

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase by) Docket No. 20240025-EI
Duke Energy Florida, LLC.) Filed: July 8, 2024
_____)

JOINT MOTION TO SUSPEND PROCEDURAL SCHEDULE

Pursuant to Section 120.57(4), Fla. Stat. (2024), Rule 28-106.204, Florida Administrative Code (F.A.C.), and PSC Order No. PSC-2024-0092-PCO-EI (“OEP”) issued on April 11, 2024, Duke Energy Florida, LLC (“DEF”), and Citizens of the State of Florida through the Office of Public Counsel (“OPC”) (collectively referred to as the “Joint Parties”) move the Florida Public Service Commission (“Commission”) to suspend the procedural schedule. The Joint Parties have reached a comprehensive agreement in principle, and the Joint Parties require additional time to prepare a formal Settlement Agreement that memorializes the terms. The Joint Parties intend to submit a Settlement Agreement for consideration during the currently scheduled August hearing dates. In support of this Motion, the Joint Parties state:

1. On January 31, 2024, DEF filed a test year notification letter with the Commission, pursuant to Rule 25-6.140, F.A.C.
2. On April 2, 2024, DEF filed a Petition for Rate Increase (“Petition”) with the Commission, along with Minimum Filing Requirement schedules (“MFRs”) and prefiled direct testimony and exhibits of 21 witnesses in support of the Petition.
3. OPC and several other parties intervened in the docket and have engaged in extensive discovery, including written discovery and depositions, and many of these parties submitted direct responsive intervenor testimony challenging the merits of DEF’s Petition.
4. On July 2, 2024, DEF filed rebuttal testimony and exhibits of 19 witnesses.

5. Page 5 of the OEP states that, “settlement agreements are a viable way to resolve disputes among parties.”
6. As a result of the extensive litigation efforts of the Joint Parties and several other parties, an agreement in principle between the Joint Parties that resolves all issues raised in this docket has been reached.
7. The Joint Parties and others have committed to working together to draft a formal Settlement Agreement that memorializes all aspects of the agreement in principle between the Joint Parties.
8. In order to focus on converting the terms into a formal Settlement Agreement and to avoid the unnecessary work and expense that the continued litigation of this case would require, a suspension of the procedural schedule is necessary.
9. The Joint Parties move that the Commission suspend all pending hearings, deadlines, and other matters in this docket (including discovery not related to the Settlement Agreement) so that the Joint Parties can work efficiently to prepare a formal Settlement Agreement for submission to the Commission for review during the two-week period currently set aside for the final hearing in this docket (August 12-16 and August 19-23) as deemed appropriate by the Commission.
10. The Joint Parties have conferred with Florida Industrial Power Users Group, Florida Retail Foundation, Florida Rising Inc., League of United Latin American Citizens, Nucor Steel Florida, Inc., and White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs, all of whom support this motion. The Joint Parties have also conferred with EVGo Services, LLC, and Southern Alliance for Clean Energy, who do not oppose this motion. Americans for Affordable Clean Energy, Inc., Circle K Stores, Inc., RaceTrac Inc., Wawa, Inc. and the Sierra Club take no position on this motion.

WHEREFORE, for the reasons stated above, the Joint Parties respectfully request that the Commission suspend all pending hearings, deadlines, and other matters in this docket pending the Joint Parties' submission of a formal Settlement Agreement that resolves all disputed issues.

Respectfully submitted this 8th day of July, 2024.

By: /s/ Dianne M. Triplett

Dianne Triplett, Esq.
Deputy General Counsel
Duke Energy Florida, LLC
299 1st Avenue North
St. Petersburg, FL 33701
T: (727) 820-4692
E: dianne.triplett@duke-energy.com

Counsel for Duke Energy Florida, LLC

By: /s/ Walt Trierweiler

Walt Trierweiler
Public Counsel
Office of Public Counsel
111 West Madison Street, Ste. 812
Tallahassee, FL 32399-1400
T: (850) 488-9330
E: trierweiler.walt@leg.state.fl.us

*Counsel for the Citizens of the
State of Florida*

CERTIFICATE OF SERVICE

Docket No. 20240025-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 8th day of July, 2024, to the following:

/s/ Dianne M. Triplett
Dianne M. Triplett

Jennifer Crawford / Major Thompson /
Shaw Stiller
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
JCrawfor@psc.state.fl.us
MThomпсо@psc.state.fl.us
SStiller@psc.state.fl.us

Walt Trierweiler / Charles J. Rehwinkel /
Mary Wessling / Austin Watrous
Office of Public Counsel
111 W. Madison St., Rm 812
Tallahassee, FL 32399
rehwinkel.charles@leg.state.fl.us
trierweiler.walt@leg.state.fl.us
watrous.austin@leg.state.fl.us
wessling.mary@leg.state.fl.us

James W. Brew / Laura Wynn Baker /
Sarah B. Newman
Stone Mattheis Xenopoulos & Brew, PC
PCS Phosphate-White Springs
1025 Thomas Jefferson Street, NW
Suite 800 West
Washington, DC 20007-5201
jbrew@smxblaw.com
lwb@smxblaw.com
sbn@smxblaw.com

Jon C. Moyle, Jr. / Karen A. Putnal
Moyle Law Firm, P.A.
FIPUG
118 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com

Bradley Marshall / Jordan Luebkekmann /
Hema Lochan
Earthjustice
LULAC & FL Rising
111 S. Martin Luther King Jr. Blvd.
Tallahassee, Florida 32301
bmarshall@earthjustice.org
jluebkekmann@earthjustice.org
hlochan@earthjustice.org
flcaseupdates@earthjustice.org

William C. Garner
Law Office of William C. Garner, PLLC
SACE
3425 Bannerman Road
Unit 105, No. 414
Tallahassee, FL 32312
wgarner@wcglawoffice.com

Tony Mendoza / Patrick Woolsey
Sierra Club
2101 Webster Street Suite 1300
Oakland, CA 94612
tony.mendoza@sierraclub.org
patrick.woolsey@sierraclub.org

Robert Scheffel Wright / John T. LaVia, III
Gardner, Bist, Bowden, Dee, LaVia, Wright,
Perry & Harper, P.A.
Florida Retail Federation
1300 Thomaswood Drive
Tallahassee, Florida 32308
schef@gbwlegal.com
jlavia@gbwlegal.com

Nikhil Vijaykar
Keyes & Fox LLP
EVgo Services, LLC
580 California St., 12th Floor
San Francisco, CA 94104
nvijaykar@keyesfox.com

Lindsey Stegall
EVgo Services, LLC
11835 W. Olympic Blvd., Ste. 900E
Los Angeles, CA 90064
Lindsey.Stegall@evgo.com

Sari Amiel
Sierra Club
50 F St. NW, Eighth Floor
Washington, DC 20001
sari.amiel@sierraclub.org

Peter J. Mattheis / Michael K. Lavanga /
Joseph R. Briscar
Stone Mattheis Xenopoulos & Brew, PC
NUCOR
1025 Thomas Jefferson Street, NW
Suite 800 West
Washington, DC 20007-5201
pjm@smxblaw.com
mkl@smxblaw.com
jrb@smxblaw.com

Frederick L. Aschauer, Jr., Esq.
Allan J. Charles, Esq.
Lori Killinger, Esq.
Lewis, Longman & Walker P.A.
AAACE / Circle K / RaceTrac / Wawa
106 East College Avenue, Suite 1500
Tallahassee, Florida 32301
fAschauer@llw-law.com
acharles@llw-law.com
killinger@llw-law.com
jmelchior@llw-law.com