

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 Progress
Energy Florida, Inc.

DOCKET NO. 070298-EI
ORDER NO. PSC-07-1021-FOF-EI
ISSUED: December 28, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
MATTHEW M. CARTER II
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

APPEARANCES:

JOHN T. BURNETT, ESQUIRE, P.O. Box 14042, St. Petersburg, Florida
33733-4042
On behalf of Progress Energy Florida, Inc. (PEF).

MARIA T. BROWNE, JOHN D. SEIVER, ESQUIRES, Davis Wright Tremaine
LLP, 1919 Pennsylvania Avenue, NW, Suite 200, Washington, D.C. 20006 and
BETH KEATING, ESQUIRE, Akerman Senterfitt, 106 East College Avenue,
Suite 1200, Tallahassee, Florida 32301
On behalf of Florida Cable Telecommunication Association, Inc. (FCTA).

JAMES MEZA III, JENNIFER S. KAY, ESQUIRES, C/O Nancy H. Sims,
Esquire, 150 South Monroe Street, Suite 400, Tallahassee, Florida 32301 and
TRACY HATCH, ESQUIRE, 101 North Monroe Street, Suite 700, Tallahassee,
Florida 32301
On behalf of Bellsouth Telecommunications, Inc., D/B/A/ AT&T FLORIDA
(AT&T)

SUSAN S. MASTERTON, ESQUIRE, 1313 Blair Stone Road, Tallahassee,
Florida 32301
On behalf of Embarq Florida, Inc. (Embarq)

DOCUMENT NUMBER-DATE

11269 DEC 28 07

FPSC-COMMISSION CLERK

ORDER NO. PSC-07-1021-FOF-EI
DOCKET NO. 070298-EI
PAGE 2

DULANEY L. O'ROARK III, GENERAL COUNSEL, Southeast Region
Verizon, 5055 North Point Parkway, Alpharetta, GA 30022
On behalf of Verizon Florida LLC., (Verizon)

KEINO YOUNG, KATHERINE E. FLEMING, LISA C. BENNETT, ADAM J.
TEITZMAN, and H. F. MANN, ESQUIRES, Florida Public Service Commission,
2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
On behalf of the Florida Public Service Commission (Staff).

FINAL ORDER APPROVING PROGRESS ENERGY FLORIDA'S 2007 STORM
HARDENING PLAN

BY THE COMMISSION:

Background

The hurricanes of 2004 and 2005 that made landfall in Florida resulted in extensive storm restoration costs and long-term electric service interruptions for millions of electric investor-owned utility (IOU) customers. On January 23, 2006, we conducted a workshop to discuss the damage to electric utility facilities resulting from the recent hurricanes and to explore ways of minimizing future storm damages and customer outages. State and local government officials, independent technical experts, and Florida's electric utilities participated in the workshop.

On February 27, 2006, we issued Order No. PSC-06-0144-PAA-EI, requiring the IOUs to begin implementing an eight-year inspection cycle of their respective wooden poles.¹ In that Order, we noted:

The severe hurricane seasons of 2004 and 2005 have underscored the importance of system maintenance activities of Florida's electric IOUs. These efforts to maintain system components can reduce the impact of hurricanes and tropical storms upon utilities' transmission and distribution systems. An obvious key component in electric infrastructure is the transmission and distribution poles. If a pole fails, there is a high chance that the equipment on the pole will be damaged, and failure of one pole often causes other poles to fail. Thus, wooden poles must be maintained or replaced over time because they are prone to deterioration. Deteriorated poles have lost some or most of their original strength and are more prone to fail under certain environmental conditions such as high winds or ice loadings. The only way to know for sure which poles are acceptable, which poles must be treated or braced, and which poles must be replaced is through periodic inspections.

Id. at 2. Also, in a separate order, we required Florida's local exchange telecommunications companies to implement an eight-year inspection cycle of their wooden poles.²

At a February 27, 2006, internal affairs conference, we were briefed on recommended additional actions to address the effects of extreme weather events on electric infrastructure. We also heard comments from interested persons and Florida's electric utilities regarding our staff's recommended actions. Ultimately, we decided the following:

¹ Docket No. 060078-EI, In re: Proposal to require investor-owned electric utilities to implement ten-year wood pole inspection program.

