

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for establishment of regulatory assets for expenses not recovered during restoration for Hurricane Michael, by Florida Public Utilities Company.

DOCKET NO. 20190155-EI

In re: Petition for a limited proceeding to recover incremental storm restoration costs, capital costs, revenue reduction for permanently lost customers, and regulatory assets related to Hurricane Michael, by Florida Public Utilities Company.

DOCKET NO. 20190156-EI
ORDER NO. PSC-2020-0060-PCO-EI
ISSUED: February 24, 2020

ORDER CONSOLIDATING DOCKET NOS. 20190155-EI AND 20190156-EI

On August 7, 2019, Florida Public Utilities Company (FPUC) filed a petition to establish regulatory assets for expenses incurred during restoration for Hurricane Michael in Docket No. 20190155-EI. On that same day, FPUC also filed a petition for a limited proceeding to recover incremental storm restoration costs, capital costs, revenue reduction for permanently lost customers, and regulatory assets related to Hurricane Michael. This petition was filed in Docket No. 20190156-EI.

Motion to Consolidate

On September 5, 2019, the Office of Public Counsel (OPC) filed a motion to consolidate for hearing Docket Nos. 20190155-EI and 20190156-EI (Motion). In the Motion, OPC argues that FPUC's petitions are interrelated, contain many overlapping issues of fact and law, as well as identical parties. OPC continues that consolidation of the two dockets would promote the just, speedy, and inexpensive resolution of the proceedings by allowing the interrelated issues to be addressed efficiently, thereby reducing cost and time. OPC adds that consolidation of these dockets would not unduly prejudice the rights of the parties. Pursuant to Rule 28-106.204(3), Florida Administrative Code (F.A.C.), OPC conferred with FPUC, and represents that FPUC does not oppose consolidation for purposes of administrative efficiency, including, should it be necessary, a hearing.

Analysis and Decision

This Order is issued pursuant to the authority granted by Rule 28-106.211, F.A.C., which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case. Pursuant to Rule 28-106.108, F.A.C., matters may be consolidated when separate proceedings involve similar issues of law or fact, it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and

consolidation would not unduly prejudice the rights of a party. Docket Nos. 20190155-EI and 20190156-EI involve similar issues of law or fact, and OPC and FPUC agree to consolidation; therefore, the dockets shall be consolidated, including for purposes of a hearing, should it be necessary. Accordingly, Docket No. 20190156-EI shall be the primary docket, and all future filings for both dockets shall be filed in Docket No. 20190156-EI. Consolidation promotes the just, speedy, and inexpensive resolution of the proceedings in accordance with Rule 28-106.108, F.A.C.

Based upon the foregoing, it is

ORDERED by Commissioner Andrew Giles Fay, as Prehearing Officer, that Docket Nos. 20190155-EI and 20190156-EI are hereby consolidated for purposes of administrative efficiency, including a hearing, should it be necessary, as set forth in the body of this Order. It is further

ORDERED that Docket No. 20190156-EI shall be the primary docket. It is further

ORDERED that all future filings for both dockets shall be filed in Docket No. 20190156-EI.

By ORDER of Commissioner Andrew Giles Fay, as Prehearing Officer, this 24th day of February, 2020.



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.

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.