BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Greenland Energy Center Combined Cycle Conversion in Duval County by JEA.	DOCKET NO. 080614-EM ORDER NO. PSC-09-0056-PHO-EM ISSUED: January 26, 2009

PREHEARING ORDER

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (F.A.C.), a Prehearing Conference was held on January 8, 2009, in Tallahassee, Florida, before Commissioner Nancy Argenziano, as Prehearing Officer.

APPEARANCES:

GARY V. PERKO, ESQUIRE, Hopping Green & Sams, 123 South Calhoun Street, P.O. Box 6526, Tallahassee, Florida 32314
On behalf of JEA

MARTHA CARTER BROWN, ESQUIRE, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
On behalf of the Florida Public Service Commission (Staff).

PREHEARING ORDER

I. CASE BACKGROUND

On September 30, 2008, JEA filed a petition for a determination of need for a proposed combined cycle conversion project at the Greenland Energy Center (GEC) in Duval County pursuant to section 403.519, Florida Statutes (F.S.), and Rule 25-22.081, Florida Administrative Code (F.A.C.). The Commission issued an Amended Notice of Commencement of Proceedings to the appropriate agencies, local governments, and interested persons on October 8, 2008. This matter has been scheduled for a formal administrative hearing on February 12, 2009.

II. CONDUCT OF PROCEEDINGS

Pursuant to Rule 28-106.211, F.A.C., this Prehearing Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of this case.

III. JURISDICTION

This Commission is vested with jurisdiction over the subject matter by the provisions of Chapter 120, 366, and 403, F.S. This hearing will be governed by said Chapter and Chapters 25-6, 25-22, and 28-106, F.A.C., as well as any other applicable provisions of law.

IV. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

Information, for which proprietary confidential business information status is requested pursuant to Section 366.093, F.S., and Rule 25-22.006, F.A.C., shall be treated by the Commission as confidential. The information shall be exempt from Section 119.07(1), F.S., pending a formal ruling on such request by the Commission or pending return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been made a part of the evidentiary record in this proceeding, it shall be returned to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of this proceeding, it shall be returned to the person providing the information within the time period set forth in Section 366.093, F.S. The Commission may determine that continued possession of the information is necessary for the Commission to conduct its business.

It is the policy of this Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 366.093, F.S., to protect proprietary confidential business information from disclosure outside the proceeding. Therefore, any party wishing to use any proprietary confidential business information, as that term is defined in Section 366.093, F.S., at the hearing shall adhere to the following:

(1) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the court reporter, in red envelopes clearly marked with the nature of the contents and with the confidential information highlighted. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.

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

At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the court reporter shall be retained in the Office of Commission Clerk's confidential files. If such material is admitted into the evidentiary record at hearing and is not otherwise subject to a request for confidential classification filed with the Commission, the source of the information must file a request for confidential classification of the information within 21 days of the conclusion of the hearing, as set forth in Rule 25-22.006(8) (b), F.A.C., if continued confidentiality of the information is to be maintained.

V. PREFILED TESTIMONY AND EXHIBITS; WITNESSES

Testimony of all witnesses to be sponsored by the parties (and Staff) has been prefiled and will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to timely and appropriate objections. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Summaries of testimony shall be limited to five minutes.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer. After all parties and Staff have had the opportunity to cross-examine the witness, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

VI. ORDER OF WITNESSES

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 will be notified by February 9, 2009, if any witness will be required to be present at the hearing. The testimony of excused witnesses will be inserted into the record as though read, and all exhibits submitted with those witnesses' testimony will be identified as shown in Section X of this Prehearing Order and admitted into the record.

