

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Peoples Gas System.	DOCKET NO. 20180044-GU
In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Tampa Electric Company.	DOCKET NO. 20180045-EI
In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Power & Light Company.	DOCKET NO. 20180046-EI
In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Duke Energy Florida, LLC.	DOCKET NO. 20180047-EI
In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Public Utilities Company - Electric.	DOCKET NO. 20180048-EI
In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 Florida Public Utilities Company - Gas.	DOCKET NO. 20180051-GU
In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Public Utilities Company - Indiantown Division.	DOCKET NO. 20180052-GU
In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Public Utilities Company - Fort Meade Division.	DOCKET NO. 20180053-GU
In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Division of Chesapeake Utilities Corporation.	DOCKET NO. 20180054-GU ORDER NO. PSC-2018-0224-PCO-PU ISSUED: May 2, 2018

ORDER REQUESTING ADDITIONAL COMMENT

On April 30, 2018, the Office of Public Counsel (OPC) filed a Motion for Emergency Hearing Concerning Scheduling and Discovery Procedures (Motion) in nine natural gas and electric dockets all of which deal with the tax impacts associated with the Tax Cuts and Jobs Act of 2017.¹ Although these dockets are separate, they share a common hearing date and filing schedule which OPC characterizes in its Motion as a “de facto consolidation.”² OPC states that it is unable to “properly conduct discovery, prepare testimony and prepare for hearing.”³ OPC states that it has retained one consultant for all nine dockets and the shortened time to respond to discovery on its testimony (10 days) coupled with the large number of potential discovery requests is unduly burdensome in light of the fact that these activities will be taking place at the same time OPC prepares for back-to-back hearings in all nine dockets.⁴ Finally, OPC notes that there are no statutory deadlines associated with the tax issues raised in these dockets and that only Tampa Electric Company has indicated that it needs a hearing before the end of 2018.⁵

A close review of OPC’s Motion reveals that while OPC asserts it is prejudiced by the schedule currently proposed for these tax dockets, it does not offer any alternatives for either the schedule or discovery procedures about which it claims are unduly burdensome. Without a specific request for relief, it is difficult to fully and fairly evaluate OPC’s Motion. Therefore, OPC shall be given an opportunity to file a specific request for relief for which it seeks, including suggested time frames it proposes, by close of business on Friday, May 4, 2018.

¹ Order PSC-2018-0212-PCO-GU, issued on April 25, 2018, in Docket No. 20180044-GU, In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Peoples Gas System; Order PSC-2018-0208-PCO-EI, issued on April 25, 2018, in Docket No. 20180045-GU, In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Tampa Electric Company; Order PSC-2018-0209-PCO-EI, issued on April 25, 2018, in Docket No. 20180046-EI, In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Power & Light Company; Order PSC-2018-0210-PCO-EI, issued on April 25, 2018, in Docket No. 20180047-EI, In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Duke Energy Florida, LLC; Order PSC-2018-0211-PCO-EI, issued on April 25, 2018, in Docket No. 20180048-EI, In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Public Utilities Company -Electric; Order PSC-2018-0213-PCO-GU, issued on April 25, 2018, in Docket No. 20180051-GU, In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Public Utilities Company - Gas; Order PSC-2018-0214-PCO-GU, issued on April 25, 2018, in Docket No. 20180052-GU, In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Public Utilities Company – Indiantown Division; Order PSC-2018-0215-PCO-GU, issued on April 25, 2018, in Docket No. 20180053-GU, In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Public Utilities Company – Ft. Meade Division; Order PSC-2018-0216-PCO-GU, issued on April 25, 2018, in Docket No. 20180054-GU, In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Division of Chesapeake Utilities Corporation.

² Motion at ¶ 5.

³ Motion at ¶ 7.

⁴ Motion at ¶ 11.

⁵ Motion at ¶ 9.

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Based on the foregoing, it is hereby

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that the Office of Public Counsel shall file a specific request for relief as stated in the body of this Order by close of business on Friday, May 4, 2018.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 2nd day of May, 2018.



JULIE I. BROWN

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.

SBr

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

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appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.