

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 20190002-EG
ORDER NO. PSC-2019-0467-PHO-EG
ISSUED: October 31, 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 October 22, 2019, in Tallahassee, Florida, before Commissioner Gary F. Clark, as Prehearing Officer.

APPEARANCES:

MARIA JOSE MONCADA and JOEL BAKER, ESQUIRES, 700 Universe Boulevard, Juno Beach, Florida 33408, and KENNETH A. HOFFMAN, ESQUIRE, 134 West Jefferson Street, Tallahassee, Florida 32301-1713
On behalf of Florida Power & Light Company (FPL).

RUSSELL A. BADDERS, ESQUIRE, One Energy Place, Pensacola, Florida 32520, and STEVEN R. GRIFFIN, ESQUIRE, Beggs & Lane R.L.L.P., P.O. Box 12950, Pensacola, Florida 32591
On behalf of Gulf Power Company (GULF).

BETH KEATING, ESQUIRE, Gunster, Yoakley & Stewart, P.A., 215 South Monroe Street, Suite 601, Tallahassee, Florida 32301
On behalf of Florida Public Utilities Company (FPUC).

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

JAMES D. BEASLEY, J. JEFFRY WAHLEN, and MALCOLM N. MEANS, ESQUIRES, Ausley McMullen, P.O. Box 391, Tallahassee, Florida 32302
On behalf of Tampa Electric Company (TECO).

PATRICIA A. CHRISTENSEN, CHARLES J. REHWINKEL, and THOMAS A. (TAD) DAVID, ESQUIRES, Office of Public Counsel, c/o The Florida Legislature, 111 W. Madison Street, Room 812, Tallahassee, Florida 32399
On behalf of the Citizens of the State of Florida (OPC).

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).

JON C. MOYLE, JR. and KAREN PUTNAL, ESQUIRES, Moyle Law Firm, P.A., 118 North Gadsden Street, Tallahassee, Florida 32301

On behalf of Florida Industrial Power Users Group (FIPUG).

MARGO A. DuVAL, ESQUIRE, and GABRIELLA PASSIDOMO, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

On behalf of the Florida Public Service Commission (Staff).

MARY ANNE HELTON, ESQUIRE, Deputy General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

Advisor to the Florida Public Service Commission.

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

Florida Public Service Commission General Counsel.

I. CASE BACKGROUND

The Energy Conservation Cost Recovery Clause allows public utilities to seek recovery of costs for energy conservation programs on an annual basis, pursuant to Sections 366.80-366.83, Florida Statutes (F.S.), and Chapter 25-17, F.A.C. As part of the Commission's continuing energy conservation cost recovery proceedings, an administrative hearing in this docket is set for November 5-7, 2019. The parties have reached agreement concerning all issues identified for resolution at this hearing, with OPC, FIPUG, and PCS Phosphate taking no position. Staff is prepared to present the panel with a recommendation at the hearing for approval of the stipulated positions set forth herein. The Commission may render a bench decision in this matter.

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, 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 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 (and Staff) 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>		
R.B. Deaton	FPL	1-3, 5-7, 11, 12
Anita Sharma	FPL	4
John N. Floyd	GULF	1, 2, 3, 4, 5, 6, 7
Curtis Young	FPUC	1, 11
G. Scott Ranck	FPUC	2 - 7

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
Lori J. Cross	DEF	1, 2-6, 7, 11-12
Mark R. Roche	TECO	1-12

VII. BASIC POSITIONS

FPL: FPL's proposed Conservation Cost Recovery Factors for the January 2020 through December 2020 recovery period and true-up amounts for the prior periods are reasonable and should be approved. Additionally, the Joint Motion to Modify Order No. PSC-12-0425-PAA-EU Regarding Weighted Average Cost of Capital Methodology is consistent with Internal Revenue Service Requirements and should be approved.

GULF: It is the basic position of Gulf Power Company that the proposed ECCR factors present the best estimate of Gulf's Conservation expense at this time for the period January 2020 through December 2020, including the true-up calculations and other adjustments allowed by the Commission.

