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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20240025-EI
ORDER NO. PSC-2024-0187-FOF-EI
ISSUED: June 10, 2024

The following Commissioners participated in the disposition of this matter:

MIKE LA ROSA, Chairman
ART GRAHAM
GARY F. CLARK
ANDREW GILES FAY
GABRIELLA PASSIDOMO

✓ ORDER DENYING MOTION FOR RECONSIDERATION

BY THE COMMISSION:

BACKGROUND

Duke Energy Florida, LLC (DEF or Utility) provides electric service to approximately 2 million customers across the state. DEF filed its Petition for Rate Increase, minimum filing requirements (MFRs), and testimony on April 2, 2024. DEF filed its MFRs based on three projected test years, from January 1 to December 31, 2025; January 1 to December 31, 2026; and January 1 to December 31, 2027.

OPC's intervention in this docket was acknowledged by Order No. PSC-2024-0041-PCO-EI, issued February 26, 2024. On April 19, 2024, intervention in this proceeding was granted to Florida Rising and the League of United Latin American Citizens of Florida (FR/LULAC); Florida Industrial Power Users Group; Florida Retail Federation (FRF); and Sierra Club. On April 24, 2024, intervention was granted to White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate - White Springs (PCS Phosphate); and Nucor Steel Florida, Inc. (Nucor). Petitions for intervention were pending for Southern Alliance for Clean Energy and Americans for Affordable Clean Energy, Inc.; Circle K Stores, Inc.; RaceTrac Inc.; and Wawa, Inc. (Fuel Retailers) as of filing date of the staff recommendation.

On March 8, 2024, OPC filed a Motion for Expedited Joint Docket Scheduling Conference, together with an April 3, 2024 supplement to that motion, by which OPC requested a conference "to consider fair and equitable key activities and hearing dates, consistent with due process." DEF responded in opposition on April 3, 2024, stating that OPC's proposed schedule does not provide adequate time for post-hearing proceedings. OPC's request for a scheduling conference was denied as its motion set forth in detail OPC's arguments and proposed controlling dates. Having considered the parties' proposals, the Order Establishing Procedure

(OEP) No. PSC-2024-0092-PCO-EI, issued April 11, 2024, established controlling dates and procedures for this proceeding, including for the filing of prefiled testimony and exhibits, conducting discovery, and other prehearing and hearing activities. Included among these events was the requirement that, in advance of the hearing, parties provide electronic copies of all exhibits they intend to offer into evidence at the hearing. Finally, the OEP scheduled these matters for an administrative hearing for August 12–16, 2024, with August 19–23, 2024, reserved for the continuation and conclusion of this hearing, if necessary.

On April 22, 2024, OPC timely filed a Motion for Reconsideration or, in the Alternative, Motion for Continuance (OPC Motion), concurrently with a request for oral argument on its Motion. OPC's Motion was filed with respect to this docket as well as Docket No. 20240026-EI, *In re: Petition for rate increase by Tampa Electric Company*. As these dockets are not consolidated, a separate order will be filed with respect to the Tampa Electric Company (TECO) rate case, in Docket No. 20240026-EI. In its Motion, OPC argues that the "severely compressed" hearing schedule established by the OEP does not allow sufficient time for the intervenors to prepare testimony and doesn't account for the workload created by DEF requesting three projected test years, and that scheduling the DEF and TECO hearings within three weeks of each other unfairly prejudices OPC's ability to represent the customers of DEF and TECO. OPC contends that DEF is not entitled to have its rates go into effect on January 1, 2025, and the certainty that OPC does not have enough time to prepare its case for the TECO and DEF hearings outweighs the possibility that the statutory timeline may need to be delayed.

Joinders to OPC's Motion were filed by FR/LULAC (April 22), PCS Phosphate (April 23), Sierra Club (April 24), and FRF (April 29), contending that the time afforded for the intervenors to conduct discovery and prepare their case is unfairly curtailed, especially given the magnitude of the requested increase and the complexity of the issues presented.

On April 29, 2024, DEF filed a Response in Opposition (Response) to OPC's Motion and OPC's request for oral argument. DEF contends that OPC's arguments essentially say the same thing as OPC's initial March 8, 2024 Motion for Expedited Joint Docket Scheduling Conference: that OPC believes it does not have adequate time to prepare its case. DEF contends that OPC has not identified any new information that would justify reconsideration of the OEP; therefore, OPC's Motion should be denied.

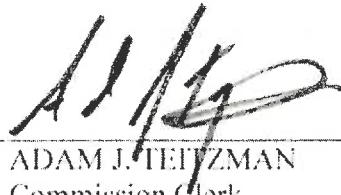
This order addresses OPC's Request for Oral Argument and Motion for Reconsideration, and the joinders and Response thereto. We have jurisdiction over this matter pursuant to Chapter 366, Florida Statutes (F.S.), including Section 366.06, F.S.

DECISION

Denying OPC's Request for Oral Argument

Granting or denying oral argument on a dispositive motion is within our sole discretion. Having found the pleadings sufficient on their face, oral argument was denied.

By ORDER of the Florida Public Service Commission this 10th day of June, 2024.



ADAM J. TEITZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
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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.

JSC

✓ NOTICE OF 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.

Any party adversely affected by the Commission's final action in this matter may request 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 by filing a notice of appeal with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.