

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of optional non-standard meter rider, by Florida Power & Light Company.

DOCKET NO. 130223-EI
ORDER NO. PSC-14-0480-SC-EI
ISSUED: September 10, 2014

ORDER TO SHOW CAUSE

On August 21, 2013, Florida Power & Light Company (FPL) filed a petition for approval of an optional Non-Standard Meter Rider (NSMR) tariff. The tariff would be available to customers who elect to keep their non-communicating meters (meter) in lieu of the standard communicating smart meters. Order No. PSC-13-0469-TRF-EI, issued on October 14, 2013, suspended the proposed tariff pending further investigation.

Order No. PSC-14-0036-TRF-EI, issued on January 14, 2014, denied the tariff but gave FPL the option of filing for administrative approval a revised tariff on or before January 17, 2014, containing three adjustments: 1) extended recovery period for up-front system and communication costs from three to five years; 2) reduction in the number of customer care employees from four to one after year two; and 3) elimination of meter reading lead position after year two. FPL filed a revised tariff meeting these conditions on January 17, 2014.

On February 4, 2014, Lucy Ahn (Ahn) and a group of approximately 100 FPL customers, including Jason Boehk and Rachel Garibay-Wynnberry, filed a timely request for a formal evidentiary hearing on the revised tariff. At that time Nicholas Jones represented the Ahn petitioners.

Order No. PSC-14-0104-PCO-EI establishing procedure was issued on February 18, 2014, and has been subsequently modified by Order No. PSC-14-0123-PCO-EI, issued on March 7, 2014, and Order No. PSC-14-0270-PCO-EI, issued on May 29, 2014. Order Nos. PSC-14-0104-PCO-EI and PSC-14-~~14-0123-PCO-EI~~^{023 9-11-14} required all parties in the case to file written prehearing statements identifying each party's basic position, witnesses, exhibits, issues and positions on those issues, pending motions, requests for confidentiality and objections to a witness' qualifications as an expert, if any, on or before August 15, 2014. To date, the Ahn petitioners have not filed a written prehearing statement in this docket.

On August 14, 2014, counsel for the Ahn petitioners advised our staff by e-mail that he was no longer representing the Ahn petitioners. On August 19th Commission staff contacted Jason Boehk, the only Ahn petitioner for whom the staff had contact information, and confirmed that he and the group were no longer represented by counsel. At that time, Commission staff further advised him that he, and any other petitioner who wished to remain in the docket, needed to immediately file a prehearing statement and a motion explaining why a prehearing statement had not been filed on time. Mr. Boehk was also advised that he needed to attend the Prehearing Conference on September 5th or file a motion asking to be excused.

On August 27, 2014, counsel for the Ahn Petitioners filed a Notice of Withdrawal from his representation in this matter. The notice did not give any contact information for any members of the Ahn group. On August 28, 2014, Commission staff was contacted by Rachael

Garibay-Wynnberry stating that she was interested in filing a prehearing statement but could not attend the prehearing conference on September 5, 2014. Ms. Wynnberry was also advised that if she wished to continue as a party to the docket she needed to file a prehearing statement and motions explaining why she did not file the prehearing statement on time and could not attend the Prehearing Conference.

COO 9-11-14

Order Nos. PSC-14-0104-PCO-EI and PSC-14-~~14~~-0123-PCO-EI require that all parties to this docket attend the Prehearing Conference on September 5, 2014 unless excused by the Prehearing Officer for good cause shown. The Prehearing Conference was properly noticed and held on September 5, 2014. None of the Ahn petitioners appeared at the prehearing nor did anyone file a motion to be excused from appearing.

Under these circumstances, I find it appropriate to give the Ahn petitioners another opportunity to participate as a party in this proceeding. However, in order to assure that the due process rights of the other parties to the docket are equally protected, the Ahn petitioners must file a prehearing statement on or before September 15, 2014, that complies with the requirements of Order No. PSC-14-0104-PCO-EI, issued on February 18, 2014, incorporated herein by reference, or show cause why they should not be dismissed as parties from this proceeding.

Based upon the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that the Ahn petitioners shall file a prehearing statement on or before September 15, 2014, that complies with the requirements of Order No. PSC-14-0104-PCO-EI, issued on February 18, 2014, or show cause why they should not be dismissed as parties from this proceeding.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 10th day of September, 2014.



LISA POLAK EDGAR

Commissioner and Prehearing Officer

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413-6770

www.floridapsc.com

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

SBr

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.