

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of numeric conservation goals by Florida Power & Light Company.

DOCKET NO. 040029-EG  
DOCKET NO. 040660-EG  
ORDER NO. PSC-05-0720-PCO-EG  
ISSUED: July 5, 2005

ORDER CONSOLIDATING DOCKETS

On March 2, 2005, Compliance Data Services, Inc. d/b/a Calcs-Plus filed a protest of Order No. PSC-05-0162-PAA-EG, issued February 9, 2005, in which the Commission proposed to approve the demand-side management plan of Florida Power & Light Company (FPL). Calcs-Plus took issue with the Commission's approval of FPL's BuildSmart and Residential Conservation Service programs. At the time Calcs-Plus filed the protest in this docket it had another protest pending in Docket No. 040660-EG, which addresses modifications to the BuildSmart program. Order No. PSC-05-0535-PCO-EG, issued May 16, 2005, established the procedural schedule for Docket No. 040660-EG, and set the hearing in that docket for October 10, 2005.

Rule 28-106.108, Florida Administrative Code, states: "If there are separate matters which involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party." Docket Nos. 040029-EG and 040660-EG both involve the same parties, Calcs-Plus and FPL, and in each docket Calcs-Plus took issue with FPL's BuildSmart program. Calcs-Plus itself indicated in its protest in Docket No. 040029-EG that "the issues raised in the other docket [Docket No. 040660-EG] may be better presented in the context provided by this docket." Therefore, it appears that the dockets involve similar issues of law or fact. As a result, holding separate hearings in these dockets will cause unnecessary duplication of time and resources, and consolidation of these dockets will promote the just, speedy, and inexpensive resolution of the proceedings. Accordingly, I hereby consolidate Docket Nos. 040029-EG and 040660-EG.

Order No. PSC-05-0535-PCO-EG, the Order Establishing Procedure, issued in Docket No. 040660-EG on May 16, 2005, shall also govern Docket No. 040029-EG.

The controlling dates set forth in Order No. PSC-05-0535-PCO-EG are as follows:

- |  |                    |
|--|--------------------|
| 1) Utility's direct testimony and exhibits   | July 15, 2005      |
| 2) Party and Staff testimony and exhibits    | August 12, 2005    |
| 3) Utility's rebuttal testimony and exhibits | September 9, 2005  |
| 4) Prehearing Statements                     | September 19, 2005 |

DOCUMENT NUMBER-DATE

06281 JUL-5 2005

FPSC-COMMISSION CLERK

- |                          |                    |
|--------------------------|--------------------|
| 5) Discovery ends        | September 26, 2005 |
| 6) Prehearing Conference | October 3, 2005    |
| 7) Hearing               | October 10, 2005   |
| 8) Briefs                | November 7, 2005   |

Based on the foregoing, it is

ORDERED by Commission J. Terry Deason, as Prehearing Officer, that Docket Nos. 040029-EG and 040660-EG are hereby consolidated. It is further

ORDERED that Order No. PSC-05-0535-PCO-EG, issued in Docket No. 040660-EG on May 16, 2005, shall also govern Docket No. 040029-EG.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 5th day of July, 2005.

  
J. TERRY DEASON  
Commissioner and Prehearing Officer

( S E A L )

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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.

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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 Director, Division of the Commission Clerk and Administrative Services, 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 review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.