BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Duke Energy Florida, LLC, For limited proceeding for recovery of Incremental storm restoration costs related to Hurricanes Debby, Helene, and Milton	Docket No. 20240173-EI Dated: March 13, 2025

DUKE ENERGY FLORIDA'S RESPONSE IN OPPOSITION TO NUCOR STEEL FLORIDA, INC.'S MOTION FOR RECONSIDERATION

Pursuant to Rule 28-106.204(1), F.A.C., Duke Energy Florida, LLC ("DEF" or the "Company") hereby files this Response in Opposition NUCOR Steel Florida, Inc.'s ("NUCOR") Motion for Reconsideration ("Motion"). NUCOR has not identified any issue of fact or law the Commission overlooked or failed to consider that would justify reconsideration of the Order Approving Duke Energy Florida, LLC's Interim Storm Restoration Recovery Charge[1] ("Order"), and accordingly, NUCOR's Motion should be denied.

In support, DEF states:

Background

1. On December 27, 2024, DEF filed its Petition for Limited Proceeding for Recovery of Incremental Storm Restoration Costs related to Hurricanes Debby, Helene, and Milton ("Petition"), requesting authorization to commence recovery of incremental storm restoration costs and interest related to Hurricanes Debby, Helene, and Milton (collectively, the "Storms"), and replenishment of DEF's authorized storm reserve, for a total of approximately $1,089.6 million (jurisdictional), beginning with the first billing cycle of March 2025 and subject to final true-up.

[1] Order No. PSC-2025-0061-PCO-EI

2. On January 31, 2025, DEF filed updated portions of Appendix A-DEF's Storm Cost Recovery Cost Summary and Appendix B-clean and legislative tariff sheets BA-1 to the Petition. DEF conferred with another intervening Party to this docket for approval prior to filing the update. The filing reflected updates made to correlate with previous storm cost recovery charges, such as those utilized in Docket No. 20230020-EI, Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Elsa, Eta, Isaias, Ian, Nicole, and Tropical Storm Fred, by Duke Energy Florida, LLC. *See* Document No. 00628-2025.

3. The Commission held an Agenda Conference on February 4, 2025, to discuss and vote on Staff's Recommendation to approve DEF's Petition. No intervening parties opposed the Staff Recommendation nor made any comments on the record. *See* Document No. 01135-2025, TRANSCRIPT - 2/4/25 Commission conference, Item 4.

4. On February 24, 2025, the Commission issued its Order Approving Duke Energy Florida, LLC's Interim Storm Restoration Recovery Charge. *See* Order No. PSC-2025-0061-PCO-EI.

5. On February 25th, the day after the Commission issued its Order, NUCOR filed its First Set of Interrogatories to DEF in this docket. *See* Document No. 01124-2025.

6. On, March 6th, NUCOR filed it Motion for Reconsideration. In the Motion, NUCOR requests the Commission provide clarification on whether the Order grants final approval of DEF's allocation and rate design. *See* Motion, Document No.01375-2025.

Motion for Reconsideration

7. "The standard for reconsideration is set forth in *Diamond Cab Co. of Miami v. King*, 146 So. 2d 889 (Fla. 1962). The court stated that: '[t]he purpose of a petition for rehearing is merely to bring to the attention of the trial court or, in this instance, the administrative agency,

some point which it overlooked or failed to consider when it rendered its order in the first instance. (citations omitted) It is not intended as a procedure for rearguing the whole case merely because the losing party disagrees with the judgment or the order.' *Id.* at 891." *In Re: Investigation into Florida Public Service Commission jurisdiction over Southern States Utilities, Inc. in Florida*, Docket 1993045-WS, Order No. PSC-1993-0042-FOF-WS (Jan. 10, 1993) (denying SSU's motion for reconsideration and noting that "The Utility may not be permitted an opportunity to re-argue to the full Commission upon a motion for reconsideration issues already decided."); *see also In Re: Petition for Rate Increase by Florida Power & Light Company,* Docket No. 20160021-EI, Order No. PSC-2016-0231-PCO-EI (June 10, 2016), at pp. 13-14 (Commission denied OPC's request to modify a filing schedule in an OEP and stated: "Without a specific mistake of fact or law, a motion for reconsideration must be denied, even when there is a 'feeling that a mistake may have been made' or when the reviewing body would have reached a different decision.").