FPUC: The Commission should approve Florida Public Utilities Company's final net true-up for the period January through December 2018, the estimated true-up for the period January through December, 2019, and the projected conservation program expenses for the period January through December, 2020.

DEF: The Commission should determine that DEF has properly calculated its conservation cost recovery true-up and projection costs and should approve the conservation cost recovery factors for the period January 2020 through December 2020 set forth in the testimony and exhibits of witness Lori J. Cross.

TECO: The Commission should determine that Tampa Electric has properly calculated its conservation cost recovery true-up and projections and the conservation cost recovery factors set forth in the testimony and exhibits of witness Mark R. Roche during the period January 2018 through December 2018.

The Commission should approve the Contracted Credit Value in accordance with Order No. PSC-2017-0456-FOF-EI, issued November 27, 2017 in Docket No. 20170210 for the GSLM-2 and GSLM-3 rate riders for use during the period January 2020 through December 2020.

The Commission should also approve the Residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2020 through December 2020 as set forth in witness Roche's testimony and exhibits.

OPC: The utilities bear the burden of proof to justify the recovery of costs they request in this docket. The utilities must carry this burden regardless of whether or not the Interveners provide evidence to the contrary. Further, the utilities bear the burden of proof to support their proposal(s) seeking the Commission's adoption of policy statements (whether new or changed) or other affirmative relief sought. Even if the Commission has previously approved a program, recovery of a cost, factor, or adjustment as meeting the Commission's *own* requirements, the utilities still bear the burden of demonstrating that the costs submitted for final recovery meet any statutory test(s) and are reasonable in amount and prudently incurred. Further, recovery of even prudently incurred costs is constrained by the Commission's obligation to set fair, just, and reasonable rates. Further, pursuant to Section 366.01, Florida Statutes, the provisions of Chapter 366 must be liberally construed to protect the public welfare.

PCS: PCS Phosphate generally adopts the positions taken by the Florida Office of Public Counsel ("OPC") unless a differing position is specifically stated.

FIPUG: FIPUG maintains that the respective utilities must satisfy their burden of proof for any and all monies or other relief sought in this proceeding.

STAFF: Staff supports the proposed stipulations of all issues in this case as set forth in Section VIII. of this order.

VIII. ISSUES AND POSITIONS

GENERIC CONSERVATION COST RECOVERY ISSUES

PROPOSED STIPULATION

ISSUE 1: What are the final conservation cost recovery adjustment true-up amounts for the period January 2018 through December 2018?

POSITIONS:

The final conservation cost recovery adjustment true-up amounts for the period January 2018 through December 2018 are as follows:

Florida Power & Light Company	\$5,635,677	Over-recovery
Florida Public Utilities Company	\$23,726	Under-recovery
Duke Energy Florida, LLC	\$2,335,393	Under-recovery
Gulf Power Company	\$390,862	Over-recovery
Tampa Electric Company	\$2,864,459	Over-recovery

OPC: No position.

PCS: No position.

FIPUG: No position.

PROPOSED STIPULATION

ISSUE 2: What are the appropriate conservation adjustment actual/estimated true-up amounts for the period January 2019 through December 2019?

POSITIONS:

The appropriate conservation adjustment actual/estimated true-up amounts for the period January 2019 through December 2019 are as follows:

Florida Power & Light Company	\$7,934,200	Over-recovery
Florida Public Utilities Company	\$61,122	Under-recovery
Duke Energy Florida, LLC	\$649,259	Under-recovery
Gulf Power Company	\$4,154,533	Over-recovery
Tampa Electric Company	\$4,857,532	Over-recovery

OPC: No position.

PCS: No position.

FIPUG: No position.

PROPOSED STIPULATION

ISSUE 3: What are the appropriate total conservation adjustment true-up amounts to be collected/refunded from January 2020 through December 2020?

POSITIONS:

The appropriate total conservation adjustment true-up amounts to be collected/refunded from January 2020 through December 2020 are as follows:

Florida Power & Light Company	\$13,569,877	Over-recovery
Florida Public Utilities Company	\$84,848	Under-recovery
Duke Energy Florida, LLC	\$2,984,652	Under-recovery
Gulf Power Company	\$4,545,395	Over-recovery
Tampa Electric Company	\$7,721,991	Over-recovery

OPC: No position.

PCS: No position.

FIPUG: No position.

PROPOSED STIPULATION

ISSUE 4: What are the total conservation cost recovery amounts to be collected during the period January 2020 through December 2020?

POSITIONS:

The total conservation cost recovery amounts to be collected during the period January 2020 through December 2020 are as follows:

Florida Power & Light Company	\$145,840,085
Florida Public Utilities Company	\$834,848
Duke Energy Florida, LLC	\$120,710,133
Gulf Power Company	\$6,249,300
Tampa Electric Company	\$41,518,534

OPC: No position.

PCS: No position.

FIPUG: No position.

PROPOSED STIPULATION

ISSUE 5: What are the conservation cost recovery factors for the period January 2020 through December 2020?

POSITIONS:

FPL:

	Conservation Recovery Factor (\$/kw)	Conservation Recovery Factor (\$/kWh)	RDC (\$/KW)	SDD (\$/KW)
RS1/RTR	-	0.00139	-	-
GS1/GST	-	0.00137	-	-
GSD1/GSDT1/HLFT	0.47	-	-	-
OS2	-	0.00074	-	-
GSLD1/GSLDT1/CS1/CST1/HLFT	0.53	-	-	-
GSLD2/GSLDT2/CS2/CST2/HLFT	0.53	-	-	-
GSLD3/GSLDT3/CS3/CST	0.54	-	-	-
SST1T	-	-	\$0.06	\$0.03
SST1D1/SST1D2/SST1D	-	-	\$0.06	\$0.03
CILC D/CILC	0.57	-	-	-
CILC	0.56	-	-	-
MET	0.48	-	-	-
OL1/SL1/SL1M/PL	-	0.00037	-	-
SL2/SL2M/GSCU	-	0.00102	-	-

GULF:

RATE CLASS	CONSERVATION COST RECOVERY FACTORS
RS	0.06 cents/kWh
RSVP Tier 1	(2.800) cents/kWh
RSVP Tier 2	(0.840) cents/kWh
RSVP Tier 3	6.735 cents/kWh
RSVP Tier 4	50.918 cents/kWh
RSTOU On-peak	14.000 cents/kWh
RSTOU Off-peak	(2.686) cents/kWh
RSTOU Critical Peak Credit	\$5.00 per event
GS	0.06 cents/kWh
GSD, GSDT, GSTOU	0.056 cents/kWh
LP, LPT	0.053 cents/kWh
LPT-CPO On-Peak	(\$4.89) per kW
LPT-CPO Critical	\$58.68 per kW
PX, PXT, RTP, SBS	0.052 cents/kWh
OSI, OSII	0.041 cents/kWh
OSIII	0.052 cents/kWh
CL Credit	\$5.57 per kW

FPUC: \$.00132 per KWH (consolidated levelized conservation cost recovery factor).

DEF:	<u>Customer Class</u>	<u>ECCR Factor</u>
	Residential	0.339 cents/kWh
	General-Service-Non-Demand	0.327 cents/kWh
	@Primary Voltage	0.324 cents/kWh
	@Transmission Voltage	0.320 cents/kWh
	General Service 100% Load Factor	0.226 cents/kWh
	General Service Demand	1.09 \$/kW
	@Primary Voltage	1.08 \$/kW
	@Transmission Voltage	1.07 \$/kW
	Curtaillable	0.46 \$/kW
	@Primary Voltage	0.46 \$/kW
	@Transmission Voltage	0.45 \$/kW
	Interruptible	0.95 \$/kW
	@Primary Voltage	0.94 \$/kW
	@Transmission Voltage	0.93 \$/kW
	Standby Monthly	0.106 \$/kW
	@Primary Voltage	0.105 \$/kW
	@Transmission Voltage	0.104 \$/kW
	Standby Daily	.050 \$/kW
	@Primary Voltage	.050 \$/kW
	@Transmission Voltage	.049 \$/kW
	Lighting	0.103 cents/kWh

TECO:

<u>Rate Schedule</u>	<u>Cost Recovery Factors</u> <u>(cents per kWh)</u>
RS	0.232
GS and CS	0.216
GSD Optional – Secondary	0.194
GSD Optional – Primary	0.192
GSD Optional – Subtransmission	0.190
LS-1	0.118

<u>Rate Schedule</u>	<u>Cost Recovery Factors</u> <u>(dollars per kW)</u>
GSD – Secondary	0.84
GSD – Primary	0.83
GSD – Subtransmission	0.82
SBF – Secondary	0.84
SBF – Primary	0.83
SBF – Subtransmission	0.82
IS - Secondary	0.73
IS - Primary	0.72
IS - Subtransmission	0.72

OPC: No position.

PCS: No position.

FIPUG: No position.

PROPOSED STIPULATION

ISSUE 6: What should be the effective date of the new conservation cost recovery factors for billing purposes?

POSITIONS:

The factors shall be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2020 through December 2020. Billing cycles may start before January 1, 2020 and the last cycle may be read after December 31, 2020, so that each customer is billed for twelve months regardless of when the adjustment factor became effective. These charges shall continue in effect until modified by subsequent order of this Commission.

OPC: No position.

PCS: No position.

FIPUG: No position.

PROPOSED STIPULATION

ISSUE 7: Should the Commission approve revised tariffs reflecting the energy conservation cost recovery amounts and energy conservation cost recovery factors determined to be appropriate in this proceeding?

POSITIONS:

Yes. The Commission should approve revised tariffs reflecting the energy conservation cost recovery amounts and establishing energy conservation cost recovery factors determined to be appropriate in this proceeding. The Commission should direct staff to verify that the revised tariffs are consistent with the Commission's decision.

OPC: No position.

PCS: No position.

FIPUG: No position.

COMPANY SPECIFIC CONSERVATION COST RECOVERY ISSUES

PROPOSED STIPULATION

ISSUE 8: What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2020 through December 2020?

POSITIONS:

TECO: In accordance with Order No. PSC-2017-0456-FOF-EI, issued November 27, 2017 in Docket No. 20170210, the Contracted Credit Value by Voltage Level for the forthcoming cost recovery period, January 2020 through December 2020, for the GSLM-2 and GSLM-3 rate riders will be:

<u>Voltage Level</u>	<u>Contracted Credit Value (dollars per kW)</u>
Secondary	10.23
Primary	10.13
Subtransmission	10.03

OPC: No position.

PCS: No position.

FIPUG: No position.

PROPOSED STIPULATION

ISSUE 9: What are the residential Price Responsive Load Management (RSVP -1) rate tiers for Tampa Electric Company for the period January 2020 through December 2020?

POSITIONS:

TECO: For the period January 2020 through December 2020 the Residential Price Responsive Load Management (RSVP-1) rates are as follows:

<u>Rate Tier</u>	<u>Cents per kWh</u>
P4	38.986
P3	6.481
P2	(0.725)
P1	(2.452)

OPC: No position.

PCS: No position.

FIPUG: No position.

PROPOSED STIPULATION

ISSUE 10: What are the credit factors to be applied during the January 2020 billing cycles to refund the “Final Tax Savings Credit” amount of \$11,500,000.

POSITIONS:

TECO: For the January 2020 billing cycles, the credit factors to refund the “Final Tax Savings Credit” amount are as follows:

<u>Rate Schedule</u>	<u>Credit Factors (cents per kWh)</u>
RS	0.906
GS and CS	0.770
GSD Optional – Secondary	0.645
GSD Optional – Primary	0.639
GSD Optional – Subtransmission	0.632
LS-1	0.172

<u>Rate Schedule</u>	<u>Credit Factors (dollars per kW)</u>
GSD – Secondary	2.71
GSD – Primary	2.68
GSD – Subtransmission	2.66
SBF – Secondary	2.71
SBF – Primary	2.68
SBF – Subtransmission	2.66
IS - Secondary	2.18
IS - Primary	2.16
IS - Subtransmission	2.14

OPC: No position on the specific factor amounts. However, the factors should be designed to refund the \$11,500,000 true-up amount required as a result of the stipulation approved in Order No. PSC-2019-234-AS-EI.

PCS: No position.

FIPUG: No position.

MISCELLANEOUS ISSUES

PROPOSED STIPULATION

ISSUE 11: Should the Joint Motion to Modify Order No. PSC-2012-0425-PAA-EU Regarding Weighted Average Cost of Capital Methodology be approved?

POSITIONS:

No. The normalization provisions of the Internal Revenue Code (IRC) Treasury Regulation Section 1.167(1)-1(h)(6) shall be applied to the Weighted Average Cost of Capital (WACC) in this docket subject to true-up. The determination of the WACC to be applied in future clause dockets shall be the subject of a workshop to be held by Commission staff.

OPC: No position.

PCS: No position.

FIPUG: No position.

PROPOSED STIPULATION

ISSUE 12: Should this docket be closed?

POSITIONS:

No. While a separate docket number is assigned each year for administrative convenience this is a continuing docket and should remain open.

OPC: No position.

PCS: No position.

FIPUG: No position.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
			<u>Direct</u>
R.B. Deaton	FPL	AS-1	Schedules CT-1 and CT-4
R.B. Deaton, A. Sharma		AS-1	Schedules CT-2 and CT-3
A. Sharma		AS-1	Schedules CT-5 and CT-6, Appendix A
R.B. Deaton		AS-2	Schedule C-1 and C-4
R.B. Deaton, A. Sharma		AS-2	Schedule C-2 and C-3
A. Sharma		AS-2	Schedule C-5
John N. Floyd	GULF	JNF-1 ¹	Schedules CT-1 through CT-6
		JNF-2	Schedules C-1 through C-6
Curtis D. Young	FPUC	CDY-1 (Composite)	Schedules CT-1, CT-2, CT-3, CT-4, CT-5 and CT-6
G. Scott Ranck		GSR-1 (Composite)	Schedules C-1, C-2, C-3, C-4, and C-5
Lori J. Cross	DEF	LJC-1T	ECCR Adjusted Net True-Up for January - December 2018, Schedules CT1 – CT6
		LJC-1P	Estimated/Actual True-Up, January – December 2019 and ECCR Factors for Billings in January – December 2020, Schedules C1 – C6
Mark R. Roche	TECO	MRR-1	Schedules supporting cost recovery factor, actual January 2018 – December 2018

¹ Amendments to Exhibit JNF-1 were filed on September 16, 2019. More specifically, Schedule CT-6.

<u>Witness</u>	<u>Proffered By</u>	<u>Description</u>
	MRR-2	Schedules supporting conservation costs projected for the period January 2020-December 2020
	MRR-3	Schedules supporting credit factors to be applied during the January 2020 billing cycles to refund the “Final Tax Savings Credit”.

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

X. PROPOSED STIPULATIONS

The parties have stipulated to issues 1-12, with OPC, FIPUG and PCS Phosphate taking no position as reflected in Section VIII.

XI. PENDING MOTIONS

The pending Joint Motion is resolved by the proposed stipulation of Issue 11.

XII. PENDING CONFIDENTIALITY MATTERS

FPUC:

Request Document No.	Date	Description
06006-2019	7/25/19	Request for confidential classification [of DN 06007-2019].
08130-2019	8/15/19	Request for confidential classification and motion for temporary protective order [of DN 08131-2019].

TECO:

Request Document No.	Date	Description
07531-2019	8/12/19	Request for confidential classification and motion for temporary protective order [of DN 07533-2019].

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; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. 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 shall be filed at the same time.

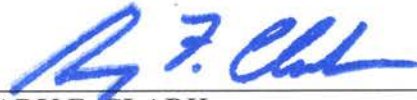
XIV. RULINGS

Opening statements, if any, shall not exceed five minutes per party.

It is therefore,

ORDERED by Commissioner Gary F. Clark, 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 Gary F. Clark, as Prehearing Officer, this 31th day of October, 2019.



GARY F. CLARK

Commissioner and Prehearing Officer

Florida Public Service Commission

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Tallahassee, Florida 32399

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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.

MAD

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.