BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Modified Minimum Filing) Requirements Report of ALLTEL) FLORIDA, INC.)

DOCKET NO. 920193-TL
ORDER NO. PSC-92-1373-PHO-TL
ISSUED: 11/25/92

Pursuant to Notice, a Prehearing Conference was held on November 23, 1992, in Tallahassee, Florida, before Commissioner Betty Easley, as Prehearing Officer.

APPEARANCES:

LEE L. WILLIS, Esquire, and J. JEFFRY WAHLEN, Esquire, Ausley, McMullen, McGehee, Carothers & Proctor, Post Office Box 391, Tallahassee, Florida 32302
On behalf of ALLTEL Florida, Inc.

CHARLES J. BECK, Esquire, Office of Public Counsel, c/o The Florida Legislature, 111 W. Madison Street, Room 812, Tallahassee, Florida 32399-1400
On behalf of the Citizens of the State of Florida.

PATRICIA A. KURLIN, Esquire, Florida Public Service Commission, 101 E. Gaines Street, Tallahassee, Florida 32399-0863
On behalf of the Commission Staff.

MARSHA E. RULE, Esquire, Florida Public Service Commission, 101 E. Gaines Street, Tallahassee, Florida 32399-0862
On behalf of the Commissioners.

PREHEARING ORDER

I. CASE BACKGROUND

By Order No. PSC-92-0028-FOF-TL, issued March 10, 1992, in Docket No. 911108-TL, we disposed of ALLTEL Florida, Inc.'s (ALLTEL's or the Company's) 1991 overearnings, reduced the Company's interLATA subsidy, and disposed of projected 1992 overearnings. The remaining issue in that docket was whether this Commission should hold a hearing to determine whether to adjust Alltel's equity ratio for purposes of calculating an amount to be held subject to refund, pending the outcome of the Modified Minimum

Filing Requirements (MMFR) docket. By Order No. PSC-92-0140-FOF-TL, issued April 1, 1992, ALLTEL agreed to place $600,000 subject to refund, rather than hold a hearing, pending the outcome of the MMFR docket.

On March 31, 1992, ALLTEL filed its MMFRs in conformance with Section 364.035, Florida Statutes. Due to the complex nature of the case, we decided to proceed directly to hearing in this docket.

II. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

A. Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been used in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time periods set forth in Section 364.183(2), Florida Statutes.

B. It is the policy of the Florida Public Service Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 364.183, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding.

In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

1) Any party wishing to use any proprietary confidential business information, as that term is defined in Section 364.183, Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the

confidential nature of the information is preserved as required by statute.

2) Failure of any party to comply with 1) above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.

3) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. 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.

4) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so.

5) 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 Commission Clerk's confidential files.

III. PREFILED TESTIMONY AND EXHIBITS

Testimony of all witnesses to be sponsored by the parties and Staff has been prefiled. All testimony which has been prefiled in this case 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 appropriate objections. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, 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.

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.

IV. ORDER OF WITNESSES

WITNESS	APPEARING FOR	ISSUES NOS.
J. F. Brennan Direct	ALLTEL	Equity Ratio and Cost of Equity Issues 3, 4, 5
L. S. Coffield Direct	ALLTEL	Equity Ratio and REA Financing Issue 5
Beth W. Salak Direct	Staff	Equity Ratio Issues 4, 5
Ronald D. Neil Direct	Staff	Cost of Equity Issues 3, 5
J. F. Brennan Rebuttal	ALLTEL	Equity Ratio; Cost of Equity; and Leverage Formula Issues 3, 4, 5
H. W. Shaffer Direct	ALLTEL	Revenue Requirements Issues 2, 6, 7, 8, 9, 10, 11, 12, 12a, 13
R. J. Brooks Direct	ALLTEL	Rate Design Issue 14

WITNESS	APPEARING FOR	ISSUES NOS.
Testimony of the following witnesses has been stipulated into the record by agreement of all parties at the Prehearing Conference:		
H. E. Eudy Direct	ALLTEL	Quality of Service Issue 1
Donald B. McDonald Direct	Staff	Customer Service Issue 1
Nancy Pruitt Direct	Staff	Customer Service Issue 1

V. BASIC POSITIONS

ALLTEL'S BASIC POSITION: The key issue in this case is whether the Commission should arbitrarily impute a 45% equity ratio and then apply the Staff's "leverage formula" when calculating ALLTEL's allowed return on equity. The Commission should do neither. This Commission should not substitute its judgment for the judgment of management by imposing a hypothetical 45% equity ratio which is out of keeping with the great majority of telecommunication companies including some in Florida. In fact, Staff's proposed adjustments to capital structure and recommended return on equity penalizes ALLTEL for its prudent debt financing in the past through the REA.

