

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for a limited proceeding to
approve first solar base rate adjustment, by
Duke Energy Florida, LLC.

DOCKET NO. 20180149-EI
ORDER NO. PSC-2019-0115-PHO-EI
ISSUED: March 26, 2019

PREHEARING ORDER

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (F.A.C.), a Prehearing Conference was held on March 21, 2019, in Tallahassee, Florida, before Commissioner Andrew Giles Fay, as Prehearing Officer.

APPEARANCES:

DIANNE M. TRIPLETT, ESQUIRE, Deputy General Counsel, 299 First Avenue North, St. Petersburg, Florida 33701, and MATTHEW R. BERNIER, ESQUIRE, Associate General Counsel, 106 East College Avenue, Suite 800, Tallahassee, Florida 32301
On behalf of Duke Energy Florida, LLC (DEF)

CHARLES J. REHWINKEL, ESQUIRE, 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 C. MOYLE, JR. and IAN E. WALDICK, ESQUIRES, Moyle Law Firm, PA, The Perkins House, 118 North Gadsden Street, Tallahassee, Florida 32301
On behalf of the Florida Industrial Power Users Group (FIPUG)

JAMES W. BREW and LAURA A. WYNN, ESQUIRES, Stone Mattheis Xenopoulos & Brew, PC, 1025 Thomas Jefferson Street, NW, 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)

JENNIFER CRAWFORD and JOHANA E. NIEVES, ESQUIRES, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
On behalf of the Florida Public Service Commission (Staff)

SAMANTHA CIBULA, ESQUIRE, Deputy General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
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KEITH C. HETRICK, ESQUIRE, General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
Florida Public Service Commission General Counsel

PREHEARING ORDER

I. CASE BACKGROUND

On November 20, 2017, the Florida Public Service Commission (Commission) approved DEF's 2017 Second Revised and Restated Settlement Agreement (2017 Settlement), by Order No. PSC-2017-0451-AS-EU.¹ Paragraph 15 of the 2017 Settlement allows DEF to petition this Commission for cost recovery of up to 350 megawatts (MW) of solar generation in 2019. According to paragraph 15 of the 2017 Settlement, the cost of the solar projects shall be reasonable and cost-effective.

On July 31, 2018, DEF filed a petition for a limited proceeding to approve its first solar base rate adjustment, which includes both the Hamilton Solar Power Plant (Hamilton Project) and the Columbia Solar Power Plant (Columbia Project). The Hamilton Project went into service in December 2018 and the Columbia Project is expected to go into service in early 2020.² An administrative hearing in this docket is scheduled for April 2, 2019.

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 25-6, 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

¹ Order No. PSC-2017-0451-AS-EU, issued November 20, 2017, in Docket No. 20170183-EI, *In re: Application for limited proceeding to approve 2017 second revised and restated settlement agreement, including certain rate adjustments, by Duke Energy Florida, LLC*.

² By Order No. PSC-2018-0559-FOF-EI, issued November 21, 2018, DEF was authorized to implement a base rate increase associated with placing the Hamilton Project in service, subject to refund pending the final Commission decision in this docket.

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 that has not been filed as prefiled testimony or prefiled exhibits, 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 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 three 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

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
Matthew G. Stout	DEF	1, 4, 5, 6, 8
Marcia Olivier	DEF	4, 5, 6, 7, 8, 9, 10
Benjamin M. H. Borsch	DEF	2, 3, 4, 8

VII. BASIC POSITIONS

DEF: The Commission should approve the two solar projects DEF has included in its filing for cost recovery pursuant to the 2017 Second Revised and Restated Stipulation and Settlement Agreement (“2017 Second RRSSA”) approved by the Commission in Order No. PSC-2017-0451-AS-EU. Specifically, the Hamilton Solar Power Plant (“Hamilton Project”) went into service in December 2018 and the Columbia Solar Power Plant (“Columbia Project”) will come into service in early 2020. DEF’s solar projects meet the requirements set forth in the 2017 Second RRSSA; namely, they are under the \$1,650/kWac cap, they are cost effective, and their costs meet the reasonableness requirements set forth in the Paragraph 15(a) of the 2017 Second RRSSA. DEF has also demonstrated that it needs the solar projects. Accordingly, DEF respectively requests that its solar projects be approved for rate recovery.

OPC: Duke Energy Florida, LLC seeks approval of its first solar project for inclusion as a specific, discrete adjustment to base rates pursuant to the 2017 Second RRSSA approved in Order No. PSC-2017-0451-AS-EU (“2017 Second RRSSA”). Paragraph

15 of the Settlement Agreement provides many criteria for eligibility under the streamlined, limited proceeding base rate freeze exception provided therein. Citizens intend to conduct limited cross-examination at hearing intended to hold the Company to its burden to demonstrate compliance with the Settlement's terms. At this point, it has not been conclusively demonstrated that the burden has been met by Duke.