Witness	Proffered By	Issues #
Direct		
*Donald C. Gilbert	JEA	1, 3, 6
*Michael N. Lawson	JEA	2, 6
*Mary Guyton-Baker	JEA	1, 6
*James T. Myers	JEA	3, 6
*John A. Worley	JEA	4, 6
*Richard J. Vento	JEA	4, 6

Witness	Proffered By	Issues #
*Myron R. Rollins	JEA	1, 2, 3, 5, 6
*Bradley E. Kushner	JEA	2, 4, 5, 6

VII. BASIC POSITIONS

JEA: The Commission should grant the petition for determination of need for the Greenland Energy Center (GEC) Combined Cycle Conversion because it is the most cost-effective option available to meet JEA's needs beginning in 2013. There are no cost-effective renewable energy resources or conservation/ demand-side measures available to offset the need for the GEC Combined Cycle Conversion. The GEC Combined Cycle Conversion will provide adequate electricity at a reasonable cost and it will contribute to the reliability and integrity of JEA's system. In addition, JEA will have utilized renewable energy sources and technologies as well as conservation measures to the extent reasonably available. (All JEA Witnesses)

STAFF: On September 30, 2008, JEA filed a petition for a determination of need for the proposed combined cycle conversion project at the Greenland Energy Center (GEC) in Duval County, Florida pursuant to Section 403.519, Florida Statutes (F.S.), and Rule 25-22.080, Florida Administrative Code (F.A.C.). JEA's proposal consists of the conversion of two natural gas-fired "simple cycle" combustion turbines to a 2x1 "combined cycle" configuration. The conversion will allow the capability of generating an additional 207 megawatts (MW). JEA initially planned on a June 1, 2012 commercial operation date for the GEC Combined Cycle Conversion. Due to recent credit market developments, JEA delayed the commercial operation date of the GEC Combined Cycle Conversion until 2013.

The Commission should grant the petition for determination of need for the Greenland Energy Center (GEC) Combined Cycle Conversion because it is the most cost-effective option available to meet JEA's needs beginning in 2013. There are no cost-effective renewable energy resources or conservation/ demand-side measures available to offset the need. The GEC Combined Cycle Conversion will provide adequate electricity at a reasonable cost and it will contribute to the reliability and integrity of JEA's system.

VIII. ISSUES AND POSITIONS

PROPOSED STIPULATION

ISSUE 1: Is there a need for the proposed combined cycle conversion project at the Greenland Energy Center, taking into account the need for electric system reliability and integrity, as this criterion is used in section 403.519, Florida Statutes?

POSITION: Yes. For planning purposes, JEA has established a 15 percent minimum reserve margin above peak demand criterion. JEA's forecasted annual peak demands are projected to

occur in the winter; however, the difference between summer and winter capacity of JEA's generating units causes JEA's need for capacity to be governed by the projected summer peak demand. Current forecasts indicate that JEA has a need for additional capacity in several of the years over a ten year planning period. A review of JEA's forecast assumptions, models, and the projected system peak demands indicates that they are appropriate for use in this docket.

JEA currently purchases seasonal power in order to provide necessary capacity for reliability purposes. JEA additionally planned to meet some of its reliability needs with two "simple cycle" combustion turbines (CT) in 2010 and the GEC Combined Cycle Conversion of the two aforementioned CTs in 2012. Due to recent credit market developments and company policy however, JEA delayed the commercial operation date of the two CTs until 2011 and the GEC Combined Cycle Conversion until 2013. JEA has indicated that additional purchased power will be required in order to satisfy the greater than expected reliability need in 2010 caused by the delays.

JEA's current forecasts indicate a need for more than 240 MW in 2013 in order to maintain the company's 15 percent reserve margin planning criteria. With the addition of the GEC Combined Cycle Conversion (207 MW) in 2013, JEA will still have a need for 35 MW. Thus, all of the capacity of the GEC Combined Cycle Conversion is needed in the first year of its operation. JEA plans to utilize seasonal power purchases and additional generation as necessary to maintain the 15 percent reserve margin criterion in 2013 and beyond. Table 1 below illustrates JEA's reserve margin with and without the GEC Combined Cycle Conversion.

