

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 090002-EG
ORDER NO. PSC-09-0724-PHO-EG
ISSUED: October 30, 2009

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (F.A.C.), a Prehearing Conference was held on October 20, 2009, in Tallahassee, Florida, before Commissioner Nathan A. Skop, as Prehearing Officer.

APPEARANCES:

R. WADE LITCHFIELD, JOHN T. BUTLER, and KEN RUBIN, ESQUIRES,
700 Universe Boulevard, Juno Beach, Florida 33408-0420
On behalf of Florida Power & Light Company (FPL).

NORMAN H. HORTON, JR., ESQUIRE, Messer, Caparello & Self, P.A., Post
Office Box 15579, Tallahassee, Florida 32317
On behalf of Florida Public Utilities Company (FPUC).

JEFFREY A. STONE, RUSSELL A. BADDERS, and STEVEN R. GRIFFIN,
ESQUIRES, Beggs & Lane, Post Office Box 12950, Pensacola, Florida 32591-
2950
On behalf of Gulf Power Company (Gulf).

JOHN T. BURNETT, ESQUIRE, Associate General Counsel, Progress Energy
Service Co., LLC, Post Office Box 14042, St. Petersburg, Florida 33733-4042
On behalf of Progress Energy Florida, Inc. (PEF).

LEE L. WILLIS, and JAMES D. BEASLEY, ESQUIRES, Ausley & McMullen,
Post Office Box 391, Tallahassee, Florida 32302
On behalf of Tampa Electric Company (TECO).

PATRICIA A. CHRISTENSEN, Associate Public Counsel, and CHARLES
BECK, Deputy Public Counsel, Office of Public Counsel, c/o The Florida
Legislature, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-
1400
On behalf of the Citizens of the State of Florida (OPC).

JON MOYLE, JR, and VICKI GORDON KAUFMAN, ESQUIRES, 118 North
Gadsden Street, Tallahassee, Florida 32312 and JOHN W. McWHIRTER, JR.,
ESQUIRE, McWhirter & Davidson, P.A., P.O. Box 3350, Tampa, Florida 33601-
3350
On behalf of the Florida Industrial Power Users Group (FIPUG).

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FPSC-COMMISSION CLERK

JAMES W. BREW and F. ALVIN TAYLOR, ESQUIRES, Brickfield, Burchette, Ritts and Stone, P.C., 1025 Thomas Jefferson St., N.W., Eighth Floor, West Tower, Washington, D.C. 20007

On behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (PCS PHOSPHATE or PCS).

KATHERINE E. FLEMING, ESQUIRE, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

On behalf of the Florida Public Service Commission (Staff).

Mary Anne Helton, Deputy General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

Advisor to the Florida Public Service Commission.

PREHEARING ORDER

I. CASE BACKGROUND

As part of the Commission's continuing energy conservation cost recovery proceedings, an administrative hearing is set for November 2-4, 2009. This Order sets forth the order of witnesses, issues and positions, list of exhibits, and other procedural matters to be addressed at the hearing. The Commission may render a bench decision in this matter.

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 Chapter 366, Florida Statutes (F.S.). This hearing will be governed by said Chapter and Chapters 25-17, 25-22, and 28-106, 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 Section 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, 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 five 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's direct testimony is adverse to its interests.

VI. ORDER OF WITNESSES

As a result of discussions at the prehearing conference, each witness whose name is preceded by an asterisk (*) will be excused from this hearing if no Commissioner assigned to this case seeks to cross-examine the particular witness. Parties shall be notified as soon as possible as to whether any such witness shall be required to be present at the hearing. The testimony of excused witnesses will be inserted into the record as though read, and all exhibits submitted with those witnesses' testimony shall be identified as shown in Section IX of this Prehearing Order and be admitted into the record.

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
*Lionor M. Herrera	FPL	1
*Anita Sharma	FPL	2-5
*Marc S. Seagrave <small>The prefiled testimony of Marc S. Seagrave will be adopted by Joseph R. Eysie.</small>	FPUC	1
*Joseph R. Eysie (Adopts Seagrave)	FPUC	2, 3, 4
*John N. Floyd	GULF	1, 2, 3, 4
*John A. Masiello	PEF	1 – 5
*Howard T. Bryant	TECO	1 – 6
Jeffry Pollock	FIPUG	7 – 14

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Rebuttal</u>		
*John R. Haney	FPL	12-15
John A. Masiello	PEF	9 – 10
Nancy Holdstein	PEF	6 – 8, 10

VII. BASIC POSITIONS

FPL: FPL's proposed Conservation Cost Recovery Factors for the January 2010 through December 2010 recovery period and true-up amounts for prior periods should be approved.

FPUC: FPU has properly projected its costs and calculated its true-up amounts and conservation cost recovery factors. Those amounts and factors should be approved by the Commission.