FIPUG: Duke Energy Florida, LLC seeks approval of certain solar projects for inclusion as a specific, discrete adjustment to base rates pursuant to the 2017 Settlement Agreement approved in Order No. PSC-2017-0451-AS-EI. The Settlement Agreement provides many criteria for eligibility under the streamlined, limited proceeding base rate freeze exception provided therein.

FIPUG reserves the right to conduct cross-examination at hearing intended to hold the Company to its burden to demonstrate compliance with the Settlement's terms and otherwise prove that base rates should be increased for the solar projects in question.

PCS

Phosphate: PCS Phosphate supports Duke Energy Florida's first solar base rate adjustment filing to the extent that it conforms with the terms of the 2017 Second Revised and Restated Stipulation and Settlement Agreement (2017 Second RRSSA), approved by the Commission in Order No. PSC-2017-0451-AS-EU, issued November 20, 2017. With regard to issues of reasonableness and cost-effectiveness of "the cost the components, engineering and construction for any solar project constructed or acquired by DEF," as stated in Paragraph 15a of the 2017 Second RRSSA, PCS Phosphate notes that the burden of demonstrating the reasonableness of such costs for rate-setting purposes lies with Duke Energy Florida, the 2017 Second RRSSA does not create a presumption of prudence, and PCS generally accepts and adopts the positions taken by the Florida Office of Public Counsel ("OPC") unless a differing position is stated with respect to an issue.

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

ISSUE 1: Are the projected installed costs of each of the Hamilton and Columbia projects proposed by DEF within the Installed Cost Cap of \$1,650 per kWac pursuant to subparagraph 15(a) of the 2017 RRSSA?

POSITIONS:

DEF: Yes, the weighted average projected installed cost for the facilities in this filing is \$1,486/kWac, which is less than the \$1,650/kWac set forth in the 2017 Second RRSSA. (Witness: Stout)

OPC: It appears these costs are less than or equal to the Installed Cost Cap of \$1,650 per kWac pursuant to subparagraph 15(a) of the 2017 Second RRSSA; however, while the estimated costs presented by Duke appear to be under the cost cap, to the extent that land and inverter costs are not adequately reflected in the actual costs, this threshold compliance may not be met.

FIPUG: It appears these costs are less than or equal to the Installed Cost Cap of \$1,650 per kWac pursuant to subparagraph 15(a) of the 2017 Second RRSSA; however, while the estimated costs presented by Duke appear to be under the cost cap, to the extent that land and inverter costs are not adequately reflected in the actual costs, this threshold compliance may not be met.

PCS

Phosphate: Agree with OPC.

Staff: Staff has no position at this time.

ISSUE 2: Are the Hamilton and Columbia Solar Projects proposed by DEF cost effective pursuant to subparagraph 15(c) of the 2017 Second RRSSA?

POSITIONS:

DEF: Yes, the Hamilton and Columbia Solar Projects are cost effective in accordance with subparagraph 15(c) and result in a reduction in the Cumulative Present Value Revenue Requirements (“CPVRR”) to DEF customers for a total savings of approximately \$130 million (base case). The results of each sensitivity are summarized below:

CPVRR Net Cost / (Savings) of Proposed Solar Projects
\$ Millions (2018)

Low Fuel Sensitivity	Base Case Fuel	High Fuel Sensitivity
(98)	(130)	(205)

(Witness: Borsch)

OPC: No position.

FIPUG: No position.

PCS

Phosphate: No position.

Staff: Staff has no position at this time.

ISSUE 3: **Are the Hamilton and Columbia Solar Projects proposed by DEF needed pursuant to subparagraph 15(c) of the 2017 Second RRSSA?**

POSITIONS:

