

IN THE SUPREME COURT OF FLORIDA

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

Appellants,

Case No.: SC15-1517

Lower Tribunal No.: 150001-EI

vs.

ART GRAHAM, ETC.,  
ET AL.

Appellee(s).

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

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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-15-0284-FOF-EI (“Guidelines Order”). Order No. PSC-15-0284-FOF-EI is the Final Order Approving Modified Gas Reserve Guidelines resulting from FPL’s June 25, 2014 Petition in Docket No. 140001-EI that carried over into Docket No. 150001-EI. 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 Nos. 140001-EI and 150001-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 FPL’s June 25, 2014 Petition.

2. As a majority of the record for the Guidelines Order is already before the Supreme Court in consolidated cases SC15-95, SC15-113, SC15-115, and SC15-274 (“Consolidated Cases”), these instructions incorporate the Consolidated Index and Record On Appeal, Document No. 02966-15 filed May 19, 2015, attached hereto as exhibit A.

3. With respect to the pleadings, testimony, and exhibits relating to and associated with the petition for approval submitted by Florida Power & Light Company in Docket No. 140001-EI carried over into Docket No. 150001-EI, Citizens direct the Clerk to include in the record on appeal all documents in the consolidated index, Exhibit A, and the following additional portions of the docket file in Docket No. 150001-EI:

<b>Document Number</b>	<b>Date Posted</b>	<b>Item</b>
03345-15	June 4, 2015	RECOM for 6/18/15 Commission conference, Item 3, from AFD and GCL staff
03723-15	June 18, 2015	Vote sheet from 6/18/15 Commission conference, Item 3
03916-15	June 25, 2015	Transcript – 6/18/15 Commission conference, Item 3
04411-15	July 14, 2015	Final Order PSC-15-0284-FOF-EI approving modified gas reserve guidelines
05048-15	August 12, 2015	OPC Notice of administrative appeal

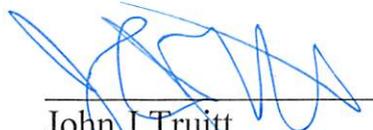
<b>Document Number</b>	<b>Date Posted</b>	<b>Item</b>
05049-15	August 12, 2015	FIPUG Notice of administrative appeal

**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. 15-0284-FOF-EI, the Commission approved modified gas reserve guidelines proposed by FPL. Citizens is asking the Court to review issues considered in the Guidelines Order. Therefore, the documents contained in these Directions to the Clerk are only those documents from the record that relate to those issues.

Of note, many of these issues overlap with the Consolidated Cases, because the hearing process encompassed all issues raised in FPL’s June 25, 2014, Petition contemporaneously, and the proceeding only bifurcated after the hearing for the purposes of briefing and consideration at Agenda conferences. As such, we request the Clerk add the additional items listed in these instructions to the documents in the Record on Appeal in the Consolidated Cases listed in Appendix A and simply consecutively add these additional materials to the Record on Appeal.

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Attorneys for Citizens of  
the State of Florida

**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 24th day of August, 2015, to the following:

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IN THE SUPREME COURT OF FLORIDA

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

Appellants,

Case No.: SC15-1517

Lower Tribunal No.: 150001-EI

vs.

ART GRAHAM, ETC.,  
ET AL.

Appellee(s).

---

**Exhibit A**

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Attached as Exhibit A is Document No. 02966-15 from Docket No. 150001-EI, filed May 19, 2015, which is the Consolidated Index to the Record on Appeal in Consolidated Cases SC15-95, SC15-113, SC15-115, and SC15-274.

COMMISSIONERS:  
ART GRAHAM, CHAIRMAN  
LISA POLAK EDGAR  
RONALD A. BRISÉ  
JULIE I. BROWN  
JIMMY PATRONIS

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
CARLOTTA S. STAUFFER  
COMMISSION CLERK  
(850) 413-6770

Public Service Commission

May 19, 2015

John A. Tomasino, Clerk  
Florida Supreme Court  
500 South Duval Street  
Tallahassee, Florida 32399-1927

RECEIVED-FPSC  
15 MAY 19 AM 10:50  
COMMISSION CLERK

**Re: Citizens of the State of Florida and Florida Industrial Power Users Group  
vs. Art Graham, et al.  
Supreme Court Case Nos. SC15-95, SC15-113, SC15-115, and SC15-274  
FPSC Docket Nos. 140001-EI and 150001-EI**

Dear Mr. Tomasino:

Enclosed are the second amended consolidated index and the Record on Appeal in the above-referenced cases. The Record on Appeal consists of twelve volumes and Attachments One, Two, and Three which are being forwarded for filing in the Florida Supreme Court.