GULF: It is the basic position of Gulf Power Company that the proposed ECCR factors present the best estimate of Gulf's Conservation expense for the period January 2010 through December 2010, including the true up calculations and other adjustments allowed by the Commission.

PEF: None necessary.

TECO: The Commission should determine that Tampa Electric 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 Howard T. Bryant during the period January 2010 through December 2010.

The Commission should also approve the Contracted Credit Value Tampa Electric has calculated for the GSLM-2 and GSLM-3 rate riders for use during the period January 2010 through December 2010, also set forth in witness Bryant's testimony and exhibits.

OPC: None at this time.

FIPUG: FIPUG has raised issues in this proceeding regarding the value which should be assigned to PEF's interruptible credit and FPL's CDR rider because, though FIPUG raised these issues in the pending rate cases, it is not clear if these issues will be decided in those cases.

PEF's interruptible credit should be increased to \$10.49 per kW based on PEF's own cost-effectiveness analysis. This analysis shows that the general body of rate payers would benefit by paying \$10.49 per kW of capacity rather than building new capacity.

FPL's CDR credit should be increased to at least \$5.50/kW. This value is based on FPL's most recent standard offer contract filing. It is conservative because it is based on the completion of FPL's nuclear units, which have considerable risk of delay.

For both PEF and FPL, customers should have the option to lock the credit in for 3 years. This is consistent with the Commission's decision in the Tampa Electric rate case.

Last, the ECCR factors should be revised to recover conservation costs on a demand basis. This is consistent with cost causation because the majority of conservation costs are demand related.

PCS:

At this time, PCS Phosphate generally accepts and adopts the positions taken by the Florida Industrial Power Users Group ("FIPUG"). Interruptible loads provide significant economic, reliability and environmental benefits to PEF and other PEF ratepayers by taking service on an interruptible basis. It is important that interruptible credits reflect an up-to-date assessment of PEF's avoided costs and the tangible benefits supplied by interruptible loads. The appropriate amount for this interruptible credit has been in Progress' general rate case (Docket No. 090079) and in this docket. The evidence demonstrates that the current level of credits is significantly less than the benefits provided. Progress' proposal to reduce Interruptible Demand Credits fails to acknowledge these benefits. Cost-effectiveness information provided by Progress demonstrates that the I.S. credit should be at least \$10.49 per billing kW and should not be load factor-adjusted.

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

Generic Conservation Cost Recovery Issues

ISSUE 1: *Proposed Stipulation, See Section X.*

ISSUE 2: *Proposed Stipulation, See Section X.*

ISSUE 3: *Proposed Stipulation, See Section X.*

ISSUE 4: *Proposed Stipulation, See Section X.*

ISSUE 5: *Proposed Stipulation, See Section X.*

Company Specific Conservation Cost Recovery Issues

Tampa Electric Company

ISSUE 6: *Proposed Stipulation, See Section X.*

ISSUE 7: *Proposed Stipulation, See Section X.*

Progress Energy Florida, Inc.

ISSUE 8: **DROPPED**

ISSUE 9: **DROPPED**

ISSUE 10: **DROPPED**

ISSUE 11: *Proposed Stipulation, See Section X.*

Florida Power & Light Company

ISSUE 12: **DROPPED.** *In lieu of filing a Motion for Reconsideration, the parties have proposed stipulation of this issue. See Proposed Stipulations, Section X.*

ISSUE 13: **DROPPED.** *In lieu of filing a Motion for Reconsideration, the parties have proposed stipulation of this issue. See Proposed Stipulations, Section X.*

ISSUE 14: **DROPPED.** *In lieu of filing a Motion for Reconsideration, the parties have proposed stipulation of this issue. See Proposed Stipulations, Section X.*

ISSUE 15: **DROPPED.** *In lieu of filing a Motion for Reconsideration, the parties have proposed stipulation of this issue. See Proposed Stipulations, Section X.*

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
<u>Direct</u>			
Leonor M. Herrera	FPL	LMH-1	Schedules CT-1 through CT-6, Appendix A
Anita Sharma	FPL	AS-1	Schedules C-1 through C-5
Marc S. Seagrave <small>The prefiled exhibit of Marc S. Seagrave will be adopted by Joseph R. Eysie</small>	FPUC	MSS-1 (Composite)	True-up calculations and Schedules CT-1, CT-2, CT-3, CT-4, CT-5, and CT-6
Joseph R. Eysie	FPUC	JRE-1 (Composite)	Projections calculations and Schedules C-1, C-2, C-3, C-4, and C-5
John N. Floyd	GULF	JNF-1	Schedules CT-1 through CT-6
John N. Floyd	GULF	JNF-2	Schedules C - 1 through C - 6
John A. Masiello	PEF	JAM-1T	ECCR Adjusted Net True-Up for January – December 2008, Schedules CT1 – CT5

