

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery  
clause.

DOCKET NO. 20220002-EG  
ORDER NO. PSC-2022-0381A-PHO-EG  
ISSUED: November 9, 2022

AMENDED 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 November 2, 2022, in Tallahassee, Florida, before Commissioner Mike La Rosa, as Prehearing Officer.

APPEARANCES:

MARIA JOSE MONCADA and WILL P. COX, ESQUIRES, 700 Universe Boulevard, Juno Beach, Florida 33408-2863  
On behalf of FLORIDA POWER & LIGHT COMPANY (FPL).

DIANNE M. TRIPLET, ESQUIRE, 299 First Avenue North, St. Petersburg, Florida 33701, MATTHEW R. BERNIER, and STEPHANIE A. CUELLO, ESQUIRES, 106 East College Avenue, Suite 800, Tallahassee, Florida 32301  
On behalf of DUKE ENERGY FLORIDA, LLC (DEF).

J. JEFFRY WAHLEN, MALCOLM N. MEANS, and VIRGINIA PONDER, ESQUIRES, Post Office Box 391, Tallahassee, Florida 32302  
On behalf of TAMPA ELECTRIC COMPANY (TECO).

BETH KEATING, ESQUIRE, Gunster, Yoakley & Stewart, P.A., 215 South Monroe St., Suite 601, Tallahassee, Florida 32301-1804  
215 South Monroe St., Suite 601, Tallahassee, Florida 32301-1804  
On behalf of FLORIDA PUBLIC UTILITIES COMPANY (FPUC).

RICHARD GENTRY, CHARLES A. REHWINKEL, and MARY A. WESSLING, ESQUIRES, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400  
On behalf of OFFICE OF PUBLIC COUNSEL (OPC).

JON C. MOYLE, JR., ESQUIRE, 118 North Gadsden Street, Tallahassee, Florida 32312  
On behalf of FLORIDA INDUSTRIAL POWER USERS GROUP (FIPUG).

PETER J. MATTHEIS, MICHAEL K. LAVANGA, and JOSEPH R. BRISCAR, ESQUIRES, 1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower, Washington D.C. 20007

On behalf of Nucor Steel Florida, Inc. (NUCOR).

JAMES W. BREW and LAURA WYNN BAKER, ESQUIRES, 1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower, Washington, D.C. 20007

On behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (PCS).

GEORGE CAVROS, ESQUIRE, 120 E. Oakland Park Blvd., Suite 105, Fort Lauderdale, FL 33334

On behalf of Southern Alliance for Clean Energy (SACE).

WALTER TRIERWEILER, ESQUIRE, 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**

The Energy Conservation Cost Recovery Clause allows electric public utilities to seek recovery of costs for energy conservation programs on an annual basis, pursuant to Sections 366.80-366.83, Florida Statutes (F.S.), and Chapter 25-17, Florida Administrative Code (F.A.C.). As part of the Commission's continuing energy conservation cost recovery proceedings, an administrative hearing in this docket is set for November 17-18, 2022.

## **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.

### **III. JURISDICTION**

This Commission is vested with jurisdiction over the subject matter by the provisions of Chapters 120 and 366, F.S. This hearing will be governed by said Chapters and Chapters 25-6, 25-22, and 28-106, and 28-109, 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 366.093, F.S., and Rule 25-22.006, F.A.C., shall be treated by the Commission as confidential. The information shall be exempt from Subsection 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 366.093, 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 366.093, 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 366.093, 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 have copies for the Commissioners, necessary staff, and the court reporter, in red envelopes clearly marked with the nature of the contents and with the confidential information highlighted. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.
- (2) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise confidentiality. Therefore, confidential information should be presented by written exhibit when reasonably possible.

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**

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
Richard L. Hume	FPL	1-7, 10
John N. Floyd	FPL	1-2, 4
Karla Rodriguez	DEF	1, 2-7, 10
Mark R. Roche	TECO	1-10

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
Derrick M. Craig	FPUC	1-10

## VII. BASIC POSITIONS

**FPL:** FPL's 2023 Conservation Cost Recovery Factors for the January 2023 through December 2023 recovery period, which include separate 2021 net final true-ups for pre-consolidated FPL and pre-consolidated Gulf and the 2022 actual/estimated true-up for FPL, are appropriate and reasonable and should be approved.

