

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for declaratory statement, or in the alternative, petition for variance from or waiver of the individual metering requirement of Rule 25-6.049(5) and (6), F.A.C., by 20 North Oceanside Owner, LLC.

DOCKET NO. 20250081-EU  
ORDER NO. PSC-2025-0308-PAA-EU  
ISSUED: August 15, 2025

The following Commissioners participated in the disposition of this matter:

MIKE LA ROSA, Chairman  
ART GRAHAM  
GARY F. CLARK  
ANDREW GILES FAY  
GABRIELLA PASSIDOMO SMITH

FINAL ORDER DENYING PETITION FOR DECLARATORY STATEMENT  
AND  
NOTICE OF PROPOSED AGENCY ACTION  
ORDER GRANTING ALTERNATIVE PETITION FOR VARIANCE FROM OR WAIVER OF  
RULE 25-6.049, F.A.C.

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the Commission's action granting a variance from or waiver of Rule 25-6.049, Florida Administrative Code (F.A.C.), as discussed herein, is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, F.A.C.. The Commission's action denying the petition for declaratory statement is final agency action and subject to reconsideration and appeal as described below under the heading, "NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW."

I. Background

On May 23, 2025, 20 North Oceanside Owner, LLC (20 North), filed a petition for declaratory statement or, in the alternative, a variance from or waiver of Rule 25-6.049, F.A.C. (Petition). 20 North asks us to declare that based on the facts presented "20 North is not required to individually meter the 296 condo-hotel units in Tower 2 because it meets the exceptions to the individual meter rule found in Rule 25-6.049(5), [Florida Administrative Code (F.A.C.)]." In the alternative, 20 North seeks a variance from or waiver of the individual metering requirements of

Rule 25-6.049, F.A.C., thereby allowing it to master-meter the Tower 2 condo-hotel units.<sup>1</sup> 20 North is in the service territory for Florida Power & Light Company (FPL).

A. Rule 25-6.049, F.A.C.

Rule 25-6.049, F.A.C., generally requires individual metering of electricity use for individual occupancy units in residential and commercial buildings. However, the rule also establishes certain exemptions to the individual metering requirement and sets forth the criteria for those exemptions.

20 North asserts that although Tower 2 is a condominium, it will operate in a manner similar to that of a resort hotel. 20 North's Petition seeks exemption from the individual metering requirement under either of the exceptions provided by paragraphs (5)(d) or (5)(g) of Rule 25-6.049, F.A.C.

- Paragraph (5)(d) of the rule indicates that individual electric meters are not required “[f]or lodging establishments such as hotels, motels, and similar facilities which are rented, leased, or otherwise provided to guests by an operator providing overnight occupancy as defined in paragraph (8)(b).”
- Paragraph (5)(g) of the rule indicates that individual electric meters are not required for condominiums that meet the following criteria:
  1. The declaration of condominium requires that at least 95 percent of the units are used solely for overnight occupancy as defined in paragraph (8)(b) of this rule;
  2. A registration desk, lobby and central telephone switchboard are maintained; and
  3. A record is kept for each unit showing each check-in and check-out date for the unit, and the name(s) of the individual(s) registered to occupy the unit between each check-in and check-out date.

Paragraph (8)(b) of Rule 25-6.049, F.A.C., defines overnight occupancy as “use of an occupancy unit for a short term such as per day or per week where permanent residency is not established.”

In addition, if the development is a condominium, subsection (6) of the rule requires both an initial and on-going annual attestations from the owner or developer (customer) to the utility provider that:

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<sup>1</sup> Individual electric metering is typically billed at a residential rate. In contrast, master-metering usage is measured using a single, utility-owned meter for billing and service is billed at the lower, commercial rate. *See Florida Power Corp. v. Mayo*, 203 So. 2d 614, 615 (Fla. 1967).

[T]he criteria in paragraph (5)(g) and in this subsection have been met, and that any cost of future conversion to individual metering will be the responsibility of the customer, consistent with subsection (7) of this rule.

Finally, Rule 25-6.049(9)(a), F.A.C., states, in pertinent part:

Where individual metering is not required under subsection (5) and master metering is used in lieu thereof, reasonable apportionment methods . . . may be used by the customer of record or the owner of such facility solely for the purpose of allocating the cost of the electricity billed by the utility.