Table 1: **JEA Reserve Margin With and Without the GEC Combined Cycle Conversion in 2013**

Summer – Base Case Load Forecast		
Year	**Reserve Margin Without GEC Combined Cycle Conversion**	**Reserve Margin With GEC Combined Cycle Conversion**
2009	14.4%	14.4%
2010	4.9%	4.9%
2011	12.0%	12.0%
2012	9.6%	9.6%
2013	7.3%	13.9%
2014	5.1%	11.6%
2015	3.0%	9.3%
2016	12.3%	18.4%
2017	10.1%	16.2%
2018	7.8%	13.7%

JEA also performed analyses assuming a more aggressive DSM portfolio. These analyses indicated that JEA would still need nearly 100 MW of additional capacity in 2013. The DSM portfolio, as well as potential renewable additions, are further discussed in Issue 4.

By providing approximately 207 MW of summer capacity, the GEC Combined Cycle Conversion will help to meet JEA's growing capacity needs and contribute to the reliability and integrity of the JEA electric system.

PROPOSED STIPULATION

ISSUE 2: Is there a need for the proposed combined cycle conversion project at the Greenland Energy Center, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in section 403.519, Florida Statutes?

POSITION: Yes. JEA evaluated several supply-side technologies, either as alternatives to the GEC Combined Cycle Conversion or as capacity resource options for installation following the proposed conversion. JEA's economic evaluation included several sensitivity analyses utilizing a range of fuel costs and CO2 compliance costs. The assumptions used for JEA's evaluation of the GEC Combined Cycle Conversion are reasonable and are consistent and comparable with other recent need determinations that were approved by the Commission. Thus, the cost information presented in the record demonstrates that the GEC Combined Cycle Conversion will provide adequate electricity at a reasonable cost to ratepayers.

The analysis of JEA's assumptions used to evaluate the GEC Combined Cycle Conversion are discussed below.

Economic Assumptions

JEA's financial assumptions include an anticipated capital structure consisting of 100 percent debt financing using primarily long-term tax-exempt municipal bonds. JEA's initial financial assumptions as filed are consistent and comparable with other recent need determinations that were approved by the Commission.[1] JEA did make certain revisions to its initial financial assumptions in supplementary testimony as a result of the recent credit market developments. JEA revised the financial assumptions to include an annual rate of 7.00 percent for the long-term tax-exempt bond rate, interest during construction rate, and present worth discount rate. This was in lieu of the 5.00 percent rate that JEA proposed in its original filing. Additionally, a 2.50 percent annual percentage rate was used for both the general inflation rate and the escalation rates that were applied to both capital costs and O&M costs. JEA did not revise this rate in its supplemental filing.

[1] Order No. PSC-05-0781-FOF-EM, issued July 27, 2005, in Docket No. 050256-EM, In re: Petition to determine need for Treasure Coast Energy Center Unit 1, proposed electrical power plant in St. Lucie County, by Florida Municipal Power Agency (5.00% cost rate) and
Order No. PSC-06-0457-FOF-EM, issued May 24, 2006, in Docket No. 060155-EM, In re: Petition for determination of need for proposed Stanton Energy Center Combined Cycle Unit B electrical power plant in Orange County, by Orlando Utilities Commission (5.25% cost rate including insurance costs and issuance fees).

Fuel Forecasts

JEA used the fuel price forecasts from the Energy Information Administration's Annual Energy Outlook 2008 (AEO 2008). The AEO 2008 fuel price forecasts are in real 2006 dollars. For evaluation purposes, JEA converted these prices into nominal prices using the 2.5% general inflation rate.

In addition to the reference case in the AEO 2008, JEA used High and Low price cases as well. Transportation costs were added to commodity prices to obtain delivered prices. For natural gas, JEA used $1.28/MMBtu as the transportation rate. This is the rate used in the need determination for FMPA's recent Cane Island need determination case (Docket No. 080253-EU). The use of the AEO 2008 fuel price forecast is reasonable as a standard of comparison for long-term fuel price forecasts which have been used in recent need determination cases.

