

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for limited proceeding to recover incremental storm restoration costs, by Florida Public Utilities Company.

DOCKET NO. 20180061-EI  
ORDER NO. PSC-2018-0567-PHO-EI  
ISSUED: December 4, 2018

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (F.A.C.), a Prehearing Conference was held on November 26, 2018, in Tallahassee, Florida, before Commissioner Julie I. Brown, as Prehearing Officer.

APPEARANCES:

BETH KEATING, GREGORY MUNSON, ESQUIRES, 214 South Monroe Street, Suite 601, Tallahassee, Florida 32301  
On behalf of Florida Public Utilities Company.

J.R. KELLY, VIRGINIA PONDER, CHARLES REHWINKEL, ESQUIRES, 111 W. Madison Street, Room 812, Tallahassee, Florida 32399  
On behalf of the Citizens of the State of Florida (OPC).

RACHAEL DZIECHCIARZ, ASHLEY WEISENFELD, ESQUIRES, 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 C. 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**

On February 28, 2018, pursuant to Sections 366.076(1) and 366.041, Florida Statutes (F.S.), and Rules 25-6.0143 and 25-6.0431, Florida Administrative Code (F.A.C.), Florida Public Utilities Company (FPUC) filed a petition for limited proceeding to recover incremental storm restoration costs with the Florida Public Service Commission (Commission). The Office of Public Counsel (OPC) filed a notice of intervention on March 22, 2018, which was

acknowledged by Order No. PSC-2018-0173-PCO, issued on April 3, 2018. This docket is scheduled for final hearing on December 11-12, 2018.

## **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. Issues for hearing were established by separate order.

## **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.

While it is the policy of this Commission for 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**

Testimony of all witnesses to be sponsored by the parties and Staff has been prefiled and will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to timely and appropriate objections. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand, which shall be limited to three minutes.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer. After all parties and Staff have had the opportunity to cross-examine the witness, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

The parties shall avoid duplicative or repetitious cross-examination. Further, friendly cross-examination will not be allowed. Cross-examination shall be limited to witnesses whose testimony is adverse to the party desiring to cross-examine. Any party conducting what appears to be a friendly cross-examination of a witness should be prepared to indicate why that witness's direct testimony is adverse to its interests.

**VI. ORDER OF WITNESSES**

Each witness whose name is followed by an asterisk (\*) has been stipulated to by the parties.

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
Michael Cassel	FPUC	1-19
Helmuth W. Schultz, III	OPC	1-20
Debra Dobiac*	STAFF	1-20
<u>Rebuttal</u>		
Michael Cassel	FPUC	1-19
P. Mark Cutshaw	FPUC	7-9

**VII. BASIC POSITIONS**

**FPUC:** FPUC's calculation of its incremental storm costs is correct, and FPUC is entitled to recover the full amount requested. Two major hurricanes, Matthew and Irma, as well as significant, named and unnamed tropical systems, produced significant damage to FPUC's system. FPUC took proactive measures to prepare for these storms in an effort to minimize the impact to its customers, and thereafter, undertook reasonable, prudent, and safe measures to ensure that the impacts of these storms were addressed in an expedited and safe manner. The storm preparations and subsequent recovery efforts required complex logistical efforts, particularly given the unique geography of FPUC's two service territories. Pre-storm activities included not only locating appropriate mutual aid and contract resources, but staging and logistics necessary to ensure that appropriate resources were staged in a safe location but within proximity necessary to ensure a quick, post-storm response. The Company's Northeast Division took a near-direct hit from Hurricane Matthew, resulting in an outage for 100% of the Company's service territory on Amelia Island. Hurricane Irma arrived just a few weeks following Hurricane Harvey and, as a result, recovery resources available to the Company following that event were uniquely constrained. In each instance, FPUC nonetheless took all reasonable and prudent actions necessary to ensure that it was able to respond appropriately and safely and expeditiously restore service. Other significant weather events, while not rising to the level of hurricanes, nonetheless required coordination and response of the Company in order to ensure the safe restoration of service to its customers in a timely manner. FPUC was, in fact, able

to achieve 100% restoration of service to its Amelia Island customers within 48 hours following Hurricane Matthew, and restoration of service to customers following Hurricane Irma within 101 hours. As such, the costs that the Company incurred in pursuit of these efforts were reasonable and prudent and should be allowed for recovery by the Company without adjustment. The adjustments proposed by OPC's witness have no basis in the Rule and should be rejected outright.

