

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Natural gas conservation cost recovery.

DOCKET NO. 20230004-GU
ORDER NO. PSC-2023-0327-PHO-GU
ISSUED: October 26, 2023

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 17, 2023, in Tallahassee, Florida, before Commissioner Mike La Rosa, as Prehearing Officer.

APPEARANCES:

BETH KEATING, ESQUIRE, Gunster, Yoakley & Stewart, P.A., 215 South Monroe St., Suite 601, Tallahassee, Florida 32301-1804; and CHRISTOPHER T. WRIGHT, ESQUIRE, 700 Universe Boulevard, Juno Beach, Florida 33408-2863
On behalf of FLORIDA CITY GAS (FCG).

BETH KEATING, ESQUIRE, Gunster, Yoakley & Stewart, P.A., 215 South Monroe St., Suite 601, Tallahassee, Florida 32301-1804
On behalf of FLORIDA PUBLIC UTILITIES COMPANY (FPUC), and on behalf of SEBRING GAS SYSTEM (SEBRING).

J. JEFFRY WAHLEN, MALCOLM N. MEANS, and VIRGINIA PONDER, ESQUIRES, Ausley McMullen, 123 S. Calhoun St., Tallahassee, Florida 32301-1517
On behalf of PEOPLES GAS SYSTEM, INC. (PGS).

DEBBIE STITT, P.O. Box 549, Port St. Joe, Florida 32457-0549
On behalf of ST. JOE NATURAL GAS COMPANY, INC. (SJNG).

WALT TRIERWEILER, CHARLES J. REHWINKEL, PATRICIA A. CHRISTENSEN, MARY A. WESSLING, and OCTAVIO PONCE, ESQUIRES, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400
On behalf of OFFICE OF PUBLIC COUNSEL (OPC).

TIMOTHY SPARKS, and CARLOS MARQUEZ II, ESQUIRES, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
On behalf of the FLORIDA PUBLIC SERVICE COMMISSION (Staff).

SAMANTHA CIBULA, 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

I. CASE BACKGROUND

As part of the Commission's continuing natural gas conservation cost recovery clause proceedings, an administrative hearing is set for November 1-3, 2023. The clause proceedings allow gas companies to seek recovery of its costs for approved gas conservation programs on an annual basis, pursuant to Sections 366.80-366.83, Florida Statutes (F.S.), and Chapter 25-17, Florida Administrative Code (F.A.C.).

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 Chapters 120 and 366, F.S. This hearing will be governed by said Chapters and Chapters 25-7, 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

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. Summaries of testimony 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 preceded by a plus sign (+) will present direct and rebuttal testimony together.

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
+Miguel Bustos	FCG	1-8
+Derrick M. Craig	FPUC	1-8
+Charles T. Morgan II	PGS	1-7
+Jerry H. Melendy	SEBRING	1-7
+Debbie Stitt	SJNG	1-8

+ These witnesses have been excused from attending the final hearing.

VII. BASIC POSITIONS

FCG: FCG has appropriately calculated its true-up amounts and NGCCR Factors as shown in the Company's positions on Issue Nos. 1 through 7 below. The Company's final true-up amount for 2022, Actual/Estimated True-Up amount for 2023, and proposed 2024 NGCCR Factors are consistent with the Commission's methodology for calculating the net true-up and recovery factors for the natural gas conservation programs and, therefore, should be approved. FCG submits that the proposed 2024 NGCCR Factors are appropriate for application to customers' bills beginning the first billing cycle in January 2024 through the last billing cycle in December 2024 and continuing until modified by subsequent order of the Commission.

