Patrick C. Flynn	UIF	PCF-44	UIF – Ravenna Park I&I Remediation
Patrick C. Flynn	UIF	PCF-45	UIF – Weathersfield Northwestern Bridge Crossing
Patrick C. Flynn	UIF	PCF-46	Kimley-Horn 5-Year Capital Improvement Plan
Andrea C. Crane	OPC	ACC-1	Resume and List of Prior Testimonies
Andrea C. Crane	OPC	ACC-2	Supporting Schedules-Water Utility

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Andrea C. Crane	OPC	ACC-3	Supporting Schedules-Sewer Utility
David J. Garrett	OPC	DJG-1	Curriculum Vitae
David J. Garrett	OPC	DJG-2	Proxy Group Summary
David J. Garrett	OPC	DJG-3	DCF Stock Prices
David J. Garrett	OPC	DJG-4	DCF Dividend Yields
David J. Garrett	OPC	DJG-5	DCF Terminal Growth Determinants
David J. Garrett	OPC	DJG-6	DCF Final Results
David J. Garrett	OPC	DJG-7	CAPM Risk-Free Rate
David J. Garrett	OPC	DJG-8	CAPM Betas
David J. Garrett	OPC	DJG-9	CAPM Implied Equity Risk Premium Calculation
David J. Garrett	OPC	DJG-10	CAPM Equity Risk Premium Results
David J. Garrett	OPC	DJG-11	CAPM Final Results
David J. Garrett	OPC	DJG-12	Cost of Equity Summary
David J. Garrett	OPC	DJG-13	Market Cost of Equity
David J. Garrett	OPC	DJG-14	Utility Awarded Returns vs. Market Cost of Equity
David J. Garrett	OPC	DJG-15	Competitive Industry Debt Ratios
David J. Garrett	OPC	DJG-16	Proxy Group Debt Ratios
David J. Garrett	OPC	DJG-17	Appendices Appendix A: Discounted Cash Flow Model Theory Appendix B: Capital Asset Pricing Model
Frank R. Radigan	OPC	FWR-1	Curriculum Vitae

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Frank R. Radigan	OPC	FWR-2	Utilities, Inc. of Florida List of Pro-Forma Projects that Lack Sufficient Support Information
Frank R. Radigan	OPC	FWR-3	Utilities, Inc. of Florida List of Pro-Forma Projects that are CWIP and Not Plant in Service
Frank R. Radigan	OPC	FWR-4	Labrador Service Area
Frank R. Radigan	OPC	FWR-5	ISO New England Inc. Open Access Transmission Tariff (OATT) Pool Transmission Owners Annual Transmission Revenue Requirement
Sarah Lewis	OPC	SL-1	Customer Complaints – Composite
Sarah Lewis	OPC	SL-2	Consent Order Data
Sarah Lewis	OPC	SL-3	PSC’s Complaint Activity Tracking System
Sarah Lewis	OPC	SL-4	Consent Orders Issued by DEP to UIF
Debra Dobiac	Commission Staff	DMD-1	Auditor's Report - Rate Case
Rhonda L. Hicks	Commission Staff	RLH-1	List of Customer Complaints
Rhonda L. Hicks	Commission Staff	RLH-2	Complaints by Close Out Code
<b><u>Rebuttal</u></b>			
Dylan W. D’Ascendis	UIF	DWD-3	Rebuttal Documentation
Frank Seidman	UIF	FS-4	Recalculation of U&U for LUSI-Lake Groves WWTP

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Patrick C. Flynn	UIF	PCF-1 Updated	Cypress Lakes I & I Investigation
Patrick C. Flynn	UIF	PCF-2 Updated	Eagle Ridge LS 3 & 8 Rehabilitation
Patrick C. Flynn	UIF	PCF-3 Updated	Eagle Ridge SCADA RTU Installation
Patrick C. Flynn	UIF	PCF-4 Updated	Eagle Ridge Eng. Site Improvements
Patrick C. Flynn	UIF	PCF-5 Updated	Eagle Ridge Site Improvements
Patrick C. Flynn	UIF	PCF-6 Updated	Labrador WWTP Master Plan
Patrick C. Flynn	UIF	PCF-7 Updated	Longwood SCADA RTU Installation
Patrick C. Flynn	UIF	PCF-8 Updated	LUSI Engineering of Crescent Bay Raw Water Main
Patrick C. Flynn	UIF	PCF-9 Updated	LUSI Crescent Bay Raw Water Main
Patrick C. Flynn	UIF	PCF-10 Updated	LUSI Lake Groves Sulfuric Acid Storage Tank Replacement
Patrick C. Flynn	UIF	PCF-11 Updated	LUSI Hydrochloric Acid Storage Tank Relocation
Patrick C. Flynn	UIF	PCF-12 Updated	LUSI Lake Grooves RAS Pump Replacement
Patrick C. Flynn	UIF	PCF-13 Updated	LUSI Barrington WWTP Improvements
Patrick C. Flynn	UIF	PCF-14 Updated	Mid-County Master Lift Station