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
John A. Masiello	PEF	JAM-1P	Estimated/Actual True-Up, January – December 2009 and ECCR Factors for Billings in January – December 2010, Schedules C1 – C5
Howard T. Bryant	TECO	HTB-1	Schedules supporting cost recovery factor, actual January 2008 - December 2008
Howard T. Bryant	TECO	HTB-2	Schedules supporting conservation costs projected for the period January 2010 - December 2010
Jeffry Pollock	FIPUG	JP-1	PEF Cost-Effectiveness of Interruptible Load Rate Impact Measurement (RIM) Test
Jeffry Pollock	FIPUG	JP-2	Bary Type Coincidence Factor Versus Load Factor Curves
Jeffry Pollock	FIPUG	JP-3	FPL Derivation of Rider CDR Credit

Rebuttal

John A. Masiello	PEF	JAM-1R	PEF Interruptible/Curtailable Even Log (2000 – 2009)
Nancy Holdstein	PEF	NLH-1	Summary of current & proposed IS/CS credits

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

X. PROPOSED STIPULATIONS

There are proposed stipulations on the following issues, noting that FIPUG has taken no position on Issues 1-4, 6-7; PCS has taken no position on Issues 1-4, 6-7, 12-15; and OPC has taken no position on all issues.

Generic Conservation Cost Recovery Issues

ISSUE 1: What are the final conservation cost recovery true-up amounts for the period January 2008 through December 2008?

Stipulation:

Florida Power & Light (FPL)	\$4,994,170	Underrecovery
Florida Public Utilities (FPUC)	\$26,890	Underrecovery
Gulf Power Company (GPC)	\$2,911,666	Overrecovery
Progress Energy Florida (PEF)	\$3,276,149	Overrecovery
Tampa Electric Company (TECO)	\$389,627	Overrecovery

ISSUE 2: What are the total conservation cost recovery amounts to be collected during the period January 2010 through December 2010?

Stipulation:

Florida Power & Light (FPL)	\$179,713,960
Florida Public Utilities (FPUC)	\$591,724
Gulf Power Company (GPC)	\$11,525,684
Progress Energy Florida (PEF)	\$86,501,449
Tampa Electric Company (TECO)	\$43,816,518

ISSUE 3: What are the conservation cost recovery factors for the period January 2010 through December 2010?

Stipulation:

FPL	Rate Class	ECCR Factor
	RS1/RST1	0.188 cents/Kwh
	GS1/GST1	0.186 cents/Kwh
	GSD1/GSDT1/HLTF (21-499kW)	0.170 cents/Kwh
	OS2	0.191 cents/Kwh
	GSLD1/GSLDT1/CS1/CST1/HLTF (500-1,999 kW)	0.166 cents/Kwh
	GSLD2/GSLDT2/CS2/CST2/HLTF	0.155 cents/Kwh

FPL	Rate Class	ECCR Factor
	(2,000+kW)	
	GSLD3/GSLDT3/CS3/CST3	0.142 cents/Kwh
	ISST1D	0.143 cents/Kwh
	ISST1T	0.130 cents/Kwh
	SST1T	0.130 cents/Kwh
	SST1D1/SST1D2/SST1D3	0.143 cents/Kwh
	CILC D/CILC G	0.152 cents/Kwh
	CILC T	0.141 cents/Kwh
	MET	0.180 cents/Kwh
	OL1/SL1/PL1	0.093 cents/Kwh
	SL2, GSCU1	0.146 cents/Kwh
FPUC	Rate Class	ECCR Factor
	(Consolidated)	0.080 cents/Kwh
GULF	Rate Class	ECCR Factor
	RS, RSVP	0.108 cents/Kwh
	GS	0.105 cents/Kwh
	GSD, GSDT, GSTOU	0.100 cents/Kwh
	LP, LPT	0.095 cents/Kwh
	PX, PXT, RTP, SBS	0.091 cents/Kwh
	OSI, OSII	0.080 cents/Kwh
	OSIII	0.094 cents/Kwh
PEF	Rate Class	ECCR Factor*
	Residential	0.270 cents/Kwh
	General Svc. Non-Demand	0.223 cents/Kwh
	@ Primary Voltage	0.221 cents/Kwh
	@ Transmission Voltage	0.219 cents/Kwh
	General Svc. 100% Load Factor	0.188 cents/Kwh
	General Svc. Demand	0.210 cents/Kwh
	@ Primary Voltage	0.208 cents/Kwh
	@ Transmission Voltage	0.206 cents/Kwh
	Curtable	0.194 cents/Kwh
	@ Primary Voltage	0.192 cents/Kwh
	@ Transmission Voltage	0.190 cents/Kwh
	Interruptible	0.186 cents/Kwh
	@ Primary Voltage	0.184 cents/Kwh
	@ Transmission Voltage	0.182 cents/Kwh
	Lighting	0.124 cents/Kwh

*The factors are subject to change pending the resolution of certain rate design modifications in PEF's base rate proceeding in Docket No. 090079-EI.