Please note that Attachment Three contains confidential documents. It will be the responsibility of the parties to ask the Court for continued confidential treatment of these documents.

Do not hesitate to call me should you have any questions regarding this Record on Appeal.

Sincerely,

Handwritten signature of Carlotta S. Stauffer in cursive.

Carlotta S. Stauffer  
Commission Clerk

CSS: mhm  
Enclosure

cc: J.R. Kelly, Public Counsel  
Charles Rehwinkel, Deputy Public Counsel  
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**SECOND AMENDED CONSOLIDATED INDEX (BY DATE)**

**Docket Numbers 140001-EI and 150001-EI**

**Volume 1**

Date		Pages
	Progress Docket.....	1-96
01/02/14	Order PSC-14-0001-PCO-EI establishing 2014 docket number ..... <i>[Clerk Note: Docket 130001-EI will be closed on issuance of this order.]</i>	97-98
01/02/14	Florida Industrial Power Users Group's (FIPUG) notice of intent to retain party status.....	99-100
01/03/14	Florida Retail Federation's (FRF) notice reaffirming party status .....	101-103
01/06/14	Florida Power & Light Company's (FPL) notice of intent to retain party status.....	104-106
01/09/14	Office of Public Counsel's (OPC) notice of reaffirming party status, filed on behalf of the Citizens of the State of Florida (Citizens) .....	107-108
02/04/14	Order PSC-14-0084-PCO-EI establishing procedure.....	109-124
03/28/14	FPL's <b><u>confidential</u></b> information regarding fuel hedging activities and market comparisons contained in Exhibit GJY-2 to testimony of Gerard J. Yupp ..... ATTACHMENT THREE <i>[Clerk Note: This confidential document, assigned document number 01384-14, has been transmitted to the upper tribunal under separate cover.]</i>	
04/01/14	Letter dated March 24, 2014, from Lynn Deamer, Florida Public Service Commission (Commission), to Ken Hoffman, FPL, advising the Commission will conduct an audit (Audit Control Number 14-083-4-1) .....	125

06/25/14	FPL's petition for approval to recover gas reserve project costs through the fuel clause; direct testimony of Sam Forrest and redacted Exhibits SF-1 through SF-9; direct testimony of Dr. Tim Taylor and redacted Exhibits TT-1 through TT-10; and direct testimony of Kim Ousdahl and Exhibits KO-1 through KO-7 .....ATTACHMENT THREE <i>[Clerk Note: Document not available; on July 18, 2014, FPL advised Commission that the document contained confidential information and should not be made available to the public; document was resubmitted on July 18, 2014.]</i>	
07/18/14	Letter dated July 18, 2014, from Scott A. Goorland, FPL, with attached replacement version of petition for approval of gas reserve project costs through the fuel clause and supporting testimony and exhibits of Sam Forrest, Dr. Tim Taylor, and Kim Ousdahl, filed on June 25, 2014 [See Volume 2 for continued pages] .....	126-200

**Volume 2**

07/18/14	[Continuation of] Letter dated July 18, 2014, from Scott A. Goorland, FPL, with attached replacement version of petition for approval of gas reserve project costs through the fuel clause and supporting testimony and exhibits of Sam Forrest, Dr. Tim Taylor, and Kim Ousdahl, filed on June 25, 2014.....	201-337
07/25/14	FPL's petition for approval of fuel cost recovery and capacity cost recovery actual/estimated true-ups for the period January 2014 through December 2014 and 2015 risk management plan; testimony of Terry J. Keith and Exhibits TJK-3 and TJK-4; and Appendix III (Exhibit GJY-3) to redacted 2015 risk management plan [See Volume 3 for continued pages] .....	338-400

**Volume 3**

07/25/14	[Continuation of] FPL's petition for approval of fuel cost recovery and capacity cost recovery actual/estimated true-ups for the period January 2014 through December 2014 and 2015 risk management plan; testimony of Terry J. Keith and Exhibits TJK-3 and TJK-4; and Appendix III (Exhibit GJY-3) to redacted 2015 risk management plan.....	401-416
07/25/14	FPL's <b><u>confidential</u></b> Exhibit A to request for confidential classification, certain information on 2015 risk management plan (hedging plan), which is Appendix III (Exhibit GJY-3) to the 2014 actual/estimated true-up petition.....ATTACHMENT THREE <i>[Clerk Note: This confidential document, assigned document number 03997-14, has been transmitted to the upper tribunal under separate cover.]</i>	