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Patrick C. Flynn	UIF	PCF-15 Updated	Mid-County Generators at LS 4 and LS 7
Patrick C. Flynn	UIF	PCF-16 Updated	Mid-County Curlew Creek I&I Remediation
Patrick C. Flynn	UIF	PCF-17 Updated	Mid-County Headworks
Patrick C. Flynn	UIF	PCF-18 Updated	Mid-County Lift Station #10 FM Relocation
Patrick C. Flynn	UIF	PCF-19 Updated	Pennbrooke Diffuser Replacement
Patrick C. Flynn	UIF	PCF-20 Updated	Sandalhaven SCADA Installation
Patrick C. Flynn	UIF	PCF-21 Updated	Sandalhaven I&I Investigation
Patrick C. Flynn	UIF	PCF-22 Updated	Sanlando Wekiva WWTP Improvements
Patrick C. Flynn	UIF	PCF-23 Updated	Sanlando Wekiva Headworks
Patrick C. Flynn	UIF	PCF-24 Updated	Sanlando Well Panel Replacements
Patrick C. Flynn	UIF	PCF-25 Updated	Sanlando Power Line FM & WM Replacement
Patrick C. Flynn	UIF	PCF-26 Updated	Sanlando Engineering F5/C1/L2 FM Replacements
Patrick C. Flynn	UIF	PCF-27 Updated	Sanlando I&I Corrections, Phase 4
Patrick C. Flynn	UIF	PCF-28 Updated	Sanlando EE Williamson Utility Relocations



<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Patrick C. Flynn	UIF	PCF-29 Updated	Sanlando Lift Station Mechanical Rehabilitation
Patrick C. Flynn	UIF	PCF-30 Updated	Sanlando FM Modeling and Development of CIP
Patrick C. Flynn	UIF	PCF-31 Updated	Sanlando GST Remediation
Patrick C. Flynn	UIF	PCF-32 Updated	Tierra Verde I&I Remediation
Patrick C. Flynn	UIF	PCF-33 Updated	Tierra Verde FM & GSM Replacement
Patrick C. Flynn	UIF	PCF-34 Updated	Tierra Verde LS 4 Replacement
Patrick C. Flynn	UIF	PCF-35 Updated	UIF – Buena Vista Well Improvements
Patrick C. Flynn	UIF	PCF-36 Updated	UIF – Orangewood Well 1 Improvements
Patrick C. Flynn	UIF	PCF-37 Updated	UIF – Seminole County SCADA Installation
Patrick C. Flynn	UIF	PCF-38 Updated	UIF – Summertree Chlorine Dioxide Pilot Study
Patrick C. Flynn	UIF	PCF-39 Updated	UIF – Summertree I&I Remediation
Patrick C. Flynn	UIF	PCF-40 Updated	UIF – Golden Hills Galvanized Pipe Replacement
Patrick C. Flynn	UIF	PCF-41 Updated	UIF – Golden Hills Water Main Relocation
Patrick C. Flynn	UIF	PCF-42 Updated	UIF – Little Wekiva Generator

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Patrick C. Flynn	UIF	PCF-43 Updated	UIF – Park Ridge Generator
Patrick C. Flynn	UIF	PCF-44 Updated	UIF – Ravenna Park I&I Remediation
Patrick C. Flynn	UIF	PCF-45 Updated	UIF – Weathersfield Northwestern Bridge Crossing
Patrick C. Flynn	UIF	PCF-47 Updated	Proforma Project Roster

Parties and staff reserve the right to identify additional exhibits for the purpose of cross-examination.

