

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Natural gas conservation cost recovery.

DOCKET NO. 20220004-GU  
ORDER NO. PSC-2022-0379-PHO-GU  
ISSUED: November 8, 2022

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:

BETH KEATING, ESQUIRE, Gunster, Yoakley & Stewart, P.A., 215 South Monroe St., Suite 601, Tallahassee, Florida 32301-1804; and CHRISTOPHER T. WRIGHT, ESQUIRE, 700 Universe Boulevard, Juno Beach, Florida 33408-2863  
On behalf of FLORIDA CITY GAS (FCG).

BETH KEATING, ESQUIRE, Gunster, Yoakley & Stewart, P.A., 215 South Monroe St., Suite 601, Tallahassee, Florida 32301-1804  
On behalf of FLORIDA PUBLIC UTILITIES COMPANY (FPUC), FLORIDA PUBLIC UTILITIES COMPANY-FORT MEADE, FLORIDA PUBLIC UTILITIES COMPANY-INDIANTOWN DIVISION, FLORIDA DIVISION OF CHESAPEAKE UTILITIES CORPORATION (CUC) (jointly, CONSOLIDATED COMPANIES), and on behalf of SEBRING GAS SYSTEM (SEBRING).

J. JEFFRY WAHLEN, ESQUIRE, MALCOLM N. MEANS, ESQUIRE, and VIRGINIA PONDER, ESQUIRE, Ausley McMullen, 123 S. Calhoun St., Tallahassee, Florida 32301-1517  
On behalf of PEOPLES GAS SYSTEM (PGS).

DEBBIE STITT, P.O. Box 549, Port St. Joe, Florida 32457-0549  
On behalf of ST. JOE NATURAL GAS COMPANY, INC. (SJNG).

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

MATTHEW JONES, ESQUIRE, and ADRIA HARPER, 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**

As part of the Commission's continuing natural gas conservation cost recovery clause proceedings, an administrative hearing is set for November 17-18, 2022. The clause proceedings allow gas companies to seek recovery of its costs for approved gas 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.).

## **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 25-7, 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 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>		
Miguel Bustos*	FCG	1-8
Derrick M. Craig*	Consolidated Companies	1-8
Karen L. Bramley*	PGS	1-7
Jerry H. Melendy*	SEBRING	1-7
Debbie Stitt*	SJNG	1-8

*\* Indicates witnesses that have been excused with testimony and exhibits to be included in the record*

## **VII. BASIC POSITIONS**

**FCG:** FCG has appropriately calculated its true-up amounts and NGCCR Factors as shown in the Company's positions on Issue Nos. 1 through 7 below. The Company's final true-up amount for 2021, Actual/Estimated True-Up amount for 2022, and proposed 2023 NGCCR Factors are consistent with the Commission's methodology for calculating the net true-up and recovery factors for the natural gas conservation programs and, therefore, should be approved. FCG submits that the proposed 2023 NGCCR Factors are appropriate for application to customers' bills beginning the first billing cycle in January 2023 through the last billing cycle in December 2023 and continuing until modified by subsequent order of the Commission.

**Consolidated**

**Companies:** The Commission should approve the Consolidated Companies' respective final net true-ups for the period January through December 2021, the estimated true-up for the period January through December, 2022, and the projected conservation program expenses and recovery factors for the period January through December, 2023.

**PGS:** The Commission should determine that Peoples Gas System has properly calculated its conservation cost recovery true-up and projections and the natural gas conservation cost recovery factors set forth in the testimony and exhibits of Witness Karen L. Bramley for the period January 2023 through December 2023.

**SEBRING:** The Commission should approve Sebring's respective final net true-ups for the period January through December 2021, the estimated true-up for the period January through December, 2022, and the projected conservation program expenses and recovery factors for the period January through December, 2023.

**SJNG:** The Commission should approve the final adjusted net true-up amount for the twelve-month period ending December 31, 2022 including interest, the projected conservation program expenses for the twelve-month period ending December 31, 2023 and the Conservation Cost Recovery Factors to be applied to customer bills rendered for the twelve-month period ending December 31, 2023 as filed by SJNG.

