

IN THE SUPREME COURT OF FLORIDA

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

Appellants,

Case No.: SC15-115

Lower Tribunal No.: 140001-EI

vs.

ART GRAHAM, ETC.,
ET AL.

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 (“OPC”), hereby direct the Clerk of the Florida Public Service Commission to include in the record described in Rule 9.220, Florida Rules of Appellate Procedure, the items identified herein.

Within these Directions, “OPC” or “Citizens” 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, Citizens’ appeal Order No. PSC-14-0701-FOF-EI. Order No. PSC-14-0701-FOF-EI was Final Order Approving Expenditures and True-Up Amounts for Fuel Adjustment Factors; GPIF Targets, Ranges, and Rewards; and Projected Expenditures and True-Up Amounts for Capacity Cost Recovery Factors (“Fuel Order”). As discussed in the Statement of Acts to be Reviewed below, Citizens’ appeal involves only certain FPL-related issues. 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. 140001-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 only to certain issues involving 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. 140001-EI, Citizens direct the Clerk to include in the

record on appeal only the following portions of the docket file in Docket No. 140001-EI:

Document Number	Date Posted	Item
00001-14	January 2, 2014	Order No. PSC-14-0001-PCO-EI
00017-14	January 2, 2013	FIPUG's Notice of Intent to Retain Party Status
00032-14	January 3, 2014	FRF's Notice Reaffirming Party Status
00068-14	January 6, 2014	FPL's Notice of Intent to Retain Party Status
00141-14	January 9, 2014	OPC's Notice Reaffirming Party Status
00560-14	February 4, 2014	Order No. PSC-14-0084-PCO-EI establishing procedure
01384-14	March 28, 2014	FPL – Confidential – Certain information regarding fuel hedging activities and market comparisons contained in Exh GJY-2 to testimony of Gerard J. Yupp

Document Number	Date Posted	Item
01451-14	April 1, 2014	Copy of letter dated 3/24/14 to FPL/Hoffman advising the Commission will conduct an audit (Audit Control No. 14-083-4-1)
03966-14	July 25, 2014	FPL – Petition for approval of fuel cost recovery and capacity cost recovery actual/estimated true-ups for the period 1/14-12/14 and 2015 risk management plan (petition only as other attachments were entered into the transcript and admitted as exhibits)
03997-14	July 25, 2014	FPL – Confidential – Exh A, certain information on 2015 risk management plan (hedging plan), which is Appendix III (Exh GJY-3) to the 2014 actual/estimated true-up petition

Document Number	Date Posted	Item
04161-14	August 1, 2014	FPL, OPC – Joint motion for approval of stipulation for schedule to decide on gas reserve project issues and deferral of St. Lucie Unit 2 extended refueling outage
04374-14	August 13, 2014	FPL – Confidential – Certain information contained in the fuel hedging activity report, which will be adopted as Exh GJY-4 in the 8/22/14 filing of the testimony of witness Gerry J. Yupp
04375-14	August 13, 2014	FPL – Redacted version of confidential DN 04374-14
04670-14	August 22, 2014	Order No. PSC-14-0439-PCO-EI establishing procedure for FPL's deferred issues
04690-14	August 22, 2014	FPL – Petition for approval of fuel cost recovery and capacity cost

Document Number	Date Posted	Item
04995-14	September 8, 2014	<p>recovery factors for January through December 2015; (petition only as other attachments were entered into the transcript and admitted as exhibits)</p> <p>Memo dated 9/8/14 to CLK/McLean forwarding confidential document index, and Vol 2 [of 2] of workpapers [DN 04996-14] (Audit Control No. 14-083-4-1); audit report and Vol 1 are public and held in APA</p>
04996-14	September 8, 2014	<p>(Confidential) Working papers Vol 2 [of 2] for FPL, for hedging activities audit (Audit Control No. 14-083-4-1)</p>
05027-14	September 8, 2014	<p>Audit report for FPL (Audit Control No. 14-083-4-1)</p>

Document Number	Date Posted	Item
05155-14	September 15, 2014	FPL - Revised petition for approval of levelized fuel cost recovery and factors and capacity cost recovery factors for 1/15 through 12/15; (petition only as other attachments were entered into the transcript and admitted as exhibits)
05413-14	September 26, 2014	FPL – Prehearing statement (10/22-24/14 hearing)
05419-14	September 26, 2014	GCL – Commission staff’s amended prehearing statement
05428-14	September 26, 2014	OPC - Prehearing statement
05457-14	September 26, 2014	FIPUG – Prehearing statement
05458-14	September 26, 2014	FRF – Prehearing statement
05771-14	October 9, 2014	Transcript – 10/8/14 Prehearing
05865-14	October 15, 2014	Prehearing Order PSC-14-0587-

Document Number	Date Posted	Item
		PHO-EI
06114-14	October 30, 2014	Transcript – Vol. 1, pages 1-233 of the 10/22/14 hearing
06129-14	October 30, 2014	Transcript – Vol. 2, pages 234-438 of 10/22/14 hearing
06180-14	November 4, 2014	Hearing Exhibits for 10/22/14 hearing; Exhibits 3 (GJY-2), 4 (GJY-3), 5 (GJY-4), 52 (IHP-1)
06822-14	December 19, 2014	Final Order PSC-14-0701-FOF-EI approving expenditures and true-up amounts for fuel adjustment factors; GPIF targets, ranges, and rewards; and projected expenditures and true-up amounts for capacity cost recovery factors; docket to remain open
00001-15	January 1, 2015	Order PSC-15-0001-PCO-EI establishing 2015 docket number

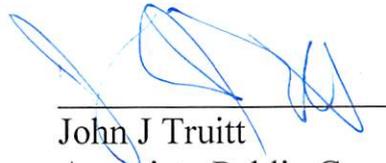
Document Number	Date Posted	Item
00348-15	January 20, 2015	[Docket 140001 will be closed on issuance of this order] OPC - Notice of administrative appeal [of Order PSC-14-0701-FOF-EI].
00396-15	January 20, 2015	Copy of letter dated 1/20/15 to Supreme Court/Tomasino forwarding a copy of a notice of administrative appeal and attached Order PSC-14-0701-FOF-EI; advises appeal was filed on behalf of the Citizens of the State of Florida.

STATEMENT OF ACTS TO BE REVIEWED

Pursuant to Rule 9.200(a)(3), OPC provides with these Directions the following statement of acts to be reviewed. In Order No. PSC-14-0701-FOF-EI, the Commission approved FPL’s hedging activities and 2015 Risk Management Plan. The instant appeal focuses on issues relating only to FPL’s hedging activities

and Risk Management Plan as approved in this order and how those approvals are impacted and contradicted by the subsequent approval of FPL's proposed gas reserves projects in Order No. 15-0038-FOF-EI. Therefore, the documents contained in these Directions to the Clerk are only those documents from the record that relate to FPL's hedging activities and 2015 Risk Management Plan.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and copy of the foregoing **OPC'S DIRECTIONS TO CLERK OF THE FLORIDA PUBLIC SERVICE COMMISSION AND STATEMENT OF ACTS TO BE REVIEWED** has been furnished by electronic mail on this 26th day of January, 2015, to the following:

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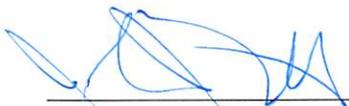
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