The Commission should not invade without good cause the prerogatives of management by imputing a hypothetical capital structure absent some gross misjudgment on the part of management. That is not the case here. Instead, the Commission should review the capital structure to determine if it is within a zone of reasonableness. In this case the evidence shows that ALLTEL should maintain financial strength equivalent to a strong "A" rated company so it will have the ability to compete for capital in the public markets at reasonable rates. Doing so requires, among other things, an equity ratio in the 48-60% range. ALLTEL's actual equity ratio of 55.6% (after adjusting for nonregulated investment) fits squarely in the middle of this range and should not be further adjusted for ratemaking purposes.

Staff reasons that a 45% equity ratio is all that is needed for a "BBB" rated company since it is eligible for REA financing and according to Staff's argument able to cope with a "BBB" rating. However, it would not be in ALLTEL's customers best interest to degrade ALLTEL's financial strength to a "BBB" level and for ALLTEL to continue to rely on REA financing in the future. Reducing ALLTEL's equity ratio to a "BBB" level would place ALLTEL at the brink of slipping below investment grade, thereby risking a total eclipse of access to capital markets. Such a position is entirely unfair to ALLTEL, its customers and its shareholders and fundamentally ignores the structural changes in the telecommunications industry which requires a strengthening of the equity ratio. Most telephone company managements have recognized this fact and have equity ratios which equal or exceed the actual equity ratio of ALLTEL. In any event if the Commission decides to make an adjustment for ALLTEL's capital structure in this case, it should be made prospectively only for 1993 and not for any prior period.

Additionally, the leverage formula proposed by Staff to calculate the allowed return on equity is flawed and results in an unfairly biased downward result and thus should not be applied to ALLTEL in this case.

Using ALLTEL's actual capital structure and the ceiling of its authorized return on equity, the Company's 1991 revenue requirement shortfall is $132,563. Using ALLTEL's actual capital structure, a 13.2% midpoint return on equity, and considering certain known and measurable changes for 1992, the Company's 1992 intrastate revenue deficiency is $729,000. Accordingly, the $600,000 of 1992 revenues being held subject to refund should be released. The Company projects a revenue excess in 1993 of $1,282,000.

OPC'S BASIC POSITION: ALLTEL is overearning and should reduce its rates. On a prospective basis the Commission should eliminate touchtone charges, reduce MTS and toll rates, and implement a credit to local rates.

STAFF'S BASIC POSITION: Based on the Modified Minimum Filing Requirements Report and the testimony submitted by ALLTEL Florida, Inc., staff believes that the Company's earnings should be reduced. However, 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.

VI. <u>ISSUES AND POSITIONS</u>

The Company's original prehearing statement was filed and served on November 5, 1992. Therein, ALLTEL provided revenue requirement data for 1991 (the test year), 1992 and 1993. In a meeting with representatives of Staff and OPC on November 12, 1992, ALLTEL agreed that budgeted 1993 amounts should be used herein as the basis for setting rates for the future. Accordingly, on November 20, 1992, ALLTEL submitted the revised direct testimony and exhibit of Harold W. Shaffer and Raymond J. Brooks and has revised its positions on issues 2, 2a, 5, 6, 7, 7a, 8, 9, 9a, 10, 11, 12, 13 and 14 below.

ISSUE 1: Is the quality of service adequate?

ALLTEL'S POSITION: Yes. [Eudy]

OPC'S POSITION: ALLTEL's quality of service is inadequate. Its ratio of complaints per 1,000 customers is far above the state average, and ALLTEL violated 7 rule standards concerning quality of service.

STAFF'S POSITION: ALLTEL is generally providing satisfactory service. However, improvements should be made in the areas of payphones and directory services.

ISSUE 2: What is the appropriate amount of rate base for the test year?

ALLTEL'S POSITION: Agree with Staff that 1993 rate base is $74,056,000. The 1991 and 1992 intrastate adjusted rate base is $69,876,486 and $72,118,000, respectively. [Shaffer]

OPC'S POSITION: We agree with staff, except for the effect of assuming the depreciation study will be approved as filed.

STAFF'S POSITION: The 1993 intrastate adjusted rate base is $74,056,000.

ISSUE 2a: Should an adjustment be made to adjust rate base and expenses for the final 1991 cost study?

This issue has been dropped.

ISSUE 3: What is the appropriate cost of common equity for the test year?

