

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery clause. | DOCKET NO. 100002-EG  
ORDER NO. PSC-10-0642-PHO-EG  
ISSUED: October 27, 2010

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Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (F.A.C.), a Prehearing Conference was held on October 25, 2010, in Tallahassee, Florida, before Commissioner Nathan A. Skop, as Prehearing Officer.

APPEARANCES:

BETH KEATING, ESQUIRE, Akerman Senterfitt, 106 East College Avenue, Suite 1200, Tallahassee, Florida 32301  
On behalf of Florida Public Utilities Company (FPUC).

JEFFREY A. STONE, RUSSELL A. BADDERS, and STEVEN R. GRIFFIN, ESQUIRES, Beggs & Lane, Post Office Box 12950, Pensacola, Florida 32591-2950  
On behalf of Gulf Power Company (Gulf).

JOHN T. BURNETT, Associate General Counsel, and DIANNE M. TRIPLETT, Associate General Counsel, Progress Energy Service Co., LLC, Post Office Box 14042, St. Petersburg, Florida 33733-4042  
On behalf of Progress Energy Florida, Inc. (PEF).

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

PATRICIA A. CHRISTENSEN, Associate Public Counsel, and CHARLES BECK, Deputy Public Counsel, Office of Public Counsel, 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 (OPC).

JON MOYLE, JR. and VICKI GORDON KAUFMAN, ESQUIRES, 118 North Gadsden Street, Tallahassee, Florida 32312  
On behalf of the Florida Industrial Power Users Group (FIPUG).

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FPSC-COMMISSION OFFICE

JAMES W. BREW and F. ALVIN TAYLOR, ESQUIRES, Brickfield, Burchette, Ritts and Stone, P.C., 1025 Thomas Jefferson St., N.W., Eighth Floor, West Tower, Washington, D.C. 20007

On behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (PCS PHOSPHATE or PCS).

KATHERINE E. FLEMING, and LEE ENG TAN, ESQUIRES, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

On behalf of the Florida Public Service Commission (STAFF).

MARY ANNE HELTON, Deputy General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850  
Advisor to the Florida Public Service Commission.

## **PREHEARING ORDER**

### **I. CASE BACKGROUND**

As part of the Commission's continuing energy conservation cost recovery proceedings, an administrative hearing is set for November 1-3, 2010. The parties have reached agreement concerning all issues identified for resolution at this hearing. Staff is prepared to present the panel with a recommendation at the hearing for approval of the stipulated positions set forth herein. The Commission may render a bench decision in this matter.

### **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 366, Florida Statutes (F.S.), including Chapter 366.04, 366.05, and 366.06, F.S. This hearing will be governed by said Chapter and Chapters 25-22, and 28-106, F.A.C.

### **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.

The parties shall avoid duplicative or repetitious cross-examination. Further, friendly cross-examination will not be allowed. Cross-examination shall be limited to witnesses whose testimony is adverse to the party desiring to cross-examine. Any party conducting what appears to be a friendly cross-examination of a witness should be prepared to indicate why that witness's direct testimony is adverse to its interests.

#### VI. ORDER OF WITNESSES

As a result of discussions at the prehearing conference, each witness whose name is preceded by an asterisk (\*) will be excused from this hearing if no Commissioner assigned to this case seeks to cross-examine the particular witness. Parties shall be notified as soon as possible as to whether any such witness shall 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 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>		
*Marc L. Schneidermann The prefiled testimony of Marc L. Schneidermann will be adopted by Jason Van Hoffman.	FPUC	1
*Jason Van Hoffman (Adopts Schneidermann)	FPUC	2 – 4
*John N. Floyd	GULF	1, 2, 3
*Jennifer L. Todd	GULF	1, 2, 3, 4
*Gary R. Freeman	PEF	1 – 5
*Howard T. Bryant	TECO	1 – 6

VII. BASIC POSITIONS

**FPUC:** The Commission should approve the Florida Public Utilities Company's final net true-up for the period January - December 2009, the estimated true-up amount for the period January – December 2010, and the projected conservation program expenses for the period January – December 2011.

**GULF:** It is the basic position of Gulf Power Company that the proposed ECCR factors present the best estimate of Gulf's Conservation expense at this time for the period January 2011 through December 2011, including the true up calculations and other adjustments allowed by the Commission.

**PEF:** The Commission should determine that PEF has properly calculated its conservation cost recovery true-up and projections and the conservation cost recovery factors set forth in the testimony and exhibits of witness Gary R. Freeman during the period January 2011 through December 2011.