² Order No. PSC-06-0168-PAA-TL, issued March 1, 2006, in Docket No. 060077-TL, In re: Proposal to require local exchange telecommunications companies to implement ten-year wood pole inspection program.

- 1) All Florida electric utilities, including municipal utilities and rural electric cooperative utilities, would provide an annual Hurricane Preparedness Briefing;
- 2) Our staff would file a proposed agency action recommendation for the April 4, 2006, agenda conference requiring each investor-owned electric utility to file plans and estimated implementation costs for ongoing storm preparedness initiatives;
- 3) A docket would be opened to initiate rulemaking to adopt distribution construction standards that are more stringent than the minimum safety requirements of the National Electrical Safety Code (NESC); and
- 4) A docket would be opened to initiate rulemaking to identify areas and circumstances where distribution facilities should be required to be constructed underground.

On April 25, 2006, we issued Order No. PSC-06-0351-PAA-EI, requiring all investor-owned electric utilities to file plans and estimated implementation costs for ten ongoing storm preparedness initiatives (Ten Initiatives) on or before June 1, 2006.³ The Ten Initiatives are:

- 1) A Three-year Vegetation Management Cycle for Distribution Circuits;
- 2) An Audit of Joint-Use Attachment Agreements;
- 3) A Six-year Transmission Structure Inspection Program;
- 4) Hardening of Existing Transmission Structures;
- 5) A Transmission and Distribution Geographic Information System;
- 6) Post-Storm Data Collection and Forensic Analysis;
- 7) Collection of Detailed Outage Data Differentiating Between the Reliability Performance of Overhead and Underground Systems;
- 8) Increased Utility Coordination with Local Governments;
- 9) Collaborative Research on Effects of Hurricane Winds and Storm Surge;
- and
- 10) A Natural Disaster Preparedness and Recovery Program.

These Ten Initiatives were not intended to encompass all reasonable ongoing storm preparedness activities. Rather, we viewed these initiatives as the starting point of an ongoing process.⁴ By Order Nos. PSC-06-0781-PAA-EI (TECO, Florida Public Utilities Company), PSC-06-0947-PAA-EI (PEF, Gulf), and PSC-07-0468-FOF-EI (FPL), we addressed the adequacy of the IOUs' plans for implementing the Ten Initiatives.

Separate from the Ten Initiatives, we pursued rulemaking to address distribution construction standards that are more stringent than the minimum safety requirements of the NESC and the identification of areas and circumstances where distribution facilities should be

³ Docket No. 060198-EI, In re: Requirement for investor-owned electric utilities to file ongoing storm preparedness plans and implementation cost estimates.

⁴ Order No. PSC-06-0947-PAA-EI, page 2, issued November 13, 2006, in Docket No. 060198-EI, In re: Requirement for investor-owned electric utilities to file ongoing storm preparedness plans and implementation cost estimates.

required to be constructed underground.⁵ Rule 25-6.0342, Florida Administrative Code (F.A.C.), was adopted as a result of these rulemaking efforts.⁶

Rule 25-6.0342, F.A.C., requires each IOU to file an Electric Infrastructure Storm Hardening Plan (Plan) for review and approval by us. The Rule also requires the Plan to contain a description of construction standards, policies, practices, and procedures to enhance the reliability of overhead and underground electrical transmission and distribution facilities. The Rule requires at a minimum, that each IOU's Plan address the following:

- (a) Compliance with the NESC.
- (b) Extreme wind loading (EWL) standards for: (i) new construction, (ii) major planned work, including expansion, rebuild, or relocation of existing facilities, and (iii) critical infrastructure facilities and along major thoroughfares.
- (c) Mitigation of damage due to flooding and storm surges.
- (d) Placement of facilities to facilitate safe and efficient access for installation and maintenance.
- (e) A deployment strategy including: (i) the facilities affected, (ii) technical design specifications, construction standards, and construction methodologies (iii) the communities and areas where the electric infrastructure improvements are to be made, (iv) the impact on joint use facilities on which third-party attachments exist, (v) an estimate of the costs and benefits to the utility of making the electric infrastructure improvements, and (vi) an estimate of the costs and benefits to third-party attachers affected by the electric infrastructure improvements.
- (f) The inclusion of Attachment Standards and Procedures for Third-Party Attachers.

