

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of 2020 depreciation and dismantlement study and capital recovery schedules, by Tampa Electric Company.

DOCKET NO. 20200264-EI

In re: Petition for rate increase by Tampa Electric Company.

DOCKET NO. 20210034-EI
ORDER NO. PSC-2021-0331-PCO-EI
ISSUED: September 3, 2021

ORDER EXCUSING WITNESSES
AND
PROVIDING FOR OPENING STATEMENTS

Background

On April 9, 2021, Tampa Electric Company (TECO or Company) filed its Petition for Rate Increase along with supporting direct testimony, exhibits, and minimum filing requirements (MFRs). On August 6, 2021, TECO filed a Motion (Motion) to Suspend Procedural Schedule and Approve 2021 Stipulation and Settlement Agreement (Settlement). By Order No. PSC-2021-0301-PCO-EI, issued on August 8, 2021, I suspended the procedural schedule and established a date for a hearing on the Settlement.

In its Motion, TECO avers that the parties “have agreed that [TECO’s] pre-filed testimony¹ and MFRs as updated and corrected should be admitted into the record without cross-examination.” The parties further agreed to “collaborate to submit additional evidence . . . as may be reasonable and appropriate.” The Company does not object to its responses to Commission staff’s discovery and data requests being moved into the record.² A panel of witnesses³ will provide testimony and answer questions at hearing about the Settlement and staff’s discovery and data requests. TECO has asked that its witnesses who prefiled direct testimony be excused from the hearing, unless they participate in a panel of witnesses at hearing.⁴

This Order is issued pursuant to the authority granted by Rule 28-106.211, F.A.C., which provides that the presiding officer before whom a case is pending may issue any orders necessary

¹ The only testimony currently filed in this case is TECO’s direct testimony.

² See Document No. 09871-2021.

³ *Currently expected* to be Jeffrey S. Chronister (Tampa Electric) and Randy Futral (OPC expert) on revenue requirement and CETM issues; Kevin Higgins (HUA expert) and William R. Ashburn (Tampa Electric) on Cost of Service, revenue allocations, and rate design; and Penelope A. Rusk (Tampa Electric) on miscellaneous issues.

⁴ See Document No. 09871-2021.

to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

Review and Decision

All parties have agreed to waive cross examination of TECO's witnesses regarding the prefiled testimony and exhibits filed in this case. A panel of witnesses will provide live testimony at hearing subject to cross examination by Commissioners. TECO has responded to discovery requests by the parties, including Commission staff. Staff continues to ask TECO questions in the form of data requests. TECO does not object to its responses to staff's discovery and data request responses being included in the hearing record. Under these circumstances, each Commissioner has agreed that the TECO witnesses can be excused from hearing and their respective testimony and exhibits included in the record.

Upon review, all TECO witnesses who have prefiled testimony in this case shall be excused and their direct prefiled testimony and exhibits shall be included in the record. An excused TECO witness may nonetheless appear on the panel at hearing. Additionally, the parties shall be afforded three minutes each for opening statements at hearing.

Therefore, it is

ORDERED by Commissioner Art Graham as Prehearing Officer, that the Tampa Electric Company's direct testimony witnesses in Docket No. 20210034-EI are hereby be excused and their direct prefiled testimony and exhibits shall be included in the record. It is further

ORDERED that Opening statements of the parties shall be limited to three minutes each.

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 3rd day of September, 2021.



ART GRAHAM
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.

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.