Environmental Costs

JEA considered the EIA developed analysis entitled *Energy Market and Economic Impacts of S.2191, the Lieberman-Warner Climate Security Act of 2007* for projected CO2 compliance costs. The EIA analysis includes five different cases related to the proposed S.2191. Two of these five cases – the S.2191 Core Case and the S.2191 Limited/No International Case are reflected in the economic evaluation of the GEC Combined Cycle Conversion project. JEA determined that it was unnecessary to evaluate the other cases as their projected CO2 emission allowance prices fall within the boundaries established by S.2191 Core and S.2191 Limited/No International. Regarding the emissions of CO2, there is currently no State or Federal regulation.

Regulations of emissions of sulfur dioxide (SO2), oxides of nitrogen (NOx) and mercury (Hg) are reflected in each fuel price projection considered throughout the Need for Power Application. However, the actual costs for SO2, NOx, or Hg allowances are not included in the economic analysis due to the inherently low SO2, NOx and Hg emission rates associated with natural gas-fired generation.

Generation Capital Costs

JEA's capital cost estimates included costs associated with the purchase of equipment and all contractor services. JEA's construction cost estimates were based on an engineering, procurement, and construction (EPC) contracting philosophy. JEA used local labor craft rates in the development of the construction cost estimates.

Several of JEA's cost estimates were based on technologies that are proven, commercially available, and widely used in the power industry. Additionally JEA's cost estimates are consistent and comparable with recent filings received by the Commission from JEA as well as other Florida utilities.

PROPOSED STIPULATION

ISSUE 3: Is there a need for the proposed combined cycle conversion project at the Greenland Energy Center, taking into account the need for fuel diversity and supply reliability, as this criterion is used in Section 403.519, Florida Statutes?

POSITION: Yes. Traditionally, JEA has had a relatively high reliance on coal and petroleum coke for its energy needs. Additional coal resources will also be added to JEA's generation mix with the projected return of Florida Power & Light Company's purchase power portion of coal fired capacity from the St. Johns River Power Park in 2016.

Although the addition of new nuclear generation by 2013 is not feasible due to the construction and permitting lead times JEA has a purchase power agreement for more than 200 MW of nuclear capacity from the construction of Vogtle Units 3 and 4, in Georgia. The discussed nuclear capacity however is not projected to be available until 2017 (103 MW will be available in 2016 and an additional 103 MW will be available in 2017).

Because new solid fuel generation is not feasible in the desired time frame or will not serve to diversify JEA's fuel mix, natural gas generation becomes the most proven and reliable supply-side alternative.

Also, there are several new natural gas storage and pipeline projects that should increase the supply of natural gas to the Southeast region. Moreover, the SeaCoast pipeline that will serve Greenland Energy Center will receive natural gas from both the Southern Natural Gas (SNG) and Florida Gas Transmission Company (FGT) systems. Greenland Energy Center will also utilize ultra low sulfur diesel for backup.

PROPOSED STIPULATION

ISSUE 4: Are there any renewable energy resources or conservation measures taken by or reasonably available to JEA which might mitigate the need for the proposed combined cycle conversion project at the Greenland Energy Center?

POSITION: No. JEA offers a variety of conservation and demand-side management (DSM) programs to their consumers. Also, JEA is implementing a new DSM portfolio which is projected to result in a summer demand reduction of 147.5 MW by 2013. The projected demand and energy savings associated with the new DSM portfolio will not eliminate the need for new capacity in the summer of 2013. Therefore, there are no conservation measures taken by or reasonably available to JEA which would mitigate the need for the proposed GEC Combined Cycle Conversion.

JEA's generating mix already includes reasonably available renewable resources. In addition, JEA has issued several RFPs for renewable (including solar and wind energy) resources since 2004. Based on JEA's evaluation, only two of the bids from the RFPs were cost-effective. One was for a 9.6 MW landfill gas project for which JEA executed a contract. The project went into commercial operation in December 2008. The other project was a proposed 13 MW yard waste project utilizing the City of Jacksonville's yard waste. The project developer negotiated

with the City of Jacksonville for several years for the yard waste and never consummated a contract for the yard waste. As a result, JEA terminated negotiations in 2007.

