

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to Resolve ) DOCKET NO. 930885-EU  
Territorial Dispute with Gulf ) ORDER NO. PSC-94-1293-PHO-EU  
Coast Electrical Cooperative, ) ISSUED: October 17, 1994  
Inc. by Gulf Power Company. )  
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Pursuant to Notice, a Prehearing Conference was held on September 29, 1994, in Tallahassee, Florida, before Commissioner Susan F. Clark, as Prehearing Officer.

APPEARANCES:

G. EDISON HOLLAND, JR., Esquire, JEFFREY A. STONE, Esquire, and TERESA E. LILES, Esquire, of Beggs & Lane, 700 Blount Building, 3 West Garden Street, P. O. Box 12950, Pensacola, Florida 32576-2950, and JOSEPH P. CRESSE, Class B Practitioner, Messer, Vickers, Caparello, et. al., 215 South Monroe Street, Tallahassee, Florida 32301  
On behalf of Gulf Power Company.

JOHN H. HASWELL, Esquire, Chandler, Lang & Haswell 211 N.E. First Street, Gainesville, Florida 32601, and JOHN P. FLOYD, Esquire, 408 Long Avenue, Port St. Joe, Florida, 32456  
On behalf of Gulf Coast Electric Cooperative, Inc.

MARTHA CARTER BROWN, Esquire, Florida Public Service Commission, 101 E. Gaines Street, Tallahassee, Florida 32399-0863  
On behalf of the Commission Staff.

PREHEARING ORDER

I. CASE BACKGROUND

On September 8, 1994, Gulf Power Company (Gulf) filed a petition to resolve a territorial dispute with Gulf Coast Electric Cooperative, Inc. (Gulf Coast). A prehearing conference was held on September 29, 1994. The hearing is scheduled for October 19-20, 1994.

DOCUMENT NUMBER-DATE

10567 OCT 17 8

FPSC-RECORDS/REPORTING

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 366.093(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 366.093, 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 366.093, 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.

#### Post-hearing procedures

Rule 25-22.056(3), Florida Administrative Code, requires each party to file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the 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. The rule also provides that if a party fails to file a post-hearing statement in conformance with the rule, that party shall have waived all issues and may be dismissed from the proceeding.

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 60 pages, and shall be filed at the same time. The prehearing officer may modify the page limit for good cause shown. Please see Rule 25-22.056, Florida Administrative Code, for other requirements pertaining to post-hearing filings.

III. PREFILED TESTIMONY AND EXHIBITS; WITNESSES

Testimony of all witnesses to be sponsored by the parties 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.

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.

IV. ORDER OF WITNESSES

<u>Witness</u>	<u>Appearing For</u>	<u>Issues #</u>
<u>Direct</u>		
W.C. Weintritt	Gulf Power Company	1-14
H. W. Norris	Gulf Coast	1-14
William S. Dykes	Gulf Coast	1, 2, 4 - 8, 12, 14
Archie Gordon	Gulf Coast	1 - 10, 12, 14
Jeff Parish	Gulf Coast	9, 10, 12, 14

<u>Witness</u>	<u>Appearing For</u>	<u>Issues #</u>
<u>Rebuttal</u>		
R.L. Klepper	Gulf Power Company	1, 10, 11, 14
W.F. Pope	Gulf Power Company	2, 5, 6
M.W. Howell	Gulf Power Company	6
J.E. Hodges	Gulf Power Company	3, 8, 10, 11, 14
W.C. Weintritt	Gulf Power Company	3, 6, 8, 10, 14

V. BASIC POSITIONS

Gulf Power Company

It is the basic position of Gulf Power Company that it is more capable of providing adequate and reliable electric service, at less cost to both the Department of Corrections and to the general body of ratepayers, than Gulf Coast Electrical Cooperative, Inc. The construction activities undertaken by the Coop in attempting to serve the correctional facility constitute uneconomic duplication of Gulf's existing facilities. Based on all relevant criteria, the Commission should award the right to serve the correctional facility to Gulf Power Company.

