

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost  
recovery clause.

DOCKET NO. 000002-EG  
ORDER NO. PSC-00-2166-PHO-EG  
ISSUED: November 14, 2000

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code, a Prehearing Conference was held on November 3, 2000, in Tallahassee, Florida, before Commissioner Lila A. Jaber, as Prehearing Officer.

APPEARANCES:

JAMES A. MCGEE, ESQUIRE, Florida Power Corporation, Post Office Box 14042, St. Petersburg, Florida 33733-4042  
On behalf of Florida Power Corporation (FPC).

CHARLES A. GUYTON, ESQUIRE, Steel, Hector & Davis, LLP, 215 S. Monroe Street, Suite 601, Tallahassee, Florida 32301  
On behalf of Florida Power and Light Company (FPL).

JEFFREY A. STONE, ESQUIRE, and RUSSELL A. BADDERS, ESQUIRE, Beggs & Lane, 700 Blount Building, 3 West Garden Street, Post Office Box 12950, Pensacola, Florida 32576-2950  
On behalf of Gulf Power Company (GULF).

JAMES D. BEASLEY, ESQUIRE, Ausley & McMullen, Post Office Box 391, Tallahassee, Florida 32302  
On behalf of Tampa Electric Company (TECO).

ANSLEY WATSON, JR., ESQUIRE, Macfarlane, Ferguson & McMullen, Post Office Box 1531, Tampa, Florida 33601  
On behalf of Peoples Gas System (PGS).

MR. BRUCE MAY, ESQUIRE, Holland and Knight, 315 S. Calhoun Street, Tallahassee, FL 32301, and MR. STUART L. SHOAF, PRESIDENT, P.O. Box 549, Port St. Joe, Florida 32457-0549.  
On behalf of St. Joe Natural Gas Company (SJNG).

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MR. MIKE PALECKI, ESQUIRE, NUI City Gas, PMB 224, 3539  
Apalachee Parkway, Tallahassee, FL 32311.  
On behalf of City Gas Company of Florida (CGC).

WAYNE L. SCHIEFELBEIN, ESQUIRE, P.O. Box 15856,  
Tallahassee, Florida 32317-5856  
On behalf of Chesapeake Utilities Corporation (CUC).

VICKI GORDON KAUFMAN, ESQUIRE, and JOSEPH A. MCGLOTHLIN,  
ESQUIRE, McWhirter, Reeves, McGlothlin, Davidson, Decker,  
Kaufman, Arnold & Steen, P.A., 117 South Gadsden Street,  
Tallahassee, Florida 32301, and JOHN W. MCWHIRTER, JR.,  
ESQUIRE, McWhirter Reeves McGlothlin Davidson Decker  
Kaufman Arnold & Steen, P.A., 400 North Tampa Street,  
Suite 2450, Tampa, FL 33601-3350  
On behalf of the Florida Industrial Power Users Group  
(FIPUG).

NORMAN H. HORTON, JR., ESQUIRE, and FLOYD SELF, ESQUIRE,  
Messer, Caparello & Self, PA, 215 South Monroe Street,  
Suite 701, Post Office Box 1876, Tallahassee, Florida  
32302-1876  
On behalf of Florida Public Utilities Company (FPUC).

STEPHEN C. BURGESS, ESQUIRE, Deputy Public Counsel,  
Office of Public Counsel (OPC), c/o The Florida  
Legislature, 111 West Madison Street, Room 812,  
Tallahassee, Florida 32399-1400  
On behalf of the Citizens of the State of Florida.

MARLENE K. STERN, ESQUIRE, Florida Public Service  
Commission, 2540 Shumard Oak Boulevard, Tallahassee,  
Florida 32399-0850  
On behalf of the Commission Staff (Staff).

#### **PREHEARING ORDER**

##### **I. CONDUCT OF PROCEEDINGS**

Pursuant to Rule 28-106.211, Florida Administrative Code, this  
Order is issued to prevent delay and to promote the just, speedy,  
and inexpensive determination of all aspects of this case.

