

IN THE SUPREME COURT OF FLORIDA

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

Appellants,

Case No.: SC15-95

Lower Tribunal No.: 140001-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; “FPL” refers to Florida Power & Light Company; “FIPUG” is the

acronym for the Florida Industrial Power Users Group; and “FRF” means the Florida Retail Federation.

1. As stated in Citizens’ Notice of Administrative Appeal, in the above case, Citizens’ appeal Order No. PSC-14-0697-PCO-EI. Order No. PSC-14-0697-PCO-EI was the Order Denying the Office of Public Counsel’s Motion to Dismiss Petition for Lack of Subject Matter Jurisdiction and dealt solely with OPC’s Motion to Dismiss FPL’s June 25, 2014 Petition. 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. 140001-EI that relate to and are associated with the petitions filed by Duke Energy Florida, Tampa Electric Company, Gulf Power Company, and Florida Public Utilities Company. It is the intent of these Directions to exclude all documents that relate solely to utilities other than FPL, and to include documents that relate only to the subject matter jurisdiction issue regarding FPL’s June 25, 2014 Petition.

2. With respect to the pleadings, testimony, and exhibits relating to and associated with the petitions for approval submitted by Florida Power & Light Company in Docket No. 140001-EI, Citizens direct the Clerk to include in the record on appeal only the following portions of the docket file in Docket No. 140001-EI:

Document Number	Date Posted	Item
00001-14	January 2, 2014	Order No. PSC-14-0001-PCO-EI
00017-14	January 2, 2013	FIPUG's Notice of Intent to Retain Party Status
00032-14	January 3, 2014	FRF's Notice Reaffirming Party Status
00068-14	January 6, 2014	FPL's Notice of Intent to Retain Party Status
00141-14	January 9, 2014	OPC's Notice Reaffirming Party Status
03280-14	June 25, 2014	FPL's Petition for Approval to Recover Gas Reserve Project Costs Through the Fuel Clause with attached testimony and exhibits
03828-14	July 18, 2014	Letter dated 7/18/14 with replacement version of Petition for Approval to Recover Gas Reserve Project Costs Through the Fuel Clause with attached testimony and

Document Number	Date Posted	Item
		exhibits
04161-14	August 1, 2014	Joint motion for approval of stipulation for schedule to decide on gas reserve project issues and deferral of St. Lucie Unit 2 extended refueling outage issue
04670-14	August 22, 2014	Order No. PSC-14-0439-PCO-EI establishing procedure for FPL's deferred issues
04702-14	August 22, 2014	OPC's Motion to Dismiss FPL's June 25, 2014 Petition for Lack of Subject Matter Jurisdiction
04713-14	August 22, 2014	OPC's Request for Oral Argument on Motion to Dismiss FPL's June 25, 2014 Petition for Lack of Subject Matter Jurisdiction
04842-14	August 29, 2014	FPL's Response in Opposition to OPC's Motion to Dismiss FPL's

Document Number	Date Posted	Item
		June 25, 2014 Petition for Lack of Subject Matter Jurisdiction
06046-14	October 27, 2014	FPL's Prehearing Statement
06048-14	October 27, 2014	OPC's Prehearing Statement
06051-14	October 27, 2014	FRF's Prehearing Statement
06052-14	October 27, 2014	White Springs Prehearing Statement
06053-14	October 27, 2014	FIPUG's Prehearing Statement regarding FPL's Petition to recover oil and gas exploration and production costs via the Fuel Clause
06236-14	November 7, 2014	Transcript November 6, 2014 Prehearing Conference
06252-14	November 10, 2014	FIPUG's Notice of joinder of OPC's motion to dismiss for lack of subject matter jurisdiction

Document Number	Date Posted	Item
06298-14	November 13, 2014	Recommendation for November 25, 2014 Commission Conference, Item 2
06479-14	November 25, 2014	Vote sheet from November 25, 2014 Commission conference, Item 2
06540-14	December 2, 2014	Transcript Vol. 1, pages 1-168 of December 1, 2014 hearing on gas reserves for FPL
06541-14	December 2, 2014	Transcript Vol. 2, pages 169-314 of December 1, 2014 hearing on gas reserves for FPL
06545-14	December 2, 2014	Transcript November 25, 2014 Commission conference, Item 2
06549-14	December 2, 2014	Transcript Vol. 3, pages 315-466 of December 1, 2014 hearing on gas reserves for FPL
06552-14	December 3, 2014	Transcript Vol. 4, pages 467-535 of

