

IN THE SUPREME COURT OF FLORIDA

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

Appellants,

Case No.: SC16-141

Lower Tribunal No.: 150001-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; “FPUC” refers to Florida Public Utilities Company; “FIPUG” is the acronym for the Florida Industrial Power Users Group, “FRF” means the Florida Retail Federation, “PCS” means White Springs Agricultural Chemicals, Inc. d/b/a

PCS Phosphate – White Springs, “Duke” means Duke Energy Florida, LLC, “TECO” means Tampa Electric Company, “GPC” means Gulf Power Company, and “FPL” means Florida Power & Light Company

1. As stated in Citizens’ Notice of Administrative Appeal, in the above case, Citizens’ appeal Order No. PSC-15-0586-FOF-EI. Order No. PSC-15-0586-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 (“2015 Fuel Order”). As discussed in the Statement of Acts to be Reviewed below, Citizens’ appeal involves only FPUC-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. 150001-EI that relate to and are associated with the petitions filed by Duke, TECO, Gulf, and FPL. It is the general intent of these Directions to exclude all documents that relate solely to utilities other than FPUC, and to include documents that relate to or bear upon issues involving FPUC.

2. With respect to the pleadings, testimony, and exhibits relating to and associated with the petitions for approval submitted by Florida Public Utilities Company in Docket No. 150001-EI, Citizens direct the Clerk to include in the record on appeal only the following portions of the docket file in Docket No. 150001-EI:

Document Number	Date Posted	Item
00001-15	January 2, 2015	Order No. PSC-15-0001-PCO-EI
00021-15	January 5, 2015	Duke Energy's Notice of Intent to Retain Party Status
00026-15	January 5, 2015	FPL's Notice of Intent to Retain Party Status
00028-15	January 5, 2015	TECO's Notice of Intent to Retain Party Status
00031-15	January 5, 2015	FIPUG's Notice of Intent to Retain Party Status
00083-15	January 6, 2015	FPUC's Notice of Intent to Retain Party Status
00086-15	January 6, 2015	PSC's Notice of Reaffirming Party Status
00099-15	January 6, 2015	OPC's Notice of Reaffirming Party Status
00901-15	February 10, 2015	Order PSC-15-0096-PCO-EI establishing procedure
04927-15	August 4, 2015	FPUC – Petition for Approval of Fuel Adjustment and Purchased Power Cost Recovery Estimated

Document Number	Date Posted	Item
05480-15	September 1, 2015	/Actual True-up Amount [for 1/15 through 12/15]; and Direct Testimony of Curtis Young and Exh CDY-2.
05479-15	September 1, 2015	FPUC – Confidential – Information contained in Exh CDY-3 to Direct Testimony of Curtis D. Young
05467-15	September 1, 2015	FPUC – Request for Confidential Classification and Motion for Temporary Protective Order [of DN 5480-15]; FPUC – Petition for approval of fuel adjustment and purchase powered power cost recovery factors; 2016 projection testimony of Curtis D. Young and Exh CDY-3; and 2016 projection testimony of Mark Cutshaw

Document Number	Date Posted	Item
05971-15	September 22, 2015	GCL – Memo dated September 22, 2015 to all parties of and interested persons to be held September 29, 2015 from 10:00 a.m. – 12:00 p.m., Gunter Bldg, Rm 105; 2540 Shumard Oak Blvd, Tallahassee.
06230-15	October 2, 2015	FAR notice (to be published 10/5/15) of prehearing to be held 10/19/15 at 2:00 p.m. and hearing to be held 11/2/15 at 1:00 p.m. in Tallahassee FL; with attached acknowledgment of submittal by Administrative Code and Register.
06244-15	October 2, 2015	FAR notice (to be published 10/5/15) of prehearing to be held 10/19/15 at 2:00 p.m. and hearing to be held 11/2/15 at 1:00 pm in Tallahassee FL; with attached acknowledgment of submittal by Administrative Code and Register.

Document Number	Date Posted	Item
06395-15	October 9, 2015	FRF- Prehearing Statement
06401-15	October 9, 2015	GPC – Prehearing statement
06402-15	October 9, 2015	FPL – Prehearing statement
06403-15	October 9, 2015	FPUC– Prehearing statement
06405-15	October 9, 2015	FIPUG – Prehearing Statement
06407-15	October 9, 2015	Duke – Prehearing Statement
06361-15	October 9, 2015	GCL – Staff’s Prehearing Statement
06368-15	October 9, 2015	TECO- Prehearing Statement
06388-15	October 9, 2015	OPC – Prehearing Statement
06392-15	October 9, 2015	PCS’s – Prehearing Statement
06499-15	October 14, 2015	Order PSC-15-0461-CFO-EI granting FPUC’s request for confidential classification and motion for temporary protective order (of DN 06240-15) for 18

Document Number	Date Posted	Item
		months from issuance date of this order.
06500-15	October 14, 2015	Order PSC-15-0462-CF-EI granting FPUC's Request for Confidential Classification and Motion for Temporary Protective Order (of DN 05480-15) for 18 months from issuance date of this order.
06688-15	October 20, 2015	GCL – Memo dated 10/20/15 to all parties of record and interested persons advising of informal meeting to be held 10/23/15 from 10:00 a.m. to 12:00 p.m., Gunter Bldg, Rm 105 (internal affairs room), 2540 Shumard Oak Blvd, Tallahassee.
06688-15	October 20, 2015	TRANSCRIPT – 10/19/15 prehearing conference

Document Number	Date Posted	Item
06799-15	October 23, 2015	OPC – Citizen’s motion for reconsideration of Order [PSC-15-0461-CFO-EI] granting FPUC’s Request for Confidential Classification and Motion for Protective Order ([of] DN 06240-15)
06800-15	October 23, 2015	OPC – Citizens’ Objection to FPUC’s Request for Confidential Classification and Motion for Protective order [for portions of Responses to OPC’s 1 st Set of Interrogatories (No. 1)].
06854-15	October 27, 2015	Order PSC-15-0503-CFO-EI granting FPUC's Request for Confidential Classification and Motion for Temporary Protective Order (of DN 06670-15) for 18 months from the issuance date of this order.

