

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Florida Public Utilities Company.

DOCKET NO. 070300-EI

In re: Petition for rate increase by Florida Public Utilities Company.

DOCKET NO. 070304-EI

ORDER NO. PSC-07-0647-PCO-EI

ISSUED: August 9, 2007

ORDER CONSOLIDATING DOCKETS FOR HEARING

Storm Hardening Plans – Docket No. 070300-EI

Rule 25-6.0342, Florida Administrative Code, requires each investor-owned electric utility (IOU) to file a comprehensive storm hardening plan for review and approval by the Commission. On May 4, 2007, Florida Public Utilities Company (FPUC) filed its Petition for Variance from Rule 25-6.0342(2), Florida Administrative Code, seeking an additional 60 days to file its Storm Hardening Plan. Docket No. 070300-EI was opened to address FPUC's filing. By Order No. PSC-07-0558-PAA-EI, the Commission granted FPUC's Petition, thereby making its 2007 Storm Hardening Plan due on or before July 6, 2007. On July 3, 2007, FPUC submitted its 2007 Storm Hardening Plan to the Commission.

Petition for Increase in Rates and Charges – Docket No. 070304-EI

By letter dated April 27, 2007, FPUC requested test year approval in order to file an application for an increase in its rates and charges for its Marianna and Fernandina Beach Divisions. According to its letter, FPUC intends to file its petition and minimum filing requirements on or before September 17, 2007. Further, FPUC has requested that its rate case be scheduled directly for hearing. Docket No. 070304-EI was opened to address FPUC's forthcoming general rate increase proceeding.

Rule 28-106.108, Florida Administrative Code, states, "[i]f there are separate matters which involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of the party." FPUC has asserted that substantial cost increases will be associated with implementing its Storm Hardening Plan in excess of its current revenues; thus, FPUC's Storm Hardening Plan will be a substantive issue in FPUC's upcoming rate case. Further, the parties and intervenors have agreed that consolidation of these dockets for hearing would be appropriate. Therefore, I find that consolidation of these dockets will promote the just, speedy and inexpensive resolution of the proceedings, and will not unduly prejudice the rights of any party.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Accordingly, Docket Nos. 070300-EI and 070304-EI are hereby consolidated for the purpose of the evidentiary hearing only. An Order Establishing Procedure will be issued to schedule the controlling dates governing these proceedings. This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

Based on the foregoing, it is

ORDERED by Commissioner Nancy Argenziano, as Prehearing Officer, that Docket Nos. 070300-EI and 070304-EI are consolidated for the purpose of the evidentiary hearing only.

By ORDER of Commissioner Nancy Argenziano, as Prehearing Officer, this 9th day of August, 2007.



NANCY ARGENZIANO
Commissioner and Prehearing Officer

(S E A L)

LAH

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 25-22.060, 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.