

**Ruth Nettles**

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**From:** Ann Bassett [abassett@lawfla.com]  
**Sent:** Thursday, December 20, 2007 4:24 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket Nos. 070300-EI and 070304-EI  
**Attachments:** 2007-12-20, 070300 and 070304 FPUC's Motion to Consolidate.pdf

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The Docket Nos. are 070300-EI In re: Petition of Florida Public Utilities Company for approval of its 2007 Storm Hardening Plan and 070304-EI Petition of Florida Public Utilities Company for a Rate Increase

This is being filed on behalf of Florida Public Utilities Company

Total Number of Pages is 4

Florida Public Utilities Company's Motion to Consolidate

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December 20, 2007

**VIA ELECTRONIC FILING**

Ms. Ann Cole, Director  
Commission Clerk and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
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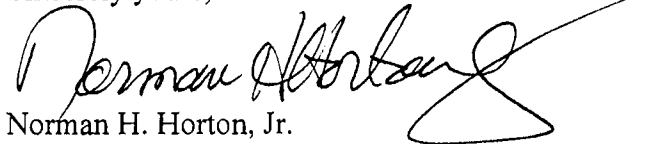
Re: Docket Nos. 070300-EI and 070304-EI

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Public Utilities Company is an electronic version of Florida Public Utilities Company's Motion to Consolidate in the above referenced dockets.

Thank you for your assistance with this filing.

Sincerely yours,



Norman H. Horton, Jr.

NHH/amb  
Enclosure

cc: Ms. Cheryl M. Martin  
Parties of Record

DOCUMENT NUMBER - DATE  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Florida Public Utilities Company	)	Docket No.: 070300-EI
	)	
In re: Petition for Rate Increase by Florida Public Utilities Company	)	Docket No. 070304-EI
	)	Date Filed: December 20, 2007
	)	

**MOTION TO CONSOLIDATE**

COMES NOW Florida Public Utilities Company (“FPUC” or “Company”), by and through its undersigned pursuant to Rule 28-106.108, Florida Administrative Code, and files this Motion to Consolidate these dockets and as a basis states:

1. On July 3, 2007, FPUC filed its Storm Hardening Plan for approval in Docket No. 070300-EI. Thereafter on August 30, 2007, FPUC filed its Petition for Rate Relief in Docket No. 070304-EI. Both dockets are currently pending.

2. In the Storm Plan docket, the Commission has before it for review and approval, the plan submitted as required by Rule 25-06.0342, Florida Administrative Code. This also includes the storm initiatives previously filed and approved by the Commission for FPUC. Cost recovery is not part of the review process for the Storm Plan docket, and FPUC has included as part of its requested rate increase in the rate proceeding, additional revenue to recover the costs of the storm plan as filed. Thus, approval of the plan is in one docket while the cost recovery associated with the plan is part of another.

3. The two dockets are so intertwined with each other that it would be more efficient for the disposition of these dockets to consolidate them for all purposes. In Order No. PSC-07-

0647-PCO-EI, issued August 9, 2007, the Prehearing Officer acknowledged the overlap of the dockets and ordered consolidation for the evidentiary hearing. On December 5, 2007, the Commission issued Order No. PSC-07-0969-PCO-EI the Prehearing Officer determined that parties to both dockets could rely upon "any and all evidence adduced" in either docket in the other.


4. FPUC requests that these dockets be consolidated for all purposes and that any and all filings made in either docket to date be part of the consolidated record and that further filing – including testimony – be similarly treated. Consolidation would facilitate disposition of these dockets and be a more efficient procedure. FPUC does not believe any party would be unduly prejudiced by granting this request.

5. Counsel for FPUC has contacted each party to the two dockets and advised them in conversation or by message of the intent to file this motion.

For the reasons given, FPUC requests the Commission to grant the Motion to Consolidate.

Respectfully submitted,

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NORMAN H. HORTON, JR., ESQ.

Attorneys for Florida Public Utilities Company

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by U. S. Mail this 20<sup>th</sup> day of December, 2007 upon the following:

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