Gulf Coast Electric Cooperative

Gulf Coast's basic position in this docket is that it has historically provided service to the area surrounding the correctional facility and has maintained service facilities on the property itself. Facilities by Gulf Coast were established long before Gulf Power built any service in the area. Gulf Power's service on CR 279 and SR 77 was built to serve Sunny Hills, a residential subdivision that has not developed as initially claimed by the developer, over Gulf Coast's objections and resulting litigation. South Washington County has been disputed by both utilities as evidenced by several formal complaints by both utilities including Sunny Hills and Leisure Lakes. Gulf Coast was asked by the Department of Corrections, through the Washington County Commission to provide service to the correctional facility. Gulf Coast can provide adequate and reliable service to the site. The location of the correctional facility in South Washington

County would not have occurred without Gulf Coast's development grant to Washington County of \$45,000.00 to assist the county in acquiring the property. Gulf Power refused to make such a similar offer. Gulf Coast's grant to Washington County was part of its policy of encouraging rural development, to help the economy of Washington County in keeping with national and state policies on rural development. If Gulf Power had been awarded the service, its cost would be equal to or greater than the cost to Gulf Coast due to the location of Gulf Coast existing facilities on the property. Gulf Coast should not be forced to remove its own facilities to allow another utility to provide competing service. Overriding all issues in this case is the necessity that Gulf Coast continue its efforts and goal of improving load balancing and density for the benefit of its members. There will be a significant negative impact on the rate payers of Gulf Coast if it is not allowed to provide service to the correctional facility. The "disputed area" includes not only the correctional facility site, but virtually all areas of South Washington County and Bay County as apparent from Archie W. Gordon's Exhibits Numbers 6 and 7.

Gulf Coast's position is that the Commission may consider the statutory issues as well as any other issue it determines to be relevant, including issues in this Docket raised by Gulf Coast regarding rural area development, density, the difference between rural electric cooperatives and investor owned utilities on a historical basis, and national and state policies encouraging rural area development.

#### Staff

Staff has no basic position at this time. 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. ISSUES AND POSITIONS

**ISSUE 1:** What is the geographical description of the disputed area?

**GULF:** The site of the Washington County correctional facility near the intersection of State Highways 77 and 279 in south Washington County. (Weintritt)

**GULF COAST:** This is a rural area with no distinguishing geographical features other than the location of the CR 279 and SR 77. Gulf Coast's position is that South Washington County and Bay County should be included in the "disputed area".

**STAFF:** No position at this time.

**ISSUE 2:** What is the expected customer load, energy, and population growth in the disputed area?

**GULF:** The expected customer load, energy and population growth in the disputed area as identified in Gulf's position on Issue 1 is not expected to be significant. Gulf Power has more than adequate reserve capacity to serve any such growth. (Weintritt, Pope)

**GULF COAST:** On the site of the Correctional facility itself, there will be one customer, The Department of Corrections, and the expected load is 372 KW beginning in 1995. Estimated annual MWH is 2,091.05 in 1995. See Gulf Coast's answers to staff's request for production of documents 3A and 3B. Gulf Coast has more than adequate capacity to serve the anticipated growth.

**STAFF:** No position at this time.

**ISSUE 3:** Which utility has historically served the disputed area?

**GULF:** Neither utility has historically provided electrical service to the site of the correctional facility. Gulf Power has provided service in Washington County since its beginning as an electric utility in 1926. Since 1971, Gulf has had facilities in the disputed area and adjacent to the site, which are adequate to serve the Department of Corrections. Prior to 1981, all electrical power in Washington County was provided by Gulf Power either at the retail or wholesale level. (Weintritt, Hodges)

**GULF COAST:** Gulf Coast Electric Cooperative, Inc. on the site of the correctional facility. Both utilities have historically served areas in Washington and Bay Counties.

**STAFF:** No position at this time.

**ISSUE 4:** What is the location, purpose, type and capacity of each utility's facilities existing prior to construction of facilities built specifically to serve the correctional facility?

**GULF:** Gulf Power has three-phase, 25 kv lines bordering the site of the correctional facility along Highways 77 and 279. These distribution lines can be served from either the Vernon or Sunny Hills substations. The Vernon substation transformer is rated 11,550 kva, with a peak load of 2,870 kva and a reserve capacity of 8,680 kva. The Sunny Hills substation transformer is rated 24,640 kva, with a peak load of 2,263 kva and reserve capacity of 22,377. The distribution line rating is 11,644 kva. These facilities currently serve both commercial and industrial customers in the area. The Coop's facilities prior to their construction to serve the correctional facility consisted of a radial distribution line from a substation located in northern Bay County. This line was located along the east side of Highway 77, across the street from Gulf Power's existing three-phase line which was adjacent to the prison site. (Weintritt)

**GULF COAST:** Wholesale power is delivered to Gulf Coast Electric Cooperative, Inc., through Alabama Electric Cooperative, Inc. (AEC). AEC owns and operates all transmission facilities which serve Gulf Coast, including distribution substations.