- FPUC:** The Commission should approve FPUC's final net true-up for the period January through December, 2022, the estimated true-up for the period January through December, 2023, and the projected conservation program expenses and recovery factors for the period January through December, 2024.
- PGS:** The Commission should determine that the company has properly calculated its conservation cost recovery true-up and projections and the natural gas conservation cost recovery factors set forth in the testimony and exhibits of witness Charles T. Morgan II for the period January 2024 through December 2024.
- SEBRING:** The Commission should approve Sebring's respective final net true-ups for the period January through December 2022, the estimated true-up for the period January through December, 2023, and the projected conservation program expenses and recovery factors for the period January through December, 2024.
- SJNG:** The Commission should approve the final adjusted net true-up amount for the twelve-month period ending December 31, 2023 including interest, the projected conservation program expenses for the twelve-month period ending Dec 31, 2024 and the Conservation Cost Recovery Factors to be applied to customer bills rendered for the twelve-month period ending December 31, 2024 as filed by SJNG.
- OPC:** The utilities bear the burden of proof to justify the recovery of costs they request in this docket. The utilities must carry this burden regardless of whether or not the Interveners provide evidence to the contrary. Further, the utilities bear the burden of proof to support their proposal(s) seeking the Commission's adoption of policy statements (whether new or changed) or other affirmative relief sought. Even if the Commission has previously approved a program, recovery of a cost, factor, or adjustment as meeting the Commission's own requirements, the utilities still bear the burden of demonstrating that the costs submitted for final recovery meet any statutory test(s) and are reasonable in amount and prudently incurred. Further, recovery of all costs is constrained by the Commission's obligation to set fair, just, and reasonable rates, based on projects that are prudent in purpose and scope and costs that are prudently incurred pursuant to Section 366.01, Florida Statutes. Additionally, the provisions of Chapter 366 must be liberally construed to protect the public welfare. Natural gas conservation costs may not be costs that are recovered through base rates or any other cost recovery mechanism.
- 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 are the final conservation cost recovery adjustment true-up amounts for the period January 2022 through December 2022?

FCG: The final, net true-up amount (including interest, adjustments, and the estimated under-recovery) for the period January 2022 through December 2022 is an over-recovery of \$246,333. *See* FCG Exhibit MB-1, Schedule CT-1. (FCG witness Bustos)

FPUC: The actual adjusted end of period total true up amount was an over-recovery of \$956,051.

PGS: An adjusted net true-up under-recovery of \$1,970,805, including interest. (PGS witness Morgan)

SEBRING: Final adjusted true up amount for the period is an over-recovery of \$10,132.

SJNG: An over-recovery of \$6,053.

OPC: The OPC is not in full agreement that the Companies have demonstrated that the respective amounts are reasonable or prudent and thus objects to inclusion of the cost for recovery. Nevertheless, for various reasons, including judicial economy, the OPC is willing to facilitate a Type 2 stipulation on this issue.¹

STAFF: Staff has no position.

ISSUE 2: What are the appropriate conservation adjustment actual/estimated true-up amounts for the period January 2023 through December 2023?

FCG: The Actual/Estimated True-Up (based on actual data for six months and projected data for six months) for the current period January 2023 through December 2023 is an over-recovery of \$75,243. *See* FCG Exhibit MB-2, Schedule C-3 (page 4 of 5), line 8. (FCG witness Bustos)

FPUC: The projected true-up for the period January 2023 through December 2023 is an over-recovery of \$555,104.

PGS: An under-recovery of \$10,460,672, including interest. (PGS witness Morgan)

¹ A "Type 2 stipulation" occurs on an Issue when the utility and Staff, or the utility and at least one party adversarial to the utility, agree on the resolution of the Issue and the remaining Parties (including Staff if it does not join in the agreement) do not object to the Commission relying upon the agreed language to resolve that issue in a final order.

SEBRING: The appropriate actual/estimated true up for the period, net of the prior period adjustment, is an under-recovery of \$14,160.

SJNG: Conservation adjustment actual/estimated true-up is \$19,101 over-recovery.

OPC: The OPC is not in full agreement that the Companies have demonstrated that the respective amounts are reasonable or prudent and thus objects to inclusion of the cost for recovery. Nevertheless, for various reasons, including judicial economy, the OPC is willing to facilitate a Type 2 stipulation on this issue.

STAFF: Staff has no position.

ISSUE 3: **What are the appropriate total conservation adjustment true-up amounts to be collected/refunded for the period January 2024 through December 2024?**

FCG: The total net true-up (inclusive of the final true-up for 2022, the Actual/Estimated True-Up for 2023, and interest) to be collected/refunded from January 2024 through December 2024 is an over-recovery of \$336,206. *See* FCG Exhibit MB-2, Schedule C-3 (page 4 of 5), line 12. (FCG witness Bustos)

FPUC: The projected net true-up is an over-recovery of \$1,511,155 to be refunded.

PGS: A collection of \$12,431,477, including interest. (PGS witness Morgan)

SEBRING: The appropriate amount is an under-recovery of \$4,028.

SJNG: The total conservation adjustment true-up amount to be refunded is \$25,154 over-recovery.

OPC: The OPC is not in full agreement that the Companies have demonstrated that the respective amounts are reasonable or prudent and thus objects to inclusion of the cost for recovery. Nevertheless, for various reasons, including judicial economy, the OPC is willing to facilitate a Type 2 stipulation on this issue.

STAFF: Staff has no position.

