

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, October 3, 2017, 9:30 a.m.

LOCATION: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148

DATE ISSUED: September 22, 2017

NOTICE

Persons affected by Commission action on certain items on this agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at this conference. These items are designated by double asterisks (**) next to the item number.

To participate informally, affected persons need only appear at the conference and request the opportunity to address the Commission on an item listed on the agenda. Informal participation is not permitted: (1) on dispositive motions and motions for reconsideration; (2) when a recommended order is taken up by the Commission; (3) in a rulemaking proceeding after the record has been closed; or (4) when the Commission considers a post-hearing recommendation on the merits of a case after the close of the record. The Commission allows informal participation at its discretion in certain types of cases (such as declaratory statements and interim rate orders) in which an order is issued based on a given set of facts without hearing. See Florida Administrative Code Rules 25-22.0021 (agenda conference participation) and 25-22.0022 (oral argument).

Conference agendas, staff recommendations, vote sheets, and transcripts are available online at <http://www.floridapsc.com>, by selecting *Conferences & Meeting Agendas* and *Commission Conferences of the FPSC*. An official vote of "move staff" denotes that the Item's recommendations were approved.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or 850-413-6770 (Florida Relay Service, 1-800-955-8770 Voice or 1-800-955-8771 TDD). Assistive Listening Devices are available upon request from the Office of Commission Clerk, Gerald L. Gunter Building, Room 152.

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EMERGENCY CANCELLATION OF CONFERENCE: If a named storm or other disaster requires cancellation of the Conference, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission's website (<http://www.floridapsc.com>) under the Hot Topics link on the home page. Cancellation can also be confirmed by calling the Office of Commission Clerk at 850-413-6770.

If you have any questions, contact the Office of Commission Clerk at 850-413-6770 or Clerk@psc.state.fl.us.

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ITEM NO.

CASE

1**

Consent Agenda

PAA

A) Application for Certificate of Authority to Provide Telecommunications Service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
20170172-TX	Triton Networks, LLC

B) Docket No. 20170177-EI – Application for authority to issue and sell securities during calendar years 2018 and 2019 pursuant to Section 366.04, F.S., and Chapter 25-8, F.A.C., by Florida Power & Light Company.

Florida Power & Light Company (FPL or Company) seeks authority to issue and sell and/or exchange any combination of long-term debt and equity securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$6.1 billion during calendar year 2018. In addition, FPL seeks permission to issue and sell short-term securities during the calendar years 2018 and 2019 in an amount or amounts such that the aggregate principal amount of short-term securities outstanding at the time of and including any such sale shall not exceed \$4.0 billion.

In connection with this application, FPL confirms that the capital raised pursuant to this application will be used in connection with the activities of FPL and FPL's regulated subsidiaries and not the unregulated activities of FPL or its unregulated subsidiaries or affiliates.

Staff has reviewed the Company's projected capital expenditures. The amount requested by the Company (\$10.1 billion) exceeds its expected capital expenditures (\$8.5 billion). The additional amount requested exceeding the projected capital expenditures allows for financial flexibility with regards to unexpected events such as hurricanes, financial market disruptions and other unforeseen circumstances. Staff believes the requested amounts are appropriate. Staff recommends FPL's petition to issue securities be approved.

ITEM NO.

CASE

1**

Consent Agenda

(Continued from previous page)

- C) Docket No. 20170195-EI – Application for authority to issue and sell securities for 12 months ending December 31, 2018, by Tampa Electric Company.

Tampa Electric Company (Tampa Electric or Company) seeks the authority to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term or short-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety during calendar year 2018. The Company also seeks authority to enter into interest swaps or other derivatives instruments related to debt securities during calendar year 2018.

The amount of all equity and long-term debt securities issued, sold, exchanged, or assumed and liabilities and obligations assumed or guaranteed as guarantor, endorser, or surety will not exceed in the aggregate \$1.6 billion during the year 2018, including any amounts issued to retire existing long-term debt securities. The maximum amount of short-term debt outstanding at any one time will be \$1.3 billion during calendar year 2018. This application is for both Tampa Electric and its local gas distribution division, Peoples Gas System.