**DEF:** The Commission should determine that DEF has properly calculated its conservation cost recovery true-up and projection costs and should approve the conservation cost recovery factors for the period January 2023 through December 2023 set forth in the testimony and exhibits of witness Karla Rodriguez.

**TECO:** The Commission should determine that Tampa Electric has properly calculated its conservation cost recovery true-up and projections and the conservation cost recovery factors set forth in the testimony and exhibits of witness Mark R. Roche for the period January 2023 through December 2023.

The Commission should approve the Contracted Credit Value in accordance with Order No. PSC-2021-0423-S-EI, issued November 10, 2021, in Docket No. 20210034 for the GSLM-2 and GSLM-3 rate riders for use during the period January 2023 through December 2023.

The Commission should also approve the Residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2023 through December 2023 as set forth in witness Roche's testimony and exhibits.

**FPUC:** The Commission should approve Florida Public Utilities Company's final net true-up for the period January through December 2021, the estimated true-up for the period January through December, 2022, and the projected conservation program expenses for the period January through December, 2023.

**OPC:** The utilities bear the burden of proof to justify the recovery of costs they request in this docket. The utilities must carry this burden regardless of whether or not the Interveners provide evidence to the contrary. Further, the utilities bear the burden of proof to support their proposal(s) seeking the Commission's adoption of policy statements (whether new or changed) or other affirmative relief sought. Even if the Commission has previously approved a program, recovery of a cost, factor, or adjustment as meeting the Commission's *own* requirements, the utilities still bear the burden of demonstrating that the costs submitted for final recovery

meet any statutory test(s) and are reasonable in amount and prudently incurred. Further, recovery of even prudently incurred costs is constrained by the Commission's obligation to set fair, just, and reasonable rates. Further, pursuant to Section 366.01, Florida Statutes, the provisions of Chapter 366 must be liberally construed to protect the public welfare.

**FIPUG:** FIPUG maintains that the respective utilities must satisfy their burden of proof for any and all monies or other relief sought in this proceeding.

**NUCOR:** Nucor's basic position is that Duke Energy Florida, LLC ("DEF") bears the burden of proof to justify the costs it seeks to recover through the ECCRC and any other relief DEF requests in this proceeding.

**PCS:** PCS Phosphate generally adopts the positions taken by the Florida Office of Public Counsel ("OPC") unless a differing position is specifically stated.

**SACE:** SACE maintains that the utilities bear the burden of proof to justify the recovery of cost that they request in this docket, and that the previously approved conservation goals that are implemented through the conservation programs, for which the companies seek cost recovery in this docket, were proposed by the utilities and approved by the Commission using outdated cost-effectiveness and economic screening practices – primarily through reliance on the Rate Impact Measure (RIM) test and the arbitrary 2-year payback screen – that depress energy efficiency potential results. The Commission should take the opportunity in its conservation goal setting rulemaking docket to modernize its conservation goal setting practices to reflect standard industry practice in order to successfully utilize demand-side management as a resource to reduce the state's reliance on fossil gas - and to mitigate massive bill impacts on customers from volatile fuel costs. Positions taken by SACE in this conservation programs cost recovery docket that do not contest cost recovery amounts, are not an endorsement of the Commission's current goals setting practices.

**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**

Type 2 stipulations of Issues 1-10 are set forth at Section X of this Order.

**IX. EXHIBIT LIST**

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
<u>Direct</u>			
Richard Hume	FPL	JNF-1	Schedule CT-1
Richard Hume	FPL	JNF-2	Schedule CT-1
Richard Hume John Floyd	FPL	JNF-3	Schedules C-1-C-3
Karla Rodriguez	DEF	KR-1T	Schedule CT-1
Karla Rodriguez	DEF	Revised KR-1P	Schedules C-1 through C-3
Mark R. Roche	TECO	MRR-1	Schedule CT-1
Mark R. Roche	TECO	MRR-2	Schedules C-1 and C-3
Derrick M. Craig	FPUC	DMC-1	Schedules C-1
Derrick M. Craig	FPUC	DMC-2	Schedule CT-1 and C-3