DEF: Yes, the Hamilton and Columbia Solar Projects will diversify DEF's fuel mix with dependable cost-effective energy, and provide firm summer capacity, helping to meet DEF's needs for future capacity and satisfy DEF's need for future generation capacity. Given all relevant factors, DEF has a need for cost-effective emission-free generation that will diversify and strengthen its supply side generation portfolio and associated fuel requirements, and defer the need for future gas-fired generation. DEF's planned interconnection of 700 MW of utility-owned solar generation, including the Hamilton and Columbia projects, provides cost-effective, reliable, clean, and flexible solar energy that will lower DEF's reliance on natural gas over time. The Hamilton and Columbia Solar Projects are the initial facilities in the 700 MW of scaled solar projects contemplated under the 2017 Second RRSSA that will address DEF's need to broaden its generation technology and fuel mix given its coal-fired steam plant retirements. These Projects will reduce DEF's reliance on natural gas going forward and help mitigate the effects of any natural gas supply interruptions and transportation instabilities while contributing to customer fuel price stability. Further, these facilities will provide cost-effective renewable generation that will contribute to the need to curb greenhouse gases, including carbon dioxide emissions and meet any future climate change policy mandates. Finally, DEF's solar facilities will meet the need for having cost-effective flexible solar generation facilities that will be dispatchable and integrated into DEF's entire resource portfolio and available for potential technology changes or retrofits to benefit all of DEF's customers over their useful life. (Witness: Borsch)

OPC: No. DEF has not conclusively demonstrated need (pursuant to subparagraph 15(c) of the 2017 Second RRSSA) for the projects at this time.

FIPUG: No. DEF has not conclusively demonstrated need (pursuant to subparagraph 15(c) of the 2017 Second RRSSA) for the projects at this time.

PCS

Phosphate: Agree with OPC.

Staff: Staff has no position at this time.

ISSUE 4: **Are the Hamilton and Columbia Solar Projects otherwise in compliance with the Terms of Paragraph 15 of the 2017 Second RRSSA?**

POSITIONS:

DEF: Yes, the Hamilton and Columbia Solar Projects meet all of the requirements set forth in the 2017 Second RRSSA. The needed projects are reasonable, cost-effective, and are being filed with correct and appropriate revenue requirement calculations. The megawatts proposed are within the yearly limits set forth in the 2017 Second RRSSA. DEF conducted a reasonable and comprehensive review of greenfield sites (including sites that it already owns) and projects already in development in DEF's service territory to select the Hamilton and Columbia Solar Projects. DEF used a competitive bidding process to select the engineering, procurement, and construction ("EPC") contractor and the equipment and material for each project. As demonstrated by DEF's testimony and exhibits, the costs for the projects are reasonable and at market. Generally, the costs for Hamilton Project and Columbia Projects are in line with those filed by other utilities while being designed to achieve higher Net Capacity Factors than those reported by other utilities in Florida. Finally, DEF calculated the revenue requirements and base rate adjustments consistent with the 2017 Second RRSSA. (Witnesses: Stout, Borsch, Olivier)

OPC: No. At this point, Duke has not demonstrated that the costs included in the Hamilton and Columbia Projects meet the letter and intent of the 2017 Second RRSSA. The Commission should disallow the excessive costs related to inverter costs associated with the Hamilton Project and any imprudently incurred land acquisition-related costs for both projects.

FIPUG: No. At this point, Duke has not demonstrated that the costs included in the Hamilton and Columbia Projects meet the letter and intent of the 2017 Second RRSSA. The Commission should disallow the excessive costs related to inverter costs associated with the Hamilton Project and any imprudently incurred land acquisition-related costs for both projects.

PCS

Phosphate: Agree with OPC.

Staff: Staff has no position at this time.

ISSUE 5: **What is the annual revenue requirement associated with DEF's Hamilton Project?**

POSITIONS:

DEF: The annualized revenue requirements of the Hamilton Project is \$15.2 million.
(Witnesses: Stout, Olivier)

OPC: Agree with DEF, subject to any adjustments on other issues.

FIPUG: Agree with DEF, subject to any adjustments on other issues.

PCS

Phosphate: Agree with OPC.

Staff: Staff has no position at this time.

ISSUE 6: **What is the annual revenue requirements associated with DEF's Columbia Project?**

POSITIONS:

DEF: The annualized revenue requirements of the Columbia Project is \$14.0 million.
(Witnesses: Stout, Olivier)

OPC: Agree with DEF, subject to any adjustments on other issues.

FIPUG: Agree with DEF, subject to any adjustments on other issues.

PCS

Phosphate: Agree with OPC.

Staff: Staff has no position at this time.

ISSUE 7: **What are the appropriate base rates needed to collect the estimated annual revenue requirement for the Columbia Project?**

POSITIONS:

DEF: DEF cannot perform this calculation until closer in time to the 2020 expected in-service date for the Columbia Project, because the base rates must use the sales forecast that will be filed in the CCR Clause projection filing in September and the base rates are subject to other adjustments provided for in the 2017 Second RRSSA (e.g., the multi-year base rate increase). (Witness: Olivier)

OPC: Agree with DEF, subject to any adjustments on other issues.

FIPUG: Agree with DEF, subject to any adjustments on other issues.

PCS

Phosphate: Agree with OPC.

Staff: Staff has no position at this time.