In connection with this application, the Company confirms that the capital raised pursuant to this application will be used in connection with the activities of the Company's regulated electric and gas operations and not the unregulated activities of the utilities or their affiliates.

Staff has reviewed the Company's projected capital expenditures. The amount requested by the Company (\$2.9 billion) exceeds its expected capital expenditures (\$1.223 billion). The additional amount requested exceeding the projected capital expenditures allows for financial flexibility with regards to unexpected events such as hurricanes, financial market disruptions, and other unforeseen circumstances. Staff believes the requested amounts are appropriate. Staff recommends Tampa Electric's petition to issue securities be approved.

ITEM NO.

CASE

1**

Consent Agenda

(Continued from previous page)

- D) Docket No. 20170197-EI – Application for authority to issue and sell securities during 12 months ending December 31, 2018, by Duke Energy Florida, LLC.

Duke Energy Florida, LLC (DEF or Company) seeks authority to issue, sell or otherwise incur during 2018 up to \$1.5 billion of any combination of equity securities, long-term debt securities, and other long-term obligations. Additionally, the Company requests authority to issue, sell, or otherwise incur during 2018 and 2019, up to \$1.5 billion outstanding at any time of short-term debt securities and other obligations.

In connection with this application, DEF confirms that the capital raised pursuant to this application will be used in connection with the regulated activities of the Company and not the unregulated activities of its unregulated affiliates.

Staff has reviewed the Company's projected capital expenditures. The amount requested by the Company (\$3.0 billion) exceeds its expected capital expenditures (\$1.2 billion). The additional amount requested exceeding the projected capital expenditures allows for financial flexibility with regard to unexpected events such as hurricanes, financial market disruptions, and other unforeseen circumstances. Staff believes the requested amounts are appropriate. Staff recommends DEF's petition to issue securities be approved.

Recommendation: The Commission should approve the actions requested in the dockets referenced above and close these dockets.

For monitoring purposes, Docket Nos. 20170177-EI, 20170195-EI and 20170197-EI should remain open until April 30, 2019, to allow the Companies time to file the required Consummation Reports.

ITEM NO.

CASE

2**

Docket No. 20170163-OT – Proposed repeal of Rules 25-22.017, F.A.C., Rulemaking Proceeding – Adoption, and 25-22.039, F.A.C., Intervention, and proposed amendment of Rules 25-22.060, F.A.C., Motion for Reconsideration of Final Orders, and 25-40.001, F.A.C., Exceptions to the Uniform Rules of Procedure.

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Polmann

Staff: GCL: Cowdery

ECO: Olila

Issue 1: Should the Commission propose the repeal of Rules 25-22.017, Rulemaking Proceeding – Adoptions, and 25-22.039, F.A.C., Intervention, and the amendment of Rules 25-22.060, Motion for Reconsideration of Final Orders, and 25-40.001, F.A.C., Exceptions to the Uniform Rules of Procedure?

Recommendation: Yes, the Commission should propose the repeal of Rules 25-22.017 and 25-22.039, F.A.C., and the amendment of Rules 25-22.060 and 25-40.001, F.A.C., as set forth in Attachment A of staff's memorandum dated September 21, 2017. Staff recommends that the Commission certify proposed amended Rules 25-22.060 and 25-40.001, F.A.C., as minor violation rules. Staff also recommends that the Notice of Rulemaking issued by the Commission should state that in repealing Rule 25-22.039, F.A.C., Intervention, and thus becoming subject to Uniform Rule 28-106.205, F.A.C., Intervention, it is the Commission's intent to continue to require intervenors to take the case as they find it.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no requests for hearing or comments are filed the rules should be filed with the Department of State, and the docket should be closed.

ITEM NO.

CASE

3**PAA

Docket No. 20170098-EI – Complaint by Richard Ralph Malcolm against Florida Power & Light Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Brisé

Staff: GCL: Page

CAO: Hicks, Plescow

ECO: Ollila

Issue 1: What is the appropriate disposition of Mr. Malcolm's formal complaint?

Recommendation: The appropriate disposition of Mr. Malcolm's formal complaint is to deny the complaint. Mr. Malcolm's account was properly billed in accordance with Commission statutes and rules and FPL's tariffs. FPL did not violate any applicable statute, rule, company tariff or order of the Commission in the processing of Mr. Malcolm's account.