**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.

**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.

**VIII. ISSUES AND POSITIONS**

Type 2 stipulations of Issues 1-8 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>			
Miguel Bustos	FCG	MB-1	Calculation of FCG's final NGCCR true-up amount related to the twelve-month period ended December 31, 2021
Miguel Bustos	FCG	MB-2	Commission prescribed forms supporting calculation of FCG's Actual/Estimated True-Up amount for the current period January 2022 through December 2022 and FCG's proposed 2023 NGCCR Factors
Derrick M. Craig	Consolidated Companies	DMC-1 Revised	True-Up Variance Analysis [Schedules CT1-CT6]
Derrick M. Craig	Consolidated Companies	DMC-1	Projections: Estimated ECCR charges by rate class [Schedules C-1 through C-4]
Karen L. Bramley	PGS	KLB-1	Schedules Supporting Cost Recovery Factor, Actual January 2021 – December 2021
Karen L. Bramley	PGS	KLB-2	Schedules supporting conservation costs projected for the period January 2023 – December 2023
Jerry H. Melendy	SEBRING	JHM-1	True-Up Variance Analysis [Schedules CT1-CT6]

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Jerry H. Melendy	SEBRING	JHM-2	Projections: Estimated ECCR charges by rate class [Schedules C-1 through C-4]
Debbie Stitt	SJNG	DKS-1	Schedules CT-1, CT-2, CT-3, CT-4, and CT-5
Debbie Stitt	SJNG	DKS-2	Schedules C1, C2, C3, and C4

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. PGS, FCG, Consolidated Companies, Sebring, and SJNG 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.

PGS, FCG, Consolidated Companies, Sebring, SJNG, 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 appropriate final conservation cost recovery true-up amounts for the period January 2021 through December 2021 are as follows:

- For PGS, the appropriate final conservation cost recovery adjustment true-up amount for January 2021 through December 2021 is an over-recovery of \$2,209,020, as reflected in Schedule CT-1, Page 1 of 1, in Exhibit KLB-1

- For FCG, the appropriate final conservation cost recovery adjustment true-up amount for January 2021 through December 2021 is an under-recovery of \$469,106, as reflected in Schedule CT-1, Page 1 of 1, in Exhibit No. MB-1.
- For Consolidated Companies, the appropriate final conservation cost recovery adjustment true-up amount for January 2021 through December 2021 is an over-recovery of \$422,449, as corrected by recalculating the interest provision pursuant to staff auditor's finding. This amount is reflected in Schedule CT-1, Page 1 of 1, in Revised Exhibit No. DMC-1.
- For Sebring, the appropriate final conservation cost recovery adjustment true-up amount for January 2021 through December 2021 is an over-recovery of \$7,104, as reflected in Schedule CT-1, Page 1 of 1, in Exhibit No. JHM-1.
- For SJNG, the appropriate final conservation cost recovery adjustment true-up amount for January 2021 through December 2021 is an over-recovery of \$23,184, as reflected in Schedule CT-1, Page 1 of 1, in Exhibit No. DKS-1.

**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 cost adjustment actual/estimated true-up amounts, including interest, for the period January 2022 through December 2022 are as follows:

- For PGS, the appropriate conservation cost recovery adjustment actual/estimated true-up amount for the period January 2022 through December 2022 is an over-recovery of \$1,333,568, as reflected in Schedule C-3, Page 3 of 4, in Exhibit KLB-2.
- For FCG, the appropriate conservation cost recovery adjustment actual/estimated true-up amount for the period January 2022 through December 2022 is an over-recovery of \$67,504, as reflected in Schedule C-3, Page 4 of 5, in Exhibit MB-2.
- For Consolidated Companies, the appropriate conservation cost recovery adjustment actual/estimated true-up amount for the period January 2022 through December 2022 is an under-recovery of \$430,359, as reflected in Schedule C-3, Page 4 of 5, in Exhibit DMC-2.
- For Sebring, the appropriate conservation cost recovery adjustment actual/estimated true-up amount for the period January 2022 through December 2022 is an under-recovery of \$13,584, as reflected in Schedule C-3, Page 4 of 5, in Exhibit JHM-2.

