

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Duke Energy
Florida, LLC.

DOCKET NO. 20240025-EI
ORDER NO. PSC-2024-0234-PCO-EI
ISSUED: July 11, 2024

ORDER GRANTING JOINT MOTION TO SUSPEND PROCEDURAL SCHEDULE

On July 8, 2024, Duke Energy Florida, LLC (DEF) and Citizens of the State of Florida through the Office of Public Counsel (OPC) filed a Joint Motion to Suspend Procedural Schedule. In the Joint Motion, DEF and OPC (Joint Parties) represent that they have reached an agreement in principle to resolve all issues in this docket. The Joint Parties further state that they and several other parties to this docket “have committed to working together to draft a formal Settlement Agreement that memorializes all aspects of the agreement in principle between the Joint Parties.” The Joint Parties aver that they intend to submit the Settlement Agreement in time for it to be considered by the Commission during the two-week period currently set aside for the final hearing (August 12-16 and August 19-23).

In order to focus on finalizing and filing the proposed Settlement Agreement, the Joint Parties request that the Commission “suspend all pending hearings, deadlines, and other matters in this docket (including discovery not related to the Settlement Agreement)” EVGo Services, LLC, and Southern Alliance for Clean Energy, do not oppose the Joint Motion. Americans for Affordable Clean Energy, Inc., Circle K Stores, Inc., RaceTrac Inc., Wawa, Inc. and the Sierra Club take no position. All other intervenors support the Joint Motion.

Decision

The general process and timing for filing a settlement agreement for consideration by the Commission is set forth in Section VI(A) of the Order Establishing Procedure (OEP) titled “Prehearing Procedures.” Importantly for purposes of this Order, the OEP provides that the parties should file a settlement “as soon as practicable to allow time for discovery, a hearing on the settlement, and a post-hearing decision.” This process and the Commission’s decision on the request for a rate increase must also be made in compliance with the statutory time frames under Section 366.06(3), Florida Statutes (F.S.).

The unopposed relief requested by the Joint Parties is reasonable, is intended to promote the just, speedy, and inexpensive determination of this proceeding,¹ and is hereby granted. To the extent specifically set forth below, all pending discovery, scheduled hearings, and other matters shall be suspended.² This suspension is temporary and shall be lifted as necessary to ensure a sufficient time for the Commission to make its decision consistent with the statutory time frame

¹ Rule 28-106.211, Florida Administrative Code (F.A.C.).

² Because the deadlines for filing requests for confidential classification (RFCC) referenced in the OEP are codified in Rule 25-22.006(3), F.A.C., they are unaffected by this Order.

in Section 366.06(3), F.S. A separate order will be issued establishing the appropriate process and controlling dates that will govern this proceeding.

Therefore, it is

ORDERED by Commissioner Gabriella Passidomo, as Prehearing Officer, that the Joint Motion to Suspend Procedural Schedule is granted. It is further,

ORDERED that all controlling dates in Section IX of the Order Establishing Procedure are suspended until further order of the Prehearing Officer. It is further,

ORDERED that no new discovery shall be propounded or depositions set until further order of the Prehearing Officer. It is further,

ORDERED that all deadlines seeking clarification, filing responses, and objecting to any pending discovery, as well as those for filing motions to strike and filing notices of intent to use depositions, are suspended until further order of the Prehearing Officer. It is further,

ORDERED that if an executed Settlement Agreement has not been filed in this docket by July 17, 2024, the Joint Parties shall file a detailed Status Report.

By ORDER of Commissioner Gabriella Passidomo, as Prehearing Officer, this 11th day of July, 2024.



Gabriella Passidomo
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

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.