

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost  
recovery clause.

DOCKET NO. 990002-EG  
ORDER NO. PSC-99-2267-PHO-EG  
ISSUED: November 18, 1999

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code, a Prehearing Conference was held on November 4, 1999, in Tallahassee, Florida, before Commissioner Susan F. Clark, as Prehearing Officer.

APPEARANCES:

JAMES A. MCGEE, ESQUIRE, Florida Power Corporation, Post Office Box 14042, St. Petersburg, Florida 33733-4042  
On behalf of Florida Power Corporation.

CHARLES A. GUYTON, ESQUIRE, Steel, Hector & Davis, LLP, 215 S. Monroe Street, Suite 601, Tallahassee, Florida 32301  
On behalf of Florida Power and Light Company.

JEFFREY A. STONE, ESQUIRE, and RUSSELL A. BADDERS, ESQUIRE, Beggs & Lane, 700 Blount Building, 3 West Garden Street, Post Office Box 12950, Pensacola, Florida 32576-2950  
On behalf of Gulf Power Company.

LEE L. WILLIS, ESQUIRE and JAMES D. BEASLEY, ESQUIRE, Ausley & McMullen, Post Office Box 391, Tallahassee, Florida 32302  
On behalf of Tampa Electric Company.

WAYNE L. SCHIEFELBEIN, ESQUIRE, Post Office Box 13688, Tallahassee, Florida 32317  
On behalf of Chesapeake Utilities Corporation.

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On behalf of City Gas Company of Florida.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

DAVID NICHOLSON, ESQUIRE, Post Office Box 111, Tampa,  
Florida 33601  
On behalf of Peoples Gas System

VICKI GORDON KAUFMAN, ESQUIRE, McWhirter, Reeves,  
McGlothlin, Davidson, Decker, Kaufman, Arnold & Steen,  
P.A., 117 South Gadsden Street, Tallahassee, Florida  
32301  
On behalf of the Florida Industrial Power Users Group.

NORMAN H. HORTON, JR., ESQUIRE, and FLOYD SELF, ESQUIRE,  
Messer, Caparello & Self, PA, 215 South Monroe Street,  
Suite 701, Post Office Box 1876, Tallahassee, Florida  
32302-1876  
On behalf of Florida Public Utilities Company.

STEPHEN C. BURGESS, 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.

GRACE A. JAYE, ESQUIRE, Florida Public Service  
Commission, 2540 Shumard Oak Boulevard, Tallahassee,  
Florida 32399-0850  
On behalf of the Commission Staff.

### **PREHEARING ORDER**

#### I. CONDUCT OF PROCEEDINGS

Pursuant to Rule 28-106.211, Florida Administrative Code, this Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of this case.

#### II. CASE BACKGROUND

As part of the Commission's ongoing continuing fuel cost, conservation cost recovery, purchased gas adjustment and environmental cost recovery proceedings, a hearing is set for November 22 and 23, 1999, in this docket and in Docket No. 990001-EI, Docket No. 990003-GU, and Docket No. 990007-EI. The hearing will address the issues set out in the body of this Prehearing Order. The parties have reached agreement concerning all issues identified for resolution at the November 22 - 23, 1999, hearing.

Therefore, the case will be presented to the panel as a stipulation.

III. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

A. Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been used in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time periods set forth in Section 366.093, Florida Statutes.

B. It is the policy of the Florida Public Service Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 366.093, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding.

1. Any party intending to utilize confidential documents at hearing for which no ruling has been made, must be prepared to present their justifications at hearing, so that a ruling can be made at hearing.

2. In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

- a) Any party wishing to use any proprietary confidential business information, as that term is defined in Section 366.093, Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute.

- b) Failure of any party to comply with 1) above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.
- c) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. 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.
- d) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so.
- e) 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 Division of Records and Reporting's confidential files.

#### IV. POST-HEARING PROCEDURES

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 the 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, Florida Administrative Code, 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.

V. PREFILED TESTIMONY AND EXHIBITS; WITNESSES

Testimony of all witnesses to be sponsored by the parties has been prefiled. All testimony which has been prefiled in this case 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 appropriate objections. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, 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.

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.

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.

VI. ORDER OF WITNESSES

As a result of discussions at the prehearing conference, each witness whose name is preceded by an asterisk (\*) has been excused if no Commissioner assigned to hear this case seeks to cross-examine the particular witness. Parties shall be notified by the close of business on Friday, November 19, 1999, as to whether each witness shall be required to be present at hearing. The testimony of excused witnesses shall be inserted into the record as though read and all exhibits submitted with those witnesses' testimony shall be identified as shown in Section IX of this Prehearing Order and be admitted into the record.

