

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 140002-EG
ORDER NO. PSC-14-0583-PHO-EG
ISSUED: October 15, 2014

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (F.A.C.), a Prehearing Conference was held on October 8, 2014, in Tallahassee, Florida, before Commissioner Julie I. Brown, as Prehearing Officer.

APPEARANCES:

JOHN T. BUTLER AND KENNETH RUBIN, ESQUIRES, 700 Universe Boulevard, Juno Beach, Florida 33408-0420
On behalf of Florida Power & Light Company (FPL)

BETH KEATING, ESQUIRE, Gunster Law Firm, 215 South Monroe Street, Suite 601, Tallahassee, Florida 32301
On behalf of Florida Public Utilities Company (FPUC)

JEFFREY A. STONE, RUSSELL A. BADDERS, and STEVEN R. GRIFFIN, ESQUIRES, Beggs & Lane, Post Office Box 12950, Pensacola, Florida 32591-2950
On behalf of Gulf Power Company (Gulf)

JOHN T. BURNETT, DIANNE M. TRIPLETT, and MATTHEW R. BERNIER, ESQUIRES, 106 East College, Avenue, Suite 800, Tallahassee, Florida 32301-7740
On behalf of Duke Energy Florida, Inc. (DEF)

JAMES D. BEASLEY, J. JEFFRY WAHLEN, and ASHLEY M. DANIELS, ESQUIRES, Ausley & McMullen, Post Office Box 391, Tallahassee, Florida 32302
On behalf of Tampa Electric Company (TECO)

PATRICIA A. CHRISTENSEN, Associate Public Counsel, and CHARLES REHWINKEL, Deputy Public Counsel, ESQUIRES, 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 (OPC)

JON MOYLE, JR., KAREN PUTNAL, and VICKI GORDON KAUFMAN, ESQUIRES, The Moyle Law Firm, P.A., 118 North Gadsden Street, Tallahassee, Florida 32312

On behalf of the Florida Industrial Power Users Group (FIPUG)

JAMES W. BREW and OWEN J. KOPON, ESQUIRES, Brickfield, Burchette, Ritts and Stone, P.C., 1025 Thomas Jefferson St., N.W., Eighth Floor, West Tower, Washington, D.C. 20007

On behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (PCS PHOSPHATE or PCS)

GEORGE CAVROS, ESQUIRE, 120 East Oakland Park Boulevard, Suite 105, Fort Lauderdale, Florida 33334

On behalf of Southern Alliance for Clean Energy (SACE)

ROBERT SCHEFFEL WRIGHT and JOHN T. LAVIA III, ESQUIRES, 1300 Thomaswood Drive, Tallahassee, Florida 32308

On behalf of Walmart Stores East, LP and Sam's East, Inc.(Walmart)

LEE ENG TAN, ESQUIRE, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

On behalf of the Florida Public Service Commission (Staff)

MARY ANNE HELTON, ESQUIRE, Deputy General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

Advisor to the Florida Public Service Commission

PREHEARING ORDER

I. CASE BACKGROUND

As part of the Florida Public Service Commission's (Commission) continuing energy conservation cost recovery proceedings, an administrative hearing is set for October 22-24, 2014. The parties have reached agreement concerning all issues identified for resolution at this hearing. Staff is prepared to present the panel with a recommendation at the hearing for approval of the stipulated positions set forth herein. The Commission may render a bench decision in this matter.

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 Chapter 366, Florida Statutes (F.S.), including Chapter 366.04, 366.05, and 366.06, F.S. This hearing will be governed by said Chapter and Chapters 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.