08/01/14	FPL and OPC's 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 issue .....	417-423
08/13/14	FPL's <b>confidential</b> information contained in the fuel hedging activity report, which will be adopted as Exhibit GJY-4 in the August 22, 2014, filing of the testimony of witness Gerry J. Yupp ..... ATTACHMENT THREE <i>[Clerk Note: This confidential document, assigned document number 04374-14, has been transmitted to the upper tribunal under separate cover.]</i>	
8/13/14	FPL's redacted version of information contained in the fuel hedging activity report, which will be adopted as Exhibit GJY-4 in the August 22, 2014, filing of the testimony of witness Gerry J. Yupp.....	424-432
08/22/14	Order PSC-14-0439-PCO-EI establishing procedure for FPL's deferred issues .....	433-435
08/22/14	FPL's petition for approval of fuel cost recovery and capacity cost recovery factors for January through December 2015; testimony of Gerard J. Yupp and Exhibit GJY-5; and testimony of Don Grissette; testimony of Terry J. Keith and Exhibits TJK-5 through TJK-9 [See Volume 4 for continued pages] .....	436-600

**Volume 4**

08/22/14	[Continuation of] FPL's petition for approval of fuel cost recovery and capacity cost recovery factors for January through December 2015; testimony of Gerard J. Yupp and Exhibit GJY-5; and testimony of Don Grissette; testimony of Terry J. Keith and Exhibits TJK-5 through TJK-9 .....	601-677
08/22/14	OPC's motion to dismiss FPL's June 25, 2014, petition for lack of subject matter jurisdiction .....	678-701
08/22/14	OPC's request for oral argument on motion to dismiss FPL's June 25, 2014, petition for lack of subject matter jurisdiction .....	702-705
08/29/14	FPL's response in opposition to OPC's motion to dismiss FPL's June 25, 2014, petition for lack of subject matter jurisdiction .....	706-720
09/08/14	Memorandum from Lynn Deamer, Commission, dated September 8, 2014, to Marguerite McLean, Commission, forwarding confidential document index and Volume 2 (confidential document number 04996-14) of work papers (Audit Control Number 14-083-4-1) .....	721-722

09/08/14	Commission's <b>confidential</b> working papers, Volume 2 for FPL for hedging activities audit (Audit Control Number 14-083-4-1).....ATTACHMENT THREE <i>[Clerk Note: This confidential document, assigned document number 04996-14, has been transmitted to the upper tribunal under separate cover.]</i>	
09/08/14	Commission's audit report for FPL (Audit Control Number 14-083-4-1) .....	723-728
09/15/14	FPL's revised petition for approval of levelized fuel cost recovery and factors and capacity cost recovery factors for January 2014 through December 2014; revised testimony of Gerard J. Yupp and Exhibit GJY-5; testimony of Don Grissette; and testimony of Terry J. Keith and Exhibits TJK-5 through TJK-9 [See Volume 5 for continued pages] .....	729-800

**Volume 5**

09/15/14	[Continuation of] FPL's revised petition for approval of levelized fuel cost recovery and factors and capacity cost recovery factors for January 2014 through December 2014; revised testimony of Gerard J. Yupp and Exhibit GJY-5; testimony of Don Grissette; and testimony of Terry J. Keith and Exhibits TJK-5 through TJK-9 .....	801-970
09/15/14	FPL's withdrawal of request for confidential classification of certain information provided in testimony supporting FPL's petition for prudence determination regarding the acquisition of gas reserves; with attached unredacted version of Exhibit SF-9 .....	971-979 <i>[Clerk Note: SF-9 was originally filed in confidential document number 03290-14, filed June 25, 2014.]</i>
09/26/14	FPL's prehearing statement (October 22, 2014 through October 24, 2014 hearing) .....	980-993
09/26/14	Commission staff's amended prehearing statement.....	994-1004

**Volume 6**

09/26/14	OPC's prehearing statement.....	1005-1019
09/26/14	FIPUG's prehearing statement .....	1020-1030
09/26/14	FRF's prehearing statement .....	1031-1042
10/09/14	Transcript of prehearing conference held October 8, 2014, held in Tallahassee .....	1043-1070