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
*Michael F. Jacob	FPC	1-2, 9
*Leonor Busto	FPL	1-4, 10
*Margaret D. Neyman	Gulf	1-2, 5-8, 10
*Howard T. Bryant	TECO	1-2, 10
*Beverly A. Bauck	CUC	2-3
*Carl Smith	CGC	2-3
*Bruce Narzissenfeld	PGS	1
*J. Brent Caldwell	PGS	2-3
*Michael A. Peacock	FPUC	1-2

VII. BASIC POSITIONS

**FPC:** None necessary.

**FPL:** FPL's proposed Conservation Cost Recovery Factors for the January 2000 through December 2000 recovery period and true-up amounts for prior periods should be approved.

**Gulf:** It is the basic position of Gulf Power Company that the proposed ECCR factor presents the best estimate of Gulf's Conservation expense for the period January 2000 through December 2000, 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 that the appropriate conservation cost recovery factor to be applied by Tampa Electric during the period April 1, 1999 through December 31, 1999 is 0.018 cents per KWH for Interruptible, 0.125 cents per KWH for Residential, 0.110 cents per KWH for General Service Non-Demand and Temporary Service, 0.096 cents per KWH for General Service Demand - Secondary, 0.095 cents per KWH for General Service Demand - Primary, 0.89 cents per KWH for General Service Large Demand and Firm Standby - Secondary, 0.088 cents per KWH for General

Service Large Demand and Firm Standby - Primary, 0.87 cents per KWH for General Service Large Demand and Firm Standby - Subtransmission, and 0.049 cents per KWH for Lighting.

**CUC:** The Commission should approve CUC's final adjusted net true-up amount of \$64,701 underrecovery for the period April 1, 1998 through March 31, 1999; the estimated true-up amount for the nine months ending December, 1999; and the projected conservation program expenses for the period January 1, 2000 through December 31, 2000.

The Commission should approve the following ECCR factors for the following rate classes for application to bills rendered for meter readings taken between January 1, 2000 and December 31, 2000.

The appropriate conservation cost recovery factors for the period January 2000 through December 2000 are as follows:

<u>Rate Class</u>	<u>ECCR Factor</u> <u>Cents Per Therm</u>
GS Residential	7.132
GS Commercial	2.248
GS Commercial Large Volume	1.363
GS Industrial	0.753
Firm Transportation	0.726

**CGC:** The Company's true-up and conservation cost recovery factors are appropriate.

**PGS:** The Commission should approve -- for areas other than PGS's West Florida Region -- PGS's end-of-period final true-up amount of \$446,455 (overrecovery) for the period April 1998 through March 1999; the estimated true-up amount for the period April - December 1999; and the projected conservation program expenses for the period January 1 through December 31, 2000.

For areas other than PGS's West Florida Region, the Commission should approve the following ECCR factors for the following rate classes for the period January 1 through December 31, 2000:

<u>Rate Class</u>	<u>ECCR Factor</u> <u>(cents per therm)</u>
Residential	8.099
Commercial - Small Volume	6.811
Commercial	2.835
Commercial - Large Volume 1	2.299
Commercial - Large Volume 2	1.672
Commercial Street Lighting	0.966
Natural Gas Vehicle Service	0.759

For PGS's West Florida Region, the Commission should approve PGS's end-of-period final true-up amount of \$204,737 (overrecovery) for the period April 1998 through March 1999; the estimated true-up amount for the period April - December 1999; and the projected conservation program expenses for the period January 1 through December 31, 2000.

For PGS's West Florida Region, the Commission should approve the following ECCR factors for the following rate classes for the period January 1 through December 31, 2000:

<u>Rate Class</u>	<u>ECCR Factor</u> <u>(cents per therm)</u>
Residential	9.005
Commercial	3.118
Commercial Large Volume	2.315
Commercial Large Volume - Transp.	2.315
Industrial	2.291
Firm Transportation	0.804
Special Contract	0.706

**SJNG:** The Commission should approve the final adjusted net true-up amount for the twelve month period ending December 31, 2000 including interest, the projected conservation program expenses for the twelve month period ending Dec 31, 2000 and the Conservation Cost Recovery Factors to be applied to customer bills rendered for the twelve month period ending December 31, 2000 as filed by SJNG.

