BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to establish rate base value of acquired system using alternative procedure, by Sunshine Water Services Company.	DOCKET NO. 20260031-WS ORDER NO. PSC-2026-0260-PHO-WS ISSUED: July 24, 2026

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 July 24, 2026, in Tallahassee, Florida, before Commissioner Ana Ortega, as Prehearing Officer.

APPEARANCES:

J. JEFFRY WAHLEN, VIRGINIA L. PONDER and MATTHEW J. JONES, ESQUIRES, Ausley McMullen Law Firm, Post Office Box 391, Tallahassee, FL 32302
On behalf of Sunshine Water Services Company (SWS).

WALT TRIERWEILER, CHARLES REHWINKEL, OCTAVIO SIMOES-PONCE and AUSTIN A. WATROUS, ESQUIRES, c/o the Florida Legislature, 111 West Madison Street, Suite 812, Tallahassee, Florida 32399-1400
On behalf of the Office of Public Counsel (OPC).

SUZANNE BROWNLESS, MAJOR THOMPSON, and JENNIFER CRAWFORD, ESQUIRES, 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.

ADRIA E. HARPER, ESQUIRE, General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
Florida Public Service Commission General Counsel.

I. CASE BACKGROUND

On February 27, 2026, Sunshine Water Services Company (SWS) filed its petition requesting to establish a rate base value of an acquired system using the alternative procedure of Section 367.0811, Florida Statutes (F.S.). OPC was acknowledged as a party on March 17, 2026, by Order No. PSC-2026-0063-PCO-WS. Order No. PSC-2026-0079-PCO-WS, issued

March 24, 2026, set this matter for hearing on August 10-14, 2026. The Commission will address the issues listed in this prehearing order. The Commission has the option to render a bench decision with agreement of the parties on any or all issues listed below.

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 367, Florida Statutes. 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 367.156, 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 367.156, 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 367.156, 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 367.156, 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. <u>PREFILED TESTIMONY AND EXHIBITS; WITNESSES</u>

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 3 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' direct testimony is adverse to its interests.

All parties must refer to the Exhibit Number established by the Comprehensive Exhibit List when referencing an exhibit during cross-examination.

VI. ORDER OF WITNESSES

Witness	Proffered By	Issues #
Direct		
Dante DeStefano	SWS	1-8, 10-13
Daniel Magro	SWS	12
Diana Ling	SWS	12
Anthony Festa	SWS	12
Zachary Wright	SWS	12
Seán Twomey	SWS	1-3, 7-10, 12, 13

Rebuttal

There are no rebuttal witnesses.

VII. BASIC POSITIONS

SWS: Introduction

This proceeding concerns a petition filed by SWS on February 27, 2026, requesting that the Florida Public Service Commission establish the rate base value of the Placid Lakes Utilities, Inc. ("Placid Lakes") utility system using the alternative procedure in Section 367.0811, Florida Statutes (the "FMV Statute"), and Rule 25-30.0372, Florida Administrative Code (the "FMV Rule"). SWS requests three determinations: (1) approval of $5,750,000 as the rate base value of the acquired Placid Lakes assets; (2) approval of the journal entries set forth in Exhibit E to the Petition; and (3) a finding that granting the Petition is in the public interest. The Company's basic position is that each request is supported by the record and fully consistent with the FMV Statute and FMV Rule, and that the Commission should grant the Petition.

The FMV Statute reflects the Florida Legislature’s finding that promoting consolidation of water and wastewater systems serves the public interest by encouraging economies of scale, better access to lower material and supply costs, better access to capital, improvement in utility infrastructure, and improvement in overall quality of service. It provides an alternative to the traditional cost method of Section 367.081, Florida Statutes, for establishing the rate base value of an acquired system, capping that value at the lesser of the negotiated purchase price or the average of three independent appraisals. SWS is an acquiring utility eligible to use this procedure. It serves more than 35,000 water and more than 30,000 wastewater customers and is permitted to produce more than 14 million gallons of drinking water per day in Florida.

