

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Limited Proceeding to Include
Reliability and Modernization Projects in Rate
Base by Florida Public Utilities Company.

DOCKET NO. 20170150-EI

FILED: July 21, 2017

**JOINT MOTION REQUESTING COMMISSION APPROVAL OF
PROCEDURE FOR CONDUCTING LIMITED PROCEEDING AND FOR
SUBSEQUENT TARIFF FILING**

Florida Public Utilities Company (“FPUC” or “Company”), and the Citizens of the State of Florida, by and through the Office of Public Counsel (“OPC”) (collectively, the “Parties”) hereby request the Florida Public Service Commission (“Commission”) to approve this Joint Motion Requesting Commission Approval of Procedure for Conducting Limited Proceeding and for Subsequent Tariff Filing. The Parties agree that the procedure set forth herein is consistent with the intent of the Company’s Petition and will accommodate the interests of all Parties and the Commission in this particular case, and in support of this Joint Motion state:

1. On July 3, 2017, the Company filed a Petition and exhibits including tariff sheets (“Petition for Limited Proceeding”) pursuant to Sections 366.076(1) and 366.041, Florida Statutes, and Rule 25-6.0431, Florida Administrative Code, requesting the Commission to conduct a limited proceeding to recover costs for certain limited capital projects and to adjust its base rates accordingly.

2. Consistent with the Company’s Petition for Limited Proceeding, the Parties have agreed to the following:

a. The substantive issues raised in the Company's Petition for Limited Proceeding shall be processed under the Commission's Proposed Agency Action ("PAA") procedures.

b. The tariff sheets that were submitted as Attachment A with FPUC's Petition for Limited Proceeding shall be considered as solely illustrative, with no legal force and effect and thus, do not trigger the application of the "file and suspend" provisions of Section 366.06, Florida Statutes.

c. Upon the Commission's official vote issuing a PAA order ("PAA Order") on FPUC's Petition for Limited Proceeding, the Company shall file tariff sheets (the "Tariff Filing") which conform to the Commission's vote within fifteen (15) days of the vote.

d. The limited proceeding PAA Order and the Tariff Filing shall be considered two separate, but related, steps in this docket.

e. The Parties contemplate that, to the extent the OPC objects to the Commission's decision (or any part thereof) in the PAA Order, the OPC will file a request for a hearing on the Tariff Filing, within 14 days of the submission of the Tariff Filing, as a stand-alone filing ("Tariff Filing Hearing Request"). Additionally, if such a hearing request on the Tariff Filing is made, a separate pleading protesting and requesting a hearing on the PAA Order ("PAA Protest") shall be made by the OPC. These two separate filings will be made in accordance with, as applicable, Sections 120.57, 120.80(13)(b), 366.076(1), and 366.041, Florida Statutes, and Rules 25-6.0431, 25-22.029, 25-22.036 and 28-106.201, Florida Administrative Code. Should both a PAA Protest and a Tariff Filing

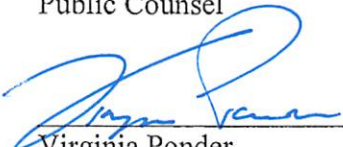
Hearing Request be filed, the two matters shall be consolidated for hearing. If the OPC does not make a Tariff Filing Hearing Request, the OPC will not file a PAA Protest and the PAA Order will be allowed to become final, unless a timely and lawful objection is filed by another party.

f. The Parties agree that, in the event the OPC or a substantially affected party other than FPUC files a protest of the PAA Order, the Commission should not withhold its consent to the Tariff Filing and the rates filed therein consistent with the PAA vote shall be allowed to go into effect by operation of Section 366.06, Florida Statutes, subject to refund pending the outcome of any future hearing on the consolidated matter of the Tariff Filing Hearing Request and the PAA Protest. If, however, the Company is the only party to file a protest to the PAA Order, it agrees to withdraw the Tariff Filing concurrent with such protest and re-file tariffs that conform to the Commission's final decision on the protest and interim rates shall not be authorized or approved by the Commission.

3. The Parties agree that this stipulation as to the procedure to be utilized for processing this case shall be limited to this case, Docket No. 20170150. In submitting this Joint Motion, neither Florida Public Utilities Company nor the Office of Public Counsel waives any argument in any future, separate proceeding, as to the application of the "file and suspend" statute to limited proceedings nor shall this Joint Motion be deemed "res judicata" as to any argument regarding that question in a future, separate proceeding.

Wherefore, the Parties request the Commission approve their Joint Motion Requesting Commission Approval of Procedure for Conducting Limited Proceeding and for Subsequent Tariff Filing.

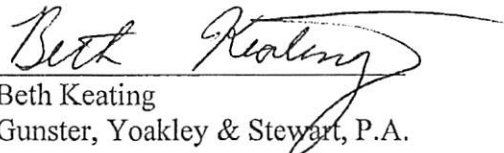
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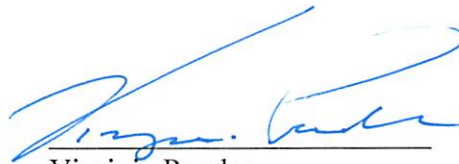
*Attorneys for Florida Public Utilities
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Joint Motion Requesting Commission Approval of Procedure for Conducting Limited Proceeding and For Subsequent Tariff Filing procedure has been furnished by electronic mail to the following parties on this 21st day of July, 2017.

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