

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery  
clause.

DOCKET NO. 20230002-EG  
ORDER NO. PSC-2023-0325-PHO-EG  
ISSUED: October 26, 2023

PREHEARING ORDER

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (“F.A.C.”), a Prehearing Conference was held on October 17, 2023, in Tallahassee, Florida, before Commissioner Mike La Rosa, as Prehearing Officer.

APPEARANCES:

MARIA JOSE MONCADA and WILLIAM P. COX, ESQUIRES, 700 Universe Boulevard, Juno Beach, Florida 33408  
On behalf of FLORIDA POWER & LIGHT COMPANY (“FPL”).

DIANNE M. TRIPLETT, ESQUIRE, 299 First Avenue North, St. Petersburg, Florida 33701, MATTHEW R. BERNIER and STEPHANIE A. CUELLO, ESQUIRES, 106 East College Avenue, Suite 800, Tallahassee, Florida 32301  
On behalf of DUKE ENERGY FLORIDA, LLC (“DEF”).

J. JEFFRY WAHLEN, MALCOLM N. MEANS, and VIRGINIA PONDER, ESQUIRES, Post Office Box 391, Tallahassee, Florida 32302  
On behalf of TAMPA ELECTRIC COMPANY (“TECO”).

BETH KEATING, ESQUIRE, Gunster, Yoakley & Stewart, P.A., 215 South Monroe St., Suite 601, Tallahassee, Florida 32301  
On behalf of FLORIDA PUBLIC UTILITIES COMPANY (“FPUC”).

WALT TRIERWEILER, CHARLES A. REHWINKEL, PATRICIA A. CHRISTENSEN, MARY A. WESSLING, and OCTAVIO SIMOES PONCE, ESQUIRES, 111 West Madison Street, Room 812, Tallahassee, Florida 32399  
On behalf of OFFICE OF PUBLIC COUNSEL (“OPC”).

JON C. MOYLE, JR. and KAREN A. PUTNAL, ESQUIRES, 118 North Gadsden Street, Tallahassee, Florida 32312  
On behalf of FLORIDA INDUSTRIAL POWER USERS GROUP (“FIPUG”).

PETER J. MATTHEIS, MICHAEL K. LAVANGA, and JOSEPH R. BRISCAR, ESQUIRES, 1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower, Washington D.C. 20007  
On behalf of Nucor Steel Florida, Inc. (“Nucor”).

JAMES W. BREW and LAURA WYNN BAKER, ESQUIRES, 1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower, Washington, D.C. 20007  
On behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (“PCS”).

CARLOS M. MARQUEZ II and JACOB IMIG, ESQUIRES, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399  
On behalf of Florida Public Service Commission Staff (“Staff”).

SAMANTHA CIBULA, ESQUIRE, Attorney Supervisor, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399  
Advisor to Florida Public Service Commission.

KEITH C. HETRICK, ESQUIRE, General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399  
Florida Public Service Commission General Counsel.

**I. CASE BACKGROUND**

The Energy Conservation Cost Recovery Clause allows electric public utilities to seek recovery of costs for energy conservation programs on an annual basis, pursuant to Sections 366.80–366.83, Florida Statutes (“F.S.”), and Chapter 25-17, F.A.C. As part of the Florida Public Service Commission’s (“Commission”) continuing energy conservation cost recovery proceedings, an administrative hearing in this docket is set for November 1–3, 2023.

**II. CONDUCT OF PROCEEDINGS**

Pursuant to Rule 28-106.211, F.A.C., this Prehearing Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of this case.

**III. JURISDICTION**

This Commission is vested with jurisdiction over the subject matter by the provisions of Chapters 120 and 366, F.S. This hearing will be governed by said Chapters and by Chapters 25-6, 25-22, 28-106, and 28-109, F.A.C., as well as any other applicable provisions of law.

#### **IV. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION**

Information for which proprietary confidential business information status is requested pursuant to Section 366.093, F.S., and Rule 25-22.006, F.A.C., shall be treated by the Commission as confidential. The information shall be exempt from Subsection 119.07(1), F.S., pending a formal ruling on such request by the Commission or pending return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been made a part of the evidentiary record in this proceeding, it shall be returned to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of this proceeding, it shall be returned to the person providing the information within the time period set forth in Section 366.093, F.S. The Commission may determine that continued possession of the information is necessary for the Commission to conduct its business.