B. Petition

In its Petition, 20 North states that although the planned development includes two connected towers, it only seeks the declaratory statement, or variance/waiver, for Tower 2. Tower 1 is to be developed as a residential condominium project with individual metering, whereas Tower 2 is to be developed as a condo-hotel for which 20 North seeks master-metering. 20 North states that ownership of both parcels will be pursuant to Chapter 718, Florida Statutes (F.S.), which pertains to condominiums. However, according to 20 North, operation of Tower 2 will be pursuant to Chapter 509, F.S., which pertains to lodging and food service establishments. According to the Petition, Tower 2 must be registered with Department of Business Regulation as a hotel under Section 509.242(1)(a), F.S. Because it asserts that “[t]he Florida Department of Revenue and the Department of Business Regulation will treat Tower 2 like a commercial hotel based on its method of operation,” 20 North seeks master-metering for Tower 2 as that is available to “other similar resort hotels.”

20 North asserts that the Purchase Agreement for the Tower 2 units specifies that none of the units “may be occupied as a permanent dwelling unit or residence.” The Petition asserts that Tower 2 is zoned for 303 units, but will only contain 296 units, none of which are allowed to be used as a permanent residence. The Petition further states that the owners of the Tower 2 units may not occupy their units for more than 30 consecutive days and no more than a total of 180 days in any consecutive 12 month period, and that the primary purpose of the Tower 2 units is a “visitor accommodation use.” The Petition also states that the Tower 2 units will be used for “transient” occupancy.

The Petition also states that the applicable zoning requirements for Tower 2 require it to be managed pursuant to a unified management operation plan for rental activities. The Petition states that the management company “will be responsible for staffing 24 hour per day operations, including front desk personnel.” According to the Petition, the telephone service within Tower 2 will operate through a central switchboard controlled by management. The Petition asserts that hotel management will also be responsible for “record keeping . . . for each unit showing the check-in and check-out date along with the name(s) of the individual(s) registered to occupy the unit.”

The Petition asserts that all utilities (water, sewer, and electrical) will be billed directly to the condominium association and paid for through assessments and that those “costs will be

apportioned as common expenses in the same manner as other common expenses on a pro-rata share based on square footage of the unit as compared to the total square footage of all units.”

C. Procedural Matters

Pursuant to Section 120.565, F.S., and Rule 28-105.0024, F.A.C., a Notice of Declaratory Statement was published in the May 29, 2025, edition of the Florida Administrative Register to inform substantially affected persons of the Petition, and notify them of the right to intervene. No one moved to intervene.

Pursuant to Sections 120.542, F.S., a Notice of Variance or Waiver were published in the May 29, 2025, edition of the Florida Administrative Register to inform interested persons of the Petition, and notify them of the right to submit comments. No one filed comments.

We have jurisdiction pursuant to Sections 120.542 and 120.565, F.S., and Chapter 366, F.S.

II. Decision on Petition for Declaratory Statement

A. Law Governing Petitions for Declaratory Statement

Section 120.565, F.S., sets forth the necessary elements of a petition for declaratory statement and provides:

(1) Any substantially affected person may seek a declaratory statement regarding an agency’s opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner’s particular set of circumstances.

(2) The petition seeking a declaratory statement shall state with particularity the petitioner’s set of circumstances and shall specify the statutory provision, rule, or order that the petitioner believes may apply to the set of circumstances.

Rule 28-105.001, F.A.C., states the purpose of a declaratory statement:

A declaratory statement is a means for resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority. A petition for declaratory statement may be used to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner’s particular circumstances. A declaratory statement is not the appropriate means for determining the conduct of another person.

Rule 28-105.002(5), F.A.C., requires that a petition for declaratory statement include a description of how the statutes, rules, or orders may substantially affect the petitioner in the petitioner’s particular set of circumstances. A party seeking a declaratory statement must not only show that it is in doubt as to the existence of some right or status, but also that there is a

bona fide, actual, present, and practical need for the declaration. *State Dept. cf Environ. Protect. v. Garcia*, 99 So. 3d 539, 544-45 (Fla. 3d DCA 2011). A declaratory statement is intended to enable members of the public to definitively resolve ambiguities of law in the planning of their future affairs and to enable the public to obtain definitive binding advice as to the applicability of agency law to a particular set of facts. *Department cf Bus. & Prof. Reg., Div. cf Pari-Mutual Wagering v. Invest. Corp. cf Palm Beach*, 747 So. 2d 374, 382 (Fla. 1999). Rule 28-105.003, F.A.C., provides the requirements for how agencies must dispose of declaratory statements and states that an agency may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. We rely on the facts as presented by 20 North, without taking a position with regard to the validity of the facts it presented.

