

IN THE SUPREME COURT OF FLORIDA

CITIZENS OF THE STATE OF
FLORIDA, THROUGH THE
FLORIDA OFFICE OF PUBLIC
COUNSEL,

Appellants,

Case No.: SC14-____
(case number pending)

Lower Tribunal No.: 130001-EI

vs.

FLORIDA PUBLIC SERVICE
COMMISSION,

Appellee(s).

**CITIZENS' DIRECTIONS TO CLERK OF THE FLORIDA PUBLIC
SERVICE COMMISSION AND STATEMENT OF ACTS TO BE
REVIEWED**

Pursuant to Rule 9.200(a)(3), Florida Rules of Appellate Procedure, the Citizens of the State of Florida (“Citizens”), through the Office of Public Counsel, hereby direct the Clerk of the Florida Public Service Commission to include in the record on appeal in the above styled case the items of the docket file of Docket No. 130001-EI identified herein.¹

¹ Citizens are filing with the Court on this date Citizens’ Motion To Hold Proceeding In Abeyance and an accompanying request to toll the time for all procedural deadlines, including Directions to the Clerk. Subject to the Court’s

Within these Directions, “OPC” means the Office of Public Counsel; “FPL” refers to Florida Power & Light Company; “FIPUG” is the acronym for the Florida Industrial Power Users Group; and “FRF” means the Florida Retail Federation.

1. As stated in Citizens’ Notice of Administrative Appeal, in the above case the Citizens appeal Order No. PSC-13-0665-FOF-EI solely as it relates to the rates and service of Florida Power & Light Company. Accordingly, unless otherwise specifically listed below, please exclude from the record on appeal all pleadings, orders, prefiled testimony, transcripts of hearings, exhibits, and all other documents in the docket file of Docket No. 130001-EI that relate to and are associated with the petitions filed by Duke Energy Florida, Tampa Electric Company, Gulf Power Company, and Florida Public Utilities Company. It is the intent of these Directions to exclude all documents that relate solely to utilities other than FPL, and to include documents that relate to utilities other than FPL only to the extent that the scope of the documents identified in Paragraph (2) below are not limited to FPL.
2. With respect to the pleadings, testimony, and exhibits relating to and associated with the petitions for approval submitted by Florida Power & Light Company in Docket No. 130001-EI, Citizens direct the Clerk to

ruling on said pleadings, Citizens reserve the right to amend or supplement these Directions.

include in the record on appeal only the following portions of the docket file in Docket No. 130001-EI:

Document Number	Date Posted	Item
00001-13	January 2, 2013	Order No. PSC-0001-PCO-EI
00049-13	January 4, 2013	Notice of FPL's Intent to Retain Party Status
00148-13	January 8, 2013	OPC's Notice of Reaffirming Party Status
00168-13	January 9, 2013	FIPUG's Notice of Intent to Retain Party Status
00462-13	January 25, 2013	FPL's Petition for approval of GBRA for Cape Canaveral Energy Center
00678-13	February 4, 2013	Order No. PSC-13-0069-PCO-EI
00976-13	February 21, 2013	Memo to Cole with attached memo from [AFD]Ray-Slemkewicz to [GCL] Barrera dated 2/21/2013 for docket file

Document Number	Date Posted	Item
01025-13	February 27, 2013	Order No. PSC-13-0154-PCO-EI
01067-13	March 1, 2013	FPL (CONFIDENTIAL) Certain information in Schedule A12 of Appendix II to prefiled testimony of witness Terry Keith
01069-13	March 1, 2013	FPL's petition for approval of true-ups for period ending 12/2012
01070-13	March 1, 2013	Prefiled testimony of Terry Keith and Appendices I and II
01225-13	March 7, 2013	Order No. PSC-13-0115-PCO-PU
02108-13	April 22, 2013	Order No. PSC-13-0165-PCO-PU
03073-13	June 4, 2013	FRF's Notice of Reaffirming Party Status
04499-13	August 2, 2013	FPL's petition for approval of actual and estimated true-ups for 1/13-12/13, including recovery of

Document Number	Date Posted	Item
04501-13	August 2, 2013	incremental compliance costs for 2013 associated with new NRC requirements resulting from Fukushima Daichi event
04501-13	August 2, 2013	FPL testimonies of Terry Keith, Don Grissette, and exhibits TJK-3, TJK-4, GJY-2
05121-13	August 30, 2013	FPL petition for levelized fuel cost factor and capacity cost factor 1/14-12/14
05122-13	August 30, 2013	FPL testimony of Yupp, Grissette and Keith; Exhibits GJY-4, TSK 5-9; affidavits of Tiffany Clark and Kim Ousdahl
05790-13	September 27, 2013	FAR notice (to be published 9/30/13) of hearing to be held 11/4-6/13 at 9:30 a.m. in Tallahassee;