ISSUE 4: **What are the total conservation cost recovery amounts to be collected during the period January 2024 through December 2024?**

FCG: Applying the total net true-up results in a total of \$6,471,483 of energy conservation program costs to be collected during the period January 2024 through December 2024. *See* FCG Exhibit MB-2, Schedule C-1 (page 1 of 1), line 3. (FCG witness Bustos)

FPUC: A total of \$3,304,245 remains to be recovered during the period January 1, 2024 through December 31, 2024.

PGS: \$44,755,074, including current period estimated true-up. (PGS witness Morgan)

SEBRING: The projected conservation costs for January 2024 through December 2024 are projected to be \$36,033, which results in a total amount of \$40,061 to be recovered during the period January 2024 through December 2024.

SJNG: The true-up amount to be collected is \$141,596.

OPC: The OPC is not in full agreement that the Companies have demonstrated that the respective amounts are reasonable or prudent and thus objects to inclusion of the cost for recovery. Nevertheless, for various reasons, including judicial economy, the OPC is willing to facilitate a Type 2 stipulation on this issue.

STAFF: Staff has no position.

ISSUE 5: What are the conservation cost recovery factors for the period January 2024 through December 2024?

FCG: The appropriate 2024 NGCCR Factors are:

<u>Rate Class</u>	<u>Factor (\$/per therm)</u>
RS-1	\$0.29484
RS-100	\$0.14192
RS-600	\$0.08522
GS-1	\$0.05856
GS-6K	\$0.04196
GS-25K	\$0.03873
Gas Lights	\$0.04635
GS-120K	\$0.02624
GS-1250K	\$0.01500
GS-11M – GS-25M	\$0.00000

See FCG Exhibit MB-2, Schedule C-1 (page 1 of 1). (FCG witness Bustos)

FPUC:

<u>Rate Class</u>	<u>Adjustment Factor (dollars per therm)</u>
Residential - 1; Residential Transportation - 1 (≤ 100 Therms)	0.13035
Residential - 2; Residential Transportation - 2 ($100 < \leq 250$ Therms)	0.06657
Residential - 3; Residential Transportation - 3 (> 250 Therms)	0.03655
Residential Standby Generator	0.14743
General Service - 1; GS Transportation - 1 ($\leq 1,000$ Therms)	0.06735
General Service - 2; GS Transportation - 2 ($1,000 < \leq 5,000$ Therms)	0.03100
General Service - 3; GS Transportation - 3 ($5,000 < \leq 10,000$ Therms)	0.02701
General Service - 4; GS Transportation - 4 ($10,000 < \leq 50,000$ Therms)	0.02392
General Service - 5; GS Transportation - 5 ($50,000 < \leq 250,000$ Therms)	0.01808
General Service - 6; GS Transportation - 6 ($250,000 < \leq 500,000$ Therms)	0.01680
General Service - 7; GS Transportation - 7 ($500,000 < \leq 1,000,000$ Therms)	0.01377
General Service - 8 - A; GS Transportation - 8 - A ($1,000,000 < \leq 1,500,000$ Therms)	0.01304
General Service - 8 - B; GS Transportation -	0.01215

8 - B

(*> 1,500,000 < = 2,000,000 Therms*)

General Service - 8 - C; GS Transportation - 0.00690

8 - C

(*> 2,000,000 < = 4,000,000 Therms*)

General Service - 8 - D; GS Transportation - 0.00568

8 - D

(*> 4,000,000 Therms*)

Commercial - NGV; Comm - NGV 0.01590
Transportation

Commercial Standby Generator 0.16326

PGS: For the period January 2024 through December 2024, the cost recovery factors are as follows:

<u>Rate Schedule</u>	<u>Cost Recovery Factors</u> <u>(Dollars per Therm)</u>
RS & RS-SG & RS-GHP	0.21579
SGS	0.12933
GS-1 & CS-SG & CS-GHP	0.06667
GS-2	0.05036
GS-3	0.04243
GS-4	0.03134
GS-5	0.02183
CSLS	0.04347
(Morgan)	

SEBRING: Sebring's proposed conservation cost recovery factors for 2024 are:

TS-1	\$0.12985
TS-2	\$0.05476
TS-3	\$0.03745
TS-4	\$0.03355

SJNG: The appropriate factors are:

RATE CLASS	RATE/\$PER THERM
RS-1	\$0.33922
RS-2	\$0.24049
RS-3	\$0.18160
GS-1	\$0.10751
GS-2	\$0.06358
GS-4/TS-4	\$0.03877

OPC: The OPC is not in full agreement that the Companies have demonstrated that the respective factors are reasonable or prudent and thus objects to them. Nevertheless, for various reasons, including judicial economy, the OPC is willing to facilitate a Type 2 stipulation on this issue.