Issues

The Parties have identified over 14 issues in this case and divided them into 4 categories, each of which is addressed below.

1. Quality of Service, Infrastructure, and Operating Conditions (Issues 1 through 3)

The proposed transaction is expected to improve the overall quality of service provided to Placid Lakes' customers (Issue 1) and to improve regulatory compliance for the Placid Lakes systems (Issue 2). SWS's access to capital, its established Florida-based customer service and billing operations, its 24/7 call center and online customer portal, its enhanced information-technology and cybersecurity support, and its emergency and disaster response capabilities will benefit customers and support regulatory compliance. To the extent the Commission elects to set performance goals under Section 367.0811(10), Florida Statutes, (Issue 3), any such goals should be consistent with the improvements and timeline already reflected in the three-year Improvement Plan found in the engineer's Assessment.

2. Rate Stabilization and Cost Efficiencies (Issues 4 through 8)

The transaction is expected to produce rate reductions or long-term rate stability (Issue 4). The Company's five-year Rate Impact Analysis reflects managed rate impacts and the potential for a rate decrease as Placid Lakes' rates are consolidated with SWS's rates in a future rate case, whereas Placid Lakes' stand-alone rates would significantly increase to fund needed capital investment. Because the acquisition will not cause a significant individual rate increase during the five-year period analyzed, no rate stabilization plan is required or warranted under Section 367.0811(5)(h), Florida Statutes (Issue 6). The transaction will produce cost efficiencies by consolidating personnel and processes with SWS (Issue 7) and will generate economies of scale by supporting Placid Lakes with SWS and its parent company's shared support services and spreading capital and operating costs across a larger customer base (Issue 8).

3. Net Book Value, Capital, and Contract Details (Issues 9 through 12)

The acquisition reflected in the Agreement is an arm's-length transaction (Issue 9), as neither SWS nor its affiliates are affiliated with PLU or its affiliates. SWS, as part of a large utility holding company with equity investment and a wide variety of borrowing options, has substantially greater access to capital than Placid Lakes, which has historically relied on developer-provided equity and bank loans (Issue 10). SWS's net book value of approximately $195,393,737 exceeds the proposed rate base value of $5,750,000, which equals approximately 2.97 percent of that net book value (Issue 11). The appropriate rate base value under the FMV Statute is $5,750,000 (Issue 12) - not including estimated Organization costs - which does not exceed the lesser of the negotiated purchase price or the $6,506,633 average of the three appraisals.

4. Legal (Issues 13 through 14)

For the reasons summarized above and developed in the Company's prepared direct testimony and exhibits, the proposed transaction is in the public interest under Section 367.0811(9), Florida Statutes, and the Commission should grant the Petition (Issue 13). Upon issuance of a final order establishing the rate base value, approving the journal entries, and finding the transaction in the public interest, this docket should be closed (Issue 14).

OPC: Historically and presumptively, fair market value was the generally accepted standard for determining a regulated utility's rate base. In *Smyth v. Ames*, 169 U.S. 466 (1898), the United States Supreme Court held that a utility's value could be based upon numerous factors, including original cost, replacement cost, market value of securities, and the utility's anticipated earning capacity. *Id.* at 515. That approach, however, proved controversial because it valued utilities based not on prudent investments, but also on future profitability and market perceptions. *Id.* at 547.

