

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for
determination of need for the
Osprey Energy Center in Polk
County by Seminole Electric
Cooperative and Calpine
Construction Finance Company,
L.P.

DOCKET NO. 001748-EC
ORDER NO. PSC-01-0359-PHO-EC
ISSUED: February 9, 2001

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code, a Prehearing Conference was held on January 30, 2001, in Tallahassee, Florida, before Commissioner Lila A. Jaber, as Prehearing Officer.

APPEARANCES:

ROBERT SCHEFFEL WRIGHT, Landers & Parsons, P.A., 310 West College Avenue, Tallahassee, Florida 32301
On behalf of Calpine Construction Finance Company, L.P.
(Calpine)

JOSEPH A. MCGLOTHLIN, ESQUIRE, McWhirter Reeves McGlothlin, 117 South Gadsden Street, Tallahassee, Florida 32301
On behalf of Seminole Electric Cooperative, Inc.
(Seminole)

RACHAEL N. ISAAC, ESQUIRE, and ROBERT V. ELIAS, 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.

The parties may make opening statements if they wish. Opening statements, if any, shall not exceed ten minutes.

DOCUMENT NUMBER-DATE

01913 FEB-96

FPSC-RECORDS/REPORTING

Pursuant to a Joint Motion for Expedited Decision filed on January 29, 2001, by Seminole and Calpine, and discussion at the Prehearing Conference, the possibility of a bench vote exists. Therefore, all parties shall be prepared for ten minute oral argument at the close of the hearing.

II. CASE BACKGROUND

Pursuant to Section 403.519, Florida Statutes, and Rules 25-22.080 and 25-22.081, Florida Administrative Code, on December 4, 2000, Calpine Construction Finance Company, L.P. (Calpine) and Seminole Electric Cooperative, Inc. (Seminole) petitioned for a determination of need for an electrical power plant to be located in Polk County, Florida. An amended petition was filed on January 8, 2001. These proceedings are being held to determine whether the proposed Osprey Energy Project meets the need for electric system reliability and integrity, the need for adequate electricity at a reasonable cost, whether the proposed plant is the most cost-effective alternative available, whether there are any conservation measures which can mitigate the proposed power plant, and any other matters within the Commission's jurisdiction which it deems relevant, according to the requirements of Section 403.519, Florida Statutes.

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 60 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. However, oral summaries shall 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. 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>Direct</u>	<u>Proffered By</u>	<u>Issues #</u>
Timothy S. Woodbury	Seminole	1,2,3,9
*Garl Zimmerman	Seminole	2,3,4,5,6,8,9
*William Lawton	Seminole	6,9
*Robert Woodall	Seminole	9
Timothy R. Eves	Calpine	1,2,7,9
*Ted S. Baldwin	Calpine	9
*Kenneth J. Slater	Calpine	6,8,9
*Michel P. Armand, P.E.	Calpine	9
*Michael Petit	Calpine	7,9

<u>Witness</u> <u>Direct</u>	<u>Proffered By</u>	<u>Issues #</u>
*Richard A. Zwolak, AICP	Calpine	9

Rebuttal

None

VII. BASIC POSITIONS

CALPINE AND SEMINOLE:

The Commission should grant Seminole's and Calpine's Amended Joint Petition for Determination of Need for the Osprey Energy Center (the "Osprey Project" or the "Project") because the Amended Joint Petition and the Project satisfy all criteria under Section 403.519, Florida Statutes. The Osprey Project is a highly efficient, state-of-the-art, natural gas fired electrical power plant the output of which is committed by Calpine to Seminole pursuant to a definitive, executed Power Purchase Agreement ("the PPA"). The Project is needed to enable Seminole to meet its need for system reliability and integrity and for adequate electricity at a reasonable cost. The Project, as committed to Seminole pursuant to the PPA, was selected by Seminole pursuant to an appropriate Request for Proposals ("RFP") process in which Seminole evaluated various alternatives, including a self-build option. The Osprey Project, through the PPA, was determined to be the most cost-effective alternative available to meet Seminole's needs. In the RFP process, Seminole also solicited proposals for cost-effective demand-side management measures to meet its reliability needs, but received no such proposals. Additionally, through its high efficiency, the Project is expected to provide significant primary fuel savings benefits and environmental emissions reductions associated with those fuel savings. Accordingly, the Commission should grant Seminole's and Calpine's Amended Joint Petition for Determination of Need.

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

ISSUE 1: Are Seminole Electric Cooperative, Inc. and Calpine Construction Finance Company, L.P., "applicants" within the meaning of Section 403.519, Florida Statutes?