It is the policy of this Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 366.093, F.S., to protect proprietary confidential business information from disclosure outside the proceeding. Therefore, any party wishing to use any proprietary confidential business information, as that term is defined in Section 366.093, F.S., at the hearing shall adhere to the following:

- (1) When confidential information is used in the hearing that has not been filed as prefiled testimony or prefiled exhibits, parties must have copies for the Commissioners, necessary staff, and the court reporter, in red envelopes clearly marked with the nature of the contents and with the confidential information highlighted. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.
- (2) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise confidentiality. Therefore, confidential information should be presented by written exhibit when reasonably possible.

At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the court reporter shall be retained in the Office of Commission Clerk's confidential files. If such material is admitted into the evidentiary record at hearing and is not otherwise subject to a request for confidential classification filed with the Commission, the source of the information must file a request for confidential classification of the information within 21 days of the conclusion of the hearing, as set forth in Rule 25-22.006(8)(b), F.A.C., if continued confidentiality of the information is to be maintained.

**V. PREFILED TESTIMONY AND EXHIBITS; WITNESSES**

Testimony of all witnesses to be sponsored by the parties (and Staff) has been prefiled and will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to timely and appropriate objections. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Summaries of testimony shall be limited to three minutes.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple, "Yes," or "No," answer shall be so answered first, after which the witness may explain his or her answer. After all parties and Staff have had the opportunity to cross-examine the witness, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

The parties shall avoid duplicative or repetitious cross-examination. Further, friendly cross-examination will not be allowed. Cross-examination shall be limited to witnesses whose testimony is adverse to the party desiring to cross-examine. Any party conducting what appears to be a friendly cross-examination of a witness should be prepared to indicate why that witness' direct testimony is adverse to its interests.

**VI. ORDER OF WITNESSES**

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
+Richard L. Hume	FPL	1-7 and 10
+John N. Floyd	FPL	1-2 and 4-5
+Karla Rodriguez	DEF	1-7 and 10
+Mark R. Roche	TECO	1-10
+Derrick M. Craig	FPUC	1-7 and 10

+ These witnesses have been excused from attending the final hearing.

## VII. BASIC POSITIONS

**FPL:** FPL's 2024 Conservation Cost Recovery Factors for the January 2024 through December 2024 recovery period, which include the 2022 net final true-up for FPL and the 2023 actual/estimated true-up for FPL, are appropriate and reasonable and should be approved.

**DEF:** The Commission should determine that DEF has properly calculated its conservation cost recovery true-up and projection costs and should approve the conservation cost recovery factors for the period January 2024 through December 2024 set forth in the testimony and exhibits of witness Karla Rodriguez.

**TECO:** The Commission should determine that TECO has properly calculated its conservation cost recovery true-up and projections and the conservation cost recovery factors set forth in the testimony and exhibits of witness Mark R. Roche for the period January 2024 through December 2024.

The Commission should approve the Contracted Credit Value in accordance with Order No. PSC-2021-0423-S-EI, issued November 10, 2021, in Docket No. 20210034 for the GSLM-2 and GSLM-3 rate riders for use during the period January 2024 through December 2024.

The Commission should also approve the Residential Price Responsive Load Management (RSVP-1) rate tiers for TECO for the period January 2024 through December 2024 as set forth in witness Roche's testimony and exhibits.

**FPUC:** The Commission should approve FPUC's final net true-up for the period January through December 2022, the estimated true-up for the period January through December 2023, and the projected conservation program expenses for the period January through December 2024.

**OPC:** The utilities bear the burden of proof to justify the recovery of costs they request in this docket. The utilities must carry this burden regardless of whether or not the Interveners provide evidence to the contrary. Further, the utilities bear the burden of proof to support their proposal(s) seeking the Commission's adoption of policy statements (whether new or changed) or other affirmative relief sought. Even if the Commission has previously approved a program, recovery of a cost, factor, or adjustment as meeting the Commission's *own* requirements, the utilities still bear the burden of demonstrating that the costs submitted for final recovery meet any statutory test(s) and are reasonable in amount and prudently incurred. Further, recovery of even prudently incurred costs is constrained by the Commission's obligation to set fair, just, and reasonable rates. Further, pursuant to Section 366.01, F.S., the provisions of Chapter 366 must be liberally construed to protect the public welfare.

