

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 20170002-EG
ORDER NO. PSC-2017-0398-PHO-EG
ISSUED: October 20, 2017

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, 2017, in Tallahassee, Florida, before Commissioner Ronald A. Brisé, as Prehearing Officer.

APPEARANCES:

MATTHEW R. BERNIER, ESQUIRE, 106 East College, Avenue, Suite 800, Tallahassee, Florida 32301, and DIANNE M. TRIPLETT, ESQUIRE, 299 First Avenue North, St. Petersburg, FL 33701
On behalf of Duke Energy Florida, LLC (DEF).

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, ESQUIRE, One Energy Place, Pensacola, Florida 32520-0100, and 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).

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, ESQUIRE, Associate Public Counsel, and CHARLES REHWINKEL, ESQUIRE, 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 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, PC, 1025 Thomas Jefferson St., NW, 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).

MARGO A. DUVAL, ESQUIRE, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

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

MARY ANNE HELTON, ESQUIRE, Deputy General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

Advisor to the Florida Public Service Commission.

KEITH HETRICK, ESQUIRE, General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

Florida Public Service Commission General Counsel.

PREHEARING ORDER

I. CASE BACKGROUND

The Energy Conservation Cost Recovery Clause allows public utilities to seek recovery of costs for energy conservation programs on an annual basis, pursuant to Sections 366.80-366.83, Florida Statutes (F.S.), and Chapter 25-17, F.A.C. As part of the Commission's continuing energy conservation cost recovery proceedings, an administrative hearing in this docket is set for October 25-27, 2017. 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, 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>		
Lori J. Cross	DEF	1 - 7
Rena B. Deaton	FPL	1, 2, 3, 5, 6, 7
Anita Sharma	FPL	4
Curtis Young	FPUC	1
Danielle N. B. Mulligan	FPUC	2 - 7
John N. Floyd	GULF	1 - 7, 10, 11
Mark R. Roche	TECO	1 - 9

VII. BASIC POSITIONS

DEF: The Commission should determine that DEF has properly calculated its conservation cost recovery true-up and projection costs, and should approve the conservation cost recovery factors for the period January 2018 through December 2018 set forth in the testimony and exhibits of witness Lori J. Cross.

FPL: FPL's proposed Conservation Cost Recovery Factors for the January 2018 through December 2018 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 2016, the estimated true-up for the period January through December, 2017, and the projected conservation program expenses for the period January through December, 2018.

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 2018 through December 2018, including the true-up calculations and other adjustments allowed by the Commission.

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 2018 through December 2018.

The Commission should approve the Contracted Credit Value Tampa Electric has calculated for the GSLM-2 and GSLM-3 rate riders for use during the period January 2018 through December 2018 as set forth in witness Roche's testimony and exhibits.

The Commission should also approve the Residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2018 through December 2018 as 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 and any cost for which recovery is sought must be reasonable and prudent expenditures.

PCS: PCS Phosphate generally adopts the positions taken by the Florida Office of Public Counsel ("OPC") unless a differing position is specifically stated.

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 adjustment true-up amounts for the period January 2016 through December 2016?

POSITION:

The final conservation cost recovery adjustment true-up amounts for the period January 2016 through December 2016 are as follows:

Duke Energy Florida	\$3,391,426	Over-recovery ¹
Florida Power & Light Company	\$7,866,571	Over-recovery
Florida Public Utilities Company	\$2,555	Under-recovery
Gulf Power Company	\$270,410	Under-recovery
Tampa Electric Company	\$814,064	Over-recovery ²

OPC: No position.

FIPUG: No position.

PCS: No position.

PROPOSED STIPULATION

ISSUE 2: What are the appropriate conservation adjustment actual/estimated true-up amounts for the period January 2017 through December 2017?

POSITION:

The appropriate conservation adjustment actual/estimated true-up amounts for the period January 2017 through December 2017 are as follows:

Duke Energy Florida	\$312,543	Under-recovery ³
Florida Power & Light Company	\$5,799,425	Over-recovery
Florida Public Utilities Company	\$67,738	Over-recovery
Gulf Power Company	\$127,008	Over-recovery
Tampa Electric Company	\$3,811,175	Under-recovery ⁴

¹ Adjusted net true-up amount of over-recovery.