ALLTEL'S POSITION: The Company's authorized return on equity for 1991 is 13% ± 1%. For 1992 and 1993, the Company's authorized return on equity should be 13.2% ± 1%. [Brennan]

OPC'S POSITION: At a 45% equity ratio, an appropriate cost of common equity is 12.2%. At the current equity ratio, an appropriate cost of common equity is 11.5%.

STAFF'S POSITION: Staff Witness Neil testifies that the appropriate return on equity is 12.2 percent.

ISSUE 4: Is the Company's proposed test year equity ratio prudent and reasonable? If not, how should this be treated?

ALLTEL'S POSITION: Yes. The Company's actual equity ratio for 1991 and its expected actual equity ratios for 1992 and 1993 are prudent and reasonable. The Commission should not impute a lower equity ratio for ratemaking purposes. The 45% equity ratio proposed by Staff is not appropriate because ALLTEL cannot continue to rely on REA financing in the future. [Brennan, Coffield]

OPC'S POSITION: ALLTEL's current equity ratio is unreasonable. The Commission should use an equity ratio of 45% for the purpose of setting rates.

STAFF'S POSITION: Staff Witness Salak testifies that the Company's proposed equity ratio is higher than necessary for the provision of telephone service and that its equity ratio should be imputed to be 45 percent for the test year.

ISSUE 5: What is the weighted average cost of capital including the proper components, amounts, and cost rates associated with the capital structure for the test year?

ALLTEL'S POSITION: Agree with Staff that this issue is a calculation based on the Commission's decisions on issues 3 and 4. Further, ALLTEL asserts that the Company's capital structure and cost rates for 1991, 1992 and 1993 should be:

1991

Description (B)	Ratio (C)	Original Cost Rate Base (D)	Embedded Costs (E)	Weighted Costs (F)
Long Term Debt	35.34%	$24,694,350	7.88%	2.79%
Short Term Debt	0.77	538,049	6.13	.05
Customer Dep.	0.31	216,617	8.00	.02
Common Equity	45.21	31,591,159	14.00	6.33
ITC-O-Cost	0.00	0	0.00	.00
ITC-WTD. Cost	4.78	3,340,096	10.75	.51
Deferred Income Tax	13.59	9,496,214	0.00	.00
TOTAL	100.00%	$69,876,485		9.70%

1992

Description (B)	Ratio (C)	Original Cost Rate Base (D)	Embedded Costs (E)	Weighted Costs (F)
Long Term Debt	34.57%	$24,931,000	7.85%	2.71%
Short Term Debt	0.91	658,000	4.92	.04
Customer Dep.	0.38	276,000	8.00	.03
Common Equity	47.20	34,041,000	13.20	6.23
ITC-O-Cost	0.00	0	0.00	.00
ITC-WTD. Cost	4.15	2,996,000	10.87	.46
Deferred Income Tax	12.78	9,215,000	0.00	.00
TOTAL	100.00%	$72,118,000		9.46%

1993

Description (B)	Ratio (C)	Original Cost Rate Base (D)	Embedded Costs (E)	Weighted Costs (F)
Long Term Debt	34.35%	$25,437,000	8.65%	2.97%
Short Term Debt	1.74	1,288,000	4.96	.09
Customer Dep.	0.44	325,000	8.00	.04
Common Equity	47.68	35,312,000	13.20	6.29
ITC-O-Cost	0.00	0	0.00	.00
ITC-WTD. Cost	3.56	2,640,000	11.16	.40
Deferred Income Tax	12.23	9,055,000	0.00	.00
TOTAL	100.00%	$74,056,000		9.78%

If the Commission elects to impute a hypothetical capital structure, it should do so on a prospective basis only, i.e. for 1993.

OPC'S POSITION: Agree with Staff at this time.

STAFF'S POSITION: This issue is a calculation based on the Commission's decisions in issues 3 and 4.

ISSUE 6: What is the appropriate amount of operating revenue for the test year?

ALLTEL'S POSITION: ALLTEL agrees with Staff that 1993 intrastate operating revenues are $36,873,000. ALLTEL further agrees with Staff that revenues should be trued up after the $.25 calling plans have been in effect for at least six months. The 1991 and 1992 intrastate operating revenues are $33,652,987 and $34,811,000, respectively. [Shaffer]

OPC'S POSITION: We agree with staff, except that the effect of stimulation from the $.25 plan should be included in this calculation, the effect of an unapproved tariff item should not be in this calculation, and the effect of an unapproved depreciation study should not be included in this calculation.

STAFF'S POSITION: The 1993 intrastate operating revenue is $36,873,000. However, revenues from implementing $.25 calling plans should be trued-up after the plans have been in effect for at least six months.