POSITIONS

SEMINOLE/CALPINE:

Yes. Seminole Electric Cooperative, Inc. ("Seminole"), as an electric cooperative organized pursuant to Chapter 425, Florida Statutes, and as an entity with load-serving responsibility for distribution Member cooperatives that provide service to their member/owners at retail in Florida, is an "electric cooperative" within the meaning of Section 403.503(13), Florida Statutes, and therefore is a proper applicant for a determination of need pursuant to Section 403.519, Florida Statutes. Calpine Construction Finance Company, L.P., as the entity that will own and operate the Osprey Energy Center, the output of which is committed to Seminole pursuant to the PPA, is an appropriate joint applicant pursuant to the Commission's decisions and the Florida Supreme Court's opinion in Nassau Power Corp. v. Deason, 641 So. 2d 396 (Fla. 1994).

STAFF: No position pending responses to Staff discovery and evidence adduced at hearing.

ISSUE 2: Is the output of the proposed Osprey Energy Center fully committed for use by Florida retail electric customers in compliance with the Florida Supreme Court's decision in Tampa Electric Co. et. al. v. Garcia, 25 Fla. L. Weekly S294 (April 20, 2000)?

POSITIONS

SEMINOLE/CALPINE:

Yes. First, 350 MW of the Project's capacity is committed on a firm purchase-and-sale basis to Seminole pursuant to the PPA from June 1, 2004 through May 31, 2009, and, subject to reopener provisions specified in the PPA, this 350 MW of capacity may be committed to Seminole from June 1, 2009 through May 22, 2020. Second, the remaining amount of the Project's full output, *i.e.*, the full output of the Project prior to June 1, 2004 and the remaining output of the Project over and above the 350 MW after June 1, 2004, is committed to Seminole and its Members at specified capacity and energy prices pursuant to the PPA on a "reserved firm capacity" purchase option basis from the Project's commercial in-service date through May 22, 2020, subject only to the possibility of a firm sale of the optional capacity and energy to another entity prior to the exercise by Seminole of its purchase option. But for the availability of the Osprey Energy Center to Seminole pursuant to the PPA, Seminole would build a 530 MW-class gas-fired combined cycle power plant, essentially identical to the Osprey Energy Center, to meet its 350 MW need beginning in 2004, and Seminole would expect to sell any unneeded capacity and energy to other entities. All available evidence indicates that the vast majority, if not all, of such sales would be made to other Peninsular Florida load-serving utilities. Moreover, the Seminole-Calpine PPA provides Seminole with (a) substantial flexibility in meeting its future needs, (b) protection against unforeseen changes in load growth, and (c) significantly reduced risk exposure, all of which accrue to the benefit of Seminole, its Member systems, and those systems' member-consumers.

STAFF: No position pending responses to Staff discovery and evidence adduced at hearing.

ISSUE 3: Is the Osprey Energy Center needed, taking into account Seminole Electric Cooperative's need for electric system reliability and integrity, as this criterion is used in Section 403.519, Florida Statutes?

SEMINOLE/CALPINE:

Yes. The Osprey Energy Center is needed, taking into account Seminole's need for electric system reliability and integrity, because Seminole needs additional power supply resources beginning in the 2004 time frame, without which Seminole's primary reliability criterion would be violated. The Osprey Project through the PPA also provides valuable flexibility for meeting the future power supply needs of Seminole, Seminole's Member systems, and those systems' retail member-consumers in the event that Seminole's and its Members' needs prove to be greater than currently forecasted.

STAFF: No position pending responses to Staff discovery and evidence adduced at hearing.

ISSUE 4: Is the Osprey Energy Center needed, taking into account Seminole Electric Cooperative's need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519, Florida Statutes?

POSITIONS

SEMINOLE/CALPINE: (consolidated position on Issues 4 and 5)

Yes. The Osprey Energy Center is needed, taking into account Seminole's need for adequate electricity at a reasonable cost. Using an appropriate process based upon an RFP, Seminole evaluated various power purchase alternatives and a self-build option developed by the international engineering firm Black & Veatch. Seminole's evaluations demonstrate that the Osprey Energy Center, committed to Seminole pursuant to the PPA, represents the most cost-effective alternative available to Seminole to meet its needs and those of its Member systems for additional power supply resources.

STAFF: No position pending responses to Staff discovery and evidence adduced at hearing.

ISSUE 5: Is the proposed Osprey Energy Center the most cost-effective alternative available to meet the needs of Seminole Electric Cooperative, Inc., as this criterion is used in Section 403.519, Florida Statutes?

POSITIONS

SEMINOLE/CALPINE: (consolidated position on Issues 4 and 5)

Yes. The Osprey Energy Center is needed, taking into account Seminole's need for adequate electricity at a reasonable cost. Using an appropriate process based upon an RFP, Seminole evaluated various power purchase alternatives and a self-build option developed by the international engineering firm Black & Veatch. Seminole's evaluations demonstrate that the Osprey Energy Center, committed to Seminole pursuant to the PPA, represents the most cost-effective alternative available to Seminole to meet its needs and those of its Member systems for additional power supply resources.