AEC's existing transmission facilities in Washington and Bay Counties consist of: 1) Six distribution substations, two of which are also switching stations, 2) One 115/46 kV transmission station, 3) Approximately 92 miles of 115 kV transmission line, and, 4) Approximately 16 miles of 46 kV sub-transmission line.

The AEC substations located in Washington County are Chipley and Fountain. Chipley is a 115-25 kV substation which serves West Florida Electric Cooperative Association in northern Washington County. The station is composed of three single-phase, 115-25 kV, 3333 kVA transformers. The Fountain Switch substation is composed of a three-phase, 115-25 kV 7500 kVA transformer.

The substations located in Bay County are: 1) Crystal Lake, 2) Southport, 3) Bayou George, 4) Bayou George North, and 5) Gaskin. Crystal Lake has a three-phase, 115-25 kV, 7500 kVA transformer in place. Southport has



two, three-phase, 115-25 kV, 7500 kVA transformers installed. Bayou George is a 46-25 kV substation with an installed transformer capacity of 8001 kVA. The station's capacity is divided between two transformer banks. Bank "A" contains three, single-phase 1000 kVA units, while bank "B" contains three, single-phase 1667 kVA units. The Bayou George North substation is a 115-25 kV substation with a single three-phase, 10 MVA transformer in place. Gaskin is an AEC owned transmission switching station. No load is served from Gaskin, however, two 115/46 kV transformers are in place at the station. Each transformer has a capacity of 24,000/32,000 kVA.

Crystal Lake is on the northern border of Bay County and will serve the disputed Washington County prison facility. Crystal Lake is connected to the east at Fountain Switch and the west at Freeport Switch with 115 kV ties. The 115 kV line to fountain was energized in 1978, and the Freeport line was energized two years later in 1980. Each has a thermal rating of 137 MVA. A 12.75 mile 115 kV line running south from Crystal Lake feeds the Southport substation. This 115 kV line was constructed in 1977, using 556 MCM ACSR conductor which yielded a thermal rating of 137 MVA. The Fountain Switch substation ties to the Chipley substation to the north through a 24.14 mile 115 kV line (137 MVA rating) and also south to the Bayou George North substation through an 11.47 mile 115 kV line (137 MVA rating). This 115 kV line continues from the Bayou George North substation 5.56 miles south to Gaskin Switch. From the Gaskin Switch substation, a 4.2 mile 46 kV line ties to the Bayou George Substation to the east. This 46 kV sub-transmission line was constructed in 1965 using a 4/0 ACSR conductor. This line was designed to have a thermal capacity of 14 MVA. A 24.04 mile 115 kV, 795 ACSR line runs from Gaskin to the southeast to the Wewahitchka substation in Gulf County. It was constructed in 1992 and has a thermal capacity of 209 MVA. The Gaskin Switch substation also provides an interconnection point between Gulf Power Company and AEC. The interconnection is composed of two 115 kV lines to Gulf's Callaway substation and Scholz Power Plant. Each of these 115 kV lines have a thermal capacity of 97 MVA.

No additions or improvements to the exiting facilities mentioned above are planned within the next five years.

**STAFF:** No position at this time.

**ISSUE 5:** What additional facilities would each party have to construct in order to provide service to the correctional facility?

**GULF:** Gulf would not have to extend any new lines from its existing facilities, or add any generation, transmission, or distribution capacity, in order to provide the prison with temporary and permanent three-phase electric service. The Coop, however, had to construct approximately 4,000 feet of three phase line along Highway 279, parallel to Gulf's existing facilities, in order to reach the point of service for the correctional facility. (Weintritt, Pope)

**GULF COAST:** Gulf Coast was required to relocate its Red Sapp Road line from the property itself to CR 279 and to upgrade those facilities from single phase to three phase, and to provide temporary construction service from its existing Red Sapp Road line at various locations required by the Department of Corrections. Such facilities are further discussed and identified in the direct testimony of Gulf Coast witnesses and exhibits attached to their testimony, as well as answers to production of document requests and interrogatories. Gulf Power would be required to first either condemn the facilities of Gulf Coast on the property, or reach an agreement with Gulf Coast on compensation for those facilities and the relocation of those facilities to CR 279. In addition, Gulf Power will be required to provide temporary construction service to the DOC in accordance with DOC's specifications and requirements.