Upon determination by the Commission of the appropriate amount of storm costs to be recovered by the Company, the Commission should determine that the Company's storm reserve should be replenished to a level of \$1.5 million, which is the approximate level of the Company's reserve prior to Hurricane Irma.

**OPC:** Florida Public Utilities Company's ("FPUC" or "Company") petition of February 28, 2018, seeks recovery of \$2,280,815 to pay for alleged costs resulting from certain storms and to restore the Company's storm reserve to \$1,500,000. On June 12, 2018, the Florida Public Service Commission ("PSC") completed an audit of FPUC's docket and identified two findings that totaled a reduction to the Company's request of \$117,500. On August 20, 2018, FPUC filed direct testimony agreeing with PSC's adjustments and reducing the amount of its request to \$2,163,230.

OPC has reviewed the pre-filed testimony and supporting documentation filed by FPUC to support its direct case. Based on this comprehensive review, OPC, through its expert consultant, has determined that, based on the improper allocation of costs between expense and capital and grossly excessive contractor rates and standby and mobilization time, FPUC's storm restoration and reserve replenishment request should be reduced by at least \$1,475,189.

**STAFF:** Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions.

## **VIII. ISSUES AND POSITIONS**

**ISSUE 1:** **What is the appropriate baseline from which incremental costs are derived?**

### **POSITIONS**

**FPUC:** FPUC's calculations of costs for this proceeding are based upon the appropriate baseline and calculated in accordance with Rule 25-6.0143, F.A.C. The methodology utilized is the Incremental Cost and Capitalization Methodology, whereby costs charged to cover storm-related damages exclude those costs that normally would be charged to non-cost recovery clause operating expenses in the

absence of a storm, while capital expenditures for the removal, retirement and replacement of damaged facilities charged to cover storm-related damages exclude the normal cost for the removal, retirement and replacement of those facilities in the absence of a storm. In terms of payroll, the Company assigned all overtime incurred during the storm restoration efforts to the storm account. While the Company does not agree that its Minimum Filing Requirements (MFRs) from the 2014 rate case are the appropriate baseline for any category of cost at issue, the Company cross-checked the regular and overtime pay included in those MFRs, excluding the additional pay increases and positions requested, to ensure that the payroll costs recorded to the storm account exceeded the payroll costs contemplated in the projected 2015 MFRs. (Cassel)

**OPC:** The minimum filing requirements filed by Florida Public Utilities Company in Docket No. 20140025-EI.

**STAFF:** Staff has no position pending evidence adduced at the hearing.

**ISSUE 2:** **In undertaking storm-recovery activities, was the payroll expense Florida Public Utilities Company (“FPUC”) has requested to include for storm recovery reasonable and prudent, in incurrence and amount? If not, what amount should be approved?**

#### **POSITIONS**

**FPUC:** Yes. FPUC's incremental payroll expense in the amount of \$192,490 was reasonably and prudently incurred in storm recovery activities and should be approved for recovery. (Cassel)

**OPC:** No. The amount that should be approved is no more than \$38,011. In addition, the proper capitalization rate, which includes labor, should be the amount in Exhibit No. HWS-2, Schedule B, Page 2 of 2, Helmuth Schultz' direct testimony.