On May 7, 2007, Florida Power & Light Company (FPL), Gulf Power Company (Gulf), Progress Energy Florida, Inc. (PEF), and Tampa Electric Company (TECO) each filed its 2007 Electric Infrastructure Storm Hardening Plan. Docket Nos. 070297-EI (TECO), 070298-EI (Progress), 070299-EI (Gulf), and 070301-EI (FPL) were opened to address each filing. On June 19, 2007, we voted to set the dockets directly for a formal administrative hearing, with the additional mandate for our staff to conduct a series of informal workshops to allow the parties and our staff to identify disputed issues and potential areas for stipulation. By Order No. PSC-07-0573-PCO-EI, issued July 10, 2007, these dockets were consolidated for purposes of the hearing with the understanding that each utility's Plan would be ruled on separately.

Intervention in PEF's docket was granted to the following parties: BellSouth Telecommunications, Inc., D/B/A AT&T Florida (AT&T);⁷ Embarq Corporation (Embarq);⁸

⁵ Order No. PSC-06-0556-NOR-EU, issued June 28, 2006, in Docket No. 060172-EU, In re: Proposed rules governing placement of new electric distribution facilities underground, and conversion of existing overhead distribution facilities to underground facilities, to address effects of extreme weather events, and Docket No. 060173-EU, In re: Proposed amendments to rules regarding overhead electric facilities to allow more stringent construction standards than required by National Electric Safety Code.

⁶ Order Nos. PSC-07-0043-FOF-EU and PSC-07-0043A-FOF-EU.

⁷ Order No. PSC-07-0611-PCO-EI, issued July 30, 2007.

⁸ Order No. PSC-07-0637, issued August 6, 2007.

Florida Cable Telecommunication Association, Inc. (FCTA);⁹ and Verizon Florida, LLC (Verizon).¹⁰ AT&T, Embarq, FCTA, and Verizon are collectively referred to as the Attachers.

A formal administrative hearing was held October 3-4, 2007. The parties reached agreement on all the issues in this docket, resulting in the docket being stipulated. We were also presented with a stipulated agreement called a “Process to Engage Third-Party Attachers.” This process is designed to allow for the exchange of information between the parties. Per the stipulation, information will be shared among the parties and annual status reports will be filed with us. Disputes or challenges to issues related to a utility’s Plan shall be resolved by us in accordance with Rule 25-6.0342(7), F.A.C. A request for dispute resolution can be filed at any time by a customer, applicant for service, or attaching entity.

This Order addresses PEF’s Plan. We have jurisdiction to address this matter pursuant to Sections 366.04 and 366.05, Florida Statutes.

Summary of the Plan

During the hearing, the parties stipulated to all issues for PEF’s Storm Hardening Plan. PEF’s Storm Hardening Plan contains the previously approved Ten Initiatives and pole inspection requirements and also included all previously approved Commission storm hardening activities.

PEF’s Storm Hardening Plan relies on the company’s experience with Grade C and Grade B construction standards for distribution poles and the performance of these poles during the prior severe weather events. PEF has chosen not to adopt extreme wind standards for all new distribution construction. PEF has no current data or research supporting the application of an extreme wind standard to typical distribution pole construction, but will analyze the extreme wind standard, along with other grades of distribution construction, and consider implementing it in selected locations. PEF estimates that 74% of its current distribution system already meets or exceeds Grade B construction standards. With respect to transmission, all new transmission structures are constructed using the NESC EWL criteria, as well as rebuilds, and relocations of existing facilities. Another feature of PEF’s Storm Hardening Plan is the Asset Investment Strategy (AIS), a proprietary model developed by Davies Consulting that PEF will use to identify and prioritize potential hardening projects, procedures, and strategies. PEF’s Plan identifies multiple locations where various hardening projects will be undertaken for transmission and distribution facilities.

