

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery  
clause.

DOCKET NO. 160002-EG  
ORDER NO. PSC-16-0494-PHO-EG  
ISSUED: October 27, 2016

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 October 11, 2016, in Tallahassee, Florida, before Commissioner Art Graham, as Prehearing Officer.

APPEARANCES:

R. WADE LITCHFIELD, JOHN T. BUTLER, KENNETH M. RUBIN,  
ESQUIRES, 700 Universe Boulevard, Juno Beach, FL, 33408  
On behalf of Florida Power & Light Company (FPL).

BETH KEATING, ESQUIRE, Gunster, Yoakley & Stewart, P.A., 215 South  
Monroe Street, Suite 601, 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)

MATTHEW R. BERNIER, and DIANNE M. TRIPLETT, ESQUIRES, 106 East  
College, Avenue, Suite 800, Tallahassee, Florida 32301-7740  
On behalf of Duke Energy Florida, LLC (DEF)

JAMES D. BEASLEY, J. JEFFRY WAHLEN, and ASHLEY M. DANIELS,  
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  
REHWINKEL, Deputy Public Counsel, ESQUIRES, 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 C. MOYLE, JR. and KAREN PUTNAL, ESQUIRES, The Moyle Law Firm,  
P.A., 118 North Gadsden Street, Tallahassee, Florida 32312  
On behalf of the Florida Industrial Power Users Group (FIPUG)

JAMES W. BREW and LAURA A. WYNN, ESQUIRES, Stone Mattheis  
Xenopoulos & Brew, 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)

LEE ENG TAN, ESQUIRE and STEPHANIE CUELLO, 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 2-4, 2016. The parties have reached agreement concerning all issues identified for resolution at this hearing, with OPC, FIPUG, and PCS Phosphate taking no position. 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.). 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 that has not been filed as prefiled testimony or prefiled exhibits, 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

All witnesses are excused from the hearing in this docket. The testimony of excused witnesses shall be inserted into the record as though read, and staff's exhibit and all exhibits submitted with those witnesses' testimony shall be identified as shown in Section IX of this Prehearing Order and shall be admitted into the record.

VI. ORDER OF WITNESSES

All witnesses are excused from the hearing.

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
Rena B. Deaton (adopting Terry J. Keith)	FPL	1, 3, 4 & 7
Anita Sharma	FPL	2
Curtis Young	FPUC	1
Kira I. Lake	FPUC	2 - 4
John N. Floyd <sup>1</sup>	GPC	1 - 4, 7
Lori J. Cross	DEF	1-4, 7
Mark R. Roche	TECO	1 - 7

VII. BASIC POSITIONS

**FPL:** FPL's proposed Conservation Cost Recovery Factors for the January 2017 through December 2017 recovery period and true-up amounts for the prior periods are reasonable and should be approved.

**FPUC:** The Commission should approve Florida Public Utilities Company's final net true-up for the period January through December 2015, the estimated true-up for the period January through December, 2016, and the projected conservation program expenses for the period January through December, 2017.

**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 2017 through December 2017, including the true-up calculations and other adjustments allowed by the Commission.

**DEF:** The Commission should determine that DEF has properly calculated its conservation cost recovery true-up and projection costs, and should approve the

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<sup>1</sup> On October 4, 2016, Gulf filed its second amended Prepared Direct Testimony and Exhibit of John N. Floyd correcting 2015 customer participation levels for certain DSM programs. The corrections to the testimony and exhibits do not impact the final conservation cost recovery true-up amounts.

conservation cost recovery factors for the period January 2017 through December 2017 set forth in the testimony and exhibits of witness Lori J. Cross.

**TECO:** 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 Mark R. Roche during the period January 2017 through December 2017.

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 2017 through December 2017, also set forth in witness Roche's testimony and exhibits.

**OPC:** The utilities have the burden of proof to justify and support the recovery of costs and their proposal(s) seeking the Commission's adoption of policy statements (whether new or changed) or other affirmative relief sought, regardless of whether the Interveners provide evidence to the contrary. Regardless of whether the Commission has previously approved a program as meeting the Commission's requirements, the utilities must still meet their burden of demonstrating that the costs submitted for final recovery meet the statutory test(s) and are reasonable in amount and prudently incurred.