## II. CASE BACKGROUND

As part of the Commission's ongoing continuing fuel cost, conservation cost recovery, purchased gas adjustment and environmental cost recovery proceedings, a hearing is set for November 20, 21 and 22, 2000, in this docket and in Docket No. 000001-EI, Docket No. 000003-GU, and Docket No. 000007-EI. The parties have reached agreement concerning all issues identified for resolution at this hearing. Therefore, the case will be presented to the panel as a stipulation. Staff is prepared to present the panel with a recommendation at hearing for approval of the stipulated positions set forth herein. The Commission has the option to render a bench decision in this matter.

## III. 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, 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.

1. Any party intending to utilize confidential documents at hearing for which no ruling has been made, must be prepared to present their justifications at hearing, so that a ruling can be made at hearing.

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

- a) 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.
- b) 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.
- c) 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.
- d) 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.
- e) 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 Division of Records and Reporting's confidential files.

IV. POST-HEARING PROCEDURES

Each party shall 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. 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, Florida Administrative Code, 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.

V. 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. Summaries of testimony, if any, will be limited to five minutes. 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.

VI. ORDER OF WITNESSES

As a result of discussions at the prehearing conference, each witness whose name is preceded by an asterisk (\*) has been excused from this hearing if no Commissioner assigned to this case seeks to cross-examine the particular witness. Parties shall be notified by Monday, November 13, 2000, as to whether any such witness shall be required to be present at hearing. The testimony of excused witnesses will be inserted into the record as though read, and all exhibits submitted with those witnesses' testimony shall be identified as shown in Section IX of this Prehearing Order and be admitted into the record.

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
*Michael F. Jacob	FPC	1,2,4
*Barbara Santos	FPL	1
*Dennis Reynolds (Will adopt Ms. Santos' testimony)	FPL	2,4
*Michael A. Peacock	FPUC (electric)	1,2,4
*Margaret D. Neyman	Gulf	1
*Michael J. McCarthy (Will adopt Ms. Neyman's testimony)	Gulf	2,4
*Howard T. Bryant	TECO	1,2,3,4
*Carl Smith	CGC	1,2,4
*Beverly A. Bauck	CUC	1,2
*Robert L. Smith	FPUC (gas)	1,2
*J. Brent Caldwell	PGS	1,2,4
*Debbie Stitt	SJNG	2

VII. BASIC POSITIONS

**FPC:** None necessary.

**FPL:** FPL's proposed Conservation Cost Recovery Factors for the January 2001 through December 2001 recovery period and true-up amounts for prior periods should be approved.

**FPUC (electric):**

FPU has properly projected its costs and calculated its true-up amounts and conservation cost recovery factors. Those amounts and factors should be approved by the Commission.

**GULF:** It is the basic position of Gulf Power Company that the proposed ECCR factor presents the best estimate of Gulf's Conservation expense for the period January 2001 through December 2001, including the true-up calculations and other adjustments allowed by the Commission.

**TECO:** The Commission should determine that Tampa Electric has properly calculated its conservation cost recovery true-up and projections and that the appropriate conservation cost recovery factor to be applied by Tampa Electric during the period January 2001 through December 31, 2001 is 0.029 cents per KWH for Interruptible, 0.114 cents per KWH for Residential, 0.108 cents per KWH for General Service Non-Demand and Temporary Service, 0.090 cents per KWH for General Service Demand - Secondary, 0.089 cents per KWH for General Service Demand - Primary, 0.83 cents per KWH for General Service Large Demand and Firm Standby - Secondary, 0.083 cents per KWH General Service Large Demand and Firm Standby - Primary, 0.82 cents per KWH for General Service Large Demand and Firm Standby - Subtransmission, and 0.037 cents per KWH for Lighting.

**CGC:** The Company's true-up and conservation cost recovery factors are appropriate.

**CUC:** The Commission should approve the Florida Division of Chesapeake Utilities Corporation's final adjusted net true-up amount of \$92,539 under-recovery for the period April 1, 1999, through December 31, 1999; the estimated true-up amount for the seven months ending July 31, 2000;

and the projected conservation program expenses for the period August 1, 2000, through December 31, 2000.

The Commission should approve the Company's conservation cost recovery factors.

**FPUC (gas):**

FPU has properly projected its costs and calculated its true-up amounts and conservation cost recovery factors. Those amounts and factors should be approved by the Commission.

