

BEFORE THE FLORIDA 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-07-0969-PCO-EI

ISSUED: December 5, 2007

FIRST ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code (F.A.C.), 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.

Order No. PSC-07-0804-PCO-EI, issued October 3, 2007, established the hearing procedure applicable to Docket No. 070304-EI, Florida Public Utilities Company's (FPUC) petition for a rate increase.¹ The parties have requested certain modifications to Order No. PSC-07-0804-PCO-EI, addressed below.

First, OPC and FPUC have requested additional time to file intervenor testimony and rebuttal testimony. As there is sufficient time in the schedule to accommodate the request, the time for filing intervenor testimony and exhibits will be changed from December 14, 2007, to December 27, 2007, and the time for filing rebuttal testimony and exhibits will be changed from January 7, 2008, to January 22, 2007.

Second, OPC and FPUC have indicated that they believe it may be necessary to rely on evidence regarding FPUC's storm hardening plan produced in Docket No. 070300-EI to support evidence produced and positions taken in this rate case docket, and vice versa. To avoid the filing of duplicative testimony and exhibits in the two cases, and to thereby promote the just, speedy, and inexpensive determination of all aspects of the two cases, I find that those who are parties to both dockets may use and rely upon any and all evidence adduced in Docket No. 070300-EI to support evidence produced and positions taken in Docket No. 070304-EI, and those parties may use and rely upon any and all evidence adduced in Docket No. 070304-EI to support evidence produced and positions taken in Docket No. 070300-EI.

Based upon the foregoing, it is

¹ Although the docket has been consolidated for hearing purposes with Docket No. 070300-EI, review of FPUC's infrastructure storm hardening plan, the cases are governed by separate orders establishing procedure.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

ORDERED by Commissioner Nancy Argenziano, as Prehearing Officer, that Order No. PSC-07-0804-PCO-EI shall be modified as described in the body of this Order. It is further

ORDERED that all other provisions of Order No. PSC-07-0804-PCO-EI shall remain in effect. It is further

ORDERED that the provisions of Order No. PSC-07-0804-PCO-EI, as modified, shall govern this proceeding unless further modified by the Commission.

By ORDER of Commissioner Nancy Argenziano, as Prehearing Officer, this
5th day of December, 2007.



NANCY ARGENZIANO
Commissioner and Prehearing Officer

(S E A L)

MCB

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.