

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition emergency variance from or waiver of Rule 25-6.049(5)-(6), F.A.C., by Casa Devon Venture, LP.

DOCKET NO. 20200175-EU

DATED: October 21, 2020

COMMISSION STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-2020-0335-PCO-EU, filed October 1, 2020, the Staff of the Florida Public Service Commission files its Prehearing Statement.

1. All Known Witnesses

Staff has no known witnesses.

2. All Known Exhibits

Staff has no known exhibits.

3. Staff's Statement of Basic Position

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 stated herein.

4. Staff's Position on the Issues

ISSUE 1: Has Casa Devon Venture, LP (Casa Devon) demonstrated that the purpose of the statutes underlying Rule 25-6.049(5), F.A.C., will be or have been achieved by other means by Casa Devon?

POSITION: Staff has no position at this time.

ISSUE 2: Has Casa Devon demonstrated that application of Rule 25-6.049(5), F.A.C., would create a substantial hardship, as defined by Section 120.542(2), F.S., to Casa Devon?

POSITION: Staff has no position at this time.

ISSUE 3: Has Casa Devon demonstrated that application of Rule 25-6.049(5), F.A.C., would violate "principles of fairness," as defined by Section 120.542(2), F.S.?

POSITION: Staff has no position at this time.

ISSUE 4: Should the Commission grant the petition for emergency variance from or waiver of Rule 25-6.049(5), F.A.C., Measuring Customer Service, by Casa Devon?

POSITION: Staff has no position at this time.

ISSUE 5: Should this docket be closed?

POSITION: Staff has no position at this time.

Contested Issues

There is disagreement among the parties as to whether certain issues should be included as issues in this case. These contested issues are as follows:

ISSUE A: Whether the purpose of the statute underlying Rule 25-6.049, F.A.C., the Florida Energy Efficiency and Conservation Act, is to promote energy conservation and reduce electricity consumption?

POSITION: Staff has no position at this time.

ISSUE B: In the alternative, if the Commission denies Casa Devon's petition for emergency variance from or waiver of Rule 25-6.049(5), F.A.C., should the Commission find that Casa Devon should be allowed to master meter the Casa Devon apartment building as a specialized-use housing accommodation pursuant to Rule 25-6.049(5)(c), F.A.C.?

POSITION: Staff has no position at this time.

ISSUE C: Can a petitioner requesting a waiver of or variance from a rule satisfy the statutory requirement to demonstrate a "substantial hardship," as defined by Sec. 120.542(2), Fla. Stat., through the petitioner's own failure to timely request a waiver or variance from a Commission rule?

POSITION: Staff has no position at this time.

5. Stipulated Issues

There are no stipulated issues at this time.

6. Pending Motions

Commission staff has no pending motions.

7. Pending Confidentiality Claims or Requests

Commission staff has no pending confidentiality claims or requests.

8. Objections to Witness Qualifications as an Expert

Commission staff has no position at this time.

9. Compliance with Order No. PSC-2020-0335-PCO-EU

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 21st day of October, 2020.

/s/ Kathryn G.W. Cowdery

KATHRYN G.W. COWDERY

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Casa Devon Venture, LP.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that COMMISSION STAFF'S PREHEARING STATEMENT has
been filed with the Office of Commission Clerk and that a true copy has been furnished to the
following by electronic mail this 21st day of October, 2020:

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