As stated above, PEF also stipulated to an agreement between the electric utilities and attachers. The agreement, a “Process to Engage Third-Party Attachers,” resolved an important provision in Rule 25-6.0342, F.A.C., requiring each utility to have Attachment Standards and Procedures that meet or exceed the NESC standards as part of their Storm Hardening Plans. This process is designed to allow for the exchange of information between the parties. Per the

⁹ Order No. PSC-07-0612-PCO-EI, issued July 30, 2007.

¹⁰ Order No. PSC-070622-PCO-EI, issued July 31, 2007.

stipulation, each IOU will share information with the parties and file an annual status report with us. Disputes or challenges to issues related to a utility's Plan shall be resolved by us in accordance with Rule 25-6.0342(7), F.A.C. A request for dispute resolution can be filed at any time by a customer, applicant for service, or attaching entity.

PEF's Plan

National Electric Safety Code Compliance

The parties stipulated that PEF's Storm Hardening Plan addresses the extent to which, at a minimum, the Plan complies with the NESC (ANSI C-2) that is applicable pursuant to subsection 25-6.0342(3)(a). Based on the evidence in the record and the stipulation of the parties we find that PEF's Storm Hardening Plan meets the requirements of Rule 25-6.0342(3)(a), F.A.C.

Extreme Wind Loading Standards – New Construction

The parties stipulated that PEF's Storm Hardening Plan addresses the extent to which extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for new distribution facility construction. PEF addresses extreme wind loading standards on Pages 4-7 of its Plan and in Attachments C-E. PEF also addresses this issue in its Plan Supplement on pages 1-3, 6-8 and in Attachments A and B. As stated in its Storm Hardening Plan, PEF has not adopted the extreme wind standard for new distribution facility construction. PEF reasoned that there is no current data or research supporting the application of an extreme wind standard to typical distribution pole construction. However, the company will analyze the extreme wind standard, along with other grades of distribution construction, and consider implementing it in selected locations. Moreover, PEF estimates that 74% of its current distribution system already meets or exceeds Grade B construction standards. With respect to transmission, all new transmission structures are constructed using the NESC EWL criteria, as well as rebuilds, and relocations of existing facilities. Based on the evidence in the record and the stipulation of the parties, we find that PEF's Plan meets the requirements of Rule 25-6.0342(3)(b)1, F.A.C.

Extreme Wind Loading Standards – Major Planned Work

The parties stipulated that PEF's Storm Hardening Plan addresses the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for major planned work on the distribution system, including expansion, rebuild, or relocation of existing facilities, assigned on or after the effective date of this rule distribution facility construction. PEF addresses extreme wind loading standards on Pages 4-7 of its Plan and in Attachments C-E. PEF also addresses this issue in its Plan Supplement on pages 1-3, 6-8 and in Attachments A and B. In its Storm Hardening Plan, PEF does not adopt the extreme wind standard for all major planned work, including expansions, rebuilds, or relocations of existing facilities in the distribution system. We note that the Rule requires that a utility company's plan address the extent to which EWL standards are adopted for various types of facilities. It does not

require a utility company to adopt a particular standard. Thus, PEF's use of extreme wind standard under NESC Rule 250C, for all major planned work, including expansions, rebuilds, or relocations of existing facilities in the distribution system is sufficient to meet the requirements of the Rule. We do not object to PEF's use of the extreme wind standard under NESC Rule 250C because PEF's reasoning is based on its experience with the 2004 and 2005 hurricane seasons and other severe weather events. Based on the evidence in the record and the stipulation of the parties, we find that PEF's Storm Hardening Plan meets the requirements of Rule 25-6.0342(3)(b)2, F.A.C.

Extreme Wind Loading Standards – Critical Infrastructure

The parties stipulated that PEF's Storm Hardening Plan addresses the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for distribution facilities serving critical infrastructure facilities and along major thoroughfares taking into account political and geographical boundaries and other applicable operational considerations. PEF addresses extreme wind loading standards on Pages 4-7 of its Plan and in Attachments C-E. PEF also addresses this issue in its Plan Supplement on pages 1-3, 6-8 and in Attachments A and B. In its Storm Hardening Plan, PEF does not adopt the extreme wind standard for any distribution level infrastructure. PEF reasoned that its own experience coupled with industry experience shows that flying debris and vegetation are the primary causes of distribution pole damage, and these are conditions that the extreme wind standards, and any other overhead construction standard, cannot address. Thus, placing distribution poles construction to extreme wind standards around facilities such as hospitals and police stations in PEF's service territory would unnecessarily increase cost and restoration time. Based on the evidence in the record, for reasons stated above, and the stipulation of the parties, we find that PEF's Storm Hardening Plan meets the requirements of Rule 25-6.0342(3)(b)3, F.A.C.