ISSUE 8: **Should the Commission modify the tariffs and associated base rates for the Hamilton Project approved in Order No. PSC-2018-0559-FOF-EI based on the Commission's decision in Issue 5?**

POSITIONS:

DEF: No. No modifications are necessary because DEF has complied with all requirements of the 2017 Second RRSSA; therefore, the projected revenue requirements for the Hamilton Project are not different from the revenue requirements used to calculate the base rates included in the approved tariffs. DEF will be required to file a true-up if the actual capital expenditures, once final, are lower than the approved capital expenditures consistent with Paragraph 15.g. of the 2017 Second RRSSA. (Witnesses: Stout, Borsch, Olivier)

OPC: To the extent the Commission finds that Duke has successfully met the criteria in Paragraph 15 of the 2017 Second RRSSA and has found affirmatively on Issues 1-4, the OPC agrees that the 2017 Second RRSSA requires the base rates to be increased through the appropriate tariffs.

FIPUG: To the extent the Commission finds that Duke has successfully met the criteria in Paragraph 15 of the 2017 Second RRSSA and has found affirmatively on Issues 1-4, the OPC agrees that the 2017 Second RRSSA requires the base rates to be increased through the appropriate tariffs.

PCS

Phosphate: Agree with OPC.

Staff: Staff has no position at this time.

ISSUE 9: **Should the Commission give staff administrative authority to approve tariffs and associated base rates reflecting the Commission's decision on the Columbia Project in Issue 6?**

POSITIONS:

DEF: Yes, DEF will file its tariffs with the Commission staff, for administrative approval, before the in-service date of the Columbia Project. The calculation of the base rate impact will be done in accordance with the 2017 Second RRSSA. (Witness: Olivier)

OPC: Yes.

FIPUG: Yes.

PCS

Phosphate: Agree with OPC.

Staff: Staff has no position at this time.

ISSUE 10: **What should be the effective date of the Columbia Project tariffs?**

POSITIONS:

DEF: The effective date of the Columbia Project tariffs should be the first billing cycle for the month after the in-service date of the Columbia Project. That is currently expected to be early 2020. (Witness: Olivier)

OPC: No position.

FIPUG: No position.

PCS

Phosphate: No position.

Staff: Staff has no position at this time.

ISSUE 11: **Should the docket be closed?**

POSITIONS:

DEF: Yes.

OPC: No.

FIPUG: Yes.

PCS

Phosphate: No position.

Staff: Staff has no position at this time.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
	<u>Direct</u>		
Matthew G. Stout	DEF	MGS-1	Hamilton Project-General Arrangement Detail
Matthew G. Stout	DEF	MGS-2	Hamilton Project Estimated Installed Cost by Category CONFIDENTIAL
Matthew G. Stout	DEF	MGS-3	Columbia Project-General Arrangement Detail
Matthew G. Stout	DEF	MGS-4	Columbia Project-General Arrangement Detail CONFIDENTIAL
Matthew G. Stout	DEF	MGS-5	Cost Comparison To Other Utilities.
Marcia Olivier	DEF	MO-1	SoBra First Year Annualized Revenue Requirement
Marcia Olivier	DEF	MO-2	Rate Summary Corrected
Marcia Olivier	DEF	MO-3	Legislative Tariffs
Marcia Olivier	DEF	MO-4	Clean Tariffs
Benjamin M. H. Borsch	DEF	BMHB-1	Solar Plant Assumptions
Benjamin M. H. Borsch	DEF	BMHB-2	Load Forecast
Benjamin M. H. Borsch	DEF	BMHB-3	Fuel Forecasts
Benjamin M. H. Borsch	DEF	BMHB-4	Cost Effectiveness (CPVRR) Analysis Results

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

X. PROPOSED STIPULATIONS

There are no proposed stipulations at this time.

XI. PENDING MOTIONS

There are no pending motions at this time.

XII. PENDING CONFIDENTIALITY MATTERS

DEF's request for confidential classification of DN 07378-2018 (includes redacted version, x. ref: 07495-2018), filed December 3, 2018.

DEF's request for confidential classification of DN 01639-2019, filed March 18, 2019.

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, 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. 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 is due May 2, 2019.

XIV. RULINGS

PCS Phosphate's request to be excused from the Prehearing Conference is granted.

Opening statements, if any, shall not exceed five minutes per party, meaning up to five minutes for the Petitioner and up to five minutes for each Intervenor. Time shall not be shared among the Intervenors.

It is therefore,

ORDERED by Commissioner Andrew Giles Fay, 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 Andrew Giles Fay, as Prehearing Officer, this 26th day of March, 2019.



ANDREW GILES FAY
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

JEN

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.