B. Declaratory Statement Requested by 20 North

20 North asks us to issue the following affirmative declaratory statement:

20 North is not required to individually meter the 296 condo-hotel units in Tower 2 because it meets the exceptions to the individual meter rule found in Rule 25-6.049(5), F.A.C.

C. Analysis of Petition for Declaratory Statement and Conclusion

The purpose of a declaratory statement is to address the applicability of statutory provisions, orders, or rules of the agency in particular circumstances. *See* Section 120.565, F.S.; *see also Chiles v. Dept. cf State, Div. cf Elections*, 711 So. 2d 151, 154 (Fla. 1st DCA 1998). Further, pursuant to Rule 28-105.001, F.A.C., a petition for a declaratory statement may be used to resolve questions or doubts as to how an agency's statutes and rules may apply to the petitioner's particular circumstances.

Under Section 120.565(1)-(2), F.S., a petition must "state with particularity the petitioner's set of circumstances" and specify the statute, order, or rule that the petitioner believes is applicable, as well as show the petitioner is substantially affected. 20 North's Petition contains specific details about the property at issue and identifies Rule 25-6.049(5), F.A.C., as the rule that applies to its set of circumstances. 20 North's Petition also alleges it is substantially affected because if it is required to individually meter its condo-hotel units in Tower 2 it will incur 20 to 30 percent more in electric costs than what resort hotels would incur. 20 North asserts this would place it at a competitive disadvantage as compared to other public lodging establishments. Accordingly, 20 North meets the threshold requirements to seek a declaratory statement.

Although the Petition refers to the units in Tower 2 as a condo-hotel, that term is not used in Rule 25-6.049, F.A.C., to reference which types of occupancy units are subject to individual electric metering and which ones may have master-metering. Rather, pertinent to this case, application of the exceptions to individual metering under Rule 25-6.049(5), F.A.C., depends on whether the property is a hotel, motel, or similar facility providing overnight occupancy,<sup>2</sup> or a

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<sup>2</sup> Rule 25-6.049(5)(d), F.A.C.

condominium in which at least 95 percent of the units are used solely for overnight occupancy, there is a central registration desk, lobby and telephone switchboard, and records are kept showing the check-in and check-out dates for the unit, along with the name(s) of the individual(s) registered to occupy the units during those times.<sup>3</sup> 20 North asserts it is entitled to an exemption either as a hotel (or similar facility) or as a qualifying condominium. Integral to both exceptions is the requirement that occupancy of the residential units be for “overnight occupancy.” Based on the facts presented by 20 North, we find that the Tower 2 units are not used for “overnight occupancy,” which is defined by paragraph (8)(b) of the rule as “use of an occupancy unit for a short term such as per day or per week where permanent residency is not established.”

The Petition makes several assertions that the Tower 2 units cannot be used as a permanent residence. The Petition further states that *owners* of the Tower 2 units may not occupy their units for more than 30 consecutive days and no more than a total of 180 days in any consecutive 12 month period. With regard to the occupancy of non-owners, the Petition and its accompanying documents use terms like “visitor accommodation use” and “transient” occupancy. Neither of those terms is used in Rule 25-6.049, F.A.C., and neither the Petition, its attachments, nor the responses from 20 North define those terms nor make even a cursory assertion that the Tower 2 units will be provided for “overnight occupancy” only. Given that 20 North asserts it will be registered as a hotel under Chapter 509, F.S., we note that Section 509.013(4)(a)1., F.S., defines a “transient public lodging establishment” as one in which occupancy is limited to periods of less than 30 days or 1 calendar month, whichever is shorter.

The Florida Supreme Court has explained that the “words of a governing text are of paramount concern, and what they convey, in their context, is what the text means.” *Lab. Corp. cf Am. v. Davis*, 339 So. 3d 318, 323 (Fla. 2022). “Under the whole-text canon, proper interpretation requires consideration of ‘the entire text, in view of its structure and of the physical and logical relation of its many parts.’” *Id.* (quoting Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation cf Legal Texts* (2012)). Accordingly, we find that the Petition does not support the determination that Tower 2 of 20 North meets an exception to the individual metering requirement contained in Rule 25-6.049(5)(d) and (g), F.A.C., regardless of whether 20 North is a hotel (or similar facility) or a condominium, because occupancy of Tower 2 is not limited to “overnight occupancy.”

Moreover, under the provisions of the rule applicable to condominiums, Rule 25-6.049(5)(g)1., F.A.C., requires the declaration of condominium itself to state “that at least 95 percent of the units are used solely for overnight occupancy as defined in paragraph (8)(b) of this rule.” The Declaration of Condominium, which is attached as an exhibit to the Petition, fails to make such an assertion. Moreover, the Declaration of Condominium also states that “[s]ubject to applicable zoning, as it may exist from time to time, the Unit may be used as a private temporary or permanent residence, as such use may be limited by applicable zoning.” In addition to limiting occupancy to “a short term such as per day or per week,” the definition of “overnight occupancy” also precludes “permanent residency.”<sup>4</sup>

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<sup>3</sup> Rule 25-6.049(5)(g)1., F.A.C.

<sup>4</sup> Rule 25-6.049(8)(b), F.A.C.

The Petition acknowledges that Tower 2 does not meet all the criteria required to avoid individual metering. In describing the attributes of Tower 2, the Petition merely states, “[t]hese are *part of the criteria* found in the exclusions to the individual metering requirement of Rule 25-6.049(5)(g).” (Emphasis added.) As such, the Petition itself acknowledges that Tower 2 does not satisfy all the requirements of Rule 25-6.049(5)(g), F.A.C.

Under the facts presented by 20 North, Tower 2 does not satisfy either of the applicable exceptions to the individual meter rule found in Rule 25-6.049(5), F.A.C. Accordingly, we deny 20 North’s Petition for Declaratory Statement.

### III. Decision on Alternative Request for Variance from or Waiver of Rule 25-6.049, F.A.C.

Rule 25-6.049, F.A.C., requires individual metering of electricity use for individual occupancy units in residential and commercial buildings, unless they meet one of the exemptions set forth in the rule. If granted, the rule waiver would allow 20 North to install a single master meter to measure usage for all of the residential units in Tower 2.

#### A. Law Governing Petition for Variance or Waiver

The Legislature allows agencies to grant variances or waivers of their rules because “[s]trict application of uniformly applicable rule requirements can lead to unreasonable, unfair, and unintended results in particular instances.” Section 120.542(1), F.S. Section 120.542(5), F.S., and Rule 28-104.002, F.A.C., indicate that a petition for variance from or waiver of a rule must provide information concerning the specific facts that would justify the waiver/variance for the petitioner and the reasons why the requested waiver/variance would serve the purposes of the underlying statute(s).

#### B. Purpose of the Underlying Statutes

Pursuant to Section 120.542(5)(d), F.S., a petitioner seeking a rule waiver must demonstrate that the purpose of the underlying statute will be or has been achieved by other means. The statutes underlying Rule 25-6.049, F.A.C., are Sections 366.05(1), 366.06(1), 366.81, and 366.82, F.S. Section 366.05(1), F.S., grants us the authority to prescribe rate classifications, and service rules and regulations, to be observed by the investor-owned electric utilities. Sections 366.81 and 366.82, F.S., are known collectively as the Florida Energy Efficiency and Conservation Act (FEECA), and direct the Commission to adopt goals and approve plans related to the conservation of electric energy.

The purpose of Rule 25-6.049, F.A.C., is to implement the Florida Energy Efficiency and Conservation Act (FEECA) and encourage customers to conserve electricity.<sup>5</sup> As we have noted, “when unit owners are responsible for paying for their actual consumption, they are more likely to conserve to minimize their bills.”<sup>6</sup> Typically, the requirement that individual occupancy units

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<sup>5</sup> Order No. PSC-01-0626-PAA-EU, issued March 14, 2001, in Docket No. 001543-EU, *In re: Petition for Variance from or Waiver of Rule 25-6.049(5)(a), F.A.C., by Sundestin International Homeowners Association, Inc.*

<sup>6</sup> *Id.*

be individually metered serves the conservation goals of FEECA because if unit owners are responsible for costs based on their actual electricity consumption, they are more likely to conserve energy in order to minimize the cost of energy. However, in situations in which the people occupying the residential units do not see a direct financial impact for the energy they consume, such as hotels or rental condominium units, individual metering defeats the purpose of the statute. This is the reason for the exceptions to individual metering contained in Rule 25-6.049, F.A.C. In such situations, the property manager, who has responsibility for cost control, can most effectively implement conservation measures to reduce the overall electricity consumption of the facility. 20 North has indicated that management will ensure that the HVAC equipment is maintained to operate a peak efficiency and that the curtains will be closed and the thermostat set at a higher temperature when the units are unoccupied.