- FIPUG:** The utilities bear the burden of proof to justify the recovery of costs they request in this docket as reasonable and prudent. The utilities must carry this burden regardless of whether or not FIPUG or other parties introduce evidence to the contrary. The utilities must also carry their burden of proof to support their proposal(s) asking the Commission's adoption of policy statements (whether new or changed) or other affirmative relief sought.
- NUCOR:** DEF bears the burden of proof to justify the costs it seeks to recover through the Energy Conservation Cost Recovery Clause and any other relief DEF requests in this proceeding.
- PCS:** PCS generally adopts the positions taken by OPC unless a differing position is specifically stated.
- STAFF:** Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions.

## **VIII. ISSUES AND POSITIONS**

### **ISSUE 1: What are the final conservation cost recovery adjustment true-up amounts for the period January 2022 through December 2022?**

- FPL:** FPL's final conservation cost recovery true-up amount for the period of January 2022 through December 2022, is an over-recovery of \$6,951,067. (Hume).
- DEF:** The adjusted net true-up for the period January 2022 through December 2022 is an over-recovery of \$862,479. (Rodriguez).
- TECO:** A net over-recovery of \$4,521,911 including interest. (Roche).
- FPUC:** The final end of period adjustment true-up amount is an over-recovery of \$105,310. (Craig).
- OPC:** OPC is not in full agreement that the utilities have demonstrated that the amounts are reasonable or prudent and thus objects to inclusion of the cost for recovery. Nevertheless, for various reasons, including judicial economy, OPC is willing to facilitate a Type 2 stipulation<sup>1</sup> on this issue.

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<sup>1</sup> A "Type 2 stipulation" occurs on an Issue when the utility and Staff, or the utility and at least one party adversarial to the utility, agree on the resolution of the Issue and the remaining Parties (including Staff if it does not join in the agreement) do not object to the Commission relying upon the agreed language to resolve that issue in a final order.

**FIPUG:** Adopts the position of OPC.

**NUCOR:** Regarding DEF, agrees with OPC. For all other utilities, Nucor takes no position.

**PCS:** Adopts the position of OPC.

**STAFF:** Staff has no position at this time.

**ISSUE 2: What are the appropriate conservation adjustment actual/estimated true-up amounts for the period January 2023 through December 2023?**

**FPL:** FPL's conservation adjustment actual/estimated true-up amount for the period of January 2023 through December 2023, including interest, is an over-recovery of \$12,332,373. (Hume).

**DEF:** \$4,692,275 adjusted actual/estimated true-up over-recovery. (Rodriguez).

**TECO:** An over-recovery of \$2,841,279 including interest. (Roche).

**FPUC:** The estimated conservation true-up amount for the period January 2023 to December 2023 is an under-recovery of \$66,591. (Craig).

**OPC:** OPC is not in full agreement that the utilities have demonstrated that the amounts are reasonable or prudent and thus objects to inclusion of the cost for recovery. Nevertheless, for various reasons, including judicial economy, OPC is willing to facilitate a Type 2 stipulation on this issue.

**FIPUG:** Adopts the position of OPC.

**NUCOR:** Regarding DEF, agrees with OPC. For all other utilities, Nucor takes no position.

**PCS:** Adopts the position of OPC.

**STAFF:** Staff has no position at this time.

**ISSUE 3: What are the appropriate total conservation adjustment true-up amounts to be collected/refunded in the period January 2024 through December 2024?**

**FPL:** FPL's total conservation adjustment true-up amount to be refunded from January 2024 through December 2024, is \$19,283,440. (Hume).

**DEF:** \$5,554,754 adjusted net true-up over-recovery. (Rodriguez).

**TECO:** A refund of \$7,363,190 including interest. (Roche).

**FPUC:** The estimated conservation true-up amount to be refunded during the period January 2024 to December 2024 is an over-recovery of \$38,719. (Craig).

**OPC:** OPC is not in full agreement that the utilities have demonstrated that the amounts are reasonable or prudent and thus objects to inclusion of the cost for recovery. Nevertheless, for various reasons, including judicial economy, OPC is willing to facilitate a Type 2 stipulation on this issue.

**FIPUG:** Adopts the position of OPC.

**NUCOR:** Regarding DEF, agrees with OPC. For all other utilities, Nucor takes no position.

**PCS:** Adopts the position of OPC.

**STAFF:** Staff has no position at this time.

**ISSUE 4: What are the total conservation cost recovery amounts to be collected during the period January 2024 through December 2024?**

**FPL:** The total costs associated with the Energy Conservation Cost Recovery programs to be collected between January 1, 2024, and December 31, 2024, is \$143,718,548 (including prior true-up amounts). (Floyd).