Issue 2: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

4**PAA

Docket No. 20170174-SU – Application for transfer of assets of exempt utility, amendment of Certificate No. 465-S, and petition for partial variance or waiver of Rule 25-30.030(5)(b), F.A.C. by Utilities, Inc. of Florida.

Critical Date(s): 11/21/17 (90-Day Rule Waiver Statutory Deadline)

Commissioners Assigned: All Commissioners

Prehearing Officer: Polmann

Staff: GCL: Mapp

ENG: Wooten, Ellis

Issue 1: Should the Commission approve Utilities, Inc. of Florida’s request for a partial waiver of Rule 25-30.030(5)(b), F.A.C.?

Recommendation: Yes, the Utility has demonstrated that the underlying purpose of the statute will be or has been achieved by other means, and that strict application of the rule would place a substantial hardship on the Utility. Therefore, staff recommends that the Commission approve Utilities, Inc. of Florida’s request for a partial waiver or waiver of Rule 25-30.030(5)(b), F.A.C.

Issue 2: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, a consummating order should be issued. This docket should remain open pending the Commission’s final decision regarding the Utility’s Application for Transfer of Assets of Exempt Utility and for Amendment of Certificate 465-S in Lake County.

ITEM NO.

CASE

5**PAA

Docket No. 20160195-WS – Application for staff-assisted rate case in Lake County by Lakeside Waterworks, Inc.

Critical Date(s): 01/04/2018 (15-Month Statutory Deadline (SARC))

Commissioners Assigned: All Commissioners

Prehearing Officer: Brisé

Staff: ENG: Lewis, Graves
AFD: Golden, Wilson
ECO: Bruce, Hudson
GCL: Murphy

(Proposed Agency Action - Except for Issue Nos. 11, 12, and 13)

Issue 1: Should the quality of service provided by Lakeside be considered satisfactory?

Recommendation: No. The Utility is in compliance with all primary and secondary water standards and the DEP has deemed the Utility to be in compliance for both water and wastewater operations. It also appears that the Utility has actively responded to concerns raised by its customers. However, water aesthetics and foul smells from the lift station continue to be a customer concern. Staff recommends that the overall quality of service provided by Lakeside be considered marginal. In addition, the Utility should meet with its customers with the help of the Office of Public Counsel (OPC) to discuss the options and cost to resolve these issues. Lakeside should provide a progress report of the results of such meetings to the Division of Engineering within six months of the consummating order being issued in the docket.

Issue 2: What are the used and useful percentages (U&U) of Lakeside's WTP, water storage facilities, WWTP, water distribution, and wastewater collection systems?

Recommendation: Lakeside's WTP should be considered 81 percent U&U, and the water storage facilities should be considered 100 percent U&U. Lakeside's WWTP should be considered 92 percent U&U. The Utility's water distribution and wastewater collection systems should be considered 100 percent U&U. Staff recommends that no adjustment be made to purchased power and chemical expenses since there appears to be no excessive unaccounted for water (EUW) and there is no indication of excessive inflow and infiltration (I&I).

Issue 3: Should the Commission approve a year-end rate base for Lakeside, and if so, what is the appropriate year-end water and wastewater test year rate base?

Recommendation: Yes. The Commission should approve a year-end rate base for Lakeside. The appropriate year-end water test year rate base is \$143,573, and the appropriate year-end wastewater test year rate base is \$134,117.

ITEM NO.

CASE

5**PAA

Docket No. 20160195-WS – Application for staff-assisted rate case in Lake County by Lakeside Waterworks, Inc.

(Continued from previous page)

Issue 4: What is the appropriate rate of return on equity and overall rate of return for Lakeside?

Recommendation: The appropriate return on equity (ROE) is 8.85 percent with a range of 7.85 percent to 9.85 percent. The appropriate overall rate of return is 8.45 percent.

Issue 5: What are the appropriate test year revenues for Lakeside’s water and wastewater systems?

Recommendation: The appropriate test year revenues for Lakeside’s water and wastewater systems are \$62,886 and \$57,123, respectively.

Issue 6: What is the appropriate amount of operating expenses?