² Adjusted net true-up amount of over-recovery, including interest.

³ Net true-up amount of under-recovery.

⁴ Including interest.

OPC: No position.

FIPUG: No position.

PCS: No position.

PROPOSED STIPULATION

ISSUE 3: What are the appropriate total conservation adjustment true-up amounts to be collected/refunded from January 2018 through December 2018?

POSITION:

The appropriate total conservation adjustment true-up amounts to be collected/refunded from January 2018 through December 2018 are as follows:

Duke Energy Florida	\$3,078,883	Over-recovery ⁵
Florida Power & Light Company	\$13,665,997	Over-recovery
Florida Public Utilities Company	\$65,183	Over-recovery
Gulf Power Company	\$143,402	Under-recovery
Tampa Electric Company	\$2,997,111	Under-recovery ⁶

OPC: No position.

FIPUG: No position.

PCS: No position.

PROPOSED STIPULATION

ISSUE 4: What are the total conservation cost recovery amounts to be collected during the period January 2018 through December 2018?

POSITION:

The total conservation cost recovery amounts to be collected during the period January 2018 through December 2018 are as follows:

Duke Energy Florida	\$111,408,966
Florida Power & Light Company	\$155,599,309 ⁷

⁵ Adjusted net true-up amount of over-recovery.

⁶ Including interest.

Florida Public Utilities Company	\$657,667
Gulf Power Company	\$14,666,016 ⁸
Tampa Electric Company	\$43,309,886 ⁹

OPC: No position.

FIPUG: No position.

PCS: No position.

PROPOSED STIPULATION

ISSUE 5: What are the conservation cost recovery factors for the period January 2018 through December 2018?

POSITION:

The conservation cost recovery factors for the period January 2018 through December 2018 are as follows:

<u>DEF:</u>	<u>Customer Class</u>	<u>ECCR Factor</u>
	Residential	0.328 cents/kWh
	General Service Non-Demand	0.270 cents/kWh
	@ Primary Voltage	0.267 cents/kWh
	@ Transmission Voltage	0.265 cents/kWh
	General Service 100% Load Factor	0.211 cents/kWh
	General Service Demand	1.01 \$/kW
	@ Primary Voltage	1.00 \$/kW
	@ Transmission Voltage	0.99 \$/kW
	Curtaillable	0.68 \$/kW
	@ Primary Voltage	0.67 \$/kW
	@ Transmission Voltage	0.67 \$/kW
	Interruptible	0.83 \$/kW
	@ Primary Voltage	0.82 \$/kW
	@ Transmission Voltage	0.81 \$/kW
	Standby Monthly	0.099 \$/kW
	@ Primary Voltage	0.098 \$/kW
	@ Transmission Voltage	0.097 \$/kW
	Standby Daily	0.047 \$/kW
	@ Primary Voltage	0.047 \$/kW
	@ Transmission Voltage	0.046 \$/kW
	Lighting	0.108 cents/kWh

⁷ Including prior true-up amounts and revenues taxes.

⁸ Including prior true-up amounts and revenue taxes.

⁹ Including current period estimated true-up.

FPL:

RATE CLASS	Conservation Recovery Factor (\$/kw) ⁽ⁱ⁾	Conservation Recovery Factor (\$/kwh) ⁽ⁱ⁾	RDC (\$/KW) ^(k)	SDD (\$/KW) ^(l)
RS1/RTR1	-	0.00153	-	-
GS1/GST1	-	0.00145	-	-
GSD1/GSDT1/HLFT1	0.48	-	-	-
OS2	-	0.00082	-	-
GSLD1/GSLDT1/CS1/CST1/HLFT2	0.57	-	-	-
GSLD2/GSLDT2/CS2/CST2/HLFT3	0.56	-	-	-
GSLD3/GSLDT3/CS3/CST3	0.57	-	-	-
SST1T	-	-	\$0.07	\$0.03
SST1D1/SST1D2/SST1D3	-	-	\$0.07	\$0.03
CILC D/CILC G	0.63	-	-	-
CILC T	0.61	-	-	-
MET	0.60	-	-	-
OL1/SL1/SL1M/PL1	-	0.00042	-	-
SL2/SL2M/GSCU1	-	0.00111	-	-

FPUC: \$0.00102 per KWH (consolidated levelized).