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

**X. PROPOSED STIPULATIONS**

As referenced in Section VIII, there are Type 2 proposed stipulations on all issues in this docket. A Type 2 stipulation occurs on an issue when the utility and the staff, or the utility and at least one party adversarial to the utility, agree on the resolution of the issue and the remaining parties (including staff if they do not join in the agreement) do not object to the Commission relying on the agreed language to resolve that issue in a final order. FPL, DEF, TECO, FPUC, FIPUG, NUCOR, PCS, and SACE have reached proposed stipulations on all issues, and OPC states the following:

The OPC takes no position on the issues nor does it have the burden of proof related to them. As such, the OPC represents that it will not contest or oppose the Commission taking action approving the proposed stipulations between the Company and another party or Staff as a final resolution of the issues. No person is authorized to state that the OPC is a participant in, or party to, any of the

stipulations on these issues, either in this docket, in an order of the Commission or in a representation to a Court.

FPL, DEF, TECO, FPUC, FIPUG, NUCOR, PCS, and SACE and Commission staff support the proposed stipulations.

**ISSUE 1:**                   **What are the final conservation cost recovery adjustment true-up amounts for the period January 2021 through December 2021?**

**STIPULATION:**       The final conservation cost recovery adjustment true-up amounts for the period January 2021 through December 2021 are as follows:

- For DEF, \$10,606,390 (Over-recovery), as reflected in Schedule CT-1, Page 1 of 1, in Exhibit KR-1T.
- For FPUC, \$63,728 (Over-recovery), which is the sum of \$27,168 (Over-recovery), that is reflected in Schedule CT-1, Page 1 of 1, in Exhibit DMC-1, plus an adjustment of \$36,560 the Company made in response to a staff audit finding in Audit Control No. 2022-019-1-2.
- For TECO, \$6,151,655 (Over-recovery), as reflected in Schedule CT-1, Page 1 of 1, in Exhibit MRR-1.
- For FPL, Effective January 1, 2022, the rates and tariffs of Florida Power & Light Company (FPL) and Gulf Power Company (Gulf) were consolidated and unified, with all former Gulf customers becoming FPL customers, and Gulf ceased to exist as a separate ratemaking entity. The respective final conservation cost recovery adjustment true-up amounts from FPL and Gulf for the period January 2021 through December 2021 total \$4,192,496 (Over-recovery), which is the amount that will be used to calculate the total true up adjustment amount recorded in Issue 3. For FPL as a stand-alone entity, the final conservation cost recovery adjustment true-up amount for January 2021 through December 2021 is an over-recovery of \$3,276,393, as reflected in Schedule CT-1, Page 1 of 1, in Exhibit JNF-1. For Gulf as a stand-alone entity, the final conservation cost recovery adjustment true-up amount for January 2021 through December 2021 is an over-recovery of \$916,101, as reflected in Schedule CT-1, Page 1 of 1, in Exhibit JNF-2.

**ISSUE 2:**           **What are the appropriate conservation adjustment actual/estimated true-up amounts for the period January 2022 through December 2022?**

**STIPULATION:**    The appropriate conservation adjustment actual/estimated true-up amounts for the period January 2022 through December 2022 are as follows:

- For DEF, \$3,762,001 (Under-recovery), which is calculated by taking the difference from the amount in Issue 1 from the \$6,844,389 (Over-recovery), that is reflected in Schedule C-3, Page 5 of 5, in Exhibit KR-1P.
- For FPUC, \$44,251 (Over-recovery), which is calculated by taking the difference from the amount in Issue 1 from the \$107,979 (Over-recovery), that is reflected in Schedule C-3, Page 4 of 5, in Exhibit DMC-2.
- For TECO, \$5,789,732 (Under-recovery), as reflected in Schedule C-3, Page 11 of 12, in Exhibit MRR-2.
- For FPL, \$14,992,234, (Over-recovery), as reflected in Schedule C-3, Page 28 of 35, in JNF-3.