10/15/14	Prehearing Order PSC-14-0587-PHO-EI .....	1071-1115
10/27/14	Commission staff's prehearing statement .....	1116-1120
10/27/14	FPL's prehearing statement.....	1121-1134
10/27/14	OPC's prehearing statement.....	1135-1150
10/27/14	FRF's prehearing statement.....	1151-1155
10/27/14	White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs' (White Springs) prehearing statement.....	1156-1160
10/27/14	FIPUG's prehearing statement regarding FPL's petition to recover oil and gas exploration and production costs via the fuel clause .....	1161-1168
10/30/14	Transcript of hearing, Volume 1, pages 1 through 233, held October 22, 2014, in Tallahassee .....	ATTACHMENT ONE
10/30/14	Transcript of hearing, Volume 2, pages 234 through 438, held October 22, 2014, in Tallahassee .....	ATTACHMENT ONE
11/04/14	Redacted Hearing Exhibits 1-72 for October 22, 2014, hearing held in Tallahassee .....	ATTACHMENT TWO
11/04/14	<b>Confidential</b> Hearing Exhibits 57, 60, 65 and 68 for October 22, 2014, hearing held in Tallahassee .....	ATTACHMENT THREE
11/05/14	Letter dated November 5, 2014, from Scott A. Goorland, FPL, to Carlotta S. Stauffer, Commission, with attached errata sheets for June 25, 2014, testimony of Sam Forrest; and for Exhibits KO-5 and KO-6 to June 25, 2014, testimony of Kim Ousdahl; also includes revised Exhibits KO-5 and KO-6 referenced in the errata sheet .....	1169-1177
	<i>[Clerk Note: See July 18, 2014, filing for replacement versions of supporting testimony and exhibits of Sam Forrest and Kim Ousdahl, filed on June 25, 2014.]</i>	
11/05/14	FIPUG's motion to strike FPL's request to establish guidelines related to oil and gas exploration and production and accompanying testimony .....	1178-1183
11/06/14	FIPUG's motion to exclude or strike inadmissible expert testimony pertaining to questions of law [See Volume 7 for continued pages].....	1184-1200

**Volume 7**

11/06/14	[Continuation of] FIPUG's motion to exclude or strike inadmissible expert testimony pertaining to questions of law.....	1201-1226
11/07/14	Transcript of prehearing conference held November 6, 2014, in Tallahassee .....	1227-1290
11/10/14	FIPUG's notice of joinder of OPC's motion to dismiss for lack of subject matter jurisdiction .....	1291-1293
11/12/14	FPL's response to FIPUG's [corrected] motion to strike FPL's request to establish guidelines related to oil and gas exploration and production and accompanying testimony .....	1294-1301
11/13/14	Memorandum dated November 13, 2014, from Florida Public Service Commission's (Commission) Division of Accounting and Finance and Office of the General Counsel to Commission's Office of Commission Clerk regarding November 25, 2014, Commission conference, Item No. 2 .....	1302-1309
11/17/14	Order PSC-14-0665-PCO-EI denying FIPUG's corrected motion to strike FPL's request to establish guidelines related to oil and gas exploration and production and accompanying testimony.....	1310-1313
11/19/14	Order PSC-14-0666-PCO-EI denying FIPUG's motion to exclude or strike inadmissible expert testimony pertaining to questions of law .....	1314-1317
11/21/14	Prehearing Order PSC-14-0667-PHO-EI .....	1318-1344
11/24/14	E-mail dated November 21, 2014, from Keino Young, Commission, to Marguerite McLean, Commission, requesting that Exhibit SF-9 (attached to FPL witness Sam Forrest's prefiled direct testimony) be declassified, per FPL's withdrawal of request for confidential classification dated September 15, 2014; with response dated November 24, 2014, from Marguerite McLean, Commission, to Keino Young, Commission, advising that Exhibit SF-9 in confidential document number 03290-14 will be declassified; and advises that FPL has attached a non-confidential version of Exhibit SF-9 to the September 15, 2014, filing.....	1345-1347