8. NUCOR's Motion fails to identify a point of fact or law that the Commission Order overlooked, nor does it request the Commission to take action on any specific portion of the Order. Rather, NUCOR is requesting reconsideration to "clarify that by approving the interim storm cost recovery charges, the Commission has not granted final approval of DEF's proposed allocation and rate design and that parties may address the allocation and rate design at a later point in this case." *See* Motion, page 1. Petitioning the Commission for a statement of "clarification" of the Order is inappropriate for reconsideration and does not reach the standard as set forth in *Diamond Cab Co. of Miami v. King. See* Order No. PSC-1993-0042-FOF-WS (reconsideration is "not intended as a procedure for rearguing the whole case merely because the losing party disagrees with the judgment or the order.") (quoting *Diamond Cab Co.*).

9. Additionally, NUCOR's Motion argues that the parties should have the full opportunity to conduct discovery and develop positions on the costs DEF seeks to recover through the interim storm cost recovery charge. *See* Motion, page 3. NUCOR has not asserted they were denied the opportunity to conduct complete discovery on this matter. NUCOR had the opportunity to serve discovery on the cost allocation and rate design in the docket prior to the February 4th Agenda Conference as well as the filing of the Order on February 24th. However, NUCOR waited until February 25th, a day after the Order was issued, and 41 days after NUCOR filed for intervention to serve discovery on DEF. *See* Document No. 00291-2025.

10. Because NUCOR has failed to identify an issue of fact or law the Commission overlooked or failed to consider but has simply requested the Commission to affirm that the issues of cost allocation and rate design can be addressed by the parties at a later date, it has failed to meet the standard for reconsideration and the Motion should be denied.

WHEREFORE, DEF respectfully requests that the Commission deny NUCOR's Motion for Reconsideration.

Respectfully submitted this 13th day of March, 2025.

/s/ Stephanie A. Cuello
DIANNE M. TRIPLETT
Deputy General Counsel
299 First Avenue North
St. Petersburg, FL 33701
T: 727.820.4692
E: Dianne.Triplett@Duke-Energy.com

MATTHEW R. BERNIER
Associate General Counsel
106 E. College Avenue, Suite 800
Tallahassee, FL 32301
T: 850.521.1428
E: Matt.Bernier@Duke-Energy.com

STEPHANIE A. CUELLO
Senior Counsel
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
T: 850.521.1425
E: Stephanie.Cuello@duke-energy.com
FLRegulatoryLegal@duke-energy.com

Attorneys for Duke Energy Florida, LLC

CERTIFICATE OF SERVICE
Docket No. 20240173-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 13th day of March, 2025, to the following:

/s/ Stephanie A. Cuello
Stephanie A. Cuello

Daniel Dose Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 ddose@psc.state.fl.us	Walt Trierweiler / Charles J. Rehwinkel Office of Public Counsel 111 W. Madison St., Rm 812 Tallahassee, FL 32399 trierweiler.walt@leg.state.fl.us rehwinkel.charles@leg.state.fl.us
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	James W. Brew Laura Wynn Baker Sarah B. Newman Stone Mattheis Xenopoulos & Brew, PC PSC Phosphate - White Springs 1025 Thomas Jefferson Street, NW Suite 800 West Washington, DC 20007-5201 jwb@smxblaw.com lwb@smxblaw.com sbn@smxblaw.com
Corey Allain Nucor Steel Florida, Inc. 22 Nucor Drive Frostproof, FL 33843 corey.allain@nucor.com	