**FIPUG:** FIPUG maintains that the respective utilities must satisfy their burden of proof for any and all monies or other relief sought in this proceeding.

**PCS**

**PHOSPHATE:** PCS Phosphate generally adopts the positions taken by the Florida Office of Public Counsel ("OPC").

**STAFF:** Staff supports the proposed stipulations of all issues in this case as set forth in Section VIII. Of this order.

VIII. ISSUES AND POSITIONS

GENERIC CONSERVATION COST RECOVERY ISSUES

**PROPOSED  
STIPULATION**

**ISSUE 1:** What are the final conservation cost recovery true-up amounts for the period January 2015 through December 2015?

The appropriate final conservation cost recovery true-up amounts for the period January 2015 through December 2015 are as follows:

Florida Power & Light (FPL)	\$11,839,478	Overrecovery
Florida Public Utilities (FPUC)	\$85,928	Overrecovery <sup>2</sup>
Gulf Power Company (GULF)	\$2,225,904	Underrecovery
Duke Energy Florida (DEF)	\$2,974,726	Overrecovery <sup>3</sup>
Tampa Electric Company (TECO)	\$4,181,597	Overrecovery <sup>4</sup>

**PROPOSED****STIPULATED****ISSUE 2: What are the total conservation cost recovery amounts to be collected during the period January 2017 through December 2017?**

The appropriate total conservation cost recovery amounts to be collected during the period January 2017 through December 2017 are as follows:

Florida Power & Light (FPL)	\$126,553,204
Florida Public Utilities (FPUC)	\$639,081
Gulf Power Company (GULF)	\$16,871,225
Duke Energy Florida (DEF)	\$109,080,615
Tampa Electric Company (TECO)	\$37,913,383

On October 6, 2016, FPL, the Office of Public Counsel, the South Florida Hospital and Healthcare Association, and the Florida Retail Federation jointly moved for approval of a proposed stipulation and settlement of FPL's rate case in Docket No. 160021-EI and consolidated dockets (the "Proposed Settlement Agreement"). If the Commission's decision regarding the Proposed Settlement Agreement determines that CILC/CDR credits will be returned to pre-2012 FPL rate case settlement levels as proposed by FPL in Docket No. 160021-EI, the conservation cost recovery amounts to be collected during the period January 2017 through December 2017 will be \$126,553,204. If the Commission determines that CILC/CDR credits remain at the levels currently in effect, the conservation cost recovery amounts to be collected during the period January 2017 through December 2017 will be \$149,521,967.

<sup>2</sup> Under-recovered \$117,309, resulting in a final end of period true-up amount over-recovery of \$85,928.

<sup>3</sup> Adjusted net true up amount of over-recovery.

<sup>4</sup> Including interest.

**PROPOSED  
STIPULATED****ISSUE 3: What are the conservation cost recovery factors for the period January 2017 through December 2017?**

The appropriate conservation cost recovery factors during the period January 2017 through December 2017 for the following utilities:

**FPL:**

On October 6, 2016, FPL, the Office of Public Counsel, the South Florida Hospital and Healthcare Association, and the Florida Retail Federation jointly moved for approval of a proposed stipulation and settlement of FPL's rate case in Docket No. 160021-EI and consolidated dockets (the "Proposed Settlement Agreement"). The Proposed Settlement Agreement would provide for FPL to continue using the 12 CP and 1/13<sup>th</sup> production cost methodology, with CILC/CDR credits remaining at the levels currently in effect. The appropriate conservation cost recovery factors depend on the Commission's decision in Docket No. 160021-EI and consolidated dockets. Presented below are the conservation cost recovery factors that would apply under different outcomes of that decision.