Mitigation of Flooding and Storm Surge Damage

The parties stipulated that PEF's Plan addresses the extent to which its distribution facilities are designed to mitigate damage to underground and supporting overhead transmission and distribution facilities due to flooding and storm surges. PEF addresses this issue on Pages 7-14 of its Storm Hardening Plan and on pages 4-5 of PEF's Plan Supplement and Attachments B and E to that supplement. In its Storm Hardening Plan, PEF seeks to use a two prong approach to mitigate damage to underground and supporting overhead transmission and distribution facilities due to flooding and storm surges. First, PEF will seek to identify areas where underground equipment should not be used. Second, in areas where underground equipment may be exposed to minor storm surge and/or shorter term water intrusion, PEF will use the Asset Investment Strategy Model to identify areas where certain mitigation projects will be put into place to test whether flood mitigation techniques and devices can be used to protect equipment such as switchgears, padmounted transformers and pedestals. In the selected project sites, PEF will test stainless steel equipment, submersible connectors, raised mounting boxes, cold shrink sealing tubes, and submersible secondary blocks. Moreover, PEF will monitor these installations to collect and analyze data to determine how this equipment performed relative to PEF's current design with respect to outage prevention, reduced maintenance, and reduced restoration times.

Based on the evidence in the record and the stipulation of the parties, we find that PEF's Storm Hardening Plan meets the requirements of Rule 25-6.0342(3)(c), F.A.C.

Facility Placement

The parties stipulated that PEF's Plan addresses the extent to which the placement of new and replacement distribution facilities facilitate safe and efficient access for installation and maintenance pursuant to Rule 25- 6.0341, F.A.C. PEF addresses this issue on pages 8 and 9 of PEF's Storm Hardening Plan. PEF stated in its plan that it will continue to use front lot construction for all new distribution facilities and all replacement distribution facilities unless a specific operational safety, or other site-specific reason exist for not using such construction at a given location. Based on the evidence in the record and the stipulation of the parties, we find that PEF's Storm Hardening Plan meets the requirements of Rule 25-6.0342(3)(d), F.A.C.

Deployment Strategies – Facilities Affected, Including Specifications and Standards

The parties stipulated that PEF's Storm Hardening Plan provides a detailed description of its deployment strategy including a description of the facilities affected, including technical design specifications, construction standards, and construction methodologies employed. PEF addresses this issue on Pages 1-3, 9-20 and Attachment A to PEF's Storm Hardening Plan and pages 5-7 of PEF's Plan Supplement and Attachment E to that Supplement. PEF believes and we agree that all of its facilities are affected to some degree by the standards, policies, procedures, practices, and application detailed in its Storm Hardening Plan. Based on the evidence in the record and the stipulation of the parties, we find that PEF's Storm Hardening Plan meets the requirements of Rule 25-6.0342(4)(a), F.A.C.

Deployment Strategies – Areas of Infrastructure Improvements

The parties stipulated that PEF's Plan provides a detailed description of the communities and areas within the utility's service area where the electric infrastructure improvements, including facilities identified by the utility as critical infrastructure and along major thoroughfares pursuant to subparagraph (3)(b)3 are to be made. PEF provided a detailed list of distribution and transmission projects on Pages 14-20 of its Storm Hardening Plan and in Attachment D to PEF's Plan Supplement. PEF also has ongoing dialogue and interactions with third-party attachers that are affected by projects in PEF's Plan. Based on the evidence in the record and the stipulation of the parties, we find that PEF's Plan meets the requirements of Rule 25-6.0342(4)(b), F.A.C.