**FIPUG:** None necessary.

**FPUC:** FPU has properly projected its costs and calculated its true-up amounts and conservation cost recovery factors. Those amounts and factors should be approved by the Commission.

**OPC:** None at this time.

**STAFF:** All issues in this docket have been stipulated. Staff recommends that the stipulations be approved.

VIII. ISSUES AND POSITIONS

**STIPULATED**

**ISSUE 1:** What is the actual end-of-the-period true-up amount for the period April 1, 1998, through December 31, 1998?

**POSITION:**

Electric:

FPC:	\$1,359,603	Underrecovery
FPL:	\$3,068,391	Overrecovery
FPUC (MARIANNA):	\$88,996	Overrecovery
FPUC (FERNANDINA BEACH):	\$122,660	Overrecovery
Gulf:	\$370,678	Overrecovery
TECO:	\$2,485,639	Overrecovery

FIPUG and OPC take no position on this issue.

**STIPULATED**

**ISSUE 2:** What are the appropriate conservation cost recovery factors for the period January 1, 2000, through December 31, 2000?

**POSITION:**

Electric:

<u>FPC: Rate Class</u>	<u>ECCR Factor</u>
Residential	0.239 cents/Kwh
General Svc. Non-Demand	0.172 cents/Kwh
@ Primary Voltage	0.170 cents/Kwh
@ Transmission Voltage	0.169 cents/Kwh
General Svc. 100% Load Factor	0.121 cents/Kwh
General Svc. Demand	0.141 cents/Kwh
@ Primary Voltage	0.140 cents/Kwh
@ Transmission Voltage	0.138 cents/Kwh
Curtaillable	0.122 cents/Kwh
@ Primary Voltage	0.121 cents/Kwh
@ Transmission Voltage	0.120 cents/Kwh
Interruptible	0.116 cents/Kwh
@ Primary Voltage	0.115 cents/Kwh
@ Transmission Voltage	0.114 cents/Kwh
Lighting	0.059 cents/Kwh

  

<u>FPL: Rate Class</u>	<u>ECCR Factor</u>
Residential	0.189 cents/Kwh
General Svc.	0.184 cents/Kwh
General Svc. Demand	0.168 cents/Kwh
Sports Service 2	0.118 cents/Kwh
General Svc. Large 1/Curtaillable 1	0.168 cents/Kwh
General Svc. Large 2/Curtaillable 2	0.159 cents/Kwh
General Svc. Large 3/Curtaillable 3	0.150 cents/Kwh
Interruptible Standby 1D	0.176 cents/Kwh
Standby Supplemental 1T	0.129 cents/Kwh
Standby Supplemental 1D	0.166 cents/Kwh
Commercial Load Control D & G	0.155 cents/Kwh
Commercial Load Control T	0.141 cents/Kwh
Metropolitan Transit	0.180 cents/Kwh
Outdoor/Street Lighting 1	0.112 cents/Kwh
Street Lighting 2	0.147 cents/Kwh

<u>Gulf:Rate Class</u>	<u>ECCR Factor</u>
RS, RST	0.038 cents/Kwh
GS, GST	0.038 cents/Kwh
GSD, GSDT	0.036 cents/Kwh
LP, LPT	0.035 cents/Kwh
PX, PXT, RTP, SBS	0.033 cents/Kwh
OS-I, O-SII	0.033 cents/Kwh
OS-III	0.035 cents/Kwh
OS-IV	0.042 cents/Kwh

TECO:

<u>Rate Class</u>	<u>ECCR Factor</u>
Residential	0.125 cents/Kwh
General Svc. Non-Demand	0.110 cents/Kwh
General Svc. Demand	0.096 cents/Kwh
@ Primary Voltage	0.095 cents/Kwh
General Svc. Large Demand	0.089 cents/Kwh
@ Primary Voltage	0.088 cents/Kwh
@ Subtransmission Voltage	0.087 cents/Kwh
Lighting	0.049 cents/Kwh
Interruptible	0.018 cents/Kwh

FPUC (MARIANNA):

<u>Rate Class</u>	<u>ECCR Factor</u>
Residential	0.043 cents/Kwh

FPUC (FERNANDINA BEACH):

<u>Rate Class</u>	<u>ECCR Factor</u>
Residential	0.027 cents/Kwh

Gas:

<u>CUC: Rate Class</u>	<u>ECCR Factor</u>
Residential	7.132 cents/therm
Commercial	2.248 cents/therm
Commercial Large Volume	1.363 cents/therm
Industrial	.753 cents/therm
Firm Transportation	.726 cents/therm

