

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request to opt-out of cost recovery for investor-owned electric utility energy efficiency programs by Wal-Mart Stores East, LP and Sam's East, Inc. and Florida Industrial Power Users Group.

DOCKET NO. 140226-EI

ORDER NO. PSC-15-0149-PCO-EI

ISSUED: June 22, 2015

PREHEARING STATEMENT OF THE OFFICE OF PUBLIC COUNSEL

The Citizens of the State of Florida, through the Office of Public Counsel, pursuant to the Order Establishing Procedure in this docket, Order No. PSC-15-0149-PCO-EI, issued April, 1, 2015, submit this Prehearing Statement.

APPEARANCES:

PATRICIA A. CHRISTENSEN, Esquire
Associate Public Counsel
CHARLES REHWINKEL, Esquire
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.

1. **WITNESSES:**

None

2. **EXHIBITS:**

None

3. STATEMENT OF BASIC POSITION

Intervenors' proposal should, at a minimum, be evaluated utilizing the Commission's approved cost-effectiveness test or tests to determine if the proposal(s) adequately safeguard the interests of the general body of ratepayers and various rate classes against undue rate impacts while achieving the intent of Florida Energy Efficiency and Conservation Act (FEECA) and Section 366.82(2), F.S.

4. STATEMENT OF FACTUAL ISSUES AND POSITIONS

ISSUE 1: Should the Commission require the utilities to separate their Energy Conservation Cost Recovery expenditures into two categories, one for Energy Efficiency programs and the other for Demand Side Management programs?

OPC: Intervenors' proposal should, at a minimum, be evaluated utilizing the Commission's approved cost-effectiveness test or tests to determine if the proposal(s) adequately safeguard the interests of the general body of ratepayers and various rate classes against undue rate impacts while achieving the intent of Florida Energy Efficiency and Conservation Act (FEECA) and Section 366.82(2), F.S.

ISSUE 2: Should the Commission allow pro-active non-residential customers who implement their own energy efficiency programs and meet certain other criteria to opt out of the utility's Energy Efficiency programs and not be required to pay the cost recovery charges for the utility's Energy Efficiency programs approved by the Commission pursuant to Section 366.82, Florida Statutes?

OPC: Intervenors' proposal should, at a minimum, be evaluated utilizing the Commission's approved cost-effectiveness test or tests to determine if the proposal(s) adequately safeguard the interests of the general body of ratepayers and various rate classes against undue rate impacts while achieving the intent of Florida Energy Efficiency and Conservation Act (FEECA) and Section 366.82(2), F.S.

ISSUE 3: If the Commission allows pro-active customers to opt out of participating in, and paying for, a utility's Energy Efficiency's programs, what criteria should the Commission apply in determining whether customers who wish to opt out are eligible to do so.

OPC: Intervenors' proposal should, at a minimum, be evaluated utilizing the Commission's approved cost-effectiveness test or tests to determine if the proposal(s) adequately safeguard the interests of the general body of ratepayers and various rate classes against undue rate impacts while achieving the intent of Florida Energy Efficiency and Conservation Act (FEECA) and Section 366.82(2), F.S.

5. **STIPULATED ISSUES:**

None at this time.

6. **PENDING MOTIONS:**

OPC has no pending motions.

7. **STATEMENT OF PARTY'S PENDING REQUESTS OR CLAIMS FOR CONFIDENTIALITY:**

OPC has no pending request or claims for confidentiality.

8. **OBJECTIONS TO QUALIFICATION OF WITNESSES AS AN EXPERT:**

OPC has no objection to qualifications of witnesses.

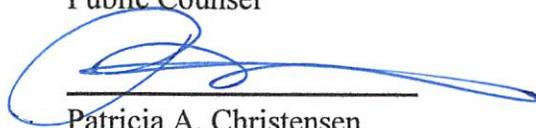
9. STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE:

There are no requirements of the Order Establishing Procedure with which the Office of Public Counsel cannot comply.

Dated this 22nd day of June, 2015

Respectfully submitted,

J.R. Kelly
Public Counsel



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CERTIFICATE OF SERVICE
DOCKET NO. 140226-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Citizens' Prehearing Statement has been furnished by electronic mail to the following parties on this 22nd day of June, 2015.

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