Deployment Strategies – Joint Use Facilities

The parties stipulated that PEF's Plan provides a detailed description of the extent to which the electric infrastructure improvements involve joint use facilities on which third-party attachments exist. PEF addresses this issue on pages 20-21 of PEF's Plan and Attachment D to PEF's Plan Supplement. Also, all the parties in Docket No. 070298-EI have agreed to adhere to the Process to Engage Third Party Attachers, which we believe will enhance communication

among the parties, thus providing detailed description of electric infrastructure improvements that PEF will make. Based on the evidence in the record and the stipulation of the parties, we find that PEF's Plan meets the requirements of Rule 25-6.0342(4)(c), F.A.C.

Deployment Strategies – Utility Costs/Benefits Estimates

The parties stipulated that PEF's Plan provides an estimate of the costs and benefits to the utility of making the electric infrastructure improvements, including the effect on reducing storm restoration costs and customer outages. PEF addresses this issue at pages 21-23 of PEF's Plan and pages 5-8 of PEF's Plan Supplement and Attachments A and B to that Supplement. Based on the evidence in the record and the stipulation of the parties, we find that PEF's Plan meets the requirements of Rule 25-6.0342(4)(d), F.A.C.

Deployment Strategies – Attachers Costs/Benefits Estimates

The parties stipulated that PEF's Storm Hardening Plan provides an estimate of the costs and benefits, obtained pursuant to subsection (6) of Rule 25-6.0342, F.A.C., to third-party attachers affected by the electric infrastructure improvements, including the effect on reducing storm restoration costs and customer outages realized by the third-party attachers. PEF addresses this issue at pages 21-23 of PEF's Plan and Attachments B and D to PEF's Plan Supplement. Based on the evidence in the record and the stipulation of the parties, we find that PEF's Plan meets the requirements of Rule 25-6.0342(4)(e), F.A.C.

Attachment Standards and Procedures

The parties stipulated that PEF's Plan includes written Attachment Standards and Procedures addressing safety, reliability, pole loading capacity, and engineering standards and procedures for attachments by others to the utility's electric transmission and distribution poles that meet or exceed the edition of the National Electrical Safety Code (ANSI C-2) that is applicable pursuant to Rule 25-6.034, F.A.C. PEF agreed, and clarified its position that PEF is not seeking our approval of its attachment standards and procedures for third party attachments beyond a finding that Progress has attachment standards and procedures for third party attachments that meet or exceed the NESC. Based on the evidence in the record and the stipulation of the parties, we find that PEF's Plan meets the requirements of Rule 25-6.0342(5), F.A.C.

Plan Approval

The parties stipulated that PEF's Plan meets the objectives of enhancing reliability and reducing restoration costs and outage times in a prudent, practical, and cost-effective manner. Based on the resolution of the issues, the evidence in the record and the stipulation of the parties, we agree that PEF's Plan meets the objectives of enhancing reliability and reducing restoration costs and outage times in a prudent, practical, and cost-effective manner. We note that the cost/benefit estimates provided in PEF's Storm Hardening Plans are non-binding and subject to change. In keeping with past practices, we expect PEF to prudently manage their resources and

assets for the benefit of the general body of ratepayers. The actual expenditures resulting from PEF's Storm Hardening Plan will be reviewed when cost recovery is requested. Therefore, we approve PEF's Plan.

Storm Hardening Plan Filing Date

Rule 25-6.0342, F.A.C. requires each investor owned utility to file its updated Storm Hardening Plan every three years. Pursuant to this rule, PEF shall file an updated Storm Hardening Plan by May 1, 2010.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Progress Energy Florida, Inc.'s 2007 Electric Infrastructure Storm Hardening Plan is consistent with Rule 25-06.0342, Florida Administrative Code, and is therefore approved. It is further

ORDERED that in accordance with Rule 25-6.0342, F.A.C., Progress Energy Florida's updated storm hardening plan shall be filed by May 1, 2010. It is further

ORDERED that upon expiration of the period for appeal, Docket No. 070298-EI shall be closed.

By ORDER of the Florida Public Service Commission this 28th day of December, 2007.



ANN COLE
Commission Clerk

(S E A L)

KY, LCB, 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.

Any party adversely affected by the Commission's final action in this matter may request:

- 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, 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 and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.