**DEF:** \$116,574,915. (Rodriguez).

**TECO:** \$39,011,038 (including current period estimated true-up). (Roche).

**FPUC:** FPUC seeks to recover \$919,031, over the period January 2024 through December 2024. (Craig).

**OPC:** OPC is not in full agreement that the utilities have demonstrated that the amounts are reasonable or prudent and thus objects to inclusion of the cost for recovery. Nevertheless, for various reasons, including judicial economy, OPC is willing to facilitate a Type 2 stipulation on this issue.

**FIPUG:** Adopts the position of OPC.

**NUCOR:** Regarding DEF, agrees with OPC. For all other utilities, Nucor takes no position.

**PCS:** Adopts the position of OPC.



**STAFF:** Staff has no position at this time.

**ISSUE 5: What are the conservation cost recovery factors for the period January 2024 through December 2024?**

**FPL:** The appropriate FPL factors for the period January 2024 through December 2024 are:

Rate Class	Conservation Recovery Factor (\$/kw)	Conservation Recovery Factor (\$/kwh)	RDC (\$/KW)	SDD (\$/KW)
RS1/RTR1		0.00124		
GS1/GST1		0.00115		
GSD1/GSDT1/HLFT1/GSD1-EV	0.43			
OS2		0.00072		
GSLD1/GSLDT1/CS1/CST1/HLFT2/GSLD1-EV	0.46			
GSLD2/GSLDT2/CS2/CST2/HLFT3	0.49			
GSLD3/GSLDT3/CS3/CST3	0.54			
SST1T			0.05	0.03
SST1D1/SST1D2/SST1D3			0.05	0.03
CILC D/CILC G	0.50			
CILC T	0.50			
MET	0.43			
OL1/SL1/SL1M/PL1/OSI/II		0.00038		
SL2/SL2M/GSCU1		0.00091		

(Hume).

<b>DEF:</b>	<b><u>Customer Class</u></b>	<b><u>ECCR Factor</u></b>
	Residential	0.330 cents/kWh
	General Service Non-Demand	0.290 cents/kWh
	@ Primary Voltage	0.287 cents/kWh
	@ Transmission Voltage	0.284 cents/kWh
	General Service 100% Load Factor	0.227 cents/kWh
	General Service Demand	0.93 \$/kW
	@ Primary Voltage	0.92 \$/kW
	@ Transmission Voltage	0.91 \$/kW
	Curtable	0.79 \$/kW
	@ Primary Voltage	0.78 \$/kW
	@ Transmission Voltage	0.77 \$/kW
	Interruptible	0.76 \$/kW
	@ Primary Voltage	0.75 \$/kW
	@ Transmission Voltage	0.74 \$/kW
	Standby Monthly	0.090 \$/kW
	@ Primary Voltage	0.089 \$/kW

@ Transmission Voltage	0.088 \$/kW
Standby Daily	0.043 \$/kW
@ Primary Voltage	0.043 \$/kW
@ Transmission Voltage	0.042 \$/kW
Lighting	0.117 cents/kWh

(Rodriguez).

**TECO:** For the period January 2024 through December 2024 the cost recovery factors are as follows:

<u>Rate Schedule</u>	<u>Cost Recovery Factors (cents per kWh)</u>
RS	0.215
GS and CS	0.192
GSD Optional – Secondary	0.175
GSD Optional – Primary	0.173
GSD Optional – Subtransmission	0.172
LS-1, LS-2	0.074

<u>Rate Schedule</u>	<u>Cost Recovery Factors (dollars per kW)</u>
GSD – Secondary	0.73
GSD – Primary	0.73
GSD – Subtransmission	0.72
SBD – Secondary	0.73
SBD – Primary	0.73
SBD – Subtransmission	0.72
GSLD - Primary	0.67
GSLD - Subtransmission	0.71

(Roche).

**FPUC:** FPUC asks for approval of a consolidated levelized conservation cost recovery factor for this period of \$0.00144 per kWh. (Craig).