While it is the policy of this Commission for all Commission hearings to 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, 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, which shall be limited to five 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

As a result of discussions at the Prehearing Conference, each witness whose name is preceded by an asterisk (*) will be excused from this hearing if no Commissioner assigned to this case seeks to cross-examine the particular witness. Parties shall be notified as soon as possible as to whether any such witness shall be required to be present at the hearing. The testimony of excused witnesses will 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>		
*Terry J. Keith	FPL	1, 3, 4
*Anita Sharma	FPL	2
*Curtis Young	FPUC	1, 2, 3, 4
*Jennifer L. Todd	GULF	1, 2, 3, 4
*Helena (Lee) Guthrie	DEF	1
*Timothy J. Duff	DEF	2, 3, 4
*Mark R. Roche	TECO	1, 2, 3, 4

VII. BASIC POSITIONS

FPL: FPL's proposed Conservation Cost Recovery Factors for the January 2015 through December 2015 recovery period and true-up amounts for the prior periods should be approved.

FPUC: The Commission should approve Florida Public Utilities Company's final net true-up for the period January through December 2013, the estimated true-up for the period January through December, 2014, and the projected conservation program expenses for the period January through December, 2015.

GULF: It is the basic position of Gulf Power Company that the proposed ECCR factors present the best estimate of Gulf's Conservation expense at this time for the period January 2015 through December 2015, including the true-up calculations and other adjustments allowed by the Commission.

DEF: The Commission should determine that DEF has properly calculated its conservation cost recovery true-up and projections and the conservation cost recovery factors set forth in the testimony and exhibits of witness Timothy J. Duff during the period January 2015 through December 2015.

TECO: The Commission should determine that Tampa Electric has properly calculated its conservation cost recovery true-up and projections and the conservation cost recovery factors set forth in the testimony and exhibits of witness Mark R. Roche during the period January 2015 through December 2015.

The Commission should also approve the Contracted Credit Value Tampa Electric has calculated for the GSLM-2 and GSLM-3 rate riders for use during the period January 2015 through December 2015, also set forth in witness Roche's testimony and exhibits.

OPC: Intervenors' proposal should, at a minimum, be evaluated utilizing the Commission's approved cost-effectiveness test or tests to determine if the proposal(s) adequately safeguard the interests of the general body of ratepayers and various rate classes against undue rate impacts while achieving the intent of Florida Energy Efficiency and Conservation Act (FEECA) and Section 366.82(2), F.S.

FIPUG: FIPUG respectfully asks this Commission to consider permitting certain customers who can demonstrate that they are investing or have invested in energy efficiency equipment to opt out of paying energy efficiency charges. Many other jurisdictions have taken similar action and, given that electricity rates for industrial users in Florida remain high when compared to rates in competing southeastern states, this request should be considered and implemented.

To be clear, FIPUG is not suggesting that its members or other eligible customers pay less for energy efficiency measures and other classes of customers pay more for energy efficiency measures to the benefit of FIPUG members. Put simply, FIPUG is not seeking to shift costs from its members to other customer classes. FIPUG is suggesting that a utility whose qualifying businesses have invested or invest in energy efficiency measures be able to count the documented MW and MWh savings from those energy efficiency investments when measuring whether the utility has complied with its energy efficiency goals. If eligible opt-out customers pay for those measures with their own funds, the utility can spend less to fund the programs needed to meet its overall goals. Thus, FIPUG's proposed opt out is not the zero sum game as portrayed in the rebuttal testimony filed by the utilities. The opt-out customers still pay for energy efficiency. The only difference is that their energy efficiency payments are specifically directed to measures that are cost-effective for the customer.

The following simple example may be helpful: Utility Company A has a 10,000 MW system that is used to calculate energy efficiency goals. Assume an energy efficiency goal of 1% is established, so that Utility Company A has an energy efficiency goal of 100 MWs. Under the present construct, the utility puts in place measures that it believes will achieve its 100 MW goal and charges all customers accordingly. Under FIPUG's suggested approach, assume that eligible opt-out customers invest their capital in energy efficiency measures that cumulatively result in 15 MW of energy efficiency savings. Utility Company A would recognize that 15%, or 15 MW of its energy efficiency goal was realized by these customers, and its 100 MW goal would be reduced to 85 MWs. A corresponding

reduction in costs would occur so that revenue neutrality is achieved and no cost shifting results.