CGC:	<u>Rate Class</u>	<u>ECCR Factor</u>
	Residential (RS, ED & GL)	7.188 cents/therm
	Commercial (CS, ED, CTS & SCTS)	1.793 cents/therm
	Commercial-Large Volume (LCS)	1.354 cents/therm

PGS:	<u>Rate Class</u>	<u>ECCR Factor</u>
	Residential	8.099 cents/therm
	Small Commercial	6.811 cents/therm
	Commercial	2.835 cents/therm
	Commercial-Large Volume I	2.299 cents/therm
	Commercial-Large Volume II	1.672 cents/therm
	Commercial Street Lighting	.966 cents/therm
	Natural Gas Vehicle Service	.759 cents/therm

PGS-WFD:	<u>Rate Class</u>	<u>ECCR Factor</u>
	Residential	9.005 cents/therm
	Commercial	3.118 cents/therm
	Commercial-Large Volume I	2.315 cents/therm
	Industrial	2.291 cents/therm
	Firm Transportation	.804 cents/therm
	Special Contract	.706 cents/therm

SJNG:	<u>Rate Class</u>	<u>ECCR Factor</u>
	Residential	2.326 cents/therm
	Commercial	2.883 cents/therm
	Commercial-Large Volume	.872 cents/therm

FIPUG and OPC take no position on this issue.

**STIPULATED**

**ISSUE 3: What is the final end-of-period true-up amount for the period April 1, 1998, through March 31, 1999?**

**POSITION: Gas**

CUC:	\$ 64,701 Underrecovery
CGC:	\$195,877 Overrecovery
PGS:	\$446,455 Overrecovery
PGS-WFD:	\$204,737 Overrecovery
SJNG:	\$ 10,555 Overrecovery

FIPUG and OPC take no position on this issue.

Company Specific Issues

Florida Power & Light:

STIPULATED

ISSUE 4: Should Florida Power & Light be allowed to recover \$2,423,945 of litigation expenses that were charged to the Cogeneration and Small Power Production Program through the Energy Conservation Cost Recovery Clause for the period ending December 31, 1998?

POSITION: Yes. The \$2,423,945 of litigation expenses associated with cogeneration contract administration in 1998 should be recovered through the ECCR clause because they are reasonable and prudent expenses for a Commission-approved program that were expended to save FPL's customers hundreds of millions of dollars, and FPL is not otherwise recovering these expenses. FIPUG and OPC take no position on this issue.

Gulf Power Company:

STIPULATED

ISSUE 5: What is Gulf's appropriate end of period over(under) recovery for the previous Conservation filing for October 1997 to March 1998?

POSITION: The adjusted net true-up amount of \$167,208, as shown in Docket No. 980002-EG, CT-1, page 1 of 1, was approved in FPSC Order No. PSC-98-1688-FOF-EG. FIPUG and OPC take no position on this issue.

STIPULATED

ISSUE 6: What adjustments should be made to Gulf's April 1998 to December 1998 over(under) recovery and 1999 actual/estimated true-up period in the 2000 projections for errors Gulf made in the 1999 Projections Filing (Docket No. 990002-EG)?

POSITION: No adjustment is necessary. The error Gulf made in the 1999 Projection filing overstated the over recovery of April, 1998 through December, 1998, by \$256,104. For the 1999 actual/estimated true-up period in the 2000

projection filing, Gulf is \$912,032 under recovered which incorporates the error correction of \$256,104. FIPUG and OPC take no position on this issue.

**STIPULATED**

**ISSUE 7:** Has Gulf properly adjusted to remove fees paid for the conversion of gas to electric water heaters from the ECCR?

**POSITION:** Gulf is not requesting and has not requested the recovery of fees paid for the conversion of gas to electric hot water heaters. As a result, this issue is not appropriate for discussion at this time. Some fees were inadvertently charged to ECCR accounts due to an accounting error. An adjusting entry to remove these costs has already been made by the Company and no such costs have been passed through to customers through the ECCR clause. FIPUG and OPC take no position on this issue.