**STAFF:** No position at this time.

**ISSUE 6:** Is each utility capable of providing adequate and reliable electric service to the disputed area?

**GULF:** Yes. However, Gulf Power is more capable of providing adequate and reliable service due to its excellent history of transmission and distribution reliability, and dual feed capability from the Vernon and Sunny Hills substations. (Weintritt, Pope, Howell)

**GULF COAST:** Yes.

**STAFF:** Yes. Each utility is capable of providing adequate and reliable electric service to the disputed area

**ISSUE 7:** What would be the cost to each utility to provide electric service to the correctional facility?

**GULF:** Gulf Power's additional costs would be nominal, since it would only have to tap its existing line for a "service drop" to the facility. Gulf Power has not received information which it has requested from the Coop which reflects the Coop's cost to construct the approximately 4,000 feet of additional three-phase distribution line along Highway 279, crossing Gulf's existing facilities, in order to serve the facility. (Weintritt)

**GULF COAST:** Gulf Coast's position is that the cost is the difference between relocating the Red Sapp line to CR 279 at single phase and the cost of constructing three phase service on CR 279. The difference between those two figures is \$14,582.54 as Gulf Coast has stated in its answers to staff interrogatories. Gulf Coast disputes Gulf Power's statement of its costs of \$1,252.00 as being wholly inadequate for acquiring or condemning Gulf Coast's existing facilities on the property and providing the primary service to the point of service requested by the Department of Corrections. Until Gulf Power answers Gulf Coast's second set of interrogatories Gulf Coast does not have a reasonable estimate of Gulf Power's cost.

**STAFF:** No position at this time.

**ISSUE 8:** What would be the effect on each utility's ratepayers if it were not permitted to serve the existing facility?

**GULF:** Gulf's ratepayers would continue to incur the costs of existing facilities sufficient to serve the correctional facility, while the facility itself will pay higher costs for electric service due to the Coop's higher rates and duplication of Gulf's existing facilities. (Weintritt)

**GULF COAST:** There will be no effect on Gulf Power. Gulf Coast, however, will suffer a negative effect because of the opportunity for load balancing and improved load factor that will result from service to this particular facility.

**STAFF:** No position at this time.

**ISSUE 9:** Which party is capable of providing electric service to the correctional facility site at the lowest rate to the Department of Corrections?

**GULF:** Gulf Power Company. (Weintritt, Hodges)

**GULF COAST:** Although Gulf Power currently has lower rates than Gulf Coast, that is a situation that can change over time. It is Gulf Coast's position in this case, which it has stated from the beginning, that the rates charged by a utility should not be a determining factor in the outcome of a territorial dispute. The rate structures of both utilities have been approved by the Florida Public Service Commission and it would be incongruent for the Commission to then use a rate differential based on rate structures it has approved to award territory in dispute. Rates should never be considered in resolving a territorial dispute unless the Commission were to first determine that a utility's rate or rate structure is unduly discriminatory and unjust.

**STAFF:** No position at this time.

**ISSUE 10:** What is the customer preference for electric service to the correctional facility?

**GULF:** The real customer here is the Department of Corrections. The Department of Corrections, however, delegated its choice to Washington County. The Board of County Commissioners then selected the Coop due to a \$45,000 grant from the Coop to the County in connection with the purchase of land for the facility. The policy of the Department of Corrections itself is to select the lowest cost provider of services. (Weintritt, Hodges)

**GULF COAST:** The Department of Corrections, through its agent, the Washington County Commission, preferred service from Gulf Coast Electric Cooperative, Inc.

**STAFF:** No position at this time.

**ISSUE 11:** Does unnecessary and uneconomic duplication of electric facilities exist in the disputed area?

**GULF:** Yes. See Gulf's position on Issues 4, 5 and 8. (Weintritt, Pope)

**GULF COAST:** Yes and no. The construction by Gulf Power of its facilities on 279 constituted an uneconomic and unnecessary duplication of Gulf Coast's facilities when Gulf Power constructed the service to Sunny Hills. In addition, numerous other areas of uneconomic and unnecessary duplication have occurred in South Washington County and in Bay County as is readily apparent from the exhibits filed in this case. Gulf Power has refused to remove facilities previously found by the Commission to be part of an attempt to serve the Leisure Lakes area when Gulf Coast had facilities in place to provide such service. As to the correctional facility site itself, the facilities constructed by Gulf Coast were both necessary and economic to provide service to the site.

