

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida  
Public Utilities Company.

DOCKET NO. 20240099-EI  
ORDER NO. PSC-2025-0189-PCO-EI  
ISSUED: June 5, 2025

ORDER ESTABLISHING PROCEDURE

**I. Case Background**

Florida Public Utilities Company (FPUC or Company) filed a test year notification letter with the Florida Public Service Commission (Commission) on June 18, 2024, in which the Company indicated its intent to seek a permanent increase in its rates and charges based on a test year ending December 31, 2025, and a request for an interim rate increase. On August 22, 2024, FPUC filed its petition for an increase in base rates, as well as minimum filing requirements schedules (MFRs) and direct testimony of 10 witnesses. At that time FPUC requested that its petition for rate increase be processed using the proposed agency action process in Section 366.06(4), F.S.

Order No. PSC-2024-0441-PCO-EI, issued October 14, 2024, suspended the final rates and approved interim rates.<sup>1</sup> On September 5, 2024, the Office of Public Counsel (OPC) filed its Notice of Intervention which was acknowledged by Order No. PSC-2024-0408-PCO-EI, issued on September 5, 2024. Order No. PSC-2025-0114-PAA-EI,<sup>2</sup> granting in part and denying in part FPUC's rate increase, was issued on April 7, 2025. A timely request for hearing on Order No. PSC-2025-0114-PAA-EI was filed by the City of Marianna, Jackson County, and the Jackson County School Board (Jackson County) on April 21, 2025. OPC filed its request for hearing on Order No. PSC-2025-0114-PAA-EI on April 24, 2025. On May 7, 2025, FPUC, OPC and Jackson County filed a Joint Motion for Approval of Stipulation and Settlement, a unanimous settlement which resolves all of the issues in this case (2025 Settlement). A hearing is scheduled for July 1, 2025, to address the proposed 2025 Settlement.

This Order sets forth the procedural requirements for all parties to this docket. Jurisdiction over these matters is vested in the Commission through several provisions of Chapter 366, Florida Statutes, including Sections 366.04, 366.05, and 366.06, F.S. This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code (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.

<sup>1</sup> Order No. PSC-2024-0441-PCO-EI, issued October 4, 2024, in Docket No. 20240099-EI, *In re: Petition for rate increase by Florida Public Utilities Company*.

<sup>2</sup> Order No. PSC-2025-0114-PAA-EI, issued April 7, 2025, in Docket No. 20240099-EI, *In re: Petition for rate increase by Florida Public Utilities Company*.

## **II. Settlement Orders**

The Commission has a long history of considering settlements as a means of resolving litigated matters. In particular, the complex nature of litigated matters before the Commission incentivizes parties to work together, in the spirit of compromise, towards a resolution that can be offered for consideration. The parties have agreed on the proposed major elements of the 2025 Settlement which are contained in Attachment A to this order. These major elements will be considered by the Commission in determining whether the 2025 Settlement is in the public interest.<sup>3</sup>

## **III. Testimony and Exhibits**

The parties have agreed to stipulate the direct testimony of Michael Galtman, Noah Russell, Nicholas Crowley, Kim Estrada, Vikrant Gadgil, Devon Rudloff-Daffinson, Wraye Grimard, William Haffecke, Michelle Napier, and John Taylor into the record. The parties have also agreed to stipulate Minimum Filing Requirements Schedules A-G, Staff Data Requests 1-37, OPC First Set of Interrogatories No. 1, and the 2025 Stipulation and Settlement with implementing rates and tariffs into the record as reflected on the Comprehensive Exhibit List.

## **IV. Hearing Procedures**

### **A. Attendance at Hearing**

Unless excused by the Prehearing Officer for good cause shown, each party shall personally appear at the hearing. Failure of a party, or that party's representative, to appear shall constitute waiver of that party's issues, and that party may be dismissed from the proceeding.

### **B. Witness Panel**

Jackson County and FPUC will produce witnesses at the final hearing, sitting as a panel, who will address the major elements in the 2025 Settlement and why the 2025 Settlement is in the public interest.

### **C. Cross-Examination**

The parties shall avoid duplicative or repetitious cross-examination.

## **V. Post-Hearing Procedures**

If the Commission (or assigned panel) does not render a bench decision at the hearing, it may allow each party to file a post-hearing statement of issues and positions pursuant to the

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<sup>3</sup> “[W]hile the Commission need not resolve every issue independently in its final order when it is reviewing a settlement agreement, it must nonetheless discuss the major elements of the settlement agreement and explain why it is in the public interest.” *Floridians Against Increased Rates v. Clark*, 371 So.3d 905, 912 (Fla. 2023) (internal quotations marks and citations omitted).

schedule set forth in Section VI of this Order. In such event, a summary of each position, set off with asterisks, shall be included in that statement. If a post-hearing statement is required and a party fails to file in conformance with Rule 28-106.215, F.A.C., that party shall have waived all issues and may be dismissed from the proceeding.

Further, 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, unless modified by the Presiding Officer.

**VI. Controlling Dates**

The following dates are established for Commission consideration of the Joint Motion for Approval of Stipulation and Settlement:

Intervention deadline June 17, 2025

Final Hearing July 1, 2025

Post-Hearing Briefs, if any July 11, 2025

Based on the foregoing, it is

ORDERED by Commissioner Gabriella Passidomo Smith, as Prehearing Officer, that the provisions of this Order shall govern this proceeding unless modified by the Commission.

By ORDER of Commissioner Gabriella Passidomo Smith, as Prehearing Officer, this 5th day of June, 2025.



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Gabriella Passidomo Smith  
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.

ATTACHMENT A

DOCKET 20240099-EI

FPUC RATE CASE

KEY ELEMENTS

1. Base revenue increase.
2. Miscellaneous fees and charges increase
3. Effective date of tariffs
4. Substations and transmission assets step increase
5. Midpoint ROE and ROE range
6. Equity ratio
7. General liability reserve accrual increase
8. Rate case expense
9. Annual storm reserve accrual
10. Next base rate increase
11. Enhanced customer service measures
12. Minimum term of 2025 Agreement
13. March 20, 2026 and substation and transmission assets step increase tariffs  
(Giving staff the ability to approve step increase tariffs.)