

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Michael and approval of second implementation stipulation, by Duke Energy Florida, LLC.

DOCKET NO. 20190110-EI  
ORDER NO. PSC-2021-0090-PCO-EI  
ISSUED: February 24, 2021

FIFTH ORDER MODIFYING ORDER ESTABLISHING PROCEDURE  
AND GRANTING DUKE ENERGY FLORIDA, LLC'S  
MOTION FOR ABATEMENT OF THE REMAINING SCHEDULED ITEMS

On April 30, 2019, pursuant to Subsection 366.076(1), Florida Statutes (F.S.), and Rules 25-6.0143 and 25-6.0431, Florida Administrative Code (F.A.C.), Duke Energy Florida, LLC (DEF or Company) filed a petition to recover incremental storm restoration costs related to Hurricane Michael. DEF filed its petition pursuant to the provisions of the Second Revised and Restated 2017 Settlement Agreement, which the Florida Public Service Commission (Commission) approved by Order No. PSC-2017-0451-AS-EU.<sup>1</sup> On June 24, 2019, the Office of Public Counsel's (OPC) intervention was acknowledged by Order No. PSC-2019-0239-PCO-EI. Order No. PSC-2020-0039-PCO-EI (Procedural Order), issued on January 30, 2020, established hearing procedures to govern this Docket, including controlling dates. There have been four modifications to the Procedural Order issued in this Docket.<sup>2</sup>

On January 14, 2021, a 2021 Settlement Agreement (Settlement) was filed in Docket No. 20210016-EI.<sup>3</sup> DEF, OPC, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs, the Florida Industrial Power Users Group, and Nucor Steel Florida, Inc., collectively referred to as the Parties, assert that the Settlement also resolves all issues in this Docket; therefore, the remaining events scheduled in this Docket should be abated, pending Commission action on the Settlement. Accordingly, on January 22, 2021, DEF filed a Motion to Abate<sup>4</sup> the remaining scheduled items in Docket No. 20190110-EI. DEF asserts that the Parties support the Motion to Abate.

Based on a review of the Motion to Abate and the filing of the Settlement, the Motion to Abate is hereby granted and these proceedings shall be held in abeyance. All scheduled actions are abated pending the outcome of Docket No. 20210016-EI.

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<sup>1</sup> Order No. PSC-2017-0451-AS-EU, issued November 20, 2017, in Docket No. 20170183-EI, *In re: Application for limited proceeding to approve 2017 second revised and restated settlement agreement, including certain rate adjustments, by Duke Energy Florida, LLC.*

<sup>2</sup> See Order No. PSC-2020-0138-PCO-EI, issued May 11, 2020, Order No. PSC-2020-0226-PCO-EI, issued July 1, 2020, Order No. PSC-2020-0288-PCO-EI, issued August 27, 2020, and Order No. PSC-2020-0437-PCO-EI, issued November 16, 2020.

<sup>3</sup> *In re: Petition for limited proceeding to approve 2021 settlement agreement, including general base rate increases, by Duke Energy Florida, LLC.*

<sup>4</sup> Document No. 01509-2021.

Based on the foregoing, it is

ORDERED by Commissioner Andrew Giles Fay, as Prehearing Officer, that Duke Energy Florida, LLC's Motion for abatement of the remaining scheduled items is granted.

By ORDER of Commissioner Andrew Giles Fay, as Prehearing Officer, this 24th day of February, 2021.



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ANDREW GILES FAY  
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.

AJW

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.