

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for emergency variance from or
waiver of Rule 25-6.049(5)-(6), F.A.C., by
Casa Devon Venture, LP.

DOCKET NO. 20200175-EU
ORDER NO. PSC-2020-0432-PCO-EU
ISSUED: November 10, 2020

ORDER GRANTING JOINT MOTION FOR CONTINUANCE

On September 17, 2020, Casa Devon Venture, LP (Casa Devon) filed a petition for a formal administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.). Casa Devon seeks a final order granting its petition for emergency variance from or waiver of Rule 25-6.049(5)-(6), Florida Administrative Code (F.A.C.). Casa Devon's original petition filed on July 1, 2020, was denied by Proposed Agency Action Order No. PSC-2020-0295-PAA-EU, issued on September 2, 2020. On October 6, 2020, Florida Power & Light Company (FPL) filed an unopposed corrected motion for leave to intervene, which was granted by Order No. PSC-2020-0346-PCO-EU, issued on October 7, 2020. Pursuant to Order No. PSC-2020-0335-PCO-EU, issued October 1, 2020 (Order Establishing Procedure), an administrative hearing is scheduled for November 19-20, 2020.

On November 9, 2020, Casa Devon and FPL filed a Joint Motion for a Continuance of the November 19-20, 2020 Hearing on the Merits (Joint Motion for Continuance). Also on November 9, 2020, Casa Devon and FPL filed a Joint Motion for Approval of a Stipulation and Settlement Agreement (Joint Motion to Approve Settlement). In their Joint Motion for Continuance, Casa Devon and FPL request that the Commission: (1) consider their Joint Motion to Approve Settlement at the currently scheduled hearing on November 19, 2020; and (2) continue the hearing on the merits pending the outcome of the Commission's disposition of the Joint Motion to Approve Settlement.

In support of their Joint Motion for Continuance, the parties state that they have entered into an agreement that will resolve all issues in this proceeding. They further state that granting the requested continuance of the hearing on the merits will reduce the time, resources, and expenses that the parties will need to incur in order to prepare to fully litigate the case from November 19-20, 2020. They assert that the hearing will become entirely unnecessary if the Commission approves the Joint Motion to Approve Settlement at the beginning of the November 19-20, 2020 hearing.¹

Based on the parties' representations, it appears that neither would be prejudiced by the granting of this Joint Motion for Continuance. Furthermore, it appears that granting a

¹ Casa Devon represents in the motion that it understands and recognizes that its proposed project could be delayed in the event that the Commission denies the Joint Motion to Approve Settlement and a hearing on the merits of Casa Devon's Hearing Petition is rescheduled for a later, yet to be determined date. Casa Devon states that in such an event, it would work collaboratively with our staff and FPL to establish a reasonable schedule for the earliest available hearing date that works for the parties, staff, and the Commission.

continuance would avert further burden and expense in preparing for a formal hearing on the merits that may be unnecessary. Therefore, the Joint Motion for Continuance is granted.

Casa Devon and FPL's Joint Motion to Approve Settlement will be considered by the Commission at the hearing commencing on November 19, 2020. The hearing on the merits is continued, and all remaining controlling dates in the Order Establishing Procedure are suspended pending the Commission's decision on the Joint Motion to Approve Settlement. If necessary, a revised Order Establishing Procedure will be issued after the hearing commencing on November 19, 2020 to establish new controlling dates.


Based upon the foregoing, it is

ORDERED by Commissioner Donald J. Polmann, as Prehearing Officer, that the Joint Motion for a Continuance of the November 19-20, 2020 Hearing on the Merits filed by Casa Devon Venture, LP, and Florida Power & Light Company is granted. It is further

ORDERED that Casa Devon Venture, LP, and Florida Power & Light Company's Joint Motion for Approval of a Stipulation and Settlement Agreement will be considered by the Commission at the hearing commencing on November 19, 2020. It is further

ORDERED that the hearing on the merits is continued, and all remaining controlling dates in the Order Establishing Procedure are suspended pending the Commission's decision on the Joint Motion for Approval of a Stipulation and Settlement.

By ORDER of Commissioner Donald J. Polmann, as Prehearing Officer, this 10th day of November, 2020.



DONALD J. POLMANN, Ph.D., P.E.
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.