

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

DOCKET NO. 160001-EI

In re: Joint petition for approval of modifications to risk management plans by Duke Energy Florida, Florida Power & Light Company, Gulf Power Company and Tampa Electric Company.

DOCKET NO. 160096-EI
ORDER NO. PSC-16-0301-PCO-EI
ISSUED: July 28, 2016

ORDER CONSOLIDATING DOCKETS

On April 22, 2016, Duke Energy Florida, LLC (DEF), Florida Power & Light Company (FPL), Tampa Electric Company (TECO) and Gulf Power Company (Gulf Power) filed a Joint Petition by Investor-Owned Utilities for Approval of Modifications to Risk Management Plans (Joint Petition). In the Joint Petition, FPL, TECO and Gulf Power requested that the Commission approve modifications to their 2016 Risk Management Plans approved last year in the 2015 Fuel Docket.¹ DEF joined in the petition but stated that it had the latitude to make the changes agreed to by the parties without modifying its current plan. Order No. PSC-16-0247-PAA-EI, issued on June 27, 2016, granted the Joint Petition.² The Office of Public Counsel (OPC) filed a timely protest and request for an evidentiary hearing on July 15, 2016.

In light of the significance of hedging policy in today's market, it is imperative that this issue be fully litigated as soon as our calendar will allow while still giving all parties adequate time to fully prepare their case. The investor-owned utilities (FPL, Gulf Power, and TECO) seeking modifications to their risk management plans, as well as DEF, will be filing 2016 Risk Management Plans in the Fuel Docket, 160001-EI, on August 4, 2016. The date for filing Intervenor testimony in the Fuel Docket is September 23, 2016 and the date for filing Commission staff testimony is September 30, 2016.³ This schedule will give all parties an adequate opportunity to prepare their case as well as litigate the hedging issue in the docket where the Risk Management Plans have traditionally been filed and reviewed by the Commission. Consolidation of this docket into the Fuel Docket, Docket No. 160001-EI, for all purposes comports with the requirements of Rule 28-106.211, Florida Administrative Code (F.A.C.), as it prevents delay and promotes the just, speedy, and inexpensive determination of all aspects of OPC's request for evidentiary hearing.

¹ Order No. PSC-15-0586-FOF-EI, issued on December 23, 2015, in Docket No. 150001-EI, In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

² Order No. PSC-16-0247-PAA-EI, issued on June 27, 2016, in Docket No. 160096-EI, In re: Joint petition for approval of modifications to risk management plans by Duke energy Florida, Florida power & Light Company, Gulf Power Company and Tampa Electric Company.

³ Order No. PSC-16-0109-PCO-EI, issued on March 17, 2016, in Docket No. 160001-EI, In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

Therefore, it is

ORDERED by Art Graham, as Prehearing Officer, that Docket No. 160096-EI, shall be consolidated with Docket No. 160001-EI, for all purposes. It is further

ORDERED that all filings shall henceforth be made in Docket No. 160001-EI and that both docket numbers shall be listed on each pleading, notice or order issued in the consolidated dockets.

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 28th day of July, 2016.


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

SBr

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

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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.