**STAFF:** Staff has no position pending evidence adduced at the hearing.

**ISSUE 3:** **Is the “extra compensation” included as part of the Inclement Weather Exempt Employee Compensation submitted for recovery by FPUC an allowable cost under Rule 25-6.0143, Florida Administrative Code?**

#### **POSITIONS**

**FPUC:** Yes. The "extra compensation" in the amount of \$69,632 is compensation that is anticipated, regular pay for salaried employees engaged in storm restoration work as contemplated by the Company 's payroll policy. Such pay does not constitute a

bonus or special compensation, which are prohibited under Rule 25-6.0143, F.A.C., as these amounts are specifically contemplated by the Company's payroll policy and are not otherwise subject to discretion or being withheld based upon performance. (Cassel)

**OPC:** No, the "extra compensation" is not allowable compensation under Rule 21-6.0143, Florida Administrative Code.

**STAFF:** Staff has no position pending evidence adduced at the hearing.

**ISSUE 4:** *Stricken.*

**ISSUE 5:** **In undertaking storm-recovery activities, were the benefit costs requested by FPUC for storm recovery reasonable and prudent, in incurrence and amount? If not, what amount should be approved?**

**POSITIONS**

**FPUC:** Yes, the benefit costs in the amount of \$38,424 were reasonably and prudently incurred by FPUC in storm-recovery activities and should be approved for recovery. (Cassel)

**OPC:** No. The amount that should be approved is no more than \$9,863. In addition, the proper capitalization rate, which includes benefit costs, should be the amount in Exhibit No. HWS-2, Schedule B, Page 2 of 2, Helmuth Schultz' direct testimony.

**STAFF:** Staff has no position pending evidence adduced at the hearing.

**ISSUE 6:** **In undertaking storm-recovery activities, were the overhead costs requested by FPUC for storm recovery reasonable and prudent, in incurrence and amount? If not, what amount should be approved?**

**POSITIONS**

**FPUC:** Yes, the overhead costs in the amount of \$22,856 were reasonably and prudently incurred by FPUC in storm-recovery activities and should be approved for recovery. (Cassel)

**OPC:** No. The amount that should be approved is no more than \$54,920. In addition, the proper capitalization rate, which includes overhead costs, should be the amount in Exhibit No. HWS-2, Schedule B, Page 2 of 2, Helmuth Schultz' direct testimony.



**STAFF:** Staff has no position pending evidence adduced at the hearing.

**ISSUE 7:** **In connection with the restoration service associated with electric power outages affecting customers as a result of Hurricanes Matthew and Irma, were the contractor rates that FPUC paid for storm-recovery activities reasonable and prudent, in incurrence and amount? If not, what amount should be approved?**

**POSITIONS**

**FPUC:** Yes, the contractor rates paid by FPUC for storm-recovery activities were reasonably and prudently incurred by FPUC for storm-recovery activities. Rates and total costs should be considered on a case-by-case basis and considered within the context of the utility and the storm-recovery efforts encountered. Given the contextual circumstances of FPUC's storm recovery efforts, the rates FPUC paid were appropriate and should be allowed for recovery in full. (Cassel, Cutshaw)

**OPC:** No. A reduction of contractor costs of at least \$185,039 for a grossly excessive hourly rate charged by Par Electrical Contractors should be made.

**STAFF:** Staff has no position pending evidence adduced at the hearing.

**ISSUE 8:** **In connection with the restoration of service associated with electric power outages affecting customers as a result of Hurricanes Matthew and Irma, were the contractor costs associated with standby time, mobilization time, and demobilization time paid by FPUC for storm-recovery activities reasonable and prudent, in incurrence and amount? If not, what amount should be approved?**

**POSITIONS**

**FPUC:** Yes, the contractor costs associated with standby time, mobilization time, and demobilization time were reasonably and prudently incurred, and paid, by FPUC for service restoration efforts resulting from Hurricanes Matthew and Irma. There is no basis for any adjustment to these costs. (Cassel, Cutshaw)

**OPC:** No. A reduction to contractor costs of at least \$353,795 for an excessive amount of standby time should be made.

**STAFF:** Staff has no position pending evidence adduced at the hearing.



**ISSUE 9:** In undertaking storm-recovery activities associated with Hurricanes Matthew and Irma, were the contractor costs FPUC has included for storm recovery reasonable and prudent, in incurrence and amount? If not, what amount should be approved?

**POSITIONS**

**FPUC:** Yes, the total amount of contractor costs associated with Hurricanes Matthew and Irma for which FPUC seeks recovery were reasonably and prudently incurred and should be approved. There is no basis for adjustments to these costs for recapitalization and reclassification. (Cassel, Cutshaw)

**OPC:** No. FPUC's request for contractor costs related to recapitalization of contractor costs should be reduced by at least \$300,891. Additionally, FPUC's request for contractor costs should be reduced by \$170,019 for the reclassified costs from payroll benefits and overheads.

**STAFF:** Staff has no position pending evidence adduced at the hearing.

**ISSUE 10:** *Stricken.*

**ISSUE 11:** In connection with the restoration of service associated with storm-related electric power outages affecting customers, were the line clearing costs FPUC included for storm recovery reasonable and prudent, in incurrence and amount? If not, what amount should be approved?

**POSITIONS**

**FPUC:** FPUC agrees that its initial request for recovery of line clearing costs in the amount of line clearing costs in the amount of \$261,431 should be adjusted downward by \$163,700. The remaining \$97,731 in line clearing costs were reasonably and prudently incurred, and paid, by FPUC for service restoration efforts associated with storm-related electric power outages affecting FPUC's customers, and should therefore be approved. (Cassel)

**OPC:** No. A reduction of at least \$163,700 to FPUC's request for line clearing cost recovery should be made.

**STAFF:** Staff has no position pending evidence adduced at the hearing.

**ISSUE 12:** In connection with the restoration of service associated with storm-related electric power outages affecting customers, were the vehicle and fuel costs FPUC included for storm reasonable and prudent, in incurrence and amount? If not, what amount should be approved?

**POSITIONS**

**FPUC:** Yes, the vehicle and fuel costs in the amount of \$34,231 were reasonably and prudently incurred, and paid, by FPUC for service restoration efforts associated with storm-related electric power outages affecting FPUC's customers, and should therefore be approved for recovery without adjustment. (Cassel)

**OPC:** The Citizens have not identified any issues related to vehicle and fuel costs, but the Commission should satisfy itself that FPUC has carried its burden to demonstrate that such costs were reasonable and prudent in the way they were incurred and in amount.

**STAFF:** Staff has no position pending evidence adduced at the hearing.

**ISSUE 13:** In connection with the restoration of service associated with storm-related electric power outages affecting customers, were the material and supply costs FPUC included for storm recovery reasonable and prudent, in incurrence and amount? If not, what amount should be approved?

**POSITIONS**

**FPUC:** Yes, the material and supply costs in the amount of \$89,295 were reasonably and prudently incurred, and paid, by FPUC for service restoration efforts associated with storm-related electric power outages affecting FPUC's customers. These costs are not associated with replenishment of the Company's supplies or inventories or related to capital additions, and should therefore be approved for recovery without adjustment. (Cassel)

**OPC:** No. A reduction of at least \$32,800 to FPUC's request for materials and supplies cost recovery should be made.

**STAFF:** Staff has no position pending evidence adduced at the hearing.

**ISSUE 14:** In connection with the restoration of service associated with storm-related electric power outages affecting customers, were the logistic costs FPUC included for storm recovery reasonable and prudent, in incurrence and amount? If not, what amount should be approved?

**POSITIONS**

**FPUC:** Yes, the logistics costs in the amount of \$245,705 were reasonably and prudently incurred in accordance with Rule 25-6.0143 (1)(e), and paid, by FPUC for service restoration efforts associated with storm-related electric power outages affecting FPUC's customers, and should therefore be approved for recovery without adjustment. (Cassel)

**OPC:** No. More information is required from FPUC to determine what adjustments, if any, should be made. The Commission should satisfy itself that FPUC has carried its burden to demonstrate that such costs were reasonable and prudent in the way they were incurred and in amount.

**STAFF:** Staff has no position pending evidence adduced at the hearing.

**ISSUE 15:** In connection with the restoration of service associated with storm-related electric power outages affecting customers, were the costs identified by FPUC as “Normal Expenses Not Recovered in Base Rates” and included as “other operating expenses” reasonable and prudent, in incurrence and amount? If not, what amount should be made?

**POSITIONS**

**FPUC:** Yes, the category of costs identified as "Normal Expenses Not Recovered in Base Rates" in the amount of \$67,548 were reasonably and prudently incurred in accordance with Rule 25-6.0143(1)(e), and paid, by FPUC for service restoration efforts associated with storm-related electric power outages affecting FPUC's customers. These amounts reflect expenses that were anticipated in base rates, but not recovered as result of the storm outages. As such, these amounts should be approved for recovery without adjustment. (Cassel)

**OPC:** No. The request for \$67,548 should be disallowed.

**STAFF:** Staff has no position pending evidence adduced at the hearing.

**ISSUE 16:** What is the correct amount to be included in storm recovery to replenish the level of FPUC's storm reserve?

**POSITIONS**

**FPUC:** The Company's storm reserve should be replenished to its pre-storm level of \$1.5 million from its deficit as of December 31, 2017 of \$661,674. (Cassel)

**OPC:** No more than \$688,037 should be included in storm recovery to replenish the level of FPUC's storm reserve.

**STAFF:** Staff has no position pending evidence adduced at the hearing.

**ISSUE 17:** What is the total amount of storm-related costs and storm reserve replenishment FPUC is entitled to recover?

**POSITIONS**

**FPUC:** The Company has revised its request for recovery to exclude certain line clearing costs for a revised total request of \$1,999,523, which is the appropriate amount to recover costs incurred during the 2016-2017 storms and to replenish the Company's storm reserve.

**OPC:** This is a fallout issue that would be decided by a sum of no more than the amounts decided on the individual issues.

**STAFF:** Staff has no position pending evidence adduced at the hearing.

**ISSUE 18:** Should the Commission approve Florida Public Utilities Company's proposed tariff and associated charge?

**POSITIONS**

**FPUC:** Yes, FPUC's tariff represents the appropriate calculation of the amount necessary to recover the storm-related costs that were appropriately incurred by FPUC and to replenish the Company's storm reserve to the appropriate level. (Cassel)

**OPC:** No, FPUC's proposed tariffs should be recalculated in accordance with Witness Schultz's recommended adjustments.

**STAFF:** Staff has no position pending evidence adduced at the hearing.

**ISSUE 19: If applicable, how should any under-recovery or over-recovery be handled?**

**POSITIONS**

**FPUC:** Any over or under-recovery should be handled by way of a true-up rate, which applies interest at the commercial paper rate to the over or under-recovered amount. Any true-up rate calculation should be allocated consistent with the Company's current, Commission-approved cost allocation methodology. (Cassel)

**OPC:** The over recovery should be handled as a one-time adjustment to customers' bills or, in the alternative, a one-time adjustment to the fuel clause for the remainder of 2019.

**STAFF:** Staff has no position pending evidence adduced at the hearing.

**ISSUE 20: Should the docket be closed?**

**POSITIONS**

**FPUC:** This docket should remain open until FPUC's costs are finalized and any over or under-recovery has been determined. Thereafter, the docket should be closed after the appropriate appellate period has concluded.

**OPC:** This docket should remain open until FPUC's storm costs are finalized and any over or under-recovery has been determined.

**STAFF:** Staff has no position pending evidence adduced at the hearing.

**IX. EXHIBIT LIST**

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
<u>Direct</u>			
Michael Cassel	FPUC	MC-1	Storm Cost Recovery
Helmuth W. Schultz	OPC	HWS-1	Qualifications of Helmuth W. Schultz
Helmuth W. Schultz	OPC	HWS-2	Storm Restoration Costs Summary

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Helmuth W. Schultz	OPC	HWS-3	Florida Public Utilities Company's summary provided in response to Staff Interrogatory No. 2-6
Debra Dobiac	STAFF	DMD-1	Auditor's Report – Limited Scope

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

**X. PROPOSED STIPULATIONS**

There are no proposed stipulations at this time.

**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, 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; 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 five minutes per party.

It is therefore, hereby

ORDERED by Commissioner Julie I. Brown, 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 Julie I. Brown, as Prehearing Officer, this 4th day of December, 2018.



JULIE I. BROWN  
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.



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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.