As to other issues in this proceeding (not issues 4A, 4B or 4C), FIPUG maintains that the respective utilities must satisfy their burden of proof for any and all monies or other relief sought in this proceeding.

PCS: PCS Phosphate supports the proposals by FIPUG and Wal-Mart to separate the energy efficiency and load management segments of Florida utilities' DSM plans, and to allow qualifying large non-residential customers to opt out of the energy efficiency portion of the ECCR charge. The witnesses for these intervenors are unquestionably correct that the performance terms and requirements of demand response/ load management programs permit utilities to rely on load reductions from those programs for both resource planning and operations purposes and thus provide reliable system-wide benefits. Further, it is equally correct that utility energy efficiency programs are intended to promote cost-effective measures that would not otherwise be implemented due to market (pricing) issues, inadequate customer information and education concerning the availability of such measures, and other market imperfection concerns that do not in any respect apply to energy intensive manufacturing customers that are highly motivated by intense competitive pressures to identify and pursue energy efficiency investments and practices on their own. Moreover, utility energy efficiency measures typically are not designed to address process efficiency improvements in the operations of energy intensive manufacturers (because the customer possesses superior information concerning its processes, potential areas of improvements, and the costs to achieve them). Allowing those customers to self-direct their efficiency efforts will increase the reported energy savings in Florida by better capturing large customer's own efficiency actions, and will contribute to the economic competitiveness of those customers by eliminating the double payment in efficiency costs that now occurs (i.e., they pay for energy efficiency through the ECCR charge and through their own self-funded efforts). PCS generally supports the opt-out eligibility criteria described by FIPUG witness Pollock as reasonable and appropriate.

SACE: SACE maintains that the respective utilities must satisfy their burden of proof for all monies sought in this proceeding.

Wal-Mart: Walmart has established itself as an industry leader in energy conservation, renewable energy, and sustainability by making operational and financial commitments to environmental stewardship in many aspects of our business. In 2005, Walmart made the following commitments:

1. To be supplied 100% renewable energy;
2. To create zero waste; and
3. To sell products that sustain people and the environment in the United States and throughout the world.

Additionally, in 2013, Walmart made two additional commitments:

1. To scale renewable energy through driving the annual production or procurement of seven billion kWh of renewable energy across Walmart's global footprint by December 31, 2020 – an increase of over 600 percent compared to 2010; and
2. To accelerate energy efficiency by reducing the energy intensity – measured in kilowatt-hours per square foot of commercial space - required to power our buildings around the world by 20 percent by December 31, 2020 as compared to 2010 levels.

In this docket, the Commission should require the utilities to separate their Energy Conservation Cost Recovery expenditures into two categories, one for Energy Efficiency (EE) programs and the other for Demand Side Management (DSM) programs, and the Commission should then allow pro-active non-residential customers who implement their own Energy Efficiency programs and meet certain other criteria to opt out of participating in a utility's EE programs and not be required to pay the cost recovery charges for the utility's EE programs approved by the Commission pursuant to Section 366.82, Florida Statutes.

Walmart suggests and recommends the following criteria in order for a customer to be eligible to opt out of EE program participation and charges:

1. Aggregated consumption by a single customer of more than 15 million kWh of electricity per year across all eligible accounts, meters, or service locations within each Company's service area.
2. To be designated an eligible account that account may not have taken benefits under designated EE programs within 2 years before the period for which the customer is opting out.
3. An eligible account may not opt in to participate in the designated EE programs for 2 years after the first day of the year of the period in which the customer first opts out.
4. The customer must certify to the Company that the customer either (a) has implemented, within the prior 5 years, EE measures that have reduced the customer's usage, measured in kWh per square foot of space, or other similar measure as applicable, by a percentage at least as great as the Company's energy efficiency reductions through its approved EE programs, expressed as a percentage of the Company's total retail kWh sales as measured over the same time period; or (b) has performed an energy audit or energy use analysis within the three year period preceding the customer's opt out request and confirms to the utility, that the customer has either implemented the recommended measures or that the customer has a definite plan to implement qualifying EE programs within 24 months following the date of the opt out request.