Recommendation: The appropriate amount of operating expense for the Utility is \$64,807 for water and \$65,578 for wastewater.

Issue 7: What is the appropriate revenue requirement?

Recommendation: The appropriate revenue requirement is \$76,938 for water and \$76,911 for wastewater, resulting in an annual increase of \$14,052 for water (22.35 percent) and \$19,788 for wastewater (34.64 percent).

Issue 8: What are the appropriate rate structures and rates for Lakeside’s water and wastewater systems?

Recommendation: The recommended rate structures and monthly water and wastewater rates are shown on Schedule Nos. 4-A and 4-B of staff’s memorandum dated September 21, 2017. The Utility should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved rates. The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheet pursuant to Rule 25-30.475(1), F.A.C. In addition, the approved rates should not be implemented until staff has approved the proposed customer notice and the notice has been received by the customers. The Utility should provide proof of the date notice was given within 10 days of the date of the notice.

Issue 9: What are the appropriate initial customer deposits for Lakeside’s water and wastewater systems?

Recommendation: The appropriate initial customer deposits should be \$49 and \$87 for the residential 5/8 inch x 3/4 inch meter size for water and wastewater, respectively. The initial customer deposits for all other residential meter sizes and all general service meter sizes should be two times the average estimated bill for water and wastewater. The approved initial customer deposits should be effective for connections made on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475, F.A.C. The Utility should be required to collect the approved deposits until authorized to change them by the Commission in a subsequent proceeding.

ITEM NO.

CASE

5**PAA

Docket No. 20160195-WS – Application for staff-assisted rate case in Lake County by Lakeside Waterworks, Inc.

(Continued from previous page)

Issue 10: Should Lakeside be authorized to collect Non-Sufficient Funds Charges (NSF)?

Recommendation: Yes. Lakeside should be authorized to collect NSF charges. The Utility should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved NSF charges. The approved charges should be effective for service rendered on or after the stamped approval date on the tariff sheets provided customers have received notice pursuant to Rule 25-30.475, F.A.C. The Utility should provide proof of noticing within 10 days of rendering its approved notice.

Issue 11: What is the appropriate amount by which rates should be reduced four years after the published effective date to reflect the removal of the amortized rate case expense?

Recommendation: The water and wastewater rates should be reduced as shown on Schedule Nos. 4-A and 4-B of staff's memorandum dated September 21, 2017, to remove rate case expense grossed-up for RAFs and amortized over a four-year period. The decrease in rates should become effective immediately following the expiration of the four-year rate case expense recovery period. The Utility should be required to file revised tariffs and a proposed customer notice setting forth the lower rates and the reason for the reduction no later than one month prior to the actual date of the required rate reduction. If Lakeside files this reduction in conjunction with a price index or pass-through rate adjustment, separate data should be filed for the price index and/or pass-through increase or decrease and the reduction in the rates due to the amortized rate case expense. (Final Agency Action)

ITEM NO.

CASE

5**PAA

Docket No. 20160195-WS – Application for staff-assisted rate case in Lake County by Lakeside Waterworks, Inc.

(Continued from previous page)

Issue 12: Should the recommended rates be approved for Lakeside on a temporary basis, subject to refund, in the event of a protest filed by a party other than the Utility?

Recommendation: Yes. Pursuant to Section 367.0814(7), F.S., the recommended rates should be approved for the Utility on a temporary basis, subject to refund, in the event of a protest filed by a party other than the Utility. The Utility should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved rates. The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(1), F.A.C. In addition, the temporary rates should not be implemented until staff has approved the proposed notice, and the notice has been received by the customers. Prior to implementation of any temporary rates, the Utility should provide appropriate security. If the recommended rates are approved on a temporary basis, the rates collected by the Utility should be subject to the refund provisions discussed in the analysis portion of staff's memorandum dated September 21, 2017. In addition, after the increased rates are in effect, pursuant to Rule 25-30.360(6), F.A.C., the Utility should file reports with the Office of Commission Clerk no later than the 20th of every month indicating the monthly and total amount of money subject to refund at the end of the preceding month. The report filed should also indicate the status of the security being used to guarantee repayment of any potential refund. (Final Agency Action)

Issue 13: Should Lakeside be required to notify the Commission, in writing, that it has adjusted its books in accordance with the Commission's decision?