Document Number	Date Posted	Item
		December 1, 2014 hearing on gas reserves for FPL
06555-14	December 3, 2014	Transcript Vol. 5, pages 536-662 of December 1, 2014 hearing on gas reserves for FPL
06556-14	December 3, 2014	Transcript Vol. 6, pages 663-871 of December 2, 2014 hearing on gas reserves for FPL
06568-14	December 3, 2014	Transcript Vol. 7, pages 872-994 of December 2, 2014 hearing on gas reserves for FPL
06570-14	December 3, 2014	Transcript Vol. 8, pages 995-1101 of December 2, 2014 hearing on gas reserves for FPL
06617-14	December 8, 2014	Transcript Corrected Vol. 8, pages 995-1101 of December 2, 2014 hearing on gas reserves for FPL
06618-14	December 8, 2014	Hearing Exhibits 56 and 58 only

Document Number	Date Posted	Item
06721-14	December 12, 2014	FPL's Post-hearing Brief
06723-14	December 12, 2014	Citizens' Post-hearing Statement of Positions and Post-hearing Brief
06724-14	December 12, 2014	FIPUG's Post-hearing Statement of Issues and Positions and Post-hearing Brief
06725-14	December 12, 2014	FRF's Notice of Joinder in the Citizens' post-hearing statement of positions and post-hearing brief
06780-14	December 17, 2014	Order No. PSC-14-0697-PCO-EI Denying OPC's Motion to Dismiss Petition for Lack of Subject Matter Jurisdiction
06785-14	December 17, 2014	Memo dated December 17, 2014 with attached document for docket file
06796-14	December 18, 2014	Vote sheet from December 18, 2014 Commission conf., Item 3

Document Number	Date Posted	Item
06823-14	December 19, 2014	Transcript December 18, 2014 Commission conference, Item 3
00001-15	January 2, 2015	Order No. PSC-15-0001-PCO-EI
00026-15*	January 5, 2015	FPL's Notice of intent to retain party status
00031-15*	January 5, 2015	FIPUG's Notice of intent to retain party status
00099-15*	January 6, 2015	OPC's Notice reaffirming party status
00108-15*	January 6, 2015	FRF's Notice reaffirming party status
00195-15*	January 12, 2015	Order No. PSC-15-0038-FOF-EI
00204-15*	January 12, 2015	FPL's Post-hearing brief on gas reserves guidelines
00217-15*	January 12, 2015	Citizens' Post-hearing statement of positions and post-hearing brief
00225-15*	January 12, 2015	FRF's Notice of joinder in Citizens'

Document Number	Date Posted	Item
00227-15*	January 12, 2015	Citizens' post-hearing statement of positions and post-hearing brief FIPUG's Post-hearing statement of issues and positions and post-hearing brief related to FPL's proposed guidelines for future oil and gas exploration/drilling/production projects
00316-15	January 15, 2015	OPC Notice of administrative appeal
00328-15	January 16, 2015	Copy of letter dated January 16, 2015 to Florida Supreme Court/Tomasino forwarding copy of notice of administrative appeal and attachment, Order PSC-14-0697-PCO-EI

*Indicates documents filed in Docket No. 150001-EI as the Commission closed Docket No. 140001-EI before this appeal was timely filed.

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. 14-0697-PCO-EI, the Commission denied OPC's Motion to Dismiss FPL's June 25, 2014 Petition for Lack of Subject Matter Jurisdiction. OPC seeks review of this Commission order, which is limited to subject matter jurisdiction. Order No. PSC-14-0697-PCO-EI involves only the issue of whether the Commission is imbued with the subject matter jurisdiction to grant a prudence determination regarding investments in gas reserves and allow an investor-owned utility to recover those investments with a return through the Fuel Clause. Therefore, the documents contained in these Directions to the Clerk are only those documents from the record that relate to the subject matter jurisdiction issue.

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CERTIFICATE OF SERVICE

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 26th day of January, 2015, to the following:

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