#### **X. PROPOSED STIPULATIONS**

The following issues are offered as proposed Type 2 stipulations. OPC takes no position on these issues nor does it have the burden of proof related to them. As such, OPC represents that it will not contest or oppose the Commission taking action approving a proposed stipulation between the Company and another party or staff as a final resolution of these issues. No person is authorized to state that OPC is a participant in, or party to, a stipulation on these issues, either in this docket, in an order of the Commission, or in a representation to a Court.

#### **ISSUE 5: Do any water systems have excessive unaccounted for water and, if so, what systems and what adjustments are necessary, if any?**

**Stipulation:** Yes, as follows: Lake Placid – 10.00%; LUSI (Four Lakes) – 1.90%; Golden Hills – 8.80%; Sanlando 2.10% and Little Wekiva 5.50%. Adjustments should be made to purchased power, chemicals and purchased water/wastewater as appropriate.

#### **ISSUE 6: Do any wastewater systems have excessive infiltration and/or inflow and, if so, what systems and what adjustments are necessary, if any?**

**Stipulation:** Yes, as follows: Summertree – 2.14%; Orangewood – 5.72% and Ravenna Park – 11.25%. Adjustments should be made to purchased power, chemicals and purchased water/wastewater as appropriate.

#### **ISSUE 7: What are the appropriate used and useful percentages for the water treatment and related facilities of each water system?**

**Stipulation:** All water treatment and related facilities are 100% used and useful.

**ISSUE 8: What are the appropriate used and useful percentages for the water storage and related facilities of each water system?**

**Stipulation:** All water storage and related facilities are 100% used and useful.

**ISSUE 10: What are the appropriate used and useful percentages for the water distribution and related facilities of each water system?**

**Stipulation:** All water distribution and related facilities are 100% used and useful.

**ISSUE 11: What are the appropriate used and useful percentages for the collection lines and related facilities of each wastewater system?**

**Stipulation:** All collection lines are 100% used and useful.

**ISSUE 25: What is the appropriate amount of rate case expense?**

**Stipulation:** The appropriate amount of rate case expense is \$743,084. This should be amortized over four years for an annual expense of \$185,771. Based on the Utility's original request for amortization of rate case expense of \$197,144, annual amortization of rate case expense should be decreased by \$11,373. Pursuant to Order No. PSC-2019-0363-PAA-WS, \$39,727 of the total rate case expense is appellate and remand rate case expense related to Docket No. 20160101-WS.

**ISSUE 28: Should any adjustments be made to operating expense amortizations?**

**Stipulation:** Yes, pursuant to Order No. PSC-2017-0361-FOF-WS, the amortization expense associated with early retirements should be \$46,750 for the Summertree water system, \$193,294 for the Longwood wastewater system, and \$30,511 for the Sandalhaven wastewater system. Therefore, amortization expense should be increased by \$46 and \$121,916 for water and wastewater, respectively.

**ISSUE 34: What are the appropriate rate structures and rates for the water systems?**

**Stipulation:** The appropriate rate structure is a continuation of the existing rate structure and the percentage increase should be applied as an across-the-board increase to service rates at the time of filing. To determine the appropriate percentage increase to apply to the service rates, miscellaneous revenues of \$363,563 should be removed from the test year revenues.

**ISSUE 35: What are the appropriate private fire protection charges?**

**Stipulation:** The appropriate private fire protection charges for UIF should be calculated based on one-twelfth of the respective base facility charge pursuant to Rule 25-30.465, F.A.C.

**ISSUE 36: What are the appropriate rate structures and rates for the wastewater systems?**

**Stipulation:** The appropriate rate structure is a continuation of the existing rate structure and the percentage increase should be applied as an across-the-board increase to service rates at the time of filing. To determine the appropriate percentage increase to apply to the service rates, miscellaneous revenues of \$333,719 should be removed from the test year revenues.

**ISSUE 37: What are the appropriate reuse rates?**

**Stipulation:** The appropriate rate structure is a continuation of the existing rate structure and the percentage increase should be applied as an across-the-board increase to reuse rates at the time of filing. To determine the appropriate percentage increase to apply to the service rates, miscellaneous revenues of \$333,719 should be removed from the test year revenues.

**ISSUE 38: What are the appropriate customer deposits?**

**Stipulation:** The appropriate customer deposits for UIF should reflect an average of two months service for residential customers with a 5/8" x 3/4" meter and two times the average customer bill for all other meter sizes.