STAFF: No position pending responses to Staff discovery and evidence adduced at hearing.

ISSUE 6: Are there any conservation measures taken by or reasonably available to Calpine Construction Finance Company, Seminole Electric Cooperative, or Seminole's members that might mitigate the need for the proposed power plant, as this criterion is used in Section 403.519, Florida Statutes?

POSITIONS

SEMINOLE/CALPINE:

No. There are no conservation measures taken by or reasonably available to Seminole, its Member cooperative utility systems, or Calpine Construction Finance Company that might mitigate the need for the Osprey Energy Center. Seminole's rate structure is properly designed to provide incentives to lower on-peak demand. Further, Seminole requested cost-effective demand-side proposals in its RFP, but received none. Moreover, based upon reasonable assumptions, projections of the Osprey Project's operations indicate that the Project can be expected to increase the overall efficiency of electricity production and natural gas use in Florida, thereby furthering the express purposes of the Florida Energy Efficiency and Conservation Act, Sections 366.80-.82 and 403.519, Florida Statutes.

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STAFF: No position pending responses to Staff discovery and evidence adduced at hearing.

ISSUE 7: Has Calpine Construction Finance Company, L.P., provided adequate assurances regarding fuel supply and delivery for the proposed Osprey Energy Center?

POSITIONS

SEMINOLE/CALPINE:

Yes. Calpine's affiliate, Calpine East Fuels, L.L.C., has entered into a Precedent Agreement with Gulfstream Natural Gas System, L.L.C. ("Gulfstream") pursuant to which Gulfstream and Calpine East Fuels will enter into a 20-year gas transportation service agreement. Pursuant to that agreement, Gulfstream will provide firm natural gas transportation service for the anticipated daily fuel supply required by the Osprey Project. Gulfstream's pipeline will be interconnected to those gas treatment plants, gas processing plants, and interstate gas transmission systems with supply located in the vicinity of Mobile Bay, Alabama and Pascagoula, Mississippi; there is an estimated 2 billion cubic feet per day of gas supply available in that geographic area. Calpine East Fuels will purchase natural gas for the Osprey Project from gas producers and gas marketing companies that operate in this market.

STAFF: No position pending responses to Staff discovery and evidence adduced at hearing.

ISSUE 8: Are there likely to be any adverse consequences on Seminole Electric Cooperative and those it serves if the Osprey Energy Center is not constructed and brought into commercial operation as scheduled and on budget?

POSITIONS

SEMINOLE/CALPINE:

Yes. If the Osprey Project is not constructed and brought into commercial operation as proposed by Seminole and Calpine, there will be lost reliability and cost reduction benefits to Seminole and potentially to other

Peninsular Florida load-serving and retail-serving utilities that might purchase the Project's output. The lost reliability benefits include: (a) Seminole not meeting its reserve margin criterion if the Osprey Project is not brought into commercial operation by June 1, 2004, and (b) reduced planning and operational flexibility for Seminole, if the Project is not brought into commercial operation in June 2003 as scheduled. The lost cost reduction benefits would translate into higher rates for the member-consumers of Seminole's Member cooperatives and for the customers of other Peninsular Florida load-serving utilities that might elect to purchase the Project's output, and are estimated to be on the order of \$100 million to \$200 million per year, subject to the Project's output being contractually committed to Seminole or to other Peninsular Florida utilities. Additional adverse consequences of delay include lost improvements in the overall efficiency of electricity generation in Florida and lost environmental emissions reductions associated with and resulting from the efficiency gains expected from the Project's operations.

STAFF: No position pending responses to Staff discovery and evidence adduced at hearing.

ISSUE 9: Based on the resolution of the foregoing issues, should the Commission grant Seminole Electric Cooperative, Inc. and Calpine Construction Finance Company, L.P.'s joint petition for determination of need for the Osprey Energy Center?

POSITIONS

SEMINOLE/CALPINE:

Yes. Because the Osprey Energy Center is needed, in accordance with Section 403.519, Florida Statutes, for system reliability and integrity and for adequate electricity at a reasonable cost, and because the Osprey Energy Center, pursuant to the Power Purchase Agreement between Seminole and Calpine, is the most cost-effective alternative available to meet Seminole's need for additional power supply resources, and because there are

no conservation measures available to mitigate the need for the Osprey Energy Center, the Commission should grant Seminole's and Calpine's Amended Joint Petition for Determination of Need for the Osprey Energy Center.