If master-metering is implemented, Rule 25-6.049(9)(a), F.A.C., provides that the cost of electricity may be allocated to individual occupancy units using “reasonable apportionment methods.” According to the Petition, costs for electric (as well as water and sewer) “will be apportioned as common expenses in the same manner as other common expenses on a pro-rata share based on the square footage of the unit as compared to the total square footage of all units.” We find that this apportionment method is reasonable and meets the purpose of Section 366.05(1), F.S.

### C. Substantial Hardship

Pursuant to Section 120.542, F.S., a petition for variance or waiver must also demonstrate that application of the rule would create a substantial hardship or violate principles of fairness. Substantial hardship is defined as a demonstrated economic, technological, legal or other type of hardship to the person requesting the waiver. Principles of fairness are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule. We hold that 20 North has demonstrated that when the rule is applied to it as concerns Tower 2, a substantial hardship occurs and there is a violation of the principles of fairness.

In prescribing fair and reasonable rates and rate classifications under Sections 366.05(1) and 366.06(1), F.S., we consider, among many other things, load characteristics and usage patterns. Differences in usage patterns and load justify different rates between customer classes. *See Florida Power Corp. v. Mayo*, 203 So. 2d 614, 615 (Fla. 1967). We agree with 20 North that load characteristics and usage patterns of Tower 2 will be more like a hotel rather than a residential condominium, and that it would be a violation of the principles of fairness to require 20 North to individually meter Tower 2.

According to 20 North, Tower 2 must be registered with Department of Business Regulation as a hotel under Section 509.242(1)(a), F.S. Because it asserts that “[t]he Florida Department of Revenue and the Department of Business Regulation will treat Tower 2 like a commercial hotel based on its method of operation,” 20 North seeks mastermetering for Tower 2 as that is available to “other similar resort hotels.” Because motels and hotels are exempt from the individual metering requirement under paragraph (5)(d) of Rule 25-6.049, F.A.C., they benefit from the lower electricity costs of mastermetering. 20 North states that if it is required to



individually meter Tower 2, it will incur higher energy costs than its competitors. 20 North asserts that application of the rule will cause a substantial hardship because it will place Tower 2 of 20 North at a competitive disadvantage in regard to the motels and hotels with which it will compete for guests. We find that the application of the rule in this instance will result in substantial economic hardship for 20 North.

Section 120.542(2), F.S., states that principles of fairness are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated entities who are subject to the rule. 20 North asserts that Tower 2 will operate in a manner similar to other hotels and motels in the area. We hold that applying the rule to Tower 2 of 20 North in this particular instance will result in treatment that is disparate. We determine that the different treatment of similar facilities resulting from the application of Rule 25-6.049(6), F.A.C., to Tower 2 of 20 North constitutes a violation of the principles of fairness as defined in Section 120.542(2), F.S.

#### D. Conclusion

Even though Tower 2 does not limit guests to “overnight occupancy,” we grant the waiver/variance. 20 North has demonstrated that the purpose of the underlying statutes will be achieved by other means, and that application of the rule would create both a substantial hardship and be a violation of the principles of fairness. However, 20 North is hereby put on notice that the waiver/variance is only effective under the following conditions: (1) 20 North must allocate the cost of electricity for Tower 2 to the individual condominium unit owners using an apportionment method consistent with subsection (9) of Rule 25-6.049, F.A.C.; (2) Tower 2 of 20 North must continue to operate and be licensed as a transient public lodging facility; and (3) in the event that Tower 2 of 20 North ceases to operate and be licensed as a transient public lodging facility, such that a conversion to individual metering is required, 20 North will be solely responsible for the cost of such conversion, pursuant to Rule 25-6.049(7), F.A.C.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that 20 North Oceanside Owner LLC’s petition for declaratory statement is denied for the reasons set forth in the body of this Order. It is further

ORDERED that 20 North Oceanside Owner LLC’s alternative request for a variance from or waiver of Rule 25-6.049, Florida Administrative Code, is granted as set forth in the body of this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the “Notice of Further Proceedings” attached hereto. It is further

ORDERED that if no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket shall be closed upon the issuance of a Consummating Order.

By ORDER of the Florida Public Service Commission this 15th day of August, 2025.



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ADAM J. TEITZMAN  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

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

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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.

The Commission action denying the petition for declaratory statement is final agency action. Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, 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 and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure

As identified in the body of this order, our action granting a variance from or waiver of Rule 25-6.049, Florida Administrative Code, is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 5, 2025. If such a petition is filed, 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. In the absence of such a petition, this order shall become effective and final upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.