**TECO:** Inasmuch as Tampa Electric's proposed Demand Side Management (DSM) plan has yet to be finalized in Docket No. 100159-EI, the company is including two separate sets of true-up, projection and energy conservation cost recovery factor calculations in this prehearing statement. One set assumes the continuation in 2010 and 2011 of the company's existing, Commission approved DSM plan, designated (existing plan) and the second set of calculations reflects the existing plan plus the costs of Tampa Electric's solar pilot program approved by the Commission in Order No. PSC-10-0607-PAA-EG, issued October 4, 2010 in Docket No. 100159-EG (existing plan with solar).

The Commission should determine that Tampa Electric has properly calculated its conservation cost recovery true-up and projections and the conservation cost recovery factors set forth in the testimony and exhibits of witness Howard T. Bryant during the period January 2011 through December 2011.

The Commission should also approve the Contracted Credit Value Tampa Electric has calculated for the GSLM-2 and GSLM-3 rate riders for use during the period January 2011 through December 2011, also set forth in witness Bryant's testimony and exhibits.

**OPC:** None at this time.

**FIPUG:** FPL, TECO and Gulf have each submitted two conservation plans – one for currently approved programs and one for programs which have not yet been approved in each utility's DSM docket.

Pursuant to section 366.82(7), Florida Statutes, and rule 25-17.015(4), Florida Administrative Code, a utility may not receive cost recovery for programs which

have not been approved by the Commission. Thus, the Commission may not and should not allow any cost recovery for DSM programs which have not been approved.

**PCS:** At this time, PCS Phosphate generally accepts and adopts the positions taken by the Florida Industrial Power Users Group (“FIPUG”).

**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 are the final conservation cost recovery true-up amounts for the period January 2009 through December 2009?

#### POSITION:

Florida Public Utilities (FPUC)	\$24,452	Underrecovery
Gulf Power Company (GPC)	\$1,325,593	Overrecovery
Progress Energy Florida, Inc. (PEF)	\$1,446,182	Overrecovery
Tampa Electric Company (TECO)	\$1,434,024	Underrecovery

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

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

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

#### STIPULATED

**ISSUE 2:** What are the total conservation cost recovery amounts to be collected during the period January 2011 through December 2011?<sup>1</sup>

#### POSITION:

Florida Public Utilities (FPUC)	\$830,844
Gulf Power Company (GPC)	\$7,532,106

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<sup>1</sup> Amounts include taxes.

If Order No. PSC-10-0608-PAA-EG, which approves Gulf's solar pilot programs, becomes final prior to the hearing in this proceeding, then the amount should be \$8,435,773, which includes the cost of the currently approved Commission programs plus the solar pilot programs.

Progress Energy Florida, Inc. (PEF) \$93,235,589

If Order No. PSC-10-0605-PAA-EG, which approves PEF's solar pilot programs, becomes final prior to the hearing in this proceeding, then the amount should be \$96,802,413, which includes the cost of the currently approved Commission programs plus the solar pilot programs.

Tampa Electric Company (TECO) \$44,502,469

If Order No. PSC-10-0607-PAA-EG, which approves TECO's solar pilot programs, becomes final prior to the hearing in this proceeding, then the amount should be \$46,078,829, which includes the cost of the currently approved Commission programs plus the solar pilot programs.

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

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

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

**STIPULATED**

**ISSUE 3:** What are the conservation cost recovery factors for the period January 2011 through December 2011?

**POSITION:**

<b>FPUC</b>	<b>Rate Class</b> (Consolidated)	<b>ECCR Factor</b> 0.115 cents/Kwh
<b>GULF</b>	<b>Rate Class</b>	<b>ECCR Factor</b>
	RS, RSVP	0.071 cents/Kwh
	GS	0.069 cents/Kwh
	GSD, GSDT, GSTOU	0.066 cents/Kwh
	LP, LPT	0.063 cents/Kwh
	PX, PXT, RTP, SBS	0.061 cents/Kwh
	OSI, OSII	0.056 cents/Kwh
	OSIII	0.061 cents/Kwh

If Order No. PSC-10-0608-PAA-EG becomes final prior to the hearing in this proceeding, the factors will be as follows:

<b>GULF</b>	<b>Rate Class</b>	<b>ECCR Factor</b>
	RS, RSVP	0.080 cents/Kwh
	GS	0.077 cents/Kwh
	GSD, GSDT, GSTOU	0.074 cents/Kwh
	LP, LPT	0.071 cents/Kwh
	PX, PXT, RTP, SBS	0.068 cents/Kwh
	OSI, OSII	0.063 cents/Kwh
	OSIII	0.069 cents/Kwh

<b>PEF</b>	<b>Rate Class</b>	<b>ECCR Factor</b>
	Residential	0.289 cents/Kwh
	General Svc. Non-Demand	0.242 cents/Kwh
	@ Primary Voltage	0.240 cents/Kwh
	@ Transmission Voltage	0.237 cents/Kwh
	General Svc. 100% Load Factor	0.206 cents/Kwh
	General Svc. Demand	0.86 \$/KW
	@ Primary Voltage	0.85 \$/KW
	@ Transmission Voltage	0.84 \$/KW
	Curtable	0.90 \$/KW
	@ Primary Voltage	0.89 \$/KW
	@ Transmission Voltage	0.88 \$/KW
	Interruptible	0.78 \$/KW
	@ Primary Voltage	0.77 \$/KW
	@ Transmission Voltage	0.76 \$/KW
	Standby Monthly	0.085 \$/KW
	@ Primary Voltage	0.084 \$/KW
	@ Transmission Voltage	0.083 \$/KW
	Standby Daily	0.040 \$/KW
	@ Primary Voltage	0.040 \$/KW
	@ Transmission Voltage	0.039 \$/KW
	Lighting	0.141 cents/Kwh

If Order No. PSC-10-0605-PAA-EG becomes final prior to the hearing in this proceeding, the factors will be as follows:

<b>PEF</b>	<b>Rate Class</b>	<b>ECCR Factor</b>
	Residential	0.299 cents/Kwh
	General Svc. Non-Demand	0.252 cents/Kwh
	@ Primary Voltage	0.249 cents/Kwh
	@ Transmission Voltage	0.247 cents/Kwh
	General Svc. 100% Load Factor	0.216 cents/Kwh



<b>PEF</b>	<b>Rate Class</b>	<b>ECCR Factor</b>
	General Svc. Demand	0.90 \$/KW
	@ Primary Voltage	0.89 \$/KW
	@ Transmission Voltage	0.88 \$/KW
	Curtaillable	0.94 \$/KW
	@ Primary Voltage	0.93 \$/KW
	@ Transmission Voltage	0.92 \$/KW
	Interruptible	0.82 \$/KW
	@ Primary Voltage	0.81 \$/KW
	@ Transmission Voltage	0.80 \$/KW
	Standby Monthly	0.089 \$/KW
	@ Primary Voltage	0.088 \$/KW
	@ Transmission Voltage	0.087 \$/KW
	Standby Daily	0.042 \$/KW
	@ Primary Voltage	0.042 \$/KW
	@ Transmission Voltage	0.041 \$/KW
	Lighting	0.151 cents/Kwh

<b>TECO</b>	<b>Rate Class</b>	<b>ECCR Factor</b>
	Residential	0.265 cents/Kwh
	General Svc., TS	0.238 cents/Kwh
	General Svc. Demand - Secondary	0.90 \$/KW
	@ Primary Voltage	0.89 \$/KW
	@ Subtransmission Voltage	0.88 \$/KW
	Standby Firm - Secondary	0.90 \$/KW
	@ Primary Voltage	0.89 \$/KW
	@ Subtransmission Voltage	0.88 \$/KW
	Interruptible – Secondary	0.77 \$/KW
	@ Primary Voltage	0.77 \$/KW
	@ Subtransmission Voltage	0.76 \$/KW
	General Svc. Demand Optional - Secondary	0.213 cents/Kwh
	@ Primary Voltage	0.211 cents/Kwh
	@ Subtransmission Voltage	0.209 cents/Kwh
	Lighting	0.100 cents/Kwh

If Order No. PSC-10-0607-PAA-EG becomes final prior to the hearing in this proceeding, the factors will be as follows:

<b>TECO</b>	<b>Rate Class</b>	<b>ECCR Factor</b>
	Residential	0.274 cents/Kwh
	General Svc., TS	0.246 cents/Kwh
	General Svc. Demand - Secondary	0.93 \$/KW
	@ Primary Voltage	0.92 \$/KW
	@ Subtransmission Voltage	0.91 \$/KW