Based on the 12CP and 25% production cost allocation methodology with CILC/CDR credits returned to pre-2012 FPL rate case settlement levels as proposed by FPL in Docket No. 160021-EI, FPL's Conservation cost recovery factors are as follows:

RATE CLASS	Conservation Recovery Factor (\$/kw) <sup>(i)</sup>	Conservation Recovery Factor (\$/kwh) <sup>(i)</sup>	RDC (\$/KW) <sup>(k)</sup>	SDD (\$/KW) <sup>(l)</sup>
RS1/RTR1	-	0.00125	-	-
GS1/GST1	-	0.00118	-	-
GSD1/GSDT1/HLFT1	0.41	-	-	-
OS2	-	0.00098	-	-
GSLD1/GSLDT1/CS1/CST1/HLFT2	0.46	-	-	-
GSLD2/GSLDT2/CS2/CST2/HLFT3	0.49	-	-	-
GSLD3/GSLDT3/CS3/CST3	0.50	-	-	-
SST1T	-	-	\$0.05	\$0.03
SST1D1/SST1D2/SST1D3	-	-	\$0.05	\$0.03
CILC D/CILC G	0.55	-	-	-
CILC T	0.54	-	-	-
MET	0.52	-	-	-
OL1/SL1/SL1M/PL1	-	0.00062	-	-
SL2/SL2M/GSCU1	-	0.00098	-	-

Based on the 12CP and 25% production cost allocation methodology proposed by FPL in Docket No. 160021-EI, with CILC/CDR credits remaining at the levels currently in effect, FPL's Conservation cost recovery factors are as follows:

RATE CLASS	Conservation Recovery Factor (\$/kw) <sup>(i)</sup>	Conservation Recovery Factor (\$/kwh) <sup>(i)</sup>	RDC (\$/KW) <sup>(k)</sup>	SDD (\$/KW) <sup>(l)</sup>
RS1/RTR1	-	0.00148	-	-
GS1/GST1	-	0.00140	-	-
GSD1/GSDT1/HLFT1	0.48	-	-	-
OS2	-	0.00115	-	-
GSLD1/GSLDT1/CS1/CST1/HLFT2	0.54	-	-	-
GSLD2/GSLDT2/CS2/CST2/HLFT3	0.57	-	-	-
GSLD3/GSLDT3/CS3/CST3	0.58	-	-	-
SST1T	-	-	\$0.06	\$0.03
SST1D1/SST1D2/SST1D3	-	-	\$0.06	\$0.03
CILC D/CILC G	0.64	-	-	-
CILC T	0.63	-	-	-
MET	0.61	-	-	-
OL1/SL1/SL1M/PL1	-	0.00070	-	-
SL2/SL2M/GSCU1	-	0.00115	-	-

Based on the 12CP and 1/13<sup>th</sup> production cost allocation methodology, with CILC/CDR credits returned to pre-2012 rate case settlement levels as proposed by FPL in Docket No. 160021-EI, FPL's Conservation cost recovery factors are as follows:

RATE CLASS	Conservation Recovery Factor (\$/kw) <sup>(i)</sup>	Conservation Recovery Factor (\$/kwh) <sup>(i)</sup>	RDC (\$/KW) <sup>(k)</sup>	SDD (\$/KW) <sup>(l)</sup>
RS1/RTR1	-	0.00126	-	-
GS1/GST1	-	0.00119	-	-
GSD1/GSDT1/HLFT1	0.40	-	-	-
OS2	-	0.00094	-	-
GSLD1/GSLDT1/CS1/CST1/HLFT2	0.45	-	-	-
GSLD2/GSLDT2/CS2/CST2/HLFT3	0.47	-	-	-
GSLD3/GSLDT3/CS3/CST3	0.48	-	-	-
SST1T	-	-	\$0.05	\$0.03
SST1D1/SST1D2/SST1D3	-	-	\$0.05	\$0.03
CILC D/CILC G	0.53	-	-	-
CILC T	0.52	-	-	-
MET	0.51	-	-	-
OL1/SL1/SL1M/PL1	-	0.00050	-	-
SL2/SL2M/GSCU1	-	0.00094	-	-



Based on the 12CP and 1/13<sup>th</sup> production cost allocation methodology, with CILC/CDR credits remaining at the levels currently in effect, FPL's Conservation cost recovery factors are as follows:

RATE CLASS	Conservation Recovery Factor (\$/kw) <sup>(i)</sup>	Conservation Recovery Factor (\$/kwh) <sup>(j)</sup>	RDC (\$/KW) <sup>(k)</sup>	SDD (\$/KW) <sup>(l)</sup>
RS1/RTR1	-	0.00150	-	-
GS1/GST1	-	0.00140	-	-
GSD1/GSDT1/HLFT1	0.48	-	-	-
OS2	-	0.00110	-	-
GSLD1/GSLDT1/CS1/CST1/HLFT2	0.53	-	-	-
GSLD2/GSLDT2/CS2/CST2/HLFT3	0.55	-	-	-
GSLD3/GSLDT3/CS3/CST3	0.56	-	-	-
SST1T	-	-	\$0.06	\$0.03
SST1D1/SST1D2/SST1D3	-	-	\$0.06	\$0.03
CILC D/CILC G	0.62	-	-	-
CILC T	0.60	-	-	-
MET	0.60	-	-	-
OL1/SL1/SL1M/PL1	-	0.00054	-	-
SL2/SL2M/GSCU1	-	0.00109	-	-

Upon approval of this conservation cost recovery stipulation by the Commission, FPL will file and serve tariff sheets that reflect the 2017 ECCR factors under the four alternative methodologies so that the Commission may direct Staff to approve administratively whichever set corresponds to the Commission's decision on the allocation methodology and the level of CILC/CDR credits in Docket No. 160021-EI and consolidated dockets.

**FPUC:** \$.00100 per KWH (consolidated levelized)

**GULF:**

<b>RATE CLASS</b>	<b>CONSERVATION COST RECOVERY FACTORS ¢/kWh</b>
RS	0.160
RSVP, Tier 1	(3.000)
RSVP, Tier 2	(0.774)
RSVP, Tier 3	7.247
RSVP, Tier 4	62.627
RSTOU On-peak	17.000
RSTOU Off-peak	(3.106)
GS	0.156
GSD, GSDT, GSTOU	0.151
LP, LPT	0.144
PX, PXT, RTP, SBS	0.141
OSI, OSII	0.126
OSIII	0.143

<b><u>DEF:</u></b>	<b><u>Customer Class</u></b>	<b><u>ECCR Factor</u></b>
	Residential	0.317 cents/kWh
	General Service Non-Demand	0.261 cents/kWh
	@ Primary Voltage	0.258 cents/kWh
	@ Transmission Voltage	0.256 cents/kWh
	General Service 100% Load Factor	0.204 cents/kWh
	General Service Demand	0.98 \$/kW
	@ Primary Voltage	0.97 \$/kW
	@ Transmission Voltage	0.96 \$/kW
	Curtaillable	0.80 \$/kW
	@ Primary Voltage	0.79 \$/kW
	@ Transmission Voltage	0.78 \$/kW
	Interruptible	0.82 \$/kW
	@ Primary Voltage	0.81 \$/kW
	@ Transmission Voltage	0.80 \$/kW
	Standby Monthly	0.096 \$/kW
	@ Primary Voltage	0.095 \$/kW
	@ Transmission Voltage	0.094 \$/kW
	Standby Daily	0.046 \$/kW
	@ Primary Voltage	0.046 \$/kW
	@ Transmission Voltage	0.045 \$/kW
	Lighting	0.105 cents/kWh

**TECO:** For the period January 2017 through December 2017 the cost recovery factors are as follows:

<b><u>Rate Schedule</u></b>	<b><u>Cost Recovery Factors</u></b> <b><u>(cents per kWh)</u></b>
RS	0.225
GS and TS	0.203
GSD Optional – Secondary	0.180
GSD Optional – Primary	0.178
GSD Optional – Subtransmission	0.176
LS-1	0.099

<u>Rate Schedule</u>	<u>Cost Recovery Factors</u> <u>(dollars per kW)</u>
GSD – Secondary	0.77
GSD – Primary	0.76
GSD – Subtransmission	0.75
SBF – Secondary	0.77
SBF – Primary	0.76
SBF – Subtransmission	0.75
IS - Secondary	0.48
IS - Primary	0.48
IS - Subtransmission	0.47

**PROPOSED**  
**STIPULATED**

**ISSUE 4:**     **What should be the effective date of the new conservation cost recovery factors for billing purposes?**

The factors shall be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2017 through December 2017. Billing cycles may start before January 1, 2017 and the last cycle may be read after December 31, 2017, so that each customer is billed for twelve months regardless of when the adjustment factor became effective. These charges shall continue in effect until modified by subsequent order of this Commission.