ISSUE 7: What is the appropriate amount of O&M expense for the test year?

ALLTEL'S POSITION: Agree with Staff that 1993 intrastate O & M expense is $17,174,000. The 1991 and 1992 intrastate O & M expenses are $15,283,883 and $16,311,000, respectively. [Shaffer]

OPC'S POSITION: We agree with the staff, except that the effect of an unapproved depreciation study should not be included in this calculation.

STAFF'S POSITION: The 1993 intrastate O&M expense is $17,174,000.

ISSUE 7a: What adjustments, if any, should be made to operations and maintenance expense for audit findings?

This issue has been dropped.

ISSUE 8: What is the appropriate amount of depreciation expense for the test year?

ALLTEL'S POSITION: Agree with Staff that the 1993 intrastate depreciation expense is $7,941,000. However, this amount should be trued-up after ALLTEL's current depreciation study is completed in Docket No. 920755-TL. [Shaffer]

OPC'S POSITION: The appropriate level of depreciation should be the amount calculated using the Commission approved depreciation rates.

STAFF'S POSITION: Based on ALLTEL's proposed depreciation rates, the 1993 intrastate depreciation expense is $7,941,000. However, this amount should be trued-up after ALLTEL's current depreciation study is completed in Docket No. 920755-TL.

ISSUE 9: What is the appropriate amount of taxes other than income for the test year?

ALLTEL'S POSITION: Agree with Staff that the 1993 amount of taxes other than income taxes is $1,701,000. The 1991 and 1992 amounts are $1,494,035 and $1,619,000, respectively.

OPC'S POSITION: The amount of taxes will be directly affected by the amount of depreciation expense allowed in Issue 8.

STAFF'S POSITION: The 1993 intrastate amount of taxes other than income is $1,701,000.

ISSUE 9a: What adjustment, if any, should be made to taxes other than income taxes for audit findings?

This issue has been dropped.

ISSUE 10: What is the appropriate amount of income tax expense for the test year?

This issue has been stipulated to by ALLTEL, OPC, and the Staff as follows:

The 1993 intrastate income tax expense is $2,037,000. However, this amount is subject to change based on the Commission's decision in other issues.

ISSUE 11: What is the appropriate achieved test year net operating income?

This issue has been stipulated to by ALLTEL, OPC, and the Staff as follows:

This issue is a calculation based on the Commission's decisions in the prior issues.

ISSUE 12: What is the appropriate amount of the revenue increase/decrease for the test year?

> This issue has been stipulated to by ALLTEL, OPC, and the Staff as follows:
>
> This issue is a calculation based on the Commission's decisions in the prior issues.

ISSUE 12a: What amount, if any, of the revenue held subject to refund should be refunded?

ALLTEL'S POSITION: ALLTEL agrees with Staff that the calculation of the refund should be based on ALLTEL's 1992 budget filed in its revised direct testimony and applying the midpoint return on equity which the Commission finds appropriate in issue 3. If the Commission decides to impute a lower equity ratio in issue 4, the Commission should do so on a prospective (1993) basis only.

OPC'S POSITION: Agree with Staff at this time.

STAFF'S POSITION: Calculation of the amount of refund, if any, should be made based on ALLTEL's 1992 budget filed in its revised direct testimony and applying the mid-point return on equity and the equity ratio which the Commission finds appropriate in issues 3 and 4.

ISSUE 13: Should this Modified Minimum Filing Requirement (MMFR) proceeding be treated as the most recent rate case for all future purposes?

> This issue has been stipulated to by ALLTEL, OPC, and Staff as follows:
>
> This MMFR proceeding should be treated as the most recent rate case for all future purposes.

ISSUE 14: What is the appropriate recovery treatment of any revenue excess (shortfall) that is identified?

ALLTEL'S POSITION: ALLTEL agrees with paragraphs 1 through 6 of Staff's position. With respect to 1991 and 1992, ALLTEL states that the Company's 1991 revenue shortfall of $132,563 has been included with the Company's 1992 revenue shortfall of $729,000 as required by Order No. PSC-92-0028-FOF-TL, issued March 10, 1992.

Since the total of these amounts is a revenue deficiency, the $600,000 of 1992 revenues being held subject to refund should be released. [Brooks]

OPC'S POSITION: The Commission should eliminate touchtone rates for ALLTEL, reduce MTS and access charges, and implement a credit to local rates.

STAFF'S POSITION: Staff believes that there are excess revenues which should be disposed of as follows:

(1) The Commission should first consider the revenue reduction effect of ALLTEL's pending tariff filing that unbundles the SLC charge for the Centrex rate consistent with tariffs approved by this Commission for other companies. This tariff change will reduce operating revenue by $56,000.