STAFF: Staff has no position.

ISSUE 6: **Should the Commission approve revised tariffs reflecting the natural gas conservation cost recovery amounts and establishing natural gas conservation cost recovery factors determined to be appropriate in this proceeding?**

FCG: Yes. The Commission should approve revised tariffs reflecting the new 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. The Commission should grant Staff authority to administratively approve revised tariffs reflecting the new conservation cost recovery factors determined to be appropriate in this proceeding. (FCG witness Bustos)

FPUC: Yes. The Commission should approve revised tariffs reflecting the natural gas conservation cost recovery amounts and establishing gas 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.

PGS: Yes. The Commission should approve revised tariffs reflecting the natural gas conservation cost recovery amounts determined to be appropriate in this proceeding. (PGS witness Morgan)

SEBRING: Yes. The Commission should approve revised tariffs reflecting the new energy conservation cost charges 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.

SJNG: Yes. The Commission should approve revised tariffs reflecting the new Conservation Cost Recovery charges determined to be appropriate in the proceeding.

OPC: No position at this time; however, the factors contained in the tariff(s) should be based on costs deemed reasonable and prudent after a hearing.

STAFF: Staff has no position.

ISSUE 7: What should be the effective date of the new conservation cost recovery factors for billing purposes?

FCG: The new conservation cost recovery factors should be effective beginning the first billing cycle in January 2024 through the last billing cycle in December 2024 and continuing until modified by subsequent order of this Commission. (FCG witness Bustos)

FPUC: The factors should be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2024 through December 2024. Billing cycles may start before January 1, 2024 and the last cycle may be read after December 31, 2024, so that each customer is billed for twelve months regardless of when the adjustment factor became effective.

PGS: The factors should be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2024 through December 2024. Billing cycles may start before January 1, 2024, and the last cycle may be read after December 31, 2024, so long as each customer is billed for 12 months regardless of when the factors became effective. (PGS witness Morgan)

SEBRING: The new conservation cost recovery factors should be effective for all meter readings on or after January 1, 2024 and should apply to bills rendered for meter readings taken between January 1, 2024 and December 31, 2024.

SJNG: The effective date should be January 1, 2024.

OPC: No position..

STAFF: Staff has no position.

ISSUE 8: Should this docket be closed?

FCG: No. While a separate docket is assigned each year for administrative convenience, this is a continuing docket and should remain open. (FCG witness Bustos)

FPUC: Recognizing that this is an ongoing cost recovery docket, this docket should remain open with a new docket number assigned for the following year.

PGS: Yes. Docket No. 20230004-GU should be closed once the Commission's decisions on all of the issues in the docket have become final and the Commission has concluded that the docket has otherwise met the requirements for closure. (PGS witness Morgan)

SEBRING: Recognizing that this is an ongoing cost recovery docket, this docket should remain open with a new docket number assigned for the following year.

SJNG: Yes, please.

OPC: No.

STAFF: Staff has no position.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
	<u>Direct</u>		
Miguel Bustos	FCG	MB-1	Calculation of FCG's final NGCCR true- up amount related to the twelve-month period ended December 31, 2022
Miguel Bustos	FCG	MB-2	Commission prescribed forms supporting calculation of FCG's Actual/Estimated True-Up amount for the current period January 2023 through December 2023 and FCG's proposed 2024 NGCCR Factors

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Derrick M. Craig	FPUC	DMC-1	True-Up Variance Analysis [Schedules CT1-CT6]
Derrick M. Craig	FPUC	DMC-2	Projections: Estimated ECCR charges by rate class [Schedules C-1 through C-4]
Charles T. Morgan II	PGS	CTM-1	Schedules supporting conservation costs recovery factor, actual January 2022 – December 2022
Charles T. Morgan II	PGS	CTM-2	Schedules supporting conservation costs projected for the period January 2024 – December 2024
Jerry H. Melendy	SEBRING	JHM-1	True-Up Variance Analysis [Schedules CT1-CT6]
Jerry H. Melendy	SEBRING	JHM-2	Projections: Estimated ECCR charges by rate class [Schedules C-1 through C-4]
Debbie Stitt	SJNG	DKS-1	Schedules CT-1, CT-2, CT-3, CT-4, and CT-5
Debbie Stitt	SJNG	DKS-2	Schedules C1, C2, C3, and C4

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; however, if the prehearing position is longer than 50 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 Mike La Rosa, 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 Mike La Rosa, as Prehearing Officer, this 26th day of October, 2023.



Mike La Rosa
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.

TPS

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.