Regarding the calculation and structure of the proposed separate charges for EE and DSM programs, the Commission should require that the ECCR rates be split into two components: (1) ECCR "Part E", for energy program-related costs and (2) ECCR "Part D", for demand program-related costs. For a given customer class or group of classes, the Part E rate would be calculated as the energy-related

revenue requirement allocated to the class or group of classes divided by the applicable kWh or kW billing determinants for that class or group of classes. The Part D rate would then be calculated as the demand revenue requirement divided by the applicable kWh or kW billing determinants for that class or group of classes.

For purposes of calculating the ECCR Part E and Part D rates, Walmart does not oppose the use of each respective utility's approved classification of its energy conservation program costs into energy-related and demand-related components.

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

PROPOSED STIPULATION

ISSUE A: For each utility, what is the appropriate end date for the Commission's approved solar pilot programs?

FPL, Gulf, DEF, TECO and FPUC shall continue offering their solar pilot programs during calendar year 2015 at the Commission approved annual expense levels prescribed in Order No. PSC-09-0855-FOF-EG, issued December 30, 2009. The issue of what goals, if any, should be established for demand-side renewable energy systems beyond 2015 is to be decided in the pending consolidated dockets to set conservation goals for the FEECA utilities, as opposed to this ECCR cost recovery proceeding. See Issue 11 in Order No. PSC-14-0356-PHO-EU (prehearing order for conservation goals dockets). No party waives its positions regarding termination or continuation of the utilities' solar pilot programs by agreeing to this stipulation.

PROPOSED STIPULATION

ISSUE 1: What are the final conservation cost recovery true-up amounts for the period January 2013 through December 2013?

The appropriate final conservation cost recovery true-up amounts for the period January 2013 through December 2013 are as follows:

Florida Power & Light (FPL)	\$1,964,488	Overrecovery
Florida Public Utilities (FPUC)	\$82,299	Underrecovery
Gulf Power Company (GULF)	\$1,579,073	Underrecovery
Duke Energy Florida (DEF)	\$3,411,350	Underrecovery
Tampa Electric Company (TECO)	\$5,476,721	Overrecovery

PROPOSED
STIPULATION**ISSUE 2:** **What are the total conservation cost recovery amounts to be collected during the period January 2015 through December 2015?**

The appropriate total conservation cost recovery amount to be collected during the period January 2015 through December 2015 are as follows:

Florida Power & Light (FPL)	\$203,249,585
Florida Public Utilities (FPUC)	\$688,627
Gulf Power Company (GULF)	\$27,717,798
Duke Energy Florida (DEF)	\$89,408,505
Tampa Electric Company (TECO)	\$42,526,658

PROPOSED
STIPULATION**ISSUE 3:** **What are the conservation cost recovery factors for the period January 2015 through December 2015?**

The appropriate conservation cost recovery factor during the period January 2015 through December 2015 for the following utilities:

FPL

RATE CLASS	Conservation Recovery Factor (\$/kw)	Conservation Recovery Factor (\$/kwh)	RDC (\$/KW)	SDD (\$/KW)
RS1/RTR1	-	0.00200	-	-
GS1/GST1/WIES1	-	0.00186	-	-
GSD1/GSDT1/HLFT1	0.67	-	-	-
OS2	-	0.00177	-	-
GSLD1/GSLDT1/CS1/CST1/HLFT2	0.72	-	-	-
GSLD2/GSLDT2/CS2/CST2/HLFT3	0.79	-	-	-
GSLD3/GSLDT3/CS3/CST3	0.81	-	-	-
SST1T	-	-	\$0.09	\$0.04
SST1D1/SST1D2/SST1D3	-	-	\$0.09	\$0.04
CILC D/CILC G	0.87	-	-	-
CILC T	0.86	-	-	-
MET	0.85	-	-	-
OL1/SL1/PL1	-	0.00098	-	-
SL2, GSCU1	-	0.00153	-	-