In 2008, JEA conducted an RFP specifically for solar and wind generation. JEA is in the process of negotiating a purchase power agreement for the output of a 12.3 MW photovoltaic project. Although JEA generally does not consider solar energy as firm capacity, JEA included the projected contribution from the proposed photovoltaic project as part of its firm capacity in the economic evaluations.

JEA is also actively evaluating a self build biomass project either as a stand alone unit or co-firing in Northside 1 or 2. In addition, JEA is also evaluating an unsolicited proposal for a 50 MW purchase power agreement from a biomass generating facility.

JEA's ultimate decision whether or not to utilize the additional solar and biomass resources at the attendant higher cost will depend on the ability to reach acceptable contractual terms.

Although JEA has not made a final decision on the potential solar and biomass projects, it has assumed the addition of approximately 50 MW of renewable capacity in its renewable expansion scenario used in the economic analyses of the GEC Combined Cycle Conversion. Those analyses demonstrate that there would still be a need for the GEC Combined Cycle Conversion capacity and the GEC Combined Cycle Conversion would still be the most cost-effective alternative for meeting JEA's capacity needs even if JEA were to pursue both projects. JEA's economic analysis also indicates that a renewable expansion plan would increase system costs by more than $170 million.

PROPOSED STIPULATION

ISSUE 5: Is the proposed combined cycle conversion project at the Greenland Energy Center the most cost-effective alternative available, as this criterion is used in section 403.519, Florida Statutes?

POSITION: Yes. JEA evaluated an expansion plan assuming the addition of the GEC Combined Cycle Conversion in 2013 over a 20 year period considering several scenarios utilizing different fuel costs, potential CO2 compliance costs, different load forecasts, and varying capital costs. JEA also evaluated four additional supply-side alternatives (three natural gas simple cycle generators and one natural gas combined cycle generator) for comparison purposes. Furthermore, JEA performed analyses assuming the implementation of a new DSM portfolio and the installation of additional renewable generation.

Based on the results of production cost modeling of multiple economic scenarios, JEA identified an expansion plan assuming GEC Combined Cycle Conversion in 2013 as the most cost-effective option, in 38 of the 44 analyses, to meet the JEA's capacity needs. Although the GEC Combined Cycle Conversion has a higher capital cost than other generation alternatives the conversion of existing combustion turbines to a 2x1 "combined cycle" configuration will improve system efficiency allowing JEA to realize significant cost savings.

The analyses showed that the GEC Combined Cycle Conversion could produce net savings through 2027 of approximately $3.9 million to approximately $186.6 million over the next lowest generation alternative. Such results indicate a high likelihood of JEA's ratepayers realizing net benefits.

Based on the evidence discussed, the GEC Combined Cycle Conversion provides the most cost-effective solution to satisfy JEA's forecast capacity requirements.

PROPOSED STIPULATION

ISSUE 6: Based on the resolution of the foregoing issues, should the Commission grant JEA's petition to determine the need for the proposed combined cycle conversion project at the Greenland Energy Center?

POSITION: Yes. The Commission should grant the petition for determination of need for the GEC Combined Cycle Conversion because it is the most cost-effective option available to meet JEA's needs beginning in 2013. There are no cost-effective renewable energy resources or conservation/ demand-side measures available to offset the need. The GEC Combined Cycle Conversion will provide adequate electricity at a reasonable cost and it will contribute to the reliability and integrity of JEA's system.

PROPOSED STIPULATION

ISSUE 7: Should this docket be closed?

POSITION: Yes. This docket should be closed after expiration of the time for filing an appeal of the Commission's final order addressing the petition for determination of need.

