

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-assisted rate case in
Pasco County by A Utility Inc.

DOCKET NO. 20210098-WU
ORDER NO. PSC-2023-0194-PCO-WU
ISSUED: July 7, 2023

ORDER ON PROCEDURE

I. Case Background

On May 14, 2021, A Utility Inc. filed its application for a staff-assisted rate case with the Florida Public Service Commission (Commission). On February 16, 2023, the Commission issued its Proposed Agency Action (PAA) Order on that application, Order No. PSC-2023-0091-PAA-WU, and therein set a new monthly flat rate for A Utility Inc.'s residential customers.

On March 9, 2023, Mr. Hashemi timely filed a document titled "Protest" referencing the "unwarranted and arbitrary rate increase by the [Commission]"¹ in the PAA Order. By Order issued June 1, 2023, Order No. PSC-2023-0176-PCO-WU, Mr. Hashemi's Protest was dismissed without prejudice for failure to substantially comply with the pleading requirements of Rule 28-106.201(2), Florida Administrative Code (F.A.C.). The Order gave Mr. Hashemi the opportunity to file an amended petition to meet the pleading requirements of the rule. On June 15, 2023, Mr. Hashemi filed an "Amended Petition on Proposed Agency Action Order" (Amended Petition).

I find that the Amended Petition substantially complies with the pleading requirements of Rule 28-106.201(2), F.A.C. Accordingly, this matter is hereby scheduled for a disputed fact hearing under Section 120.57(1), Florida Statutes (F.S.), on August 1, 2023. A Utility Inc. and Mr. Hashemi shall be parties to this hearing.

This Order is issued pursuant to the authority granted by Rule 28-106.211, F.A.C., which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case. Modifications to procedures governing parties to this docket may be made by subsequent procedural order.

II. Procedural Matters

Data Requests Prior to Hearing

The Commission staff and parties in this case shall be permitted to request information from each other in writing about the relevant issues in this docket (Data Requests). The Commission staff and the parties shall be permitted to send no more than twenty Data Requests. These requests for information must be received by July 18, 2023. Parties shall have five

¹ Petition Document No. 02117-2023

business days from receipt of the request for information to respond. Parties may serve and respond to requests for information by email.

Any information obtained through Data Requests may be used by the parties in their oral arguments, by staff in advising the Commission, and by the Commissioners at the hearing in consideration of the Amended Petition. If a party intends to seek to have the information admitted into the record as evidence at the hearing, the party must e-file it with the Commission at least seven days prior to the hearing.

Confidential Information Submitted Prior to Hearing

If any party has information that requires proprietary confidential business information status pursuant to Section 367.156, F.S., and Rule 25-22.006, F.A.C., the party must notify the Commission that it is requesting confidential status for the information at least seven days prior to the hearing.

Exhibits

The Commission staff and parties in this case shall each be permitted to present exhibits to support its position in the hearing. Such exhibits must be filed with the Commission at least seven days before the hearing.

III. Hearing Procedures

The purpose of this hearing is for the Commission to take oral and written evidence or argument regarding the approval of A Utility Inc.'s, staff-assisted rate case. The issue to be considered at the hearing is as follows:

Are the rates set forth in the February 16, 2023, Proposed Agency Action Order, Order No. PSC-2023-0091-PAA-WU, fair, just, and reasonable?

The hearing agenda for August 1, 2023, will include the following:

- 1) Parties present Opening Statements of no more than five minutes per party.
- 2) Parties and staff present evidence and respond to questions from Commissioners regarding the Petition.

Upon the admission of all testimony and evidence, and completion of the Commission's questions at hearing, the hearing record will be closed. At that time, the Commission may render a bench decision, provided all parties are willing to waive filing of post-hearing briefs. If a bench decision is not made, the Commission will render a decision during an Agenda Conference, date and time to be determined. Briefs, if any, will be due August 15, 2023.

The Commission has jurisdiction in this matter pursuant to Chapters 120 and 367, F.S., and is proceeding under its authority under Sections 367.011, 367.081, 367.121, and 120.569 and 120.57, F.S.

Based on the foregoing, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that the provisions of the Order shall govern this proceeding unless modified by the Commission.

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 7th day of July, 2023.



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.

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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-

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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.