

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

DOCKET NO.: 20240026-EI

FILED: May 17, 2024

**CITIZENS' EXPEDITED MOTION TO ENLARGE DISCOVERY**

The Citizens of the State of Florida, by and through the Office of Public Counsel (OPC), pursuant to Rule 28-106.204, Florida Administrative Code (F.A.C.), hereby file this Expedited Motion to Enlarge Discovery in this docket. OPC requests that this Motion be considered on and granted on an expedited basis and in support of the motion states:

1. On February 1, 2024, the Tampa Electric Company (TECO) filed a test year notification letter informing the Commission that TECO would be filing a request for a rate increase on April 2, 2024.

2. On February 22, 2024, OPC filed a notice of intervention in this docket.

3. OPC is statutorily required to represent customers of investor-owned utilities in proceedings before the Commission, and “shall have such powers as are necessary to carry out the duties of his or her office, including, but not limited to, ... [utilizing] therein all forms of discovery available to attorneys in civil actions generally...”<sup>1</sup>

4. OPC began serving discovery requests upon TECO on March 12, 2024.

5. On April 2, 2024, TECO filed its Petition for a Rate Increase, Minimum Filing Requirements, and testimony in support of its requested rate increase.

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<sup>1</sup> § 350.0611(1), Fla. Stat.

6. On April 16, 2024, the Florida Public Service Commission (Commission) issued an Order Establishing Procedure (OEP), Order No. PSC-2024-0096-PCO-EI, which provided, in part, that “[i]nterrogatories, including subparts, shall be limited to 500.”<sup>2</sup>

7. The OEP also “capped” requests for production at 500 and requests for admissions at 100.

8. On May 15, 2024, TECO informed OPC that, by TECO’s count, OPC has exceeded the 500 interrogatories by approximately 125 to 150 interrogatories.

9. TECO has 18 witnesses on direct and could have as many or more on rebuttal. The OPC should be allowed a sufficient number of interrogatories available to conduct discovery on the Company’s rebuttal case. TECO is not harmed by OPC being allowed to serve additional interrogatories since TECO customers ultimately pay for rate case expense.

10. Customers vitally need the information requested by OPC’s pending and future interrogatories in order to prepare their case.

11. OPC has endeavored to be as proactive and efficient as possible in requesting interrogatories in order to analyze TECO’s requested rate increases in this narrow window of time.

12. Additionally, OPC will need to continue to analyze TECO’s case through all forms of discovery in advance of the hearing, including through the use of interrogatories.

13. TECO’s customers will be irreparably harmed if OPC is not allowed to serve additional interrogatories upon TECO in this matter.

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<sup>2</sup> Order No. PSC-2024-0096-PCO-EI, p. 5, PSC Docket No. 20240026-EI, *In re: Petition for rate increase by Tampa Electric Company*. The OPC did not seek reconsideration of this limit in the pending Citizen’s Expedited Motion for Reconsideration or, in the Alternative, Motion for Continuance because the Commission has historically treated this aspect of the OEP as one that is periodically adjustable based on circumstances. Accordingly, no waiver of rights occurred by virtue of OPC’s silence in that reconsideration motion.

14. Since this is an evolving, complex matter, OPC is unsure how many additional interrogatories will be necessary for OPC to be fully prepared for hearing.

15. Therefore, OPC requests that the Commission enlarge the 500 interrogatory “cap” to at least 1,000 interrogatories at this time so that OPC may continue to exercise its statutorily-protected right to conduct necessary discovery.

16. OPC also preserves its statutorily-protected right to conduct discovery and potentially seek further enlargement of this or any other discovery “cap,” as necessary.

17. Given the compressed timeframe, OPC asks that the Commission rule on this matter on an expedited basis and that the ruling be communicated to the parties as soon as possible via email, regardless of whether a written order is prepared to memorialize the ruling.

18. OPC has conferred with the other parties in this matter regarding their position on this motion. OPC has conferred with TECO and is authorized to represent that TECO does not object to increasing the interrogatory cap for OPC to 750-800 including subparts. Florida Rising, Sierra Club, and LULAC support the motion. OPC has not received a position from any other party.

WHEREFORE, the OPC hereby requests that the Commission grant Citizen’s Expedited Motion to Enlarge Discovery for the reasons outlined in the body of this motion above.