**PGS:**

The Commission should approve -- for areas other than PGS's West Florida Region -- PGS's end-of-period final true-up amount of \$28,005 (over recovery) for the period April 1999 through December 1999; the estimated true-up amount for the period January - December 2000; and the projected conservation program expenses for the period January 1 through December 31, 2001.

For areas other than PGS's West Florida Region, the Commission should approve the following ECCR factors for the following rate classes for the period January 1 through December 31, 2001:

<u>Rate Class</u>	<u>ECCR Factor (per therm)</u>
Residential	\$0.06002
Small Commercial	\$0.04848
Commercial	\$0.02183
Commercial - Large Volume 1	\$0.01781
Commercial - Large Volume 2	\$0.01302
Street Lighting	\$0.00754
Natural Gas Vehicle Service	\$0.00591

(Caldwell)

For PGS's West Florida Region, the Commission should approve PGS's end-of-period final true-up amount of \$270,698 (under recovery) for the period April 1999 through March 1999; the estimated true-up amount for the period January - December 2000; and the projected conservation program expenses for the period January 1 through December 31, 2001.

For PGS's West Florida Region, the Commission should approve the following ECCR factors for the following rate classes for the period January 1 through December 31, 2001:

<u>Rate Class</u>	<u>ECCR Factor</u> <u>(per therm)</u>
Residential	\$0.09337
Commercial	\$0.02994
Commercial Large Volume	\$0.02209
Industrial	\$0.02190

(Caldwell)

**SJNG:** The Commission should approve the final adjusted net true-up amount for the twelve month period ending December 31, 2001 including interest, the projected conservation program expenses for the twelve month period ending December 31, 2001 and the Conservation Cost Recovery Factors to be applied to customer bills rendered for the twelve month period ending December 31, 2001 as filed by SJNG.

**FIPUG:** None necessary.

**OPC:** None at this time.

**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

GENERIC CONSERVATION COST RECOVERY ISSUES

STIPULATED

ISSUE 1: What is the final end-of-the-period true-up amount for the period January 1999 through December 1999 (for electric), and April 1999 through December 1999 (for gas)?

POSITION

<u>Electric:</u>	FPC:	\$13,607,931	Over Recovery
	FPL:	\$14,283,341	Over Recovery
	FPUC: (Mari.)	\$ 22,189	Over Recovery
	FPUC: (Fern.)	\$ 43,337	Over Recovery
	GULF:	\$ 685,837	Over Recovery
	TECO:	\$ 2,306,169	Over Recovery

<u>Gas:</u>	CUC:	\$ 92,168	Under Recovery
	CGC:	\$ 117,907	Under Recovery
	FPUC:	\$ 0	
	PGS:	\$ 28,004	Over Recovery
	PGS (West FL):	\$ 270,693	Under Recovery
	SJNG:	\$ 5,622	Under Recovery

STIPULATED

ISSUE 2: What are the appropriate conservation cost recovery factors for the period January 2001 through December 2001?

POSITION

Electric

FPC:	<u>Rate Class</u>	<u>ECCR Factor</u>
	Residential	0.209 cents/kWh
	General Svc. Non-Demand	0.165 cents/KWh
	@ Primary Voltage	0.163 cents/KWh
	@ Transmission Voltage	0.162 cents/KWh
	General Svc. 100% Load Factor	0.127 cents/KWh

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General Svc. Demand	0.144 cents/KWh
@ Primary Voltage	0.143 cents/KWh
@ Transmission Voltage	0.141 cents/kWh
Curtaillable	0.130 cents/KWh
@ Primary Voltage	0.129 cents/KWh
@ Transmission Voltage	0.127 cents/KWh
Interruptible	0.124 cents/KWh
@ Primary Voltage	0.123 cents/kWh
@ Transmission Voltage	0.122 cents/kWh
Lighting	0.062 cents/kWh

FPL:

<u>Rate Class</u>	<u>ECCR Factor</u>
Residential	0.181 cents/KWh
General Svc.	0.173 cents/KWh
General Svc. Demand	0.160 cents/KWh
Sports Service 2	0.127 cents/KWh
GSL1/Curtaillable 1	0.156 cents/KWh
GSL2/Curtaillable 2	0.147 cents/KWh
GSL3/Curtaillable 3	0.145 cents/KWh
Interruptible Standby 1D	0.131 cents/KWh
Standby Supplemental 1T	0.130 cents/KWh
Standby Supplemental 1D	0.155 cents/KWh
Commercial Load Control D&G	0.143 cents/KWh
Commercial Load Control T	0.133 cents/KWh
Metropolitan Transit	0.159 cents/KWh
Outdoor/Street Lighting 1	0.102 cents/KWh
Street Lighting 2	0.137 cents/KWh

FPUC:

<u>Rate Class</u>	<u>ECCR Factor</u>
(Marianna)	0.056 cents/KWh
(Fernandina Beach)	0.038 cents/KWh

GULF:

<u>Rate Class</u>	<u>ECCR Factor</u>
RS, RST	0.053 cents/KWh
GS, GST	0.053 cents/KWh
GSD, GSDT	0.050 cents/KWh
LP, LPT	0.047 cents/KWh
PX, PXT, RTP	0.045 cents/KWh
OSI, OSII	0.041 cents/KWh
OSIII	0.048 cents/KWh
OSIV	0.043 cents/KWh
SBS	0.045 cents/KWh

TECO:

<u>Rate Class</u>	<u>ECCR Factor</u>
Interruptible	0.029 cents/KWh
Residential	0.114 cents/KWh
General Svc. Non-Demand	0.108 cents/KWh
General Svc. Demand	0.090 cents/KWh
@ Primary Voltage	0.089 cents/KWh
General Svc. Large Demand	0.083 cents/KWh
@ Primary Voltage	0.083 cents/KWh
@ Subtransmission Voltage	0.082 cents/KWh
Lighting	0.037 cents/KWh

Gas

CUC:

<u>Rate Class</u>	<u>ECCR Factor</u>
GS - Residential	4.793 cents/therm
GS - Commercial	1.566 cents/therm
GS - Commercial-Large Volume	1.103 cents/therm
GS - Industrial	0.506 cents/therm
Firm Transportation	0.495 cents/therm

CGC:

<u>Rate Class</u>	<u>ECCR Factor</u>
RS - Residential	6.005 cents/therm
CS - Commercial	1.488 cents/therm
LCS - Comm. Large Volume	1.134 cents/therm

FPUC:

<u>Rate Class</u>	<u>ECCR Factor</u>
Residential	5.361 cents/therm
Commercial Small	2.096 cents/therm
Comm. Large Volume	1.394 cents/therm
Firm Transportation	1.377 cents/therm

PGS:

<u>Rate Class</u>	<u>ECCR Factor</u>
Residential	6.002 cents/therm
Small Commercial	4.848 cents/therm
Commercial	2.183 cents/therm
Commercial - Large Volume 1	1.781 cents/therm
Commercial - Large Volume 2	1.302 cents/therm
Street Lighting	0.754 cents/therm
NGVS	0.591 cents/therm

PGS (West Fl.):

<u>Rate Class</u>	<u>ECCR Factor</u>
Residential	9.337 cents/therm
Commercial	2.994 cents/therm
Commercial - Large Volume 1	2.209 cents/therm
Industrial	2.190 cents/therm

SJNG:

<u>Rate Class</u>	<u>ECCR Factor</u>
Residential	2.215 cents/therm
Commercial	3.212 cents/therm
Commercial - Large Volume	0.823 cents/therm

**COMPANY SPECIFIC ISSUE**

**STIPULATED**

**ISSUE 3:** What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric for the period January 2001-December 2001?

**POSITION**

By Order No. PSC-99-1778-FOF-EI, issued September 10, 1999, in Docket No. 990037-EI, the Commission approved two new rates, General Service Industrial Load Management Rider (GSLM-2) and General Service Industrial Standby and Supplemental Load Management Rider (GSLM-3). The credit to be paid to customers who chose either rider will be set during the annual Fuel Adjustment proceeding. The term of each rider is three years.

TECO's Contracted Credit Value for January 2001 - December 2001 for the GSLM-2 and GSLM-3 rate riders shall be \$3.71 per KW. The ECCR costs allocated to serve GSLM-2 and GSLM-3 customers for January 2001 - December 2001 are \$231,912.