- For SJNG, the appropriate conservation cost recovery adjustment actual/estimated true-up amount for the period January 2022 through December 2022 is an over-recovery of \$56,534, as reflected in Schedule C-3, Page 4 of 5, in Exhibit DKS-2.

**ISSUE 3:                   What are the appropriate total conservation adjustment true-up amounts to be collected/refunded from the period January 2022 through December 2022?**

**STIPULATION:**       The appropriate total conservation adjustment true-up amounts, including interest, to be collected/refunded from the period January 2022 through December 2022 are as follows:

- For PGS, the appropriate total conservation adjustment true-up amount, including interest, to be collected/refunded from the period January 2022 through December 2022 is an over-recovery of \$3,542,588, as reflected in Schedule C-3, Page 3 of 4, in Exhibit KLB-2.
- For FCG, the appropriate total conservation adjustment true-up amount, including interest, to be collected/refunded from the period January 2022 through December 2022 is an under-recovery of \$404,512, as reflected in Schedule C-3, Page 4 of 5, in Exhibit MB-2.
- For Consolidated Companies, the appropriate total conservation adjustment true-up amount, including interest, to be collected/refunded from the period January 2022 through December 2022 is an under-recovery of \$7,910, as reflected in Schedule C-3, Page 4 of 5, in Exhibit DMC-2.
- For Sebring, the appropriate total conservation adjustment true-up amount, including interest, to be collected/refunded from the period January 2022 through December 2022 is an under-recovery of \$6,480, as reflected in Schedule C-3, Page 4 of 5, in Exhibit JHM-2.
- For SJNG, the appropriate total conservation adjustment true-up amount, including interest, to be collected/refunded from the period January 2022 through December 2022 is an over-recovery of \$79,718, as reflected in Schedule C-3, Page 4 of 5, in Exhibit DKS-2

**ISSUE 4:**                    **What is 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 PGS, the appropriate total conservation cost recovery amount to be collected during the period January 2023 through December 2023 is \$18,338,325, which is calculated by taking the amount in Issue 3 from the Total Estimated Program Costs of \$21,880,913, as reflected in Schedule C-1, Page 1 of 1, in Exhibit KLB-2.
- For FCG, the appropriate total conservation cost recovery amount to be collected during the period January 2023 through December 2023 is \$7,012,004, which is calculated by adding the amount in Issue 3 to the Total Estimated Program Costs of \$6,607,492, as reflected in Schedule C-1, Page 1 of 1, in Exhibit MB-2.
- For Consolidated Companies, the appropriate total conservation cost recovery amount to be collected during the period January 2023 through December 2023 is \$4,728,310, which is calculated by adding the amount in Issue 3 to the Total Estimated Program Costs of \$4,720,400, as reflected in Schedule C-1, Page 1 of 3, in Exhibit DMC-2.
- For Sebring, the appropriate total conservation cost recovery amount to be collected during the period January 2023 through December 2023 is \$35,945, which is calculated by adding the amount in Issue 3 to the Total Estimated Program Costs of \$29,465, as reflected in Schedule C-1, Page 1 of 1, in Exhibit JHM-2.
- For SJNG, the appropriate total conservation cost recovery amount to be collected during the period January 2023 through December 2023 is \$114,907, which is calculated by taking away the amount in Issue 3 from the Total Estimated Program Costs of \$194,625, as reflected in Schedule C-1, Page 1 of 1, in Exhibit DKS-2.

