

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric conservation goals (Florida Power & Light Company).

DOCKET NO. 130199-EI

In re: Commission review of numeric conservation goals (Duke Energy Florida, Inc.).

DOCKET NO. 130200-EI

In re: Commission review of numeric conservation goals (Tampa Electric Company).

DOCKET NO. 130201-EI

In re: Commission review of numeric conservation goals (Gulf Power Company).

DOCKET NO. 130202-EI

In re: Commission review of numeric conservation goals (JEA).

DOCKET NO. 130203-EM

In re: Commission review of numeric conservation goals (Orlando Utilities Commission).

DOCKET NO. 130204-EM

In re: Commission review of numeric conservation goals (Florida Public Utilities Company).

DOCKET NO. 130205-EI
ORDER NO. PSC-14-0154-PCO-EU
ISSUED: April 7, 2014

ORDER ESTABLISHING ISSUES LIST

This Order is issued pursuant to the authority granted by Rule 28-106-211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

By Order No. PSC-13-0386-PCO-EU and Order No. PSC-14-0112-PCO-EU, issued on August 19, 2013, and February 26, 2014, respectively, the Commission established controlling dates in Docket Nos. 130199-EI - 130202-EI, 130203-EM, 130204-EM, and 130205-EI.¹ On March 5, 2014, the parties, intervenors, and staff met for an issue identification meeting to determine the issues to be addressed at the hearing, which is currently set for July 23-25 and July

¹ On December 4, 2013, By Order No. PSC-13-0645-PAA-EU, issued in Docket Nos. 130204-EM and 130205-EI, the Commission approved both Orlando Utilities Company and Florida Public Utilities Company use of a proxy setting methodology to set goals and excused both companies for participating in 2014 FEECA goal-setting process.

30-31, 2014. At the issue identification meeting, the parties reached an agreement on the issues to be addressed. They are:

1. Are the Company's proposed goals based on an adequate assessment of the full technical potential of all available demand-side and supply-side conservation and efficiency measures, including demand-side renewable energy systems, pursuant to Section 366.82(3), F.S.?
2. Do the Company's proposed goals adequately reflect the costs and benefits to customers participating in the measure, pursuant to Section 366.82(3)(a), F.S.?
3. Do the Company's proposed goals adequately reflect the costs and benefits to the general body of rate payers as a whole, including utility incentives and participant contributions pursuant to Section 366.82(3)(b), F.S.?
4. Do the Company's proposed goals adequately reflect the need for incentives to promote both customer-owned and utility-owned energy efficiency and demand-side renewable energy systems, pursuant to Section 366.82, F.S.?
5. Do the Company's proposed goals adequately reflect the costs imposed by state and federal regulations on the emission of greenhouse gases, pursuant to Section 366.82(3)(d), F.S.?
6. What cost-effectiveness test or tests should the Commission use to set goals, pursuant to Section 366.82, F.S.?
7. Do the Company's proposed goals appropriately reflect consideration of free riders?
8. What residential summer and winter megawatt (MW) and annual Gigawatt-hour (GWh) goals should be established for the period 2015-2024?
9. What commercial/industrial summer and winter megawatt (MW) and annual Gigawatt hour (GWh) goals should be established for the period 2015-2024?
10. What goals, if any, should be established for increasing the development of demand-side renewable energy systems, pursuant to Section 366.82(2), F.S.?
11. Should the Company's existing Solar Pilot Programs be extended and, if so, should any modifications be made to them?

Following the issue identification meeting, Southern Alliance for Clean Energy (SACE) requested review of two previously agreed-upon issues, Issue Nos. 7 and 10.

For Issue No. 7, SACE requested that the original issue wording it offered, "Do the Company's proposed goals use an appropriate methodology in the consideration of free riders." be used. Issue No. 7, as currently worded, reflects the total impact and policy of free ridership and allows the Commission to consider free riders as they relate to each FEECA Utility. SACE's wording focuses on the available methods and a technical application of free riders. Therefore, the current proposed language is appropriately broad and encompasses all parties' positions at the hearing.

For Issue No. 10, SACE requested that the phrase, "if any" be removed from the issue. Issue No. 10, as currently worded, allows for acknowledgment that both investor-owner and municipal utilities are participating in this goal setting process. Therefore, the current proposed language is appropriately broad and encompasses all parties' positions at the hearing.

At the issue identification meeting, the parties were unable to reach agreement on two issues offered by SACE and Florida Industrial Power Users Group (FIPUG).

SACE proffered the following issue for inclusion to the issue list.

Did the utilities provide an adequate assessment of the achievable potential of available energy savings measures, including demand-side renewable energy systems?

Upon consideration, I find that Issues 8, 9, and 10, are broad enough that all concerns regarding the achievable potential of available energy savings measures can be addressed.

FIPUG proffered the following issue:

Should the Commission permit large commercial and industrial customers who can demonstrate that they have made significant investments in demand side management or energy efficiency programs to opt out of the requirements of Section 366.82, F.S.?

Pursuant to Section 366.82(6), F.S., the Commission must review a utility's conservation goals not less than every five years. After the goals are established, utilities must provide programs for voluntary participation by their customers. Section 366.82, F.S., does not impose any requirements on large commercial and industrial customers for conservation goals. As stated above, FIPUG's issue questions whether certain large commercial and industrial customers could "opt out of the requirements of Section 366.82, F.S." While this proposed issue is a matter within our jurisdiction, it appears to raise the question of cost recovery and may be more appropriately raised in a future Commission proceeding. Upon review, this issue shall not be included in this proceeding.

Having considered the positions of the parties, I find that Issues 1-11, as listed above, are approved as the issues to be addressed in the hearing scheduled for these dockets.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that the provisions of this Order shall govern this proceeding unless modified by the Commission. It is further

ORDERED that the issues identified for this proceeding are as set forth in the body of this Order.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 7th day of April, 2014.

/s/ Ronald A. Brisé

RONALD A. BRISÉ

Commissioner and Prehearing Officer

Florida Public Service Commission

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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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; 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.

ORDER NO.

DOCKET NOS. 130199-EI, 130200-EI, 130201-EI, 130202-EI, 130203-EM, 130204-EM,
130205-EI

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By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this ____ day of _____, _____.



RONALD A. BRISE
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