

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Storm Protection Plