

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of
Numeric Conservation Goals
(Tampa Electric Company)

DOCKET NO. 20240014-EI

FILED: April 3, 2024

MOTION TO ACCEPT LATE-FILED TESTIMONY

Tampa Electric Company ("Tampa Electric" or the "company"), pursuant to Rules 28-106.204, Florida Administrative Code, requests that the Florida Public Service Commission ("FPSC" or the "Commission") accept the late-filed Direct Testimony and Exhibits of Jim Herndon, and states as follows:

1. The Commission opened the above-captioned docket on January 5, 2024 for the purpose of reviewing Tampa Electric's proposed numeric conservation goals under the Florida Energy Efficiency and Conservation Act ("FEECA"). On January 23, 2024, the Commission entered an Order Establishing Procedure which set a deadline of April 2, 2024 for Tampa Electric to file its direct testimony and exhibits.

2. On April 2, 2024, Tampa Electric filed a petition for approval of numeric conservation goals, the direct testimony of company witness Mark R. Roche, and Exhibit MRR-1. This filing was accepted by the clerk and reflected on the Commission's docket on April 2, 2024. *See* DN 01560-2024.

3. Later that day, Tampa Electric filed the direct testimony and exhibits of Jim Herndon in the above-captioned docket. This filing was not received by the Clerk's Office until after 5:00 PM. As a result, the filing is reflected on the Commission's docket as received on April 3, 2024. *See* DN 01565-2024.

4. This filing was not submitted until after 5:00 PM due to a clerical error on the part of Tampa Electric related to the volume of filings the company made with the Commission this week in other docketed and undocketed matters.

5. The Office of Public Counsel (“OPC”) is currently the only party to this docket.¹ OPC was not prejudiced by the late filing of Witness Herndon’s testimony and exhibits because they are identical to those filed in the dockets opened to establish numeric conservation goals for the other FEECA utilities. As a result, OPC received an identical copy of the testimony and exhibits from several other FEECA utilities before close of business on April 2nd. *See, e.g.* DN 1562-2024 (Florida Power & Light Company); DN 1550-2024 (Florida Public Utilities Company). Furthermore, a copy of the company’s technical potential study, which is the subject of witness Herndon’s testimony, was also included as Document No. 7 in Exhibit MRR-1. This document was timely filed on April 2, 2024.

6. Tampa Electric has conferred with OPC and is authorized to represent that they do not oppose this Motion. Given the extraordinary level of activity faced by Tampa Electric’s Regulatory Department, and the absence of prejudice to OPC, Tampa Electric respectfully requests that the Commission grant this motion.

WHEREFORE, Tampa Electric Company requests that the Commission issue an order accepting the late-filed direct testimony and exhibits of Jim Herndon.

¹ The Southern Alliance for Clean Energy and the Florida Department of Agriculture and Consumer Services are listed as interested parties in the docket. The League of United Latin American Citizens, the Environmental Confederation of Southwest Florida, and Florida Rising, Inc. (all represented by Earthjustice) jointly petitioned to intervene in the docket, but the Commission has not yet granted that request. Tampa Electric provided copies of Mr. Herndon’s testimony and exhibits to these interested parties on April 2, 2024.

DATED this 3rd day of April, 2024.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion, filed on behalf of Tampa Electric Company has been furnished by electronic mail on this 3rd day of April, 2024 to the following:

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