**OPC:** OPC is not in full agreement that the utilities have demonstrated that the respective factors are reasonable or prudent and thus objects to them. Nevertheless, for various reasons, including judicial economy, OPC is willing to facilitate a Type 2 stipulation on this issue.

**FIPUG:** Adopts the position of OPC.

**NUCOR:** Regarding DEF, agrees with OPC. For all other utilities, Nucor takes no position.

**PCS:** Adopts the position of OPC.

**STAFF:** Staff has no position at this time.

**ISSUE 6: What should be the effective date of the new conservation cost recovery factors for billing purposes?**

**FPL:** The factors shall be effective for meter readings that occur on or after January 1, 2024. These charges shall continue in effect until modified by subsequent order of this Commission. (Hume).

**DEF:** The new factors should be effective beginning with the first billing cycle for January 2024, and thereafter through the last billing cycle for December 2024. The first billing cycle may start before January 1, 2024, and the last billing cycle may end after December 31, 2024, so long as each customer is billed for 12 months regardless of when the factors became effective. (Rodriguez).

**TECO:** The factors should be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2024 through December 2024. Billing cycles may start before January 1, 2024, and the last cycle may be read after December 31, 2024, so long as each customer is billed for 12 months regardless of when the factors became effective. (Roche).

**FPUC:** The factor should be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2024 through December 2024. Billing cycles may start before January 1, 2024, and the last cycle may be read after December 31, 2024, so that each customer is billed for 12 months regardless of when the adjustment factor became effective. (Craig).

**OPC:** No position.

**FIPUG:** No position.

**NUCOR:** No position.

**PCS:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 7: Should the Commission approve revised tariffs reflecting the energy conservation cost recovery factors determined to be appropriate in this proceeding?**

**FPL:** Yes. The Commission should approve revised tariffs reflecting the energy conservation cost recovery factors determined to be appropriate in this proceeding. The Commission should direct Staff to verify that the revised tariffs are consistent with the Commission's decision. (Hume).

**DEF:** Yes. The Commission should approve DEF's revised tariffs reflecting the energy conservation cost recovery amounts and energy conservation cost recovery factors determined to be appropriate in this proceeding. The Commission should direct Staff to verify that the revised tariffs are consistent with the Commission's decision. (Rodriguez).

**TECO:** Yes, the Commission should approve revised tariffs reflecting the energy conservation cost recovery amounts and energy conservation cost recovery factors determined to be appropriate in this proceeding. (Roche).

**FPUC:** Yes. The Commission should approve revised tariffs reflecting the energy conservation cost recovery amounts and establishing energy conservation cost recovery factors determined to be appropriate in this proceeding. The Commission should direct staff to verify that the revised tariffs are consistent with the Commission's decision. (Craig).

**OPC:** No position; however, the factors contained in the tariff(s) should be based on costs deemed reasonable and prudent after a hearing.

**FIPUG:** Adopts the position of OPC.

**NUCOR:** Regarding DEF, agrees with OPC. For all other utilities, Nucor takes no position.

**PCS:** Adopts the position of OPC.

**STAFF:** Staff has no position at this time.

COMPANY-SPECIFIC CONSERVATION COST RECOVERY ISSUES

**Tampa Electric Company**

**ISSUE 8:** What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2024 through December 2024?

**FPL:** No position.

**DEF:** No position.

**TECO:** In accordance with Order No. PSC-2021-0423-S-EI, issued November 10, 2021, in Docket No. 20210034, the Contracted Credit Value by Voltage Level for the forthcoming cost recovery period, January 2024 through December 2024, for the GSLM-2 and GSLM-3 rate riders will be:

<b><u>Voltage Level</u></b>	<b><u>Contracted Credit Value (dollars per kW)</u></b>
Secondary	11.75
Primary	11.63
Subtransmission	11.52

(Roche).

**FPUC:** No position.

**OPC:** OPC is not in full agreement that the utilities have demonstrated that the respective amounts are reasonable or prudent and thus objects to inclusion of the cost for recovery. Nevertheless, for various reasons, including judicial economy, OPC is willing to facilitate a Type 2 stipulation on this issue.

**FIPUG:** No position.

**NUCOR:** No position.

**PCS:** Adopts the position of OPC.

**STAFF:** Staff has no position at this time.

**ISSUE 9:** What are the residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2024 through December 2024?

**FPL:** No position.

**DEF:** No position.

**TECO:** For the period January 2024 through December 2024 the Residential Price Responsive Load Management (RSVP-1) rates are as follows:

<u>Rate Tier</u>	<u>Cents per kWh</u>
P4	43.195
P3	8.184
P2	(1.254)
P1	(3.713)

(Roche).