**ISSUE 3:**           **What are the appropriate total conservation adjustment true-up amounts to be collected/refunded in the period from January 2023 through December 2023?**

**STIPULATION:**    The appropriate total conservation adjustment true-up amounts to be collected/refunded from January 2023 through December 2023 are as follows:

- For DEF, \$6,844,389 (Over-recovery), as reflected in Schedule C-3, Page 5 of 5, in Exhibit KR-1P.
- For FPUC, \$107,979 (Over-recovery), that is reflected in Schedule C-3, Page 4 of 5, Line 11, in Exhibit DMC-2.
- For TECO, \$361,923 (Over-recovery), as reflected, Schedule C-3, Page 11 of 12, in Exhibit MRR-2.
- For FPL, \$19,184,730, (Over-recovery), as reflected in Schedule C-3, Page 28 of 35, in JNF-3.

**ISSUE 4:**                    **What are the total conservation cost recovery amounts to be collected during the period January 2023 through December 2023?**

**STIPULATION:**        The total conservation cost recovery amounts to be collected during the period January 2023 through December 2023 are as follows:

- For DEF, \$112,815,132, which is calculated by taking the amount in Issue 3 from the Total Demand and Energy Costs amount, \$119,659,521, as reflected in Schedule C-2, Line 22, Page 1 of 5, in Exhibit KR-1P.
- For FPUC, \$754,171, which is calculated by taking the amount in Issue 3 from the Total Incremental Costs amount, \$862,150, as reflected in Schedule C-1, Line 3, Page 1 of 1, in Exhibit DMC-2.
- For TECO, \$48,727,656, which is calculated by taking the amount in Issue 3 from the \$49,089,579 amount that is reflected in Schedule C-1d, Line 6, Page 1 of 1, in Exhibit MRR-2.
- For FPL, \$145,212,705, which is calculated by taking the amount in Issue 3 from the \$164,397,435 amount that is reflected in Schedule C-1, Page 2 of 35, in Exhibit JNF-3.

**ISSUE 5:** What are the conservation cost recovery factors for the period January 2023 through December 2023?

**STIPULATION:** The conservation cost recovery factors for the period January 2023 through December 2023 are as follows: <sup>1</sup>

**DEF:**

<b>2023 ECCR Cost Recovery Factors, as reflected in Schedule C-1, Page 2 of 2, in Exhibit KR-1P</b>			
<b>Retail Rate Schedule</b>	<b>Cost Recovery Factor (Cents/kWh) Voltage Level</b>		
	<b>Secondary</b>	<b>Primary</b>	<b>Transmission</b>
Residential: RS-1, RST-1, RSL-1, RSL-2, RSS-1	0.320	N/A	N/A
General Service Non-Demand: GS-1, GST-1	0.288	0.285	0.282
General Service: GS-2	0.217	N/A	N/A
Lighting: LS-1	0.116	N/A	N/A

<b>2023 ECCR Cost Recovery Factors, as reflected in Schedule C-1, Page 2 of 2, in Exhibit KR-1P</b>			
<b>Retail Rate Schedule</b>	<b>Cost Recovery Factor (Dollars/kW) Voltage Level</b>		
	<b>Secondary</b>	<b>Primary</b>	<b>Transmission</b>
General Service Demand: GSD-1, GSDD-1, SS-1	0.850	0.840	0.830
Curtaillable: CS-2, CST-2, CS-3, CST-3, SS-3	0.460	0.460	0.450
Interruptible: IS-2, IST-2, SS-2	0.700	0.690	0.690
Standby Monthly	0.082	0.081	0.080
Standby Daily	0.039	0.039	0.038

**FPUC:** \$.00113 per kWh (consolidated levelized conservation cost recovery factor), as reflected in Schedule C-1, Line 8, Page 1 of 1, in Exhibit DMC-2.

<sup>1</sup> The Tables reflecting DEF's and TECO's ECCR Cost Recovery Factors had been erroneously combined in the earlier version of this order and have been amended to reflect the correct depiction of stipulated data for both Utilities.