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

**STIPULATION:**       The appropriate conservation cost recovery factors for the period January 2023 through December 2023 are as follows:

**PGS:**

<b><u>Rate Schedule</u></b>	<b><u>Conservation Recovery Factors (\$/therm)</u></b>
RS1, RS-SG, and RS-GHP	\$0.09056
SGS	\$0.05718
GS-1, CS-SG, and CS-GHP	\$0.02909
GS-2	\$0.02167
GS-3	\$0.01843
GS-4	\$0.01336
GS-5	\$0.00928
NGVS	\$0.00000
CSLS	\$0.01851

**FCG:**

<b><u>Rate Schedule</u></b>	<b><u>Conservation Recovery Factors (\$/therm)</u></b>
RS1	\$0.25615
RS-100	\$0.16795
RS-600	\$0.09486
GS-1	\$0.05986
GS-6K	\$0.04463
GS-25K	\$0.04452
Gas Lights	\$0.07066
GS-120K	\$0.02987
GS-1250K	\$0.01939
GS11M-GS-25M	\$0.00000

**FPUC Utilities – Chesapeake Corporation:**

<b><u>Rate Schedule</u></b>	<b>Conservation Recovery Factors (\$/therm)</b>
FTS-A	\$0.20323
FTS-B	\$0.16565
FTS-1	\$0.14368
FTS-2	\$0.08328
FTS-2.1	\$0.06057
FTS-3	\$0.05038
FTS-3.1	\$0.03687
FTS-4	\$0.03123
FTS-5	\$0.02755
FTS-6	\$0.02035
FTS-7	\$0.01484
FTS-8	\$0.01366
FTS-9	\$0.01167
FTS-10	\$0.00964
FTS-11	\$0.00965
FTS-12	\$0.00794
FTS-NGV	\$0.01563

The company also seeks approval of the following experimental per bill Conservation Cost Recovery Adjustment (Experimental) factors for Chesapeake:

<b><u>Rate Schedule</u></b>	<b>Conservation Recovery Factors (\$ per bill)</b>
FTS-A	\$1.38
FTS-B	\$1.77
FTS-1	\$2.24
FTS-2	\$4.32
FTS-2.1	\$6.04
FTS-3	\$15.59
FTS-3.1	\$21.66

**FPUC and Fort Meade:**

<b><u>Rate Schedule</u></b>	<b><u>Conservation Recovery Factors (\$/therm)</u></b>
Residential	\$0.08852
Commercial Small (General Service GS1 and GS Transportation <600)	\$0.05352
Commercial Small (General Service GS1 and GS Transportation >600)	\$0.04181
Commercial Large Volume (Large Volume and LV Transportation < , > 50,000 Units)	\$0.03467

**FPUC – Indiantown:**

<b><u>Rate Schedule</u></b>	<b><u>Conservation Recovery Factors (\$/therm)</u></b>
Natural Gas Vehicles	\$0.01483
TS 1 (Indiantown Division)	\$0.09466
TS 2 (Indiantown Division)	\$0.01188
TS 3 (Indiantown Division)	\$0.01178
TS 4 (Indiantown Division)	\$0.00000

**Sebring:**

<b><u>Rate Schedule</u></b>	<b><u>Conservation Recovery Factors (\$/therm)</u></b>
TS-1	\$0.12192
TS-2	\$0.05051
TS-3	\$0.03418
TS-4	\$0.02981

**SJNG:**

<b><u>Rate Schedule</u></b>	<b>Conservation Recovery Factors (\$/therm)</b>
RS-1	\$0.27254
RS-2	\$0.19097
RS-3	\$0.14851
GS-1	\$0.09512
GS-2	\$0.05337
FTS4/GS-4	\$0.04049

**ISSUE 6:**            **Should the Commission approve revised tariffs reflecting the natural gas conservation cost recovery factors determined to be appropriate in this proceeding?**

**STIPULATION:**    Yes. The Commission should approve revised tariffs reflecting the new natural gas conservation 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.

**ISSUE 7:**            **What should be the effective date of the new conservation cost recovery factors for billing purposes?**

**STIPULATION:**    The conservation cost recovery factors should be effective for all meter readings on or after January 1, 2023, beginning with the first or applicable billing cycle 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 should continue in effect until modified by subsequent order of this Commission.

**ISSUE 8:**            **Should this docket be closed?**

**STIPULATION:**    No. While a separate docket number is assigned each year, this is a continuing docket and should remain open for administrative convenience.

**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 three 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 8th day of November, 2022.



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Mike La Rosa  
Commissioner and Prehearing Officer  
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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.

MJJ

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.