- 11/25/14 FPL's **confidential** material provided in the deposition transcript of the November 13, 2014 through November 14, 2014, deposition of Sam Forrest.....ATTACHMENT THREE  
*[Clerk Note: This confidential document, assigned document number 06503-14, has been transmitted to the upper tribunal under separate cover.]*
- 11/25/14 Commission vote sheet, from November 25, 2014, Commission conference, Item No. 2 .....1348-1349
- 12/02/14 Transcript of hearing, Volume 1, pages 1 through 168, held December 1, 2014, in Tallahassee..... ATTACHMENT ONE
- 12/02/14 Transcript of hearing, Volume 2, pages 169 through 314, held December 1, 2014, in Tallahassee..... ATTACHMENT ONE
- 12/02/14 Transcript of Commission conference, Item No. 2, held November 25, 2014, in Tallahassee ..... 1350-1368
- 12/02/14 Transcript of hearing, Volume 3, pages 315 through 466, held December 1, 2014, in Tallahassee ..... ATTACHMENT ONE
- 12/03/14 Transcript of hearing, Volume 4, pages 467 through 535, held December 1, 2014, in Tallahassee ..... ATTACHMENT ONE
- 12/03/14 Transcript of hearing, Volume 5, pages 536 through 662, held December 1, 2014, in Tallahassee ..... ATTACHMENT ONE
- 12/03/14 Transcript of hearing, Volume 6, pages 663 through 871, held December 2, 2014, in Tallahassee ..... ATTACHMENT ONE
- 12/03/14 Transcript of hearing, Volume 7, pages 872 through 994, held December 2, 2014, in Tallahassee ..... ATTACHMENT ONE
- 12/03/14 Transcript of hearing, Volume 8, pages 995 through 1101, held December 2, 2014, in Tallahassee ..... ATTACHMENT ONE  
*[Clerk Note: See December 8, 2014, filing for corrected Volume 8 which corrects page 1078.]*
- 12/04/14 Memorandum dated December 4, 2014, from Commission's Division of Accounting and Finance, Division of Economics, Division of Engineering, Office of the General Counsel, and Office of Industry Development and Market Analysis to Commission's Office of Commission Clerk regarding the December 18, 2014, Commission conference, Item No. 3 .....1369-1370

12/05/14	Transcript of Commission conference, Item 1 (consent agenda), held November 25, 2014, in Tallahassee .....	1371-1383
	<i>[Clerk Note: Items 1, 3, 4, 5 and 6 combined.]</i>	
12/08/14	Transcript of hearing, corrected Volume 8 (for page 1078), pages 995 through 1101, held December 2, 2014, in Tallahassee .....	ATTACHMENT ONE
	<i>[Clerk Note: See December 3, 2014, filing for Volume 8.]</i>	
12/08/14	Redacted Hearing Exhibits 1-4, 7-29, 31-60, 63-69 of December 1-2, 2014, hearing .....	ATTACHMENT TWO
12/08/14	<b><u>Confidential</u></b> Hearing Exhibits 5-7, 9, 29-30, 36-38, 46, 52, and 55 of December 1-2, 2014, hearing .....	ATTACHMENT THREE
12/12/14	FPL's post-hearing brief (Issues 1, 2, 3, 6, and 8) [See Volume 8 for continued pages] .....	1384-1400

**Volume 8**

12/12/14	[Continuation of] FPL's post-hearing brief (Issues 1, 2, 3, 6, and 8).....	1401-1425
12/12/14	Citizens' post-hearing statement of positions and post-hearing brief .....	1426-1459
12/12/14	FIPUG's post-hearing statement of issues and positions and post- hearing brief .....	1460-1475
12/12/14	FRF's notice of joinder in OPC's post-hearing statement of positions and post-hearing brief.....	1476-1477
12/17/14	Order PSC-14-0697-PCO-EI denying OPC's motion to dismiss petition for lack of subject matter jurisdiction .....	1478-1483
12/17/14	Memorandum dated December 17, 2014, from Andrew L. Maurey, Commission, to Carlotta S. Stauffer, Commission, with attached document for docket file.....	1484-1494
12/18/14	Commission vote sheet, from December 18, 2014, Commission conference, Item No. 3 .....	1495-1496
12/19/14	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 .....	1497-1522

12/19/14 Transcript of Commission conference, Item No. 3, held  
December 18, 2014, in Tallahassee..... 1523-1596

01/02/15 Order PSC-15-0001-PCO-EI establishing 2015 docket number..... 1597-1598  
*[Clerk Note: Docket 140001-EI will be closed on issuance of this order.]*

01/05/15 FPL's notice of intent to retain party status ..... 1599-1601

**Volume 9**

01/05/15 FIPUG's notice of intent to retain party status..... 1602-1604

01/06/15 OPC's notice of reaffirming party status, filed on behalf of Citizens..... 1605-1606

01/06/15 FRF's notice reaffirming party status..... 1607-1608

01/12/15 Final Order PSC-15-0038-FOF-EI granting FPL's petition for approval  
of proposed gas reserve project ..... 1609-1618

01/12/15 FPL's post-hearing brief on gas reserves guidelines  
(Issues 4, 5, and 7) ..... 1619-1643

01/12/15 Citizens' post-hearing statement of positions and post-hearing brief,  
filed by OPC..... 1644-1684

01/12/15 FRF's notice of joinder in Citizens' post-hearing statement of positions  
and post-hearing brief..... 1685-1686

01/12/15 FIPUG's post-hearing statement of issues and positions and post-hearing  
brief related to FPL's proposed guidelines for future oil and gas  
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