**ISSUE 39: What are the appropriate guaranteed revenue charges?**

**Stipulation:** The guaranteed revenue charges should remain unchanged.

**XI. PENDING MOTIONS**

There are no pending motions at this time.

**XII. PENDING CONFIDENTIALITY MATTERS**

UIF has pending the following requests for confidential treatment of information:

Document No.	Date	Description
DN 13054-2020	12/01/2020	UIF's Amended Motion for Protective Order, amending DN 12891-2020, 11/30/2020, and request for confidential classification of DN 13055-2020, regarding UIF's response to Staff's Third Request for Production of Documents No. 15.
DN 04328-2020	8/10/2020	UIF's Motion for Protective Order for responses to OPC's 1st request for PODs (No. 6) and 1st set of interrogatories (Nos. 11, 12, 18, 20, and 39).
DN 03457-2020	6/30/2020	UIF's Request for Confidential Classification with regard to Exhibits SME-1 and SME-6.

### **XIII. POST-HEARING PROCEDURES**

If no bench decision is made, each party shall file a post-hearing statement of issues and positions. A summary of each position, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of this Prehearing Order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. If a party fails to file a post-hearing statement, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, F.A.C., a party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 40 pages and shall be filed at the same time.

### **XIV. RULINGS**

Opening statements, if any, shall not exceed three minutes per party.

Witness summaries shall be no longer than three minutes per witness.

The parties shall provide cross-examination exhibits, including impeachment exhibits, to the Commission Clerk by the close of business on January 26, 2021, following the procedures set forth in Attachment A. The exhibits that are pre-filed and designated as cross-examination or impeachment exhibits shall not be viewed by opposing witnesses or opposing counsel or otherwise have their contents or identity communicated to such witnesses or counsel.

It is therefore,

ORDERED by Commissioner Andrew Giles Fay, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Commissioner Andrew Giles Fay, as Prehearing Officer, this 29th day of January, 2021.



---

ANDREW GILES FAY  
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.

WLT/BYL

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.

Requirements related to providing Cross-Examination Exhibits prior to Hearing

By January 26, 2021, each party must provide the Commission Clerk an electronic copy of all cross-examination exhibits, including impeachment exhibits, the party plans to use during the hearing. All cross-examination exhibits must be provided to the Clerk's Office on either USB flash drives or CDs. Confidential documents must be placed on one USB flash drive or CD, and non-confidential exhibits must be placed on a different or separate USB flash drive or CD. This is because the Clerk's Office will process the confidential exhibits, and will transmit all non-confidential exhibits to the General Counsel's Office for processing. All USB flash drives or CDs provided to the Clerk's Office must be clearly labeled as confidential or non-confidential, and the label must also include the Docket Number(s) and the name of the party providing the exhibits.

Each party must also provide to the Clerk by January 26, 2021, a table listing the exhibit numbers and short titles of each cross-examination exhibit provided to the Clerk. Pursuant to Rule 25-22.006(3), F.A.C., a notice of intent to request confidential classification must be filed for all confidential information.

Each party must pre-number each exhibit with the following sequential numbering system that clearly denotes confidential exhibits. For example, UIF will pre-identify its cross-examination exhibits UIF-1, UIF-2, UIF-3, etc. All confidential exhibits must include the letter "C" placed after the number. Thus, if UIF's third exhibit is confidential, it will be labeled UIF-3C.

Each exhibit must be saved as a separate electronic file, and each file must be labeled with the exhibit number that reflects the information contained in the exhibit. The exhibit number will serve as the filename in the virtual folder during the hearing. Each exhibit must also include a cover page that includes the exhibit number. In addition, each exhibit must include sequentially numbered pages. The page numbers must be placed in the upper right-hand corner of each page.

The confidential and non-confidential cross-examination exhibits will be made available to the parties in virtual folders the day before the hearing. The cross-examination exhibits will be made available to the parties for the sole purpose of providing the witnesses and their counsel with the opportunity to print the exhibits or download them to their electronic devices for use during the hearing. The parties must not view or read the exhibits prior to the hearing. Parties will be provided usernames and passwords by Commission staff that will give them access to the confidential exhibits and any other confidential information that will be used during the hearing. By January 26, 2021, parties must provide the Commission Clerk with the list of names of those persons who should be given a user name and password to access confidential information.