**COMPANY SPECIFIC CONSERVATION COST RECOVERY ISSUES**

**PROPOSED**  
**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 2017 through December 2017?**

**TECO:**        In accordance with Order No. PSC-99-1778-FOF-EI, issued September 10, 1999 in Docket No. 990037-EI, Tampa Electric has calculated that, for the forthcoming cost recovery period, January 2017 through December 2017, the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders will be \$9.98 per kW at secondary voltage.

**PROPOSED**  
**STIPULATED**

**ISSUE 6:** What are the residential Price Responsive Load Management (RSVP -1) rate tiers for Tampa Electric Company for the period January 2017 through December 2017?

**TECO:** For the period January 2017 through December 2017 the Residential Price Responsive Load Management (RSVP-1) rates are as follows:

<u>Rate Tier</u>	<u>Cents per kWh</u>
P4	28.645
P3	7.054
P2	(0.719)
P1	(2.501)

**PROPOSED**  
**STIPULATED**

**ISSUE 7:** Should the Commission approve revised tariffs reflecting the energy conservation cost recovery amounts and establishing energy conservation cost recovery factors determined to be appropriate in this proceeding?

Yes. The Commission should approve revised tariffs reflecting the energy conservation cost recovery amounts and establishing energy conservation cost recovery factors determined to be appropriate in this proceeding. The Commission should direct staff to verify that the revised tariffs are consistent with the Commission's decision.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
	<u>Direct</u>		
Rena B. Deaton (adopting Terry J. Keith)	FPL	AS-1	Schedules CT-1 and CT-4
Rena B. Deaton Anita Sharma	FPL	AS-1	Schedules CT-2 and CT-3
Anita Sharma	FPL	AS-1	Schedules CT-5 and CT-6 ( <b>Confidential</b> ), Appendix A

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Renaë B. Deaton	FPL	AS-2	Schedule C-1 and C-4
Renaë B. Deaton Anita Sharma	FPL	AS-2	Schedule C-2 and C-3
Anita Sharma	FPL	AS-2	Schedule C-5
Renaë B. Deaton	FPL	AS-3	Schedule C-1
Curtis D. Young	FPUC	CDY-1 (composite)	Schedules CT-1, CT-2, CT-3, CT-4, CT-5 and CT-6
Kira I. Lake	FPUC	KIL-1 (composite)	Schedules C-1, C-2, C-3, C-4, and C-5
John N. Floyd	GPC	JNF-1	Schedules CT-1 through CT-6
John N. Floyd	GPC	JNF-2	Schedules C-1 through C-6
Lori J. Cross	DEF	LJC-1T	ECCR Adjusted Net True-Up for January - December 2015, Schedules CT1 – CT6
Lori J. Cross	DEF	LJC-1P	Estimated/Actual True-Up, January – December 2016 and ECCR Factors for Billings in January – December 2017, Schedules C1 – C6
Mark R. Roche	TECO	MRR-1	Schedules supporting cost recovery factor, actual January 2015 - December 2015.
Mark R. Roche	TECO	MRR-2	Schedules supporting conservation costs projected for the period January 2017 - December 2017.

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

X. PROPOSED STIPULATIONS

The parties have stipulated to issues 1-7, with OPC, FIPUG and PCS Phosphate taking no position.

All witnesses are excused. Testimony and hearing exhibits are included in the record.

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 75 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 75 words, it must be reduced to no more than 75 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 three minutes per party.

It is therefore,

ORDERED by Commissioner Art Graham, 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 Art Graham, as Prehearing Officer, this 27th day of October, 2016.



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ART GRAHAM

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.

TLT

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.