

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Storm Protection Plan,
pursuant to Rule 25-6.030, F.A.C., Duke
Energy Florida, LLC.

DOCKET NO. 20220050-EI
ORDER NO. PSC-2022-0271-PCO-EI
ISSUED: July 13, 2022

ORDER GRANTING THE OFFICE OF PUBLIC COUNSEL'S
UNOPPOSED MOTION TO ACCEPT THE AMENDED DIRECT TESTIMONY
OF WITNESSES KEVIN MARA AND LANE KOLLEN

By Order No. PSC-2022-0119-PCO-EI, the Order Establishing Procedure, the Commission established controlling dates for all investor-owned electric utilities (IOUs) and intervenors concerning the Commission's review of the IOUs' storm protection plans (SPPs) filed under Section 366.96, Florida Statutes. At Duke Energy Florida's (DEF's) unopposed request, the controlling date for DEF's prefiled rebuttal testimony was extended to July 1, 2022, by Order No. PSC-2022-0226-PCO-EI. DEF had argued that the prefiled testimony of two of the Office of Public Counsel's (OPC's) expert witnesses filed on May 31, 2022, conflicted with language in Paragraph 4 of its 2021 Settlement Agreement, as approved by the Commission by Order No. PSC-2021-0202-AS-EI and as amended by Order No. PSC-2021-0202A-AS-EI.¹

As one of the signatories to the 2021 Settlement Agreement, OPC agreed with the language in Paragraph 4 that "DEF has properly removed all costs associated with the Storm Protection Plan ("SPP") from the costs included in DEF's MFRs, as all such costs spent on approved SPP programs are properly recoverable through the SPP Cost Recovery Clause ("SPPCRC")." On June 27, 2022, in recognition that the prefiled expert testimony of its Witnesses Kevin Mara and Lane Kollen should be clarified to properly reflect the agreement reached in Paragraph 4, OPC filed its unopposed motion for the Commission to accept the amended prefiled testimony of these witnesses.

OPC and DEF reached agreement concerning the clarifications that should be made to Witnesses Mara's and Kollen's testimony to resolve "any and all doubt about the [cost] recoverability" for six DEF programs in the SPPCRC for the years 2023 and 2024. As such, OPC filed an unopposed motion to replace the direct testimony of Witnesses Mara and Kollen with amended direct testimony to resolve any apparent conflicts with the 2021 Settlement Agreement. According to OPC, the amended testimony clarifies that the witnesses "are not asserting that the costs included in the six programs should be excluded from the SPP in a way that would make them ineligible for recovery in the SPPCRC in the years 2023 and 2024."

Having reviewed our prior decisions concerning the controlling dates for testimony and OPC's motion, I find that the amended prefiled direct testimony for Witnesses Mara and Kollen

¹ The 2021 Settlement Agreement addressed general base rate increases sought in Docket No. 20210016-EI, and resolved storm restoration costs in Docket Nos. 20190110-EI and 20190222-EI, as well as clarified certain cost allocation and rate design matters pertaining to DEF's Storm Protection Plan Cost Recovery Clause, among other things.

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filed on June 27, 2022 shall be accepted and will replace their direct testimony filed on May 31, 2022, for purposes of the hearing that commences on August 2, 2022.

Based on the foregoing, it is

ORDERED by Commissioner Mike La Rosa, as Prehearing Officer that the Unopposed Motion to Accept the Amended Direct Testimony of Kevin Mara and Lane Kollen is granted.

By ORDER of Commissioner Mike La Rosa, as Prehearing Officer, this 13th day of July, 2022.



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.

WLT

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.