<b>TECO</b>	<b>Rate Class</b>	<b>ECCR Factor</b>
	Standby Firm - Secondary	0.93 \$/KW
	@ Primary Voltage	0.92 \$/KW
	@ Subtransmission Voltage	0.91 \$/KW
	Interruptible – Secondary	0.81 \$/KW
	@ Primary Voltage	0.80 \$/KW
	@ Subtransmission Voltage	0.79 \$/KW
	General Svc. Demand Optional - Secondary	0.221 cents/Kwh
	@ Primary Voltage	0.219 cents/Kwh
	@ Subtransmission Voltage	0.217 cents/Kwh
	Lighting	0.108 cents/Kwh

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

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

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

**STIPULATED**

**ISSUE 4:** What should be the effective date of the new 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 2011 through December 2011. Billing cycles may start before January 1, 2011, and the last cycle may be read after December 31, 2011, so that each customer is billed for twelve months regardless of when the adjustment factor became effective.

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

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

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

**COMPANY SPECIFIC CONSERVATION COST RECOVERY ISSUES**

Tampa Electric Company

**STIPULATED**

**ISSUE 5:** What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2011 through December 2011?

**POSITION:** In accordance with the program requirement and methodology established by Order No. PSC-99-1778-FOF-EI, issued September 10, 1999, in Docket No. 990037-EI, the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders will be \$9.21 per KW for the period January 2011 through December 2011.

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

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

**STIPULATED**

**ISSUE 6:** What are the residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2011 through December 2011?

**POSITION:** In accordance with the program requirement and methodology established by Order No. PSC-07-0740-TRF-EG, issued September 17, 2007, in Docket No. 070056-EG, the rate tiers for RSVP-1 will be as follows:

Rate Tier	Cents/kWh
P4	33.546
P3	5.986
P2	(0.787)
P1	(1.452)

If Order No. PSC-10-0607-PAA-EG becomes final prior to the hearing in this proceeding, the rate tiers for RSVP-1 will be as follows:

Rate Tier	Cents/kWh
P4	33.606
P3	6.003
P2	(0.780)
P1	(1.443)

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

**FIPUG:** No position.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
<u>Direct</u>			
Marc L. Schneidermann The prefiled exhibit of Marc L. Schneidermann will be adopted by Jason Van Hoffman.	FPUC	MLS-1	True-up variance analysis [Schedules CT1-CT6]
Jason Van Hoffman (Adopts Schneidermann)	FPUC	JVH-1	Projections: Estimated ECCR Charges by Rate Class [Schedules C-1 through C-5]
John N. Floyd	GULF	JNF-1	Schedules CT-1 through CT-6
Jennifer L. Todd	GULF	JLT-1	Schedules C - 1 through C - 5
Gary R. Freeman	PEF	GRF-1T	ECCR Adjusted Net True-Up for January – December 2009, Schedules CT1 – CT5
Gary R. Freeman	PEF	GRF-1PA-1	Estimated/Actual True-Up, January – December 2010 and ECCR Factors for Billings in January – December 2011, Schedules C1 – C5 (Scenario 1)
Gary R. Freeman	PEF	GRF-1PA-2	Estimated/Actual True-Up, January – December 2010 and ECCR Factors for Billings in January – December 2011, Schedules C1 – C5 (Scenario 2)
Howard T. Bryant	TECO	HTB-1	Schedules supporting cost recovery factor, actual January 2009 - December 2009
Howard T. Bryant	TECO	HTB-2	Schedules supporting conservation costs projected for the period January 2011 - December 2011

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, noting that OPC, FIPUG, and PCS have taken no position.

XI. PENDING MOTIONS

There are no pending motions at this time.

XII. PENDING CONFIDENTIALITY MATTERS

There are three pending confidentiality requests:

- 1). Gulf's Request for Confidential Classification of Gulf's Responses to OPC's First Request for Production of Documents (Nos. 1-3) (Document No. 03363-10).
- 2). Progress Energy Florida, Inc.'s Request for Confidential Classification of PEF's Responses to OPC's First Request for Production of Documents (Nos. 1-3) (Document No. 04248-10)
- 3). FPUC's Request for Confidential Classification of Certain Materials Provided in Audit No. 09-350-4-2 (Document No. 05250-10).

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

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

It is therefore,

ORDERED by Commissioner Nathan A. Skop, 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 Nathan A. Skop, as Prehearing Officer, this 27th day of October, 2010.



NATHAN A. SKOP  
Commissioner and Prehearing Officer

(SEAL)

KEF

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.