**FPUC:** No position.

**OPC:** OPC is not in full agreement that the utilities have demonstrated that the respective rate tiers are reasonable or prudent and thus objects to inclusion of the cost for recovery. Nevertheless, for various reasons, including judicial economy, OPC is willing to facilitate a Type 2 stipulation on this issue.

**FIPUG:** No position.

**NUCOR:** No position.

**PCS:** No position.

**STAFF:** Staff has no position at this time.

CLOSE THE DOCKET ISSUE

**ISSUE 10:** **Should this docket be closed?**

**FPL:** This docket is an on-going docket and should remain open. (Hume).

**DEF:** No. While a separate docket number is assigned each year for administrative convenience, this is a continuing docket and shall remain open. (Rodriguez).

**TECO:** Yes, Docket No. 20230002-EG should be closed once the Commission's decisions on all of the issues in the docket have become final and the Commission has concluded that the docket has otherwise met the requirements for closure. (Roche).

**FPUC:** Recognizing that this is an ongoing cost recovery docket, this docket should remain open with a new docket number assigned for the following year. (Craig).

**OPC:** No position.

**FIPUG:** No position.

**NUCOR:** No position.

**PCS:** No position.

**STAFF:** Staff has no position at this time.

**IX. EXHIBIT LIST**

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
	<u>Direct</u>		
Richard L. Hume	FPL	JNF-1	2022 Final True-up Schedules CT-1 and CT-4 2022 Final True-up Schedules CT-2 and CT-3 2022 Final True-up Capital Structure/Cost Rates
Richard L. Hume	FPL	JNF-2	2024 Projection Schedule C-1 2024 Projection Schedule C-2 2024 Projection Capital Structure/Cost Rates 2023 Actual/Estimated Schedule C-3 2023 Actual/Estimated Capital Structure/Cost Rates 2023 Actual/Estimated Schedule C-4
John N. Floyd	FPL	JNF-1	2022 Final True-up Schedules CT-2 and CT-3 2022 Final True-up Schedules CT-5 and CT-6, Appendix A

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
John N. Floyd	FPL	JNF-2	2024 Projection Schedule C-2 2023 Actual/Estimated Schedule C-3 Schedule C-5
Karla Rodriguez	DEF	KR-1T	ECCR Adjusted Net True-Up for January - December 2022, Schedules CT1 – CT6
Karla Rodriguez	DEF	KR-1P	Estimated/Actual True-Up, January – December 2023 and ECCR Factors for Billings in January – December 2024, Schedules C1 – C6
Mark R. Roche	TECO	MRR-1	Schedules supporting cost recovery factor, actual January 2022 – December 2022
Mark R. Roche	TECO	MRR-2	Schedules supporting conservation costs projected for the period January 2024 – December 2024
Derrick M. Craig	FPUC	DMC-1	Schedules CT-1, CT-2, CT-3, CT-4, CT-5 and CT-6
Derrick M. Craig	FPUC	DMC-2	Schedules C-1, C-2, C-3, C-4, and C-5

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

## **X. PROPOSED STIPULATIONS**

There are no proposed stipulations.



**XI. PENDING MOTIONS**

There are no pending motions.

**XII. PENDING CONFIDENTIALITY MATTERS**

There are no pending confidentiality matters.

**XIII. POST-HEARING PROCEDURES**

If no bench decision is made, each party shall file a post-hearing statement of issues and positions. A summary of each position, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of this Prehearing Order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 75 words, it must be reduced to no more than 75 words. If a party fails to file a post-hearing statement, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, F.A.C., a party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 40 pages and shall be filed at the same time.

**XIV. RULINGS**

Opening statements, if any, shall not exceed three minutes per party.

It is therefore,

ORDERED by Commissioner Mike La Rosa, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

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By ORDER of Commissioner Mike La Rosa, as Prehearing Officer, this 26th day of October, 2023.



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Mike La Rosa  
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.

CM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission (“Commission”) is required by Section 120.569(1), Florida Statutes (“F.S.”), to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, F.S., 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 ten days pursuant to Rule 25-22.0376, Florida Administrative Code (“F.A.C.”); or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas, or telephone utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, F.A.C. 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.