Document Number	Date Posted	Item
06855-15	October 27, 2015	Order PSC-15-0503-CFO-EI granting FPUC's request for confidential classification and motion for temporary protective order (of DN 06670-15) for 18 months from the issuance date of this order.
06922-15	October 29, 2015	Prehearing Order PSC-15-0512-PHO-EI
06942-15	October 30, 2015	GCL – Notice of Issues and Witnesses
06943-15	October 30, 2015	GCL – Notice of Stipulations
06998-15	November 3, 2015	Confidential – Hearing Exhibit No. 123 from 11/2/15 hearing. [CLK note: This document appears to be a duplicate of DN 06668-15; see DN 07857-15 for clarification of same.]

Document Number	Date Posted	Item
07005-15	November 3, 2015	TRANSCRIPT – Volume 1, pages 1-220, of 11/2/15 hearing.
07006-15	November 3, 2015	TRANSCRIPT – Volume 2, pages 221-433, of 11/2/15 hearing.
07019-15	November 3, 2015	TRANSCRIPT – Volume 3, pages 434-580, of 11/2/15 hearing.
07045-15	November 4, 2015	TRANSCRIPT – Volume 4, pages 581-810, of 11/3/15 hearing.
07051-15	November 4, 2015	TRANSCRIPT – Volume 5, pages 811-1017, of 11/3/15 hearing.
07052-15	November 4, 2015	TRANSCRIPT – Volume 6, pages 1018-1073, of 11/3/15 hearing.
07063-15	November 5, 2015	Hearing Exhibits 32-34, 89-92, 122-125, of 11/2-3/15 hearing.
07235-15	November 13, 2015	Duke – Statement of Positions and Post-Hearing Brief.
07240-15	November 13, 2015	TECO – Brief and Post-Hearing Statement of Issues and Positions.
07241-15	November 13, 2015	FRF – Notice of joinder in the Citizens’ Post-Hearing

Document Number	Date Posted	Item
		Statement of Positions and Post-Hearing Brief
07244-15	November 13, 2015	FPL – Post-Hearing Brief regarding Issues 1D, 1E, 3B, and 3K.
07249-15	November 13, 2015	FIPUG – Post-hearing Statement of Issues and Positions and Post-Hearing Brief.
07250-15	November 13, 2015	OPC – Citizens’ Post-Hearing Statement of Positions and Post-hearing Brief and Proposed Findings of Fact.
07252-15	November 13, 2015	FPUC – Post-Hearing Statement of Issues and Positions and Post-Hearing Brief.
07253-15	November 13, 2015	GPC – Post-Hearing Brief and Statement of Issues and Positions.
07254-15	November 13, 2015	PCS – Post-Hearing Brief and Statement of Issues and Positions.

Document Number	Date Posted	Item
07272-15	November 16, 2015	AFD – Request for change to 12/3/15 Commission conference; requests permission to late-file recommendation by 3:00 p.m. on 11/20/15; with noted approval by EXD/Baez and Chairman’s office.
07318-15	November 18, 2015	RECOMMENDATION for 12/3/15 Commission conference, Item 4, from AFD, ECO, ENG and GCL staff.
07701-15	December 3, 2015	Vote sheet from 12/3/15 Commission conference, Item 4.
07814-15	December 10, 2015	TRANSCRIPT – Commission conference, Item 4.
08020-15	December 23, 2015	Final Order PSC-15-0586-FOF-EI approving expenditures and true-up adjustment factors; GPIF targets, ranges, and rewards; and projected expenditures and true-up amounts for capacity cost recovery factors.

Document Number	Date Posted	Item
00001-16	January 4, 2016	Order PSC-0001-PCO-EI establishing 2016 docket number. [CLK note: Docket150001 placed in litigation status.]
00276-16	January 19, 2016	FPUC – 12/15 fuel schedules for consolidated electric Florida divisions.
00419-16	January 22, 2016	Letter dated 1/22/16 to Supreme Court/Tomasino forwarding a certified copy of a notice of administrative appeal and attached Order PSC-15-0586-FOF-EI; advises appeal was filed on behalf of the Citizens of the State of Florida.
00412-16	January 22, 2016	Copy of Notice of Administrative Appeal [of Order PSC-15-0586- FOF to Florida Supreme Court]
00444-16\	January 26, 2016	CORRESPONDENCE – Administrative: Notification of

Document Number	Date Posted	Item
		Administrative Appeal case schedule, Case No. SC16-141.

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-15-0586-FOF-EI, the Commission approved FPUC’s Petition for Approval of Fuel Adjustment and Purchased Power Cost Recovery Factors. The instant appeal focuses on issues relating only to FPUC’s requested recovery of the associated costs of a transmission line interconnection with FPL and upgrade of an FPL substation (“Interconnection Costs”) as approved in the 2015 Fuel Order. Therefore, the documents contained in these Directions to the Clerk are only those documents from the record that relate to or bear upon FPUC’s recovery of Interconnection Costs as permitted to be recovered through the Fuel Cost Recovery and Capital Cost Recovery Clause(s).

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CERTIFICATE OF SERVICE
150001-EI

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 1st day of February, 2016, to the following:

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