Justice Brandeis, in a dissent, sharply criticized the fair value methodology in *Southwestern Bell Telephone Co. v. Public Service Commission*, 262 U.S. 276 (1923), describing it as creating a "vicious circle." *Id*. at 292. As he explained, a regulated utility's value cannot be determined by capitalizing future earnings when those earnings are largely determined by rates the utility is allowed to charge by regulators. Justice Brandeis further questioned valuation methods that relied upon market and income approaches, observing that utilities are not traded in an ordinary competitive market and that their value cannot be determined by projected earnings that are themselves products of regulation.[1] Justice Brandeis

[1] "The rule of *Smyth v. Ames* sets the laborious and baffling task of finding the present value of the utility. It is impossible to find an exchange value for a utility, since utilities, unlike merchandise or land, are not commonly bought and sold in the market. Nor can the present value of the utility be determined by capitalizing its net earnings, since the earnings are determined, in large measure, by the rate which the company will be permitted to charge; and, thus, the vicious circle would be encountered." *Mo. ex rel. Sw. Bell Tel. Co. v. Pub. Serv. Com.,* 262 U.S. 276, 292, 43 S. Ct. 544, 548 (1923).

also recognized the inherent subjectivity of appraisal methodologies, noting that experts often reached valuations differing by millions of dollars.[2]
Twenty years later, the Supreme Court adopted the principles advanced by Justice Brandeis's dissent. In *Federal Power Commission v. Hope Natural Gas Co.*, 320 U.S. 591 (1944), the Supreme Court abandoned the fair value doctrine and rejected the notion that rates should be based upon market valuation. Instead, the Court endorsed the "end results" doctrine, focusing on whether rates are sufficient to maintain the utility's financial integrity while protecting consumers from unreasonable charges. That principle was reaffirmed in *Duquesne Light Co. v. Barasch*, 488 U.S. 299 (1989), which emphasized that utilities are constitutionally entitled to recover only the capital prudently devoted to providing public utility service, not speculative market appreciation or anticipated future earnings.[3]

The fair market value methodology authorized by Section 367.0811, Florida Statutes, bears many of the same characteristics as the historic fair value standard rejected by the United States Supreme Court.[4] Rather than relying upon depreciated original cost or net book value, modern fair market appraisals frequently depend upon market-based and income-based valuation techniques that inherently reflect expectations regarding future revenues, future earnings, and future growth opportunities. Those expectations necessarily incorporate assumptions regarding future regulated rates, recreating the same "vicious circle" concerns identified by Justice Brandeis more than a century ago.

Based on the Historical context above, the available empirical evidence is limited. Nothing in this proceeding or nationally indicates that higher rate bases resulting from fair market value acquisitions produce corresponding improvements in infrastructure, service quality, or regulatory compliance. Rather, much of the support for fair market value has been advanced by utilities that benefit from increased rate base growth, while objective data demonstrating corresponding customer benefits remain scarce.

Accordingly, OPC submits that the Commission should scrutinize any fair market appraisal that relies upon speculative market assumptions, projected future

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[2] "When the price levels had risen largely, and estimates of replacement cost indicated values much greater than the actual cost of installation, many commissions refused to consider valuable what one declared to be assumptions based on things that never happened and estimates requiring the projection of the engineer's imagination into the future and methods of construction and installation that have never been and never will be adopted by sane men."
Mo. ex rel. Sw. Bell Tel. Co. v. Pub. Serv. Com., 262 U.S. 276, 299-300, 43 S. Ct. 544, 550 (1923) (footnotes omitted)
[3] ". . . [T]he 'end result' doctrine [was] first enunciated in Jacksonville Gas Corporation v. Florida Railroad & Public Utilities Commission, 50 So.2d 887 (Fla. 1951). See also, Westwood, supra; General Telephone Company of Florida v. Carter, 115 So.2d 554 (Fla. 1959)" *Citizens of State v. Fla. Pub. Serv. Com,* 399 So. 2d 9, 11 (Fla. 1st DCA 1981)
[4] "Although the fair value rule gives utilities strong incentive to manage their affairs well and to provide efficient service to the public, it suffered from practical difficulties which ultimately led to its abandonment as a constitutional requirement." *Duquesne Light Co. v. Barasch*, 488 U.S. 299, 309, 109 S. Ct. 609, 616 (1989).

revenues, or subjective valuation methodologies to protect modern customers from the ailments that customers faced more than a century ago.