**STIPULATED**

**ISSUE 8:** Are the legal fees that Gulf has included in the ECCR appropriate?

**POSITION:** The only legal fees included in Gulf's filing are related to the Residential Advanced Energy Management (AEM) program and the Commercial/ Industrial Energy Audit/Technical Assistance program. Specifically, contract negotiations and subsequent contract administration of Gulf's contracts with product vendors accounted for the legal expenses in the AEM program. Similarly, the legal expenses incurred in the Commercial/ Industrial Energy Audit/Technical Assistance program resulted from the negotiation and administration of cogeneration contracts. These fees were incurred in Gulf's implementation of the two programs and therefore qualify for cost recovery through the ECCR. Commission Order PSC-96-0352-FOF-EG supports the inclusion of these legal fees for cost recovery. FIPUG and OPC take no position on this issue.

**Florida Power Corporation:**

**STIPULATED**

**ISSUE 9: Has FPC properly calculated its final Residential Revenue Decoupling true-up amount for calendar year 1997?**

**POSITION:** FPC's final Residential Revenue Decoupling true-up amount for calendar year 1997 has been calculated based on the final revision of 1997 Florida total personal income in accordance with the methodology approved by the Commission in Order No. PSC-95-0097-FOF-EI. FIPUG and OPC take no position on this issue.

**STIPULATED**

**ISSUE 10: What should be the effective date of the new conservation cost recovery factors for billing purposes?**

**POSITION:** The factors should be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 1, 2000 through December 31, 2000. Billing cycles may start before January 1, 2000, and the last cycle may be read after December 31, 2000, so that each customer is billed for 12 months regardless of when such adjustment factor becomes effective. FIPUG and OPC take no position on this issue.

IX. EXHIBIT LIST

Witnesses whose names are preceded by an asterisk (\*) have been excused. All exhibits submitted with those witnesses' testimony shall be admitted into the record.

<u>Witness</u>	<u>Proffered</u> <u>By</u>	<u>I.D. No.</u>	<u>Description</u>
<u>Direct</u>			
*Michael F. Jacob	FPC	MFJ-1	ECCR Adjusted Net True-Up for April-December 1998, Schedules CT1-CT5
"	FPC	MFJ-2	ECCR Factors for Billings in January-December 2000, Schedules C1-C6

Witness	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
*Leonor Busto	FPL	LMB-1	Schedules CT-1 through CT-6, Appendix A
"	FPL	LMB-2	Schedules C-1 through C-5
*Margaret D. Neyman	Gulf	MDN-1	Schedules CT-1 through CT-6
"	Gulf	MDN-2	Schedules C-1 through C-5
*Howard T. Bryant	TECO	HTB-1	Schedules supporting cost recovery factor, actual April 1, 1998 through December 31, 1998
"	TECO	HTB-2	Schedules supporting conservation costs projected for the period January 1, 2000 through December 31, 2000
*Beverly A. Bauck	CUC	BAB-1	True-up variance analysis [Schedules CT1 through CT6]
"	CUC	BAB-2	Projections Recovery Clause Calculation: Estimated ECCR charges by rate classification [Revised Schedule C1; Schedule C2; Revised Schedule C3; Schedule C4]
*Carl Smith	CGC	CS-1	Schedules C-1, C-2, C-3, and C-5

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<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
*Bruce Narzissenfeld	PGS	BNN-1R	Conservation cost recovery true-up data (April 1998- March 1999) consisting of schedules CT-1 through CT-6 (except PGS West Florida Region).
"	PGS	BNN-2R	Conservation cost recovery true-up data (April 1998- March 1999) consisting of schedules CT-1 through CT-6 (PGS West Florida Region).
*J. Brent Caldwell	PGS	JBC-1R	Data for development of Conservation cost recovery factor (January 1-December 31, 2000), consisting of schedules C-1 through C-5 (except PGS West Florida Region).
"	PGS	JBC-2R	Data for development of conservation cost recovery factor (January 1-December 31, 2000), consisting of schedules C-1 through C-5 (PGS West Florida Region).

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
*Michael A. Peacock	FPUC	MAP-2	True-up calculations and Schedules CT-1, CT- 2, CT-3, CT-4, CT- 5, and CT-^ (Marianna and Fernandina Beach Divisions)
		MAP-3	Schedules C1, C2, C3, C4, and C5 (Marianna and Fernandina Beach Divisions)
*Debbie Stitt	SJNG		Schedules C1 through C4

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

X. PROPOSED STIPULATIONS

The parties have stipulated all issues.

XI. PENDING MOTIONS

There are no pending motions.

It is therefore,

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

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By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 18th day of November, 1999.

  
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SUSAN F. CLARK  
Commissioner and Prehearing Officer

( S E A L )

GAJ

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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, 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

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review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.