**STIPULATED**

**ISSUE 4:** What should be the effective date of the conservation cost recovery factors for billing purposes?

**POSITION**

The factors should be effective beginning with the specified conservation cost recovery cycle and thereafter

for the period January, 2001, through December, 2001. Billing cycles may start before January 1, 2001, and the last cycle may be read after December 31, 2001, so that each customer is billed for twelve months regardless of when the adjustment factor became effective.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Michael F. Jacob	FPC	_____ (MFJ-1)	ECCR Adjusted Net True-Up for January-December 1999, Schedules CT-1 through CT-5
Michael F. Jacob	FPC	_____ (MFJ-2)	ECCR Factors for Billings in January -December 2001, Schedules C1-C5
Barbara Santos	FPL	_____ (BS-1)	Schedules CT-1 through CT-6
Dennis Reynolds	FPL	_____ (DR-2)	Schedules C-1 through C-5
Michael A. Peacock	FPUC (electric)	_____ (MAP-1) Composite	T r u e - u p calculations and Schedules CT-1 through CT-6 (Marianna and Fernandina Beach Divisions)
Michael A. Peacock	FPUC (electric)	_____ (MAP-2) Composite	Schedules C-1 through C-5 (Marianna and Fernandina Beach Divisions)
Margaret D. Neyman	GULF	_____ (MDN-1)	Schedules CT-1 through CT-6
Michael J. McCarthy	GULF	_____ (MJM-1)	Schedules C-1 through C-5

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Howard T. Bryant	TECO	_____ (HTB-1)	Schedules supporting cost recovery factor, actual January 1999 through December 1999.
Howard T. Bryant	TECO	_____ (HTB-2)	Schedules supporting conservation costs projected for the period January 1, 2001 through December 31, 2001.
Carl Smith	CGC	_____ (CS-1)	Schedules C1, C2, C3, and C5
Beverly A. Bauck	CUC	_____ (BAB-1) Composite	True-up variance analysis - Schedules CT-1 through CT-6
		_____ (BAB-2) Composite	Projections Recovery Clause Calculation: Estimated charges by rate classification; Schedules C1 and C3
Robert L. Smith	FPUC (gas)	_____ (RLS-1) Composite	Schedules C1, C2, C3, and C5
J. Brent Caldwell	PGS	_____ (JBC-1)	Conservation cost recovery true-up data (April 1999 - December 1999) consisting of schedules CT-1 through CT-6 (except PGS West Florida Region)

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
J. Brent Caldwell	PGS	<u>                    </u> (JBC-2)	Conservation cost recovery true-up data (April 1999 - December 1999) consisting of schedules CT-1 through CT-6 (PGS West Florida) Region
J. Brent Caldwell	PGS	<u>                    </u> (JBC-3R)	Data for development of conservation cost recovery factor (January 1 - December 31, 2001), consisting of schedules C-1 through C-5 (except PGS West Florida Region).
J. Brent Caldwell	PGS	<u>                    </u> (JBC-4R)	Data for development of conservation cost recovery factor (January 1 - December 31, 2001), consisting of schedules C-1 through C-5 (PGS West Florida Region).
Debbie Stitt	SJNG	<u>                    </u> (DS-1) Composite	Schedules C1 through C4

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

X. PROPOSED STIPULATIONS

All issues in this Prehearing Order have been stipulated. There are no other pending proposals for stipulations.

XI. PENDING MOTIONS

There are no pending motions at this time. FPL acknowledges that its Motion for Protective Order pertaining to Appendix A of Exhibit BS-1 (Document No. 05989-00) was rendered moot by the issuance of an order granting confidential classification to portions of that document.

XII. PENDING CONFIDENTIALITY MATTERS

There are no pending confidentiality matters at this time.

XIII. RULINGS

City Gas Company's Motion to File Prehearing Statement Out of Time is granted.

It is therefore,

ORDERED by Commissioner Lila A. Jaber, 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 Lila A. Jaber as Prehearing Officer, this 14th day of November, 2000.

  
LILA A. JABER  
Commissioner and Prehearing Officer

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, 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.