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: Is the proposed transaction expected to result in improvements in the overall quality of service provided to Placid Lakes' customers pursuant to Sec. 367.0811(9)(a), F.S.?

SWS: Yes. (Twomey, DeStefano)

OPC: No. Sunshine Water Services ("Sunshine") has not demonstrated that the proposed acquisition will produce measurable improvements in the quality of service provided to Placid Lakes' customers.

STAFF: Staff has no position at this time.

ISSUE 2: Is the proposed transaction expected to result in improvements in regulatory compliance for the Placid Lakes' systems pursuant to Sec. 367.0811(9)(b), F.S.?

SWS: Yes. (Twomey, DeStefano)

OPC: No. Sunshine has not established that the increase in rate base and rates will materially improve regulatory compliance.

STAFF: Staff has no position at this time.

ISSUE 3: What reasonable performance goals, if any, should the Commission set, pursuant to Sec. 367.0811(10), F.S.?

SWS: None. (Twomey, DeStefano)

OPC: The Commission should set a framework to develop a cost-benefit analysis of ratepayer impacts to standardize the review of future acquisitions.

STAFF: Staff has no position at this time.

<u>ISSUE 4</u>: **Is the proposed transaction under Sec. 367.0811(9)(c), F.S., expected to result in rate reductions or rate stability over a long-term period?**

SWS: Yes. (DeStefano)

OPC: When considered as an isolated transaction and on a stand-alone basis, it is clear that customers' rates will increase if the petition is approved. Long term rate stability is speculative based on only one transaction and not without regard considering the totality of Sunshine's system and capital expenditure plans.

STAFF: Staff has no position at this time.

<u>ISSUE 5</u>: **What is the projected rate impact of the proposed transaction under Sec. 367.0811(5)(e), F.S., over the next five years?**

SWS: While SWS anticipates continuing with annual index rate adjustments as Placid Lakes has in recent years, the inclusion of Placid Lakes in SWS's next rate case (estimated to be effective in 2029) is expected to result in an overall rate *decrease* for both water and sewer customers of Placid Lakes relative to current rates. (DeStefano)

OPC: See Sunshine Witness DeStefano's Exhibit No. DD-1, Document No. 1, Page 4 of 5.

STAFF: Staff has no position at this time.

<u>ISSUE 6</u>: **If the transaction under Sec. 367.0811(5)(h), F.S., is approved, should the Commission institute a rate stabilization plan for Placid Lakes Utilities, Inc.?**

SWS: No. (DeStefano)

OPC: The Commission should only institute a rate stabilization plan if the transaction satisfies the minimum statutory public interest factors.

STAFF: Staff has no position at this time.

<u>ISSUE 7</u>: **Is the proposed transaction under Sec. 367.0811(9)(d), F.S., expected to provide cost efficiencies?**

SWS: Yes. (Twomey, DeStefano)

OPC: No. The Utility has identified generalized efficiencies associated with centralized management and administrative consolidation, but it has not demonstrated that these efficiencies are quantifiable, verifiable, or sufficient to offset the increased costs.

STAFF: Staff has no position at this time.

<u>ISSUE 8</u>: Is the proposed transaction under Sec. 367.0811(9)(f), F.S., expected to generate economies of scale?

SWS: Yes. (Twomey, DeStefano)

OPC: The evidence does not establish meaningful economies of scale benefiting customers. Larger utilities may realize a lower cost per unit to serve, however, those savings will not be directly passed through to customers or exceed the increased revenue requirement, instead it will likely increase utility profits.

STAFF: Staff has no position at this time.

<u>ISSUE 9</u>: Has Sunshine Water Services Company demonstrated that the purchase of Placid Lakes Utilities, Inc. is being made as part of an arms-length transaction under Sec. 367.0811(9)(e), F.S.?

SWS: Yes. (Twomey)

OPC: The existence of a purchase agreement does not establish that the agreed purchase price represents an objective measure of value appropriate for ratemaking purposes.