Document Number	Date Posted	Item
		with attached acknowledgment of submittal by Administrative Code and Register.
05791-13	September 27, 2013	FAR notice (to be published 9/30/13) of prehearing on 10/17/13 in Tallahassee; with attached acknowledgment of submittal by Administrative Code and Register.
05969-13	October 7, 2013	Staff's Prehearing Statement
05973-13	October 7, 2013	FPL's Prehearing Statement
05975-13	October 7, 2013	OPC's Prehearing Statement
05978-13	October 7, 2013	FRF's Prehearing Statement
05979-13	October 7, 2013	FIPUG's Prehearing Statement
05991-13	October 8, 2013	OPC's Amended prehearing statement.

Document Number	Date Posted	Item
06327-13	October 18, 2013	Transcript of 10/17 Prehearing Conference
06504-13	October 28, 2013	Prehearing Order No. PSC-13-0514-PHO-EI
06688-13	October 31, 2013	Order No. PSC-13-0514A-PHO-EI
06757-13	November 5, 2013	Volume 1, pages 1-289, Transcript of hearing
06769-13	November 5, 2013	Volume 2, pages 290-446, Transcript of hearing
06770-13	November 5, 2013	Volume 3, pages 447-571, Transcript of hearing
06778-13	November 6, 2013	Hearing Exhibits 10-18, inclusive; 54-64, inclusive; 93, 97, 102
06999-13	November 15, 2013	FPL's post-hearing brief on issues 18, 25B, 25C
07007-13	November 13, 2013	Citizen's post-hearing statement of positions and post-hearing brief

Document Number	Date Posted	Item
07063-13	November 21, 2013	Recommendation for 12/3/13 Commission Conference, Item 5
07232-13	December 3, 2013	Vote sheet from 12/3/2013 Commission conference, Item 5
07327-13	December 6, 2013	Transcript of 12/3/13 Commission Conference, Item 5
07508-13	December 18, 2013	Final Order PSC-13-0665-FOF-EI
00302-14	January 17, 2014	OPC's Notice of Administrative Appeal
00309-14	January 17, 2014	Copy of 1/17/14 letter to Supreme Court / Tomasino forwarding Notice of Administrative Appeal and Order No. PSC-13-0665-FOF- EI


STATEMENT OF ACTS TO BE REVIEWED

Pursuant to Rule 9.200(a)(3), Florida Rules of Appellate Procedure, Citizens provide with these Directions the following statement of acts to be reviewed. In

Order No. PSC-13-0665-FOF-EI, the Commission included rulings that have the effect of implementing certain aspects of the settlement agreement in FPL's 2012 rate case, Docket No. 120015-EI, that is the subject of Citizens' appeal of Order No. PSC-13-0023-S-EI in Case No. SC13-144. Specifically, Order No. PSC-13-0665-FOF-EI involves the provisions authorizing generation base rate adjustments for certain generation projects and FPL's "asset optimization program," both of which are terms of the settlement that Citizens have challenged in Case No. SC13-144. The Commission's rulings in Order No. PSC-13-0665-FOF-EI that relate to these matters are subject to and contingent on the decision of the Supreme Court of Florida in Case No. SC13-144. In addition, in Order No. PSC-13-0065-FOF-EI, the Commission authorized FPL to collect the amount of NRC compliance costs associated with the Fukushima Daichi event in Japan that exceeds the amount that FPL included in its 2013 test year in Docket No. 120015-EI. The Commission based its approval of the collection of these incremental costs on Order No. PSC-13-0023-S-EI, which is the order on appeal in Case No. SC13-144. Citizens seek review of that authorization. In this case, Citizens have appealed Order No. PSC-13-0665-FOF-EI to ensure that all actions associated with the settlement agreement are subject to the decision in Case No. SC13-144. (Because of the contingent nature of the rulings in Order No. PSC-0665-FOF-EI identified in this statement,

Citizens have filed a Motion To Hold Proceeding In Abeyance pending the decision in Case No. SC13-144.)

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CERTIFICATE OF SERVICE
130001-EI

I HEREBY CERTIFY that a true and copy of the foregoing **CITIZENS' DIRECTIONS TO CLERK OF THE FLORIDA PUBLIC SERVICE COMMISSION AND STATEMENT OF ACTS TO BE REVIEWED** has been furnished by electronic mail on this 27th day of January, 2014, to the following:

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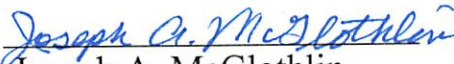
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