**FPL:**

Rate Class	Conservation Recovery Factor (\$/kw)	Conservation Recovery Factor (\$/kwh)	RDC (\$/KW)	SDD (\$/KW)
RS1/RTR1		0.00122	-	-
GS1/GST1	-	0.00125	-	-
GSD1/GSDT1/HLFT1/GSD1-EV	0.43	-	-	-
OS2	-	0.00085	-	-
GSLD1/GSLDT1/CS1/ CST1/HLFT2/GSLD1-EV	0.47	-	-	-
GSLD2/GSLDT2/CS2/ CST2/HLFT3	0.49	-	-	-
GSLD3/GSLDT3/ CS3/CST3	0.45	-	-	-
SST1T	-	-	\$0.05	\$0.03
SST1D1/SST1D2/SST1D3	-	-	\$0.05	\$0.03
CILC D/CILC G	0.51	-	-	-
CILC T	0.51	-	-	-
MET	0.42	-	-	-
OL1/SL1/SL1M/PL1/OSI/II	-	0.00038	-	-
SL2/SL2M/GSCU1	-	0.00090	-	-

**TECO:**

2023 ECCR Cost Recovery Factors, as reflected in Schedule C-1a, Page 1 of 1, in Exhibit MRR-2			
Retail Rate Schedule	Cost Recovery Factor (Cents/kWh) Voltage Level		
	Secondary	Primary	Subtransmission
RS	0.281	N/A	N/A
GS and CS	0.275	N/A	N/A
GSD Optional	0.211	0.209	0.207
LS1, LS2	0.253	N/A	N/A

<b>2023 ECCR Cost Recovery Factors, as reflected in Schedule C-1a, Page 1 of 1, in Exhibit MRR-2</b>			
<b>Retail Rate Schedule</b>	<b>Cost Recovery Factor (Dollars/kW) Voltage Level</b>		
	<b>Secondary</b>	<b>Primary</b>	<b>Subtransmission</b>
GSD, SBD	0.880	0.870	0.860
GSLD	N/A	0.840	0.740

**ISSUE 6:**            **What should be the effective date of the new conservation cost recovery factors for billing purposes?**

**STIPULATION:**    The factors shall be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2023 through December 2023. Billing cycles may start before January 1, 2023 and the last cycle may be read after December 31, 2023, so that each customer is billed for twelve months regardless of when the adjustment factor became effective. These charges shall continue in effect until modified by subsequent order of this Commission.

**ISSUE 7:**            **Should the Commission approve revised tariffs reflecting the energy conservation cost recovery factors determined to be appropriate in this proceeding?**

**STIPULATION:**    Yes. The Commission should approve revised tariffs reflecting the energy conservation cost recovery factors determined to be appropriate in this proceeding. The Commission should direct staff to verify that the revised tariffs are consistent with the Commission's decision.

**Company Specific Issues – Tampa Electric Company**

**ISSUE 8:**           **What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2023 through December 2023?**

**STIPULATION:**

**TECO:**           In accordance with Order No. PSC-2021-0423-S-EI, issued November 10, 2021 in Docket No. 20210034, the Contracted Credit Value (CCV) by Voltage Level for the forthcoming cost recovery period, January 2023 through December 2023, for the GSLM-2 and GSLM-3 rate riders will be:

<b><u>Voltage Level</u></b>	<b><u>Contracted Credit Value (Dollars/kW)</u></b>
Secondary	11.75
Primary	11.63
Subtransmission	11.52

**ISSUE 9:**           **What are the residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2023 through December 2023?**

**STIPULATION:**

**TECO:**           For the period January 2023 through December 2023 the Residential Price Responsive Load Management (RSVP-1) rates are as follows:

<b><u>Rate Tier</u></b>	<b><u>Cents/kWh</u></b>
P1	-2.552
P2	-1.030
P3	6.167
P4	38.004

**ISSUE 10:** Should this docket be closed?

**STIPULATION:** This is an ongoing proceeding; however, upon the conclusion of this year's proceeding, this docket should be closed, and a new docket should be opened to address cost recovery for 2023.

**XI. PENDING MOTIONS**

There are no pending motions at this time.

**XII. PENDING CONFIDENTIALITY MATTERS**

There are no pending confidentiality matters at this time.

**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 3 minutes per party.

It is therefore,

ORDERED by Commissioner Mike La Rosa, 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 Mike La Rosa, as Prehearing Officer, this 9th day of November, 2022.



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Mike La Rosa  
Commissioner and Prehearing Officer  
Florida Public Service Commission  
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Tallahassee, Florida 32399  
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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

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Subsection 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.