

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for evaluation of Hurricane  
Dorian storm costs, by Florida Power & Light  
Company.

DOCKET NO. 20200172-EI  
ORDER NO. PSC-2021-0129-PCO-EI  
ISSUED: April 14, 2021

PROCEDURAL ORDER

Case Background

Order No. PSC-2020-0311-PCO-EI (Order Establishing Procedure), issued on September 14, 2020, established hearing procedures to govern this docket and set the final hearing for February 23 and 24, 2021. On January 27, 2021, the Office of Public Counsel (OPC) and Florida Power & Light Company (FPL) filed a joint motion requesting that the final hearing be continued and all other matters be held in abeyance so that the parties could finalize a settlement of the case. This joint motion for continuance was granted by Order No. PSC-2021-0060-PCO-EI, issued January 28, 2021. On March 15, 2021, OPC and FPL filed a second joint motion requesting approval of a Stipulation and Settlement Agreement (Settlement Agreement) dated March 9, 2021, resolving all issues raised in this docket.

Upon review of the second joint motion, the final hearing in this matter is rescheduled to May 4, 2021, immediately following the Agenda Conference.

Hearing Procedures

Section 120.57(4), Florida Statutes (F.S.), permits the Commission to informally dispose of any proceeding by stipulation, agreed settlement, or consent order. Pursuant to Rule 28-106.302(2), Florida Administrative Code (F.A.C.), the purpose of this hearing is for the Commission to take oral and written evidence or argument regarding the second joint motion's request for approval of the Settlement Agreement as being in the public interest.

The hearing agenda for May 4, 2021, will include the following:

- Parties present Opening Statements;
- Parties present evidence and respond to questions from Commissioners regarding the Settlement Agreement.

Upon the admission of all testimony and evidence, and completion of the Commission's questions at hearing, the hearing record will be closed. At that time, the Commission may render a bench decision, provided all parties are willing to waive filing of post-hearing briefs. If a bench decision is not made, the Commission will render a decision during an Agenda Conference; date and time to be determined. Briefs, if any, will be due on May 14, 2021.

Use of Confidential Information at Hearing

While it is the Commission's policy to have all Commission hearings open to the public at all times, the Commission also recognizes its obligation pursuant to Section 366.093, F.S., to protect proprietary confidential business information from disclosure outside the proceeding. Therefore, any party wishing to use at the hearing any proprietary confidential business information, as that term is defined in Section 366.093, F.S., shall adhere to the following:

- (1) When a party wishes to use confidential information in a hearing conducted remotely that has not been filed as prefiled testimony or prefiled exhibits, parties must provide an electronic copy of this material to the Commission Clerk marked as confidential no later than the close of business on April 26, 2021. Any party wishing to examine confidential material that is not subject to an order granting confidentiality shall be provided access to this material subject to execution of an 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.

All copies of confidential exhibits that are not admitted into evidence 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 information is admitted into the evidentiary record at hearing and is not otherwise subject to a request for confidentiality 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.

Special Considerations Due to the COVID-19 Pandemic

State buildings are currently closed to the public and other restrictions on gatherings remain in place due to COVID-19. Accordingly, the hearing will be conducted remotely, and all parties and witnesses shall be prepared to present argument and testimony by communications media technology.

Any member of the public who wants to observe or listen to the proceedings may do so by accessing the live video broadcast the day of the hearing, which is available from the Commission website. Upon completion of the hearing, the archived video will also be available.

This order is issued pursuant to Rule 28-106.211, F.A.C., which provides that a prehearing 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. The Commission has jurisdiction in this matter pursuant to Chapters 120, and 366, F.S., and is proceeding under its authority under Sections 366.04, 366.05, 366.06, and 120.57, F.S.

Based on the foregoing, it is

ORDERED by Commissioner Mike La Rosa, as Prehearing Officer, that a final hearing on the Stipulation and Settlement Agreement dated March 9, 2021, is set for Tuesday, May 4, 2021, immediately following the Agenda Conference. It is further

ORDERED that Order No. PSC-2020-0311-PCO-EI, issued September 14, 2020, is hereby reaffirmed in all respects not inconsistent with this order.

By ORDER of Commissioner Mike La Rosa, as Prehearing Officer, this 14th day of April, 2021.



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Mike La Rosa  
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.