TECO	Rate Class	ECCR Factor
	Residential	0.254 cents/Kwh
	General Svc., TS	0.249 cents/Kwh
	General Svc. Demand Optional - Secondary	0.179 cents/Kwh
	@ Primary Voltage	0.177 cents/Kwh
	@ Subtransmission Voltage	0.175 cents/Kwh
	Lighting	0.113 cents/Kwh
	General Svc. Demand - Secondary	0.88 dollars/kW
	@ Primary Voltage	0.87 dollars/kW
	@ Subtransmission Voltage	0.86 dollars/kW
	Standby Firm - Secondary	0.88 dollars/kW
	@ Primary Voltage	0.87 dollars/kW
	@ Subtransmission Voltage	0.86 dollars/kW
	Interruptible – Secondary	0.79 dollars/kW
	@ Primary Voltage	0.78 dollars/kW
	@ Subtransmission Voltage	0.77 dollars/kW

ISSUE 4: What should be the effective date of the new conservation cost recovery factors for billing purposes?

Stipulation: The factors should be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2010 through December 2010. Billing cycles may start before January 1, 2010, and the last cycle may be read after December 31, 2010, so that each customer is billed for twelve months regardless of when the adjustment factor became effective.

ISSUE 5: Should FPL's and PEF's conservation program costs be recovered on a demand basis? (FIPUG ISSUE 6)

Stipulation: Yes, demand-metered classes should be billed for ECCR charges on a demand basis. Due to the need to design, test and implement the required billing system changes, billing ECCR charges on a demand basis will commence on the first billing cycle day of April 2010. Demand-metered customers will be informed via bill insert of this change in billing prior to its implementation. The demand-based ECCR charges will be submitted to Staff for review and approval by November 9, 2009.

Company Specific Conservation Cost Recovery Issues

Tampa Electric Company

ISSUE 6: What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2010 through December 2010?

Stipulation: In accordance with the program requirement and methodology established by Order No. PSC-99-1778-FOF-EI, issued September 10, 1999, in Docket No. 990037-EI, the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders will be \$9.72 per KW for the period January 2010 through December 2010.

ISSUE 7: What are the residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2010 through December 2010?

Stipulation: In accordance with the program requirement and methodology established by Order No. PSC-07-0740-TRF-EG, issued September 17, 2007, in Docket No. 070056-EG, the rate tiers for RSVP-1 will be as follows:

Rate Tier	Cents/kWh
P4	29.254
P3	3.705
P2	(0.406)
P1	(0.573)

Progress Energy Florida, Inc.

ISSUE 11: Should customers have the option to lock in PEF's IS credits for at least 3 years? (FIPUG ISSUE 10)

Stipulation: Yes.

Florida Power & Light Company

In lieu of filing a Motion for Reconsideration on Issues 12-15, the parties have agreed to the following stipulation:

ISSUE 12: Has FPL appropriately reflected the cost of its CILC program? (FIPUG ISSUE 11)

ISSUE 13: What is the appropriate value for FPL's Commercial Industrial Demand Reduction Rider (CDR)? (FIPUG ISSUE 12)

ISSUE 14: Should the value of interruptible power be reflected in the credits applicable to FPL's stand-by customers? (FIPUG ISSUE 13)

ISSUE 15: Should the customers have the option to lock in the CDR credits for at least 3 years? (FIPUG ISSUE 14)

Stipulation: The non-fuel energy, demand, and customer charges are appropriately reviewed as part of a utility's base rate proceeding. The credits applied to an interruptible customer's bills are appropriately reviewed as part of the Commission's review of any utility filed demand-side management (DSM) program modifications. The Commission is currently scheduled to review utility DSM program modifications subsequent to establishing new DSM goals in Docket Nos. 080407-EG through 080413-EG. The current credits to interruptible customers will remain in effect until the Commission reviews and approves a utility's DSM program modifications.

XI. PENDING MOTIONS

There are no pending motions.

XII. PENDING CONFIDENTIALITY MATTERS

There are two pending confidentiality requests:

- 1). FPL's Third Request for Extension of Confidential Classification of Certain Materials Provided in Audit No. 00-047-4-1 (Document Nos. 08718-00 and 09551-00)

- 2). FPL's Request for Confidential Classification of Information Provided Pursuant to Audit No. 09-028-4-1 (Document No. 08665-09).

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 of no more than 50 words, 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 50 words, it must be reduced to no more than 50 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 five minutes per party.

It is therefore,

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

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 30th day of October, 2009.



NATHAN A. SKOP
Commissioner and Prehearing Officer

(S E A L)

KEF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, 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 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. 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.