(2) During the years 1993 and 1994, all USF revenues received by the Company in excess of the current level of $6,950,000, should be returned to ratepayers via credits on their bills.

(3) ALLTEL should unbundle gross receipts taxes from its customer rates on the effective date of the rate changes ordered in this proceeding.

(4) The revenues available from unbundling the gross receipts taxes plus any additional excess revenues identified (in excess of that portion attributable to increases in the USF and the Centrex rate reduction), should be used to reduce or eliminate TelTouch rates. To the extent additional monies remain for disposition, these monies should be used to reduce the interLATA subsidy.

(5) At the present time, ALLTEL has no customers in rate groups 1 and 2. Staff believes that these two rate groups should be eliminated, and the remaining rate groups renumbered accordingly.

(6) Upon the determination of the true-up amounts for depreciation and the $.25 calling plans, the Commission will approve the appropriate disposition of that amount.

VII. EXHIBIT LIST

WITNESS	PROFFERED BY	I.D. NO.	DESCRIPTION
	ALLTEL	1	Notice
	ALLTEL	2	MMFRs
J. F. Brennan	ALLTEL	JFB-1	Composite Exhibit consisting of 28 schedules
		JFB-2	Composite Rebuttal Exhibit consisting of 5 schedules
L. S. Coffield	ALLTEL	LSC-1	One document showing Comparative Debt Information for Florida LECs
H. E. Eudy	ALLTEL	HEE-1	Composite Exhibit consisting of 3 schedules: (1) MMFR Schedules sponsored by H. E. Eudy; (2) LEC Comparative Statistics; (3) ALLTEL Service Performance
		HEE-2	Response to Service Evaluation Reports

WITNESS	PROFFERED BY	I.D. NO.	DESCRIPTION
H. W. Shaffer	ALLTEL	HWS-1	Composite Exhibit consisting of five schedules: (1) MMFR Schedules sponsored by; H. W. Shaffer; (2) ALLTEL's Final 1991 Surveillance Report; (3) 1991 Intrastate Revenue Requirement; (4) 1992 Intrastate Revenue Requirement; (5) 1993 Intrastate Revenue Requirement
Donald B. McDonald	Staff	DBM-1	Repair Service - Trouble Reports
		DBM-2	Staff's Service Evaluation Report
		DBM-3	Weighting System Analysis
Ronald D. Neil	Staff	RDN-1	Leverage Formula Update
		RDN-2	Marginal Cost of Investor Capital - Average Telephone Utility
		RDN-3	Risk Premium Cost of Equity for Gas Index
		RDN-4	Estimated Monthly Risk Premiums
		RDN-5	Bond Yield Differentials
		RDN-6	1992 Equity Ratios of Index Companies - Telephone

WITNESS	PROFFERED BY	I.D. NO.	DESCRIPTION
Beth W. Salak	Staff	BWS-1	ALLTEL Equity Ratio Chart 4
Nancy Pruitt	Staff	NP-1	Logged Complaint
		NP-2	Complaint Rate by Type
		NP-3	Complaints - Calendar years 1987-1991
		NP-4	Justification - Calendar years 1987-1991
R. J. Brooks	ALLTEL	RJB-1	Composite Exhibit

Staff supplied a list of the remainder of its exhibits to all parties at the Prehearing Conference.

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

VIII. PROPOSED STIPULATIONS

1. The parties have stipulated that the testimony and exhibits of Alltel Witness Eudy, and Staff Witnesses McDonald and Pruitt be inserted into the record without cross examination and without the appearance of the witness at the hearing.

2. Issues 2a, 7a, and 9a, have been dropped with the agreement of ALLTEL, OPC, and the Staff. The required adjustments have already been made by ALLTEL and are reflected in its filing.

3. Issues 10, 11, 12 and 13 have been stipulated by ALLTEL, OPC, and the Staff. To the extent that an issue is based on a calculation, the parties agree that the fallout number is subject to the Commissions decisions on the applicable issues.

IX. PENDING MOTIONS

There are no pending motions.

X. RULINGS

ALLTEL's November 20, 1992, Second Motion for Leave to File Revised Testimony and Exhibits of Harold W. Shaffer and Raymond J. Brooks was granted.

It is therefore,

ORDERED by Commissioner Betty Easley, 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 Betty Easley, as Prehearing Officer, this 25th day of November, 1992.

Betty Easley

BETTY EASLEY, Commissioner
and Prehearing Officer

(S E A L)

PAK

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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 Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, 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.