GULF:

RATE CLASS	CONSERVATION COST RECOVERY FACTORS
RS	0.140 cents/kWh
RSVP, Tier 1	(3.000) cents/kWh
RSVP, Tier 2	(0.952) cents/kWh
RSVP, Tier 3	7.772 cents/kWh
RSVP, Tier 4	68.008 cents/kWh
RSTOU On-peak	17.250 cents/kWh
RSTOU Off-peak	(3.205) cents/kWh
RSTOU Critical Peak Credit	\$5.00 per event
GS	0.137 cents/kWh
GSD, GSDT, GSTOU	0.132 cents/kWh
LP, LPT	0.127 cents/kWh
LPT-CPO On-Peak	(\$2.14) per kW
LPT-CPO Critical	\$25.68 per kW
PX, PXT, RTP, SBS	0.124 cents/kWh
OSI, OSII	0.108 cents/kWh
OSIII	0.124 cents/kWh

TECO:

<u>Rate Schedule</u>	<u>Cost Recovery Factors</u> <u>(cents per kWh)</u>
RS	0.246
GS and CS	0.232
GSD Optional – Secondary	0.201
GSD Optional – Primary	0.199
GSD Optional – Subtransmission	0.197
LS-1	0.125

<u>Rate Schedule</u>	<u>Cost Recovery Factors</u> <u>(dollars per kW)</u>
GSD – Secondary	0.87
GSD – Primary	0.86
GSD – Subtransmission	0.85
SBF – Secondary	0.87
SBF – Primary	0.86
SBF – Subtransmission	0.85
IS - Secondary	0.67
IS - Primary	0.67
IS - Subtransmission	0.66

OPC: No position.

FIPUG: No position.

PCS: No position.

PROPOSED STIPULATION

ISSUE 6: What should be the effective date of the new conservation cost recovery factors for billing purposes?

POSITION:

The factors shall be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2018 through December 2018. Billing cycles may start before January 1, 2018 and the last cycle may be read after December 31, 2018, 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.

OPC: No position.

FIPUG: No position.

PCS: No position.

PROPOSED STIPULATION

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?

POSITION:

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.

OPC: No position.

FIPUG: No position.

PCS: No position.

COMPANY SPECIFIC CONSERVATION COST RECOVERY ISSUES

PROPOSED STIPULATION

ISSUE 8: What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2018 through December 2018?

POSITION:

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 2018 through December 2018, the Contracted Credit Value by Voltage Level for the GSLM-2 and GSLM-3 rate riders will be:

<u>Voltage Level</u>	<u>Contracted Credit Value (dollars per kW)</u>
Secondary	9.56
Primary	9.46
Subtransmission	9.37

OPC: No position.

FIPUG: No position.

PCS: No position.

PROPOSED STIPULATION

ISSUE 9: What are the residential Price Responsive Load Management (RSVP -1) rate tiers for Tampa Electric Company for the period January 2018 through December 2018?

POSITION:

TECO: For the period January 2018 through December 2018 the Residential Price Responsive Load Management (RSVP-1) rates are as follows:

<u>Rate Tier</u>	<u>Cents per kWh</u>
P4	40.852
P3	6.906
P2	(1.058)
P1	(3.002)

OPC: No position.

FIPUG: No position.

PCS: No position.

PROPOSED STIPULATION

ISSUE 10: Should Gulf's proposed On Peak Demand credits and Critical Peak Demand charges for its Critical Peak Option under Gulf's Large Power Time of Use program be approved?

POSITION:

GULF: Yes. In Order No. PSC-17-0178-S-EI, the Commission approved a stipulation and settlement agreement resolving Gulf Power's 2016 base rate proceeding in Docket No. 20160186-EI. Among other things, the stipulation provided for recovery of the On Peak Demand Credits and Critical Peak Demand Charges associated with Gulf's Large Power Time of Use rate through the Energy Conservation Cost Recovery Clause rather than through base rates, as was previously the case. This change in approach enables Gulf and the Commission to periodically assess the level of On Peak Demand Credits to ensure that they remain cost effective under the Commission-approved Ratepayer Impact Measure ("RIM") test. Gulf's proposed On Peak Demand Credit of \$2.14 per kW is the maximum value that can be provided to keep the program RIM passing. Gulf's proposed Critical Peak Demand Charge of \$25.68 per kW is calculated to ensure that participating customers are receiving the full value of the capacity credits only for the demand that is actually reduced during a critical event period.

OPC: No position.

FIPUG: No position.

PCS: No position.

PROPOSED STIPULATION

ISSUE 11: Should the Commission approve Gulf's proposed modifications to its Residential Time of Use Pilot Program?

POSITION:

GULF: Yes. Gulf is proposing an extension of its Residential Time of Use ("RSTOU") Pilot through December 31, 2020. The Commission approved this pilot as part of Gulf Power's 2015 DSM Plan as a means to evaluate a new rate schedule that

could be utilized with a demand response program where the customer provides their own equipment. Gulf's current tariff provides that the rate schedule will expire on December 31, 2017, absent extension by the Commission. Gulf intends to take the pilot results, combined with other data and experience with demand response, and propose a permanent program for customers in the next cycle of DSM plan reviews in 2019. The proposed extension will provide continuity for Gulf's current pilot customers who desire to remain on this pilot rate pending 2020 DSM Plan approvals.

OPC: No position.

FIPUG: No position.

PCS: No position.

CLOSE THE DOCKET ISSUE

PROPOSED STIPULATION

ISSUE 12: **Should this docket be closed?**

POSITION:

This docket is an on-going docket and should remain open.

OPC: No position.

FIPUG: No position.

PCS: No position.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
	<u>Direct</u>		
Lori J. Cross	DEF	LJC-1T	ECCR Adjusted Net True-Up for January-December 2016, Schedules CT1 – CT6

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
		LJC-1P	Estimated/Actual True-Up, January-December 2017 and ECCR Factors for Billings in January-December 2018, Schedules C1 – C6
R. B. Deaton	FPL	AS-1	Schedules CT-1 and CT-4
R. B. Deaton, A. Sharma		AS-1	Schedules CT-2 and CT-3
A. Sharma		AS-1	Schedules CT-5 and CT-6, Appendix A
R. B. Deaton		AS-2	Schedules C-1 and C-4
R. B. Deaton, A. Sharma		AS-2	Schedules C-2 and C-3
A. Sharma		AS-2	Schedule C-5
Curtis D. Young	FPUC	CDY-1 (composite)	Schedules CT-1, CT-2, CT-3, CT-4, CT-5 and CT-6
Danielle Mulligan		DNBM-1 (composite)	Schedules C-1, C-2, C-3, C-4 and C-5
		DNBM-2	Distributed Battery Technology Pilot Description
John N. Floyd	GULF	JNF-1	Schedules CT-1 through CT-6
		JNF-2	Schedules C-1 through C-6
		JNF-3	Revised Tariff Sheet No. 6.98
Mark R. Roche	TECO	MRR-1, filed May 1, 2017; MRR-1, revised and filed August 29, 2017	Schedules supporting cost recovery factor, actual January 2016-December 2016

<u>Witness</u>	<u>Proffered By</u>	<u>Description</u>
	MRR-2, filed August 18, 2017; MRR-2, Page 1 of 1, revised and filed August 25, 2017	Schedules supporting conservation costs projected for the period January 2018 – December 2018

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 1-12, with OPC, FIPUG, and PCS Phosphate taking no position.

All witnesses are excused. Testimony and hearing exhibits will be inserted into the record.

XI. PENDING MOTIONS

There are no pending motions at this time.

XII. PENDING CONFIDENTIALITY MATTERS

There are no pending confidentiality matters at this time.

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 three minutes per party.

It is therefore,

ORDERED by Commissioner Ronald A. Brisé, 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 Ronald A. Brisé, as Prehearing Officer, this 20th day of October, 2017.



RONALD A. BRISÉ
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.

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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.