FPUC

\$0.00107 per kWh (consolidated levelized)

GULF

RATE CLASS	CONSERVATION COST RECOVERY FACTORS ¢/kWh
RS	0.259
RSVP, Tier 1	(3.000)
RSVP, Tier 2	(1.621)
RSVP, Tier 3	6.270
RSVP, Tier 4	60.757
GS	0.254
GSD, GSDT, GSTOU	0.249
LP, LPT	0.240
PX, PXT, RTP, SBS	0.235
OSI, OSII	0.224
OSIII	0.242

DUKE

<u>Customer Class</u>	<u>ECCR Factor</u>
Residential	0.270 cents/kWh
General Service Non-Demand	0.231 cents/kWh
@ Primary Voltage	0.229 cents/kWh
@ Transmission Voltage	0.226 cents/kWh
General Service 100% Load Factor	0.179 cents/kWh
General Service Demand	0.79 \$/kW
@ Primary Voltage	0.78 \$/kW
@ Transmission Voltage	0.77 \$/kW
Curtable	0.60 \$/kW
@ Primary Voltage	0.59 \$/kW
@ Transmission Voltage	0.59 \$/kW
Interruptible	0.71 \$/kW
@ Primary Voltage	0.70 \$/kW
@ Transmission Voltage	0.70 \$/kW

Standby Monthly	0.078 \$/kW
@ Primary Voltage	0.077 \$/kW
@ Transmission Voltage	0.076 \$/kW
Standby Daily	0.037 \$/kW
@ Primary Voltage	0.037 \$/kW
@ Transmission Voltage	0.036 \$/kW
Lighting	0.097 cents/kWh

TECO

<u>Rate Schedule</u>	<u>Cost Recovery Factors (cents per kWh)</u>
RS	0.255
GS and TS	0.238
GSD Optional – Secondary	0.208
GSD Optional – Primary	0.206
GSD Optional – Subtransmission	0.204
LS1	0.109

<u>Rate Schedule</u>	<u>Cost Recovery Factors (dollars per kW)</u>
GSD – Secondary	0.89
GSD – Primary	0.88
GSD – Subtransmission	0.87
SBF – Secondary	0.89
SBF – Primary	0.88
SBF – Subtransmission	0.87
IS - Secondary	0.69
IS - Primary	0.69
IS - Subtransmission	0.68

**PROPOSED
STIPULATION**

ISSUE 4: What should be the effective date of the new conservation cost recovery factors for billing purposes?

The new factors should be effective beginning with the first billing cycle for January 2015, and thereafter through the last billing cycle for December 2015. The first billing cycle may start before January 2015, and the last billing cycle may end after December 31, 2015, so long as each customer is billed for twelve months regardless of when the factors became effective. These charges should continue in effect until modified by subsequent order of this Commission.

COMPANY SPECIFIC CONSERVATION COST RECOVERY ISSUES

Tampa Electric Company

**PROPOSED
STIPULATION**

ISSUE 5: What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2015 through December 2015?

In accordance with Order No. PSC-99-1778-FOF-EI, issued September 10, 1999 in Docket No. 990037-EI, for the forthcoming cost recovery period, January 2015 through December 2015, the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders will be \$8.14 per kW.

**PROPOSED
STIPULATION**

ISSUE 6: What are the residential Price Responsive Load Management (RSVP -1) rate tiers for Tampa Electric Company for the period January 2015 through December 2015?