STAFF: Staff has no position at this time.

<u>ISSUE 10</u>: Has Sunshine Water Services Company demonstrated that it has a greater access to capital than Placid Lakes Utilities, Inc under Sec. 367.0811(9)(h), F.S.?

SWS: Yes. (Twomey, DeStefano)

OPC: Sunshine has generally demonstrated greater financial resources than Placid Lakes. However, greater access to capital alone does not establish that the acquisition is in the public interest or justify adoption of a higher rate base.

STAFF: Staff has no position at this time.

ISSUE 11: What is Sunshine Water Services Company's net book value compared to the proposed rate base value of Placid Lakes Utilities, Inc. under Sec. 367.0811(9)(g), F.S.?

SWS: As of December 31, 2024, $195,393,737, compared to the proposed $5,750,000 value for Placid Lakes. (DeStefano)

OPC: Placid Lakes' netbook value is approximately $816,405. Sunshine's proposed rate base value for the Placid Lakes system is $5,750,000. An approximate $4.9 million increase in rate base substantially exceeds Placid Lakes' current netbook value.

STAFF: Staff has no position at this time.

ISSUE 12: What is the appropriate alternative rate base value if the proposed transaction is found to be in the public interest?

SWS: $5,750,000, not including estimated Organization costs. (Twomey, DeStefano, Magro, Ling, Festa, Wright)

OPC: The Commission may, in the public interest, grant the petition in whole or in part or with modifications, or may deny the petition under 367.0811(6)(b). Any Commission decision should establish a rate base supported by competent and substantial evidence.

STAFF: Staff has no position at this time.

ISSUE 13: Is the proposed transaction by Sunshine Water Services Company under Sec. 367.0811(9), F.S., in the public interest?

SWS: Yes. (Twomey, DeStefano)

OPC: The proposed fair market value acquisition has not been shown to be in the public interest. The evidence does not establish that the transaction will provide sufficient, measurable benefits to customers to justify the increased rate base and resulting rate impacts.

STAFF: Staff has no position at this time.

ISSUE 14: **Should this docket be closed?**

SWS: Yes. (Legal)

OPC: No.

STAFF: Staff has no position at this time.

IX. EXHIBIT LIST

Witness	Proffered By		Description
Direct			
Dante DeStefano	SWS	DD-1	Document No. 1 - Five Year Impact Document No. 2 - Journal Entries
Daniel Magro	SWS	DM-1	Placid Lakes Utility System Engineering Assessment.
Diana Ling	SWS	DL-1	Placid Lakes Utilities, Inc. System Valuation.
Anthony Festa	SWS	AF-1	Appraisal of Fixed Assets – Placid Lakes Utilities, Inc.
Zachary Wright	SWS	ZW-1	Document No. 1 - Appraisal of Placid Lakes Utilities, Inc. Water and Wastewater Systems. Document No. 2 - Zachary Wright Witness History.

Witness	Proffered By		Description
Seán Twomey	SWS	ST-1	Document No. 1 - Resume of Seán Twomey. Document No. 2 - Map of SWS's Existing Water and Wastewater Systems in Florida. Document No. 3 - Map of SWS's Existing Water and Wastewater Systems in Highlands County, Florida. Document No. 4 - Map of Placid Lakes' Existing Water and Wastewater Systems in Highlands County, Florida. Document No. 5 - Asset Purchase Agreement Between SWS and Placid Lakes.

X. PROPOSED STIPULATIONS

There are no pending proposed stipulations.

XI. PENDING MOTIONS

There are no pending motions at this time.

XII. PENDING CONFIDENTIALITY MATTERS

There are no pending confidentiality matters at this time.

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 5 minutes per party.

It is therefore,

ORDERED by Commissioner Ana Ortega, 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 Ana Ortega, as Prehearing Officer, this 24th day of July, 2026.

Ana Ortega

ANA ORTEGA
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.

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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.

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.