**STAFF:** No position at this time.

**STIPULATED**

**ISSUE 12:** Do the parties have a formal territorial agreement that covers the disputed area?

**POSITION:** No.

**ISSUE 13:** Which party should be permitted to serve the disputed area? What conditions, if any, should accompany the commission's decision?

**GULF:** Gulf Power Company should be permitted to serve the disputed area. Gulf Power has reliable and adequate facilities in place to provide the required service, at a lower cost to the customer than the Coop. (Weintritt, Hodges)

**GULF COAST:** Gulf Coast Electric Cooperative, Inc. Gulf Coast also believes that the Commission's decision should include a requirement that the parties be required to file a report within a one hundred eighty days (180 days) following the hearing identifying all other areas of duplication and potential conflict in South Washington County and in Bay County. Such order should also include all other effected utilities in the area.

**STAFF:** No position at this time.

**ISSUE 14:** Should this docket be closed?

**GULF:** Yes.

**GULF COAST:** Yes.

**STAFF:** No position at this time.

VII. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Klepper	Gulf	_____ (RLK-1)	Summary of Professional Credentials
Klepper	Gulf	_____ (RLK-2)	Letter from DOC to Gulf Power
Klepper	Gulf	_____ (RLK-3)	Deposition Transcript of Ron Kronenberger
Klepper	Gulf	_____ (RLK-4)	Agreements between GCEC and AEC
Weintritt	Gulf	_____ (WCW-1)	Gulf Power Company's Proposal to Department of Corrections
Weintritt	Gulf	_____ (WCW-2)	Letter from H.W. Norris to William Howell, Jr.
Norris	Gulf Coast	_____ (HN-1)	Letter of 5/26/93 from DOC to Hagan
Norris	Gulf Coast	_____ (HN-2)	Letter of 6/7/93 from Corbin to Norris
Norris	Gulf Coast	_____ (HN-3)	Letter of 9/28/93 from Corbin to Norris

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Norris	Gulf Coast	_____ (HN-4)	Map of facilities in South Washington Cty.
Norris	Gulf Coast	_____ (HN-5)	Letter from Morris to Bowden
Dykes	Gulf Coast	_____ (WSD-1)	Map of facilities in area of SR77
Dykes	Gulf Coast	_____ (WSD-2)	Map of correctional facility and utilities
Gordon	Gulf Coast	_____ (AWG-1)	System diagram of area around SR77 and CR279
Gordon	Gulf Coast	_____ (AWG-2)	AEC facilities serving Gulf Coast
Gordon	Gulf Coast	_____ (AWG-3)	sub-station and main feeder switching diagram
Gordon	Gulf Coast	_____ (AWG-4)	one-line distribution diagram - Crystal Lake
Gordon	Gulf Coast	_____ (AWG-5)	Estimated electrical load for correctional facility
Gordon	Gulf Coast	_____ (AWG-6)	Utility facilities in Bay County
Gordon	Gulf Coast	_____ (AWG-7)	Utility facilities in South Washington County
Parish	Gulf Coast	_____ (JP-1)	Southern System monthly estimated Load capacity

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
<u>Rebuttal</u>			
Hodges	Gulf	_____ (JEH-1)	Letter from Vic L. Jones to Marvin Moran; Letter from Travis Bowden to Jim Morris

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

VIII. PROPOSED STIPULATIONS

Issue 12 only.

IX. PENDING MOTIONS

Gulf currently has pending before the Commission a Motion to Compel Discovery, but indicates that the Gulf Coast has provided the documents requested. It therefore appears that the Motion to Compel is moot.

Gulf Coast Electric Cooperative, Inc., filed a Motion to Strike Rebuttal Testimony of Russell L. Klepper on October 17, 1994.



ORDER NO. PSC-94-1293-PHO-EU  
DOCKET NO. 930885-EU  
PAGE 17

X. RULINGS

None.

It is therefore,

ORDERED by Commissioner Susan F. Clark, 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 Susan F. Clark, as Prehearing Officer, this 17th day of October, 1994.

  
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SUSAN F. CLARK, Commissioner  
and Prehearing Officer

( S E A L )

MCB

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

ORDER NO. PSC-94-1293-PHO-EU  
DOCKET NO. 930885-EU  
PAGE 18

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.