

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Gulf Power Company.

DOCKET NO. 160186-EI

In re: Petition for approval of 2016 depreciation and dismantlement studies, approval of proposed depreciation rates and annual dismantlement accruals and Plant Smith Units 1 and 2 regulatory asset amortization, by Gulf Power Company.

DOCKET NO. 160170-EI
ORDER NO. PSC-17-0036-PCO-EI
ISSUED: January 26, 2017

ORDER GRANTING SIERRA CLUB'S MOTION FOR LEAVE TO FILE
AND REPLACE TESTIMONY OF WITNESS MOSENTHAL

Pursuant to Rule 25-6.140, Florida Administrative Code (F.A.C.), on August 12, 2016, Gulf Power Company (Gulf) filed a test year letter notifying this Commission of its intent to file a petition between October 11 and October 28, 2016, for an increase in rates effective 2017. Pursuant to the provisions of Chapter 366, Florida Statutes (F.S.), and Rules 25-6.0425 and 25-6.043, F.A.C., Gulf filed its Minimum Filing Requirements and testimony on October 12, 2016. The hearing on the rate case is scheduled for March 20 through March 24, 2017.

Order No. PSC-16-0473-PCO-EI, issued October 20, 2016, established the dates for filing prefiled intervenor testimony as January 13, 2017. Sierra Club timely filed its prefiled intervenor testimony and exhibits of two witnesses on January 13, 2017: Testimony of Jeffrey M. Loiter, and Testimony of Philip H. Mosenthal. On January 17, 2016, Sierra Club filed the amended testimony and exhibits of Philip H. Mosenthal (Document No. 00502-17).

On January 18, 2017, Sierra Club filed a motion to amend and withdraw the previously filed testimony of Philip H. Mosenthal (Document No. 00488-17) and replace it with the amended testimony and exhibits of Philip H. Mosenthal (Document No. 00502-17), citing that the corresponding exhibits, totaling 276 pages, were omitted from the previously filed testimony. No party has objected to Sierra Club's motion. Sierra Club asserts that Gulf, the Federal Industrial Power Users Group, and Wal-Mart Stores East, LP and Sam's East, Inc. take no position on this motion. Further, Sierra Club asserts that the Office of Public Counsel and the Federal Executive Agencies do not object, while the Southern Alliance for Clean Energy and the League of Women Voters of Florida support the motion.

Upon consideration and because no party is prejudiced or objects, Sierra Club's Motion for Leave to File and Replace Testimony of Witness Philip H. Mosenthal is granted. The amended testimony and exhibits of Philip H. Mosenthal (Document No. 00502-17) shall replace previously filed testimony of Philip H. Mosenthal (Document No. 00488-17). Sierra Club is

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granted leave to withdraw previously filed testimony of Philip H. Mosenthal (Document No. 00488-17) from the above dockets.

Based on the foregoing, it is

ORDERED by Commissioner Jimmy Patronis, as Prehearing Officer, that the motion for leave to file and replace testimony of Philip H. Mosenthal filed by Sierra Club is hereby granted. The amended testimony and exhibits of Philip Mosenthal (Document No. 00502-17) shall replace previously filed testimony of Philip H. Mosenthal (Document No. 00488-17). It is further

ORDERED that Sierra Club is granted leave to withdraw the previously filed testimony of Philip H. Mosenthal (Document No. 00488-17) from the above Dockets.

By ORDER of Commissioner Jimmy Patronis, as Prehearing Officer, this 26th day of January, 2017.



JIMMY PATRONIS
Commissioner and Prehearing Officer
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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.

BYL

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.