

State of Florida




Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: October 28, 2019

TO: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk

FROM: Art Graham, Chairman 

RE: Docket No. 20190001-EI - Fuel and purchased power cost recovery clause with generating performance incentive factor.

There are two particular issues in this docket, Issues 1B and 1C, that will require testimony and information to be presented which is wholly confidential in nature. Issue 1B is "Was DEF prudent in its actions and decisions leading up to and in restoring the unit to service after the February 2017 forced outage at the Bartow plant and, if not, what action should the Commission take with respect to replacement power costs?" Issue 1C is "Has DEF made prudent adjustments, if any are needed, to account for replacement power costs associated with any impacts related to the derating of the Bartow plant? If adjustments are needed and have not been made, what adjustment(s) should be made?"

Because the Commission is unable to go into a closed door session in order to fairly adjudicate these issues and is otherwise unable to preserve the confidentiality of testimony in an open public meeting, by this memorandum and pursuant to my discussions with the General Counsel and Executive Director, I have determined that Issues 1B and 1C should be referred to the Division of Administrative Hearings for the assignment of an administrative law judge to recommend to the Commission a disposition of these issues.

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COMMISSION
CLERK