IX. EXHIBIT LIST

Witness	Proffered By		Description
Direct			
Donald C. Gilbert	JEA	DCG-1	Resumé of Donald C. Gilbert
Donald C. Gilbert	JEA	DCG-2	JEA's Existing Generation Facilities
Donald C. Gilbert	JEA	GEC-1	Sections 3.0 (except 3.9), 10.0 and 19.0
Michael N. Lawson	JEA	MNL-1	Resumé of Michael N. Lawson

Witness	Proffered By		Description
Michael N. Lawson	JEA	MNL-2	Summary of Estimated Capital Costs of GEC Combined Cycle Conversion Project
Michael N. Lawson	JEA	MNL-3	Estimated Performance of GEC Combined Cycle.
Michael N. Lawson	JEA	GEC-1	Section 9.0
Mary Guyton-Baker	JEA	MGB-1	Resumé of Mary Guyton-Baker
Mary Guyton-Baker	JEA	GEC-1	Section 5.0
James T. Myers	JEA	JTM-1	Resumé of James T. Myers
James T. Myers	JEA	GEC-1	Sections 6.0 and 8.0
John A. Worley	JEA	JAW-1	Resumé of John A. Worley
John A. Worley	JEA	GEC-1	Sections 3.9 and 14.0
Richard J. Vento	JEA	RJV-1	Resumé of Richard J. Vento
Richard J. Vento	JEA	RJV-2	Annual Summer and Winter Peak Demand and Net Energy for Load Reductions Projected for JEA's New DSM Portfolio
Richard J. Vento	JEA	RJV-3	Projected Annual Costs of JEA's New DSM Portfolio
Richard J. Vento	JEA	GEC-1	Section 15.0
Myron R. Rollins	JEA	MRR-1	Resumé of Myron R. Rollins
Myron R. Rollins	JEA	MRR-2R	JEA's Capacity Requirements
Myron R. Rollins	JEA	MRR-3	Levels of Capacity Bid from JEA's RFP
Myron R. Rollins	JEA	MRR-4	JEA's Annual Capacity Requirements for Base Case Load Forecast (summer)

Witness	Proffered By		Description
Myron R. Rollins	JEA	MRR-5	JEA's Annual Capacity Requirements for Base Case Load Forecast (winter)
Myron R. Rollins	JEA	MRR-6	JEA's Annual Capacity Requirements including impact of new DSM Program (summer)
Myron R. Rollins	JEA	MRR-7	JEA's Annual Capacity Requirements Including Impact of New DSM Program (winter)
Myron R. Rollins	JEA	GEC-1	Sections 1.0, 2.0, 4.0, 11.0 and 12.0
Bradley E. Kushner	JEA	BEK-1	Resumé of Bradley E. Kushner
Bradley E. Kushner	JEA	BEK-2R	Results of Economic Analyses
Bradley E. Kushner	JEA	BEK-3	Results of Additional Economic Analyses
Bradley E. Kushner	JEA	GEC-1	Sections 7.0, 13.0, 14.0, 16.0, 17.0, and 18.0

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

X. PROPOSED STIPULATIONS

There are proposed stipulations on all issues as indicated in Section VIII.

XI. PENDING MOTIONS

There are no pending motions.

XII. PENDING CONFIDENTIALITY MATTERS

There are no pending confidentiality matters.

XIII. POST-HEARING PROCEDURES

If no bench decision is made, each party shall file a post-hearing statement of issues and positions. A summary of each position 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 this Prehearing Order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. If a party fails to file a post-hearing statement, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, F.A.C., a party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 40 pages and shall be filed at the same time.

XIV. RULINGS

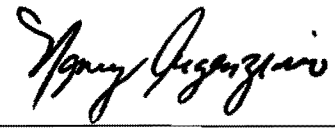
JEA's Motion to File Supplemental Testimony is granted.

Opening statements, if any, shall not exceed five minutes per party.

It is therefore,

ORDERED by Commissioner Nancy Argenziano, 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 Nancy Argenziano, as Prehearing Officer, this 26th day of January, 2009.



NANCY ARGENZIANO
Commissioner and Prehearing Officer

(SEAL)

MCB

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; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.