For the period January 2015 through December 2015, the Residential Price Responsive Load Management (RSVP-1) rates are as follows:

<u>Rate Tier</u>	<u>Dollars per kWh</u>
P4	\$ 0.32255
P3	\$ 0.07526
P2	\$(0.00671)
P1	\$(0.02339)

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>	<u>Description</u>
<u>Direct</u>		
T.J. Keith	FPL	AS-1 Schedules CT-1 and CT-4
T.J. Keith/ A. Sharma	FPL	AS-1 Schedules CT-2 and CT-3
Anita Sharma	FPL	AS-1 Schedules CT-5 and CT-6, Appendix A
T.J. Keith	FPL	AS-2 Schedule C-1 and C-4

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
T.J. Keith/ A. Sharma	FPL	AS-2	Schedule C-2 and C-3
Anita Sharma	FPL	AS-2	Schedule C-5
Curtis D. Young	FPUC	CDY-1 (composite)	Schedules CT-1, CT-2, CT-3, CT-4, CT-5 and CT-6
Curtis D. Young	FPUC	CDY-2 (composite)	Schedules C-1, C-2, C-3, C-4, and C-5
Jennifer L. Todd	GULF	(JLT-1)	Schedules CT - 1 through CT - 6
Jennifer L. Todd	GULF	(JLT-2)	Schedules C - 1 through C - 6
Helena (Lee) Guthrie	DEF	(HTG-1T)	¹ ECCR Adjusted Net True-Up for January -December 2013, Schedules CT1 – CT5.
Timothy J. Duff	DEF	(TJD-1P)	Estimated/Actual True-Up, January – December 2014 and ECCR Factors for Billings in January – December 2015, Schedules C1 – C5
Mark R. Roche	TECO	(HTB-1, filed May 2, 2014)	Schedules supporting cost recovery factor, actual January 2013 – December 2013.
Mark R. Roche	TECO	(MRR-1, filed August 27, 2014)	Schedules supporting conservation costs projected for the period January 2015 – December 2015.

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

¹ Testimony and Exhibit adopted by Tim Duff on May 22, 2014.

X. PROPOSED STIPULATIONS

The parties have stipulated to issue A, with OPC taking no position. The parties have stipulated to issues 1-6, with OPC, FIPUG, PCS, SACE and Wal-Mart taking no position.

XI. PENDING MOTIONS

There are no pending motions.

XII. PENDING CONFIDENTIALITY MATTERS

There are no pending confidentiality matters.

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. 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 20 pages and shall be filed at the same time.

XIV. RULINGS

Issues 4A, 4B, and 4C are not ripe for consideration at this time due to the outstanding decision in Docket Nos. 130199-EI, 130200-EI, 130201-EI, 130202-EI, and 130203-EM, which is scheduled to be decided at the November 25, 2014, Agenda Conference. Therefore, a separate docket shall be opened to resolve the opt-out issues raised by Wal-Mart and FIPUG.

ISSUE 4A: Should the Commission require the utilities to separate their Energy Conservation Cost Recovery expenditures into two categories, one for Energy Efficiency programs and the other for Demand Side Management programs?

ISSUE 4B: Should the Commission allow pro-active non-residential customers who implement their own energy efficiency programs and meet certain other criteria to opt out of the utility's Energy Efficiency programs and not be required to pay the cost recovery charges for the utility's Energy Efficiency programs approved by the Commission pursuant to Section 366.82, Florida Statutes?

ISSUE 4C: If the Commission allows pro-active customers to opt out of participating in, and paying for, a utility's Energy Efficiency's programs, what criteria should the Commission apply in determining whether customers who wish to opt out are eligible to do so.

Opening statements, if any, shall not exceed five minutes per party.

It is therefore, hereby

ORDERED by Commissioner Julie I. Brown, 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 Julie I. Brown, as Prehearing Officer, this 15th day of October, 2014.



JULIE I. BROWN

Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

TLT

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.