STAFF: No position pending responses to Staff discovery and evidence adduced at hearing.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
	Seminole/ Calpine	_____	Volume I of the Amended Exhibits to the Amended Joint Petition for Determination of Need
	Seminole/ Calpine	_____	Volume II of the Amended Exhibits to the Amended Joint Petition for Determination of Need
Timothy S. Woodbury	Seminole	_____ (TSW-1 and TSW-2)	Exhibits to the Revised Direct Testimony of Timothy S. Woodbury
Garl S. Zimmerman	Seminole	_____ (GSZ-1 through GSZ-5)	Exhibits to the Direct Testimony of Garl S. Zimmerman

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
William T. Lawton	Seminole	_____ (WTL-1 through WTL-4)	Exhibits to the Direct Testimony of William T. Lawton
Robert L. Woodall	Seminole	_____ (RLW-1 through RLW-3)	Exhibits to the Direct Testimony of Robert L. Woodall
Timothy R. Eves	Calpine	_____ (TRE-1 through TRE-5)	Exhibits to the Amended Direct Testimony of Timothy R. Eves
Kenneth J. Slater	Calpine	_____ (KJS-1 through KJS-22)	Exhibits to the Amended Direct Testimony of Kenneth J. Slater
Ted S. Baldwin	Calpine	_____ (TSB-1 through TSB-12)	Exhibits to the Direct Testimony of Ted S. Baldwin
Michel P. Armand, P.E.	Calpine	_____ (MPA-1 through MPA-5)	Exhibits to the Direct Testimony of Michel P. Armand, P.E.

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Michael D. Petit	Calpine	_____	Exhibits to the Direct Testimony of Michael D. Petit
		(MDP-1 through MDP-4)	
		_____	Supplemental Exhibit to the Direct Testimony of Michael D. Petit
		(MDP-5)	
Richard A. Zwolak	Calpine	_____	Exhibits to the Direct Testimony of Richard A. Zwolak
		(RAZ-1)	
	Calpine/ Seminole	_____	Other exhibits as such may be identified in discovery
	Staff	_____	Calpine and Seminole's Responses to Staff's Interrogatories from Docket 000442-EI
	Staff	_____	Late Filed Exhibit to the Deposition of Garl Zimmerman, Document No. 01316 (redacted version)
		Late Filed Exhibit 1	

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
	Staff	_____	Late Filed Exhibit to the Deposition of Garl Zimmerman
		Late Filed Exhibit 2	
	Staff	_____	Seminole/ Calpine Purchase Power Agreement, Document No. 00277-01 (redacted version)
	Staff	_____	Timothy R. Eves' Deposition, January 19, 2001
	Staff	_____	Kenneth J. Slater's Deposition, January 23, 2001
	Staff	_____	Timothy S. Woodbury's Deposition, January 25, 2001
	Staff	_____	Garl S. Zimmerman's Deposition, January 25, 2001
	Staff	_____	Affidavit of Publication of Notice in <u>The Ledger</u>

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

X. PROPOSED STIPULATIONS

Calpine filed a ten-year site plan in 2000 and will continue to file ten-year site plans and other information requested by the Commission.

XI. PENDING MOTIONS

On January 29, 2001, Seminole and Calpine filed a Joint Motion for Expedited Decision, including the suggestion that the Commission consider deciding the issues in this case by a bench vote at the conclusion of the hearing.

XII. PENDING CONFIDENTIALITY MATTERS

No pending confidentiality matters at this time.

XIII. RULINGS

Seminole's Request for Confidential Classification and Motion for Permanent Protective Order, for information contained in Document No. 15488-00, is granted for a period of eighteen (18) months from the date of issuance of this Order.

Seminole's Request for Confidential Classification and Motion for Permanent Protective Order, for information contained in Document No. 00440-01, is granted for a period of eighteen (18) months from the date of issuance of this Order.

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. It is further

ORDERED that the Requests for Confidential Classification, for information contained in Document Nos. 15488-00 and 00440-01, are hereby granted. It is further

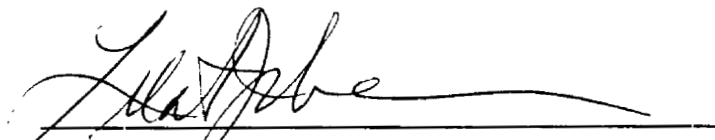
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ORDERED that the Motions for Permanent Protective Order, for information contained in Document Nos. 15488-00 and 00440-01, are hereby granted, for a period of eighteen (18) months from the date of issuance of this Order. It is further

ORDERED that pursuant to Rule 25-22.006, Florida Administrative Code, the information granted confidential classification by this Order shall be treated as confidential for a period of eighteen (18) months from date of this Order. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 9th day of February, 2001.


LILA A. JABER
Commissioner and Prehearing Officer

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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.