Recommendation: Yes. The Utility should be required to notify the Commission, in writing, that it has adjusted its books in accordance with the Commission's decision. Lakeside should submit a letter within 90 days of the final order in this docket, confirming that the adjustments to all the applicable NARUC USOA primary accounts, as shown on Schedules Nos. 5-A and 5-B of staff's memorandum dated September 21, 2017, have been made to the Utility's books and records. In the event the Utility needs additional time to complete the adjustments, notice should be provided within seven days prior to deadline. Upon providing good cause, staff should be given administrative authority to grant an extension of up to 60 days. (Final Agency Action)

ITEM NO.

CASE

5**PAA

Docket No. 20160195-WS – Application for staff-assisted rate case in Lake County by Lakeside Waterworks, Inc.

(Continued from previous page)

Issue 14: Should this docket be closed?

Recommendation: No. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, a consummating order should be issued. The docket should remain open for staff's verification that the revised tariff sheets and customer notice have been filed by the Utility and approved by staff, and the Utility has provided staff with proof that the adjustments for all the applicable NARUC USOA primary accounts have been made. Once these actions are complete, this docket should be closed administratively.

ITEM NO.

CASE

6**PAA

Docket No. 20170143-EI – Petition for approval of depreciation rates for Polk 2 combined cycle generating units, by Tampa Electric Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: ECO: Wu, McNulty

GCL: DuVal

Issue 1: Should the Commission approve TECO's proposed depreciation rate for the new assets of the company's Polk 2 CC and associated equipment?

Recommendation: Yes. Staff recommends that the Commission approve a 35-year average service life and a whole life depreciation rate of 2.9 percent, for the new assets of TECO's Polk 2 CC and associated equipment, applied to five subaccounts detailed in the analysis portion of staff's memorandum dated September 21, 2017.

Issue 2: What should be the effective date for the implementation of the new depreciation rate for TECO's Polk 2 CC and associated equipment?

Recommendation: Staff recommends the Commission approve an effective date of February 1, 2017, for the implementation of the new depreciation rate for TECO's Polk 2 CC and associated equipment.

Issue 3: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

7**PAA

Docket No. 20170175-EU – Joint petition for approval of amended territorial agreement in Orange and Osceola Counties, by Duke Energy Florida, LLC and Reedy Creek Improvement District.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Polmann

Staff: ECO: Olila

GCL: Janjic

Issue 1: Should the Commission approve the proposed agreement between Duke and Reedy Creek?

Recommendation: Yes, the Commission should approve the proposed agreement between Duke and Reedy Creek.

Issue 2: Should this docket be closed?

Recommendation: If no protest is filed by a person whose substantial interests are affected within 21 days of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.

ITEM NO.

CASE

8**PAA

Docket No. 20170181-EI – Petition for expedited approval of temporary territorial variance, by Tampa Electric Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Polmann

Staff: ECO: Doherty, Draper

ENG: Ellis, Wooten

GCL: Mapp

Issue 1: Should the Commission approve TECO’s petition for a temporary territorial variance?

Recommendation: Yes. TECO’s petition for a temporary territorial variance is in the public interest and should be approved. During the period of its retail electric service to the Peacock facility, TECO should report to the Commission on an annual basis regarding the status of the temporary service through its conclusion. TECO should file its first status report in the docket file in October 2018, or sooner if concluded.

Issue 2: Should this docket be closed?

Recommendation: If no protest is filed by a person whose substantial interests are affected within 21 days of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.

ITEM NO.

CASE

9**PAA

Docket No. 20170176-GU – Petition by Florida Division of Chesapeake Utilities Corporation for approval of special contract with Sebring Gas System, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Polmann

Staff: ECO: Guffey, Doherty, Draper

GCL: Taylor

Issue 1: Should the Commission approve the Contract between Chesapeake and Sebring?

Recommendation: Yes. The Commission should approve the Contract shown in Attachment B of staff's memorandum dated September 21, 2017, between Chesapeake and Sebring. The Contract should be effective as of the date of the Commission's vote.

Issue 2: Should this docket be closed?

Recommendation: If no protest is filed by a person whose substantial interests are affected within 21 days of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.