Respectfully submitted,

Walt Trierweiler  
Public Counsel

/s/Octavio Ponce  
Octavio Ponce  
Associate Public Counsel  
Florida Bar No.: 96511

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Suite 812  
Tallahassee, FL 32399-1400

*Attorneys for the Citizens  
of the State of Florida*

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 20240026-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 17<sup>th</sup> day of May, 2024, to the following:

Adria Harper  
Carlos Marquez  
Timothy Sparks  
Florida Public Service Commission Office of  
General Counsel  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[aharper@psc.state.fl.us](mailto:aharper@psc.state.fl.us)  
[cmarquez@psc.state.fl.us](mailto:cmarquez@psc.state.fl.us)  
[tsparks@psc.state.fl.us](mailto:tsparks@psc.state.fl.us)  
[discovery-gcl@psc.state.fl.us](mailto:discovery-gcl@psc.state.fl.us)

Robert Scheffel Wright  
John T. LaVia, III  
Florida Retail Federation  
1300 Thomaswood Drive  
Tallahassee FL 32308  
[jlavia@gbwlegal.com](mailto:jlavia@gbwlegal.com)  
[schef@gbwlegal.com](mailto:schef@gbwlegal.com)

J. Jeffrey Wahlen  
Malcolm N. Means  
Virginia Ponder  
Ausley Law Firm  
P.O. Box 391  
Tallahassee FL 32302  
[jwahlen@ausley.com](mailto:jwahlen@ausley.com)  
[mmeans@ausley.com](mailto:mmeans@ausley.com)  
[vponder@ausley.com](mailto:vponder@ausley.com)

Jon C. Moyle, Jr./Karen A. Putnal  
Florida Industrial Power Users Group  
Moyle Law Firm  
118 North Gadsden Street  
Tallahassee FL 32301  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)  
[kputnal@moylelaw.com](mailto:kputnal@moylelaw.com)

L. Newton/A. George/  
T. Jernigan/E. Payton  
Federal Executive Agencies  
139 Barnes Drive, Suite 1  
Tyndall AFB FL 32403  
[ebony.payton.ctr@us.af.mil](mailto:ebony.payton.ctr@us.af.mil)  
[thomas.jernigan.3@us.af.mil](mailto:thomas.jernigan.3@us.af.mil)  
[Leslie.Newton.1@us.af.mil](mailto:Leslie.Newton.1@us.af.mil)  
[Ashley.George.4@us.af.mil](mailto:Ashley.George.4@us.af.mil)

Bradley Marshall  
Jordan Luebke  
Earth Justice  
Florida Rising  
League of United Latin American  
Citizens of Florida  
111 S. Martin Luther King Jr. Blvd.  
Tallahassee FL 32301  
[bmarshall@earthjustice.org](mailto:bmarshall@earthjustice.org)  
[jluebke@earthjustice.org](mailto:jluebke@earthjustice.org)

Nihal Shrinath  
Sierra Club  
2101 Webster Street Suite 1300  
Oakland CA 94612  
[nihal.shrinath@sierraclub.org](mailto:nihal.shrinath@sierraclub.org)

William C. Garner  
Southern Alliance for Clean Energy  
3425 Bannerman Rd. Unit 105, No. 414  
Tallahassee FL 32312  
[bgarner@wcglawoffice.com](mailto:bgarner@wcglawoffice.com)

Sari Amiel  
Sierra Club  
50 F St. NW, Eighth Floor  
Washington DC 20001  
[sari.amiel@sierraclub.org](mailto:sari.amiel@sierraclub.org)

Paula K. Brown  
Tampa Electric Company  
P. O. Box 111  
Tampa, FL 33601-0111  
[regdept@tecoenergy.com](mailto:regdept@tecoenergy.com)

Floyd R. Self, B.C.S.  
Ruth Vafek, Esq.  
Berger Singerman, LLP  
313 North Monroe Street, Suite 301  
Tallahassee, FL 32301  
[fself@bergersingerman.com](mailto:fself@bergersingerman.com)  
[rvafek@bergersingerman.com](mailto:rvafek@bergersingerman.com)

*/s/Octavio Ponce*  
*Octavio Ponce*  
*Associate Public Counsel*  
Ponce.octavio@leg.state.fl.us