

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida
Power & Light Company.

DOCKET NO. 20210015-EI
ORDER NO. PSC-2021-0273-PCO-EI
ISSUED: July 29, 2021

THIRD ORDER REVISING ORDER ESTABLISHING PROCEDURE

Section VII.D., Cross-Examination Exhibits, of Order No. PSC-2021-0116-PCO-EI¹, Order Establishing Procedure, states as follows:

An electronic copy of all potential cross-examination exhibits, including impeachment exhibits, related to utility direct testimony and intervenor and staff testimony must be provided to the Clerk's Office no later than the close of business on August 2, 2021. An electronic copy of all potential cross-examination exhibits, including impeachment exhibits, related to utility rebuttal testimony must be provided to the Clerk's Office no later than the close of business on August 9, 2021. The procedures to be followed regarding cross-examination exhibits are set forth in Attachment A. A Notice of Intent, consistent with the requirements of Section 366.093, F.S., and Rule 25-22.006, F.A.C., must be provided with any confidential exhibits.

This procedure for handling cross-examination exhibits was developed to accommodate a remote hearing due to the Governor's emergency order related to the COVID-19 pandemic. At this time the emergency order has been rescinded and both the Prehearing Conference on August 2, 2021, and the Final Hearing on August 16-27, 2021, will be conducted in person in Room 148 of the Betty Easley Conference Center.

Due to the number of parties and witnesses, and the large volume of documents involved, the parties are no longer required to prefile their electronic cross-examination exhibits with the Clerk prior to the hearing. Instead, each party shall bring 40 paper copies of each non-confidential cross-examination exhibit they plan to proffer. Parties must also provide 40 paper copies of all confidential exhibits to be used during cross-examination in red folders, with the confidential information highlighted in yellow. Prior to each witness taking the stand, parties must provide Commission staff with collated copies of their cross-examination exhibits for distribution to the parties and hearing participants.

Thus, Section VII.D. of Order No. PSC-2021-0116-PCO-EI shall be modified as follows:

Each party shall bring 40 paper copies of all cross examination exhibits for distribution at the hearing when the witness being crossed is tendered for cross examination. All confidential exhibits shall be placed in red folders, with the confidential information highlighted in yellow, and the red folders will be

¹ Order No. PSC-2021-0116-PCO-EI, issued March 24, 2021, in Docket No. 20210015-EI, *In re: Petition for rate increase by Florida Power & Light Company*.

collected at the conclusion of the witness's testimony. At hearing the collated exhibits will be provided to Commission staff who will distribute the exhibits to the parties and hearing participants prior to the witness taking the stand. A Notice of Intent, consistent with the requirements of Section 366.093, F.S., and Rule 25-22.006, F.A.C., must be provided with any confidential exhibits.

In addition, Section VII.C., Use of Confidential Information at Hearing, is amended as follows:

If a paper confidential exhibit has been admitted into evidence, it shall be retained in the 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.

Any requests to hold portions of the hearing exempt from the requirements of Section 119.07(1), F.S., must be made in writing and filed with the Clerk by August 2, 2021.

Based on the foregoing, it is

ORDERED by Gary F. Clark, as Prehearing Officer, that the provisions of Section VII.D. of Order No. PSC-2021-0116-PCO-EI, shall be modified to remove the requirement that parties must electronically file cross-examination exhibits with the Clerk's Office on August 2 and 9, 2021, and to remove the requirement that parties must comply with the procedures set forth in Attachment A to that Order. It is further

ORDERED that each party shall be required to bring 40 paper copies of all cross examination exhibits for distribution at the hearing, and all confidential exhibits shall be placed in red folders with the confidential information highlighted in yellow. A Notice of Intent, consistent with the requirements of Section 366.093, F.S., and Rule 25-22.006, F.A.C., must be provided with any confidential exhibits. It is further

ORDERED that any requests to hold portions of the hearing exempt from the requirements of Section 119.07(1), F.S., must be made in writing and filed with the Clerk by August 2, 2021. It is further

ORDERED that Order No. PSC-2021-0116-PCO-EI, issued March 24, 2021, as subsequently modified by Order No. PSC-2021-0120-PCO-EI, issued April 1, 2021; Order No. PSC-2021-120A, issued April 8, 2021, and Order No. PSC-2021-0233-PCO-EI, issued June 28, 2021, is hereby reaffirmed to the extent not inconsistent with this Order.

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By ORDER of Chairman Gary F. Clark, as Presiding Officer, this 29th day
of July, 2021.



GARY F. CLARK
Chairman and Presiding 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 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.