

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric conservation goals (Florida Power & Light Company).

DOCKET NO. 20190015-EG

In re: Commission review of numeric conservation goals (Gulf Power Company).

DOCKET NO. 20190016-EG

In re: Commission review of numeric conservation goals (Duke Energy Florida, LLC).

DOCKET NO. 20190018-EG

In re: Commission review of numeric conservation goals (Orlando Utilities Commission).

DOCKET NO. 20190019-EG

In re: Commission review of numeric conservation goals (JEA).

DOCKET NO. 20190020-EG

In re: Commission review of numeric conservation goals (Tampa Electric Company).

DOCKET NO. 20190021-EG
ORDER NO. PSC-2019-0294-PCO-EG
ISSUED: July 25, 2019

ORDER DENYING MOTION

On January 15, 2019, Docket Nos. 20190015-EG, 20190016-EG, 20190017-EG, 20190018-EG, 20190019-EG, 20190020-EG, and 20190021-EG were established to review and adopt the corresponding utility's conservation goals pursuant to Sections 366.80-366.83 and 403.519, Florida Statutes, known collectively as the Florida Energy Efficiency and Conservation Act (FEECA). By the Order Consolidating Dockets and Establishing Procedure, Order No. PSC-2019-0062-PCO-EG, issued on February 18, 2019, the dockets were consolidated for purposes of hearing and controlling dates were established. The dockets are currently scheduled for hearing from August 12, 2019, through August 16, 2019.

The Southern Alliance for Clean Energy (SACE) was granted intervention in Docket Nos. 20190015-EG, 20190016-EG, 20190018-EG, 20190019-EG, 20190020-EG, and 20190021-EG by Order No. PSC-2019-0137-PCO-EG, issued on April 17, 2019.¹

On July 16, 2019, SACE filed a Motion to Request Allowance of Public Participation (Motion) in Docket Nos. 20190015-EG, 20190016-EG, 20190018-EG, 20190019-EG,

¹ SACE did not request intervention in Florida Public Utilities Company's docket in this proceeding, Docket No. 20190017-EG.

20190020-EG, and 20190021-EG. In its Motion, SACE requests that the Commission allow for a public testimony portion of this proceeding.

SACE provided that, in accordance with Rule 28-106.204(3), Florida Administrative Code (F.A.C.), it has conferred with the parties to this proceeding regarding its Motion. Tampa Electric Company, JEA, Orlando Utilities Commission, Florida Public Utilities Company, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate - White Springs, Florida Industrial Power Users Group, and Walmart Inc. take no position on the Motion. The Office of Public Counsel (OPC) and the Florida Department of Agriculture and Consumer Services have no objection to the Motion. Florida Power & Light Company, Gulf Power Company, and Duke Energy Florida, LLC take no position on the Motion, with certain caveats.²

Upon review and consideration of the Motion, I find that a public testimony portion is not necessary given the complex and technical nature of the goal-setting proceeding. Additionally, the Legislature found that the Commission is the appropriate agency to adopt goals and approve plans without express directive to take public testimony. I further note that a similar request was not granted in the Commission's last proceeding to review the FEECA utilities' numeric conservation goals by Order No. PSC-14-0189-PCO-EU. As has been Commission practice to ensure an open, accessible and efficient regulatory process, persons without standing or resources to intervene may file written comments in the dockets.

Based on the foregoing, it is

ORDERED by Commissioner Donald J. Polmann, as Prehearing Officer, that the Southern Alliance for Clean Energy's Motion to Request Allowance of Public Participation in Docket Nos. 20190015-EG, 20190016-EG, 20190018-EG, 20190019-EG, 20190020-EG, and 20190021-EG is denied as set forth in the body of this Order.

² Florida Power & Light Company reserves its right to make any permissible objections at the Hearing and is not waiving any rights to do so. Gulf Power Company reserves the right to make any permissible objections, including, but not limited to, admissibility of public comment as evidence in the Hearing record. Duke Energy Florida, LLC disagrees that public testimony is necessary for this proceeding and disagrees that the correct standards are cited in the Motion.

ORDER NO.

DOCKET NOS. 20190015-EG, 20190016-EG, 20190018-EG, 20190019-EG, 20190020-EG,
20190021-EG

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By ORDER of Commissioner Donald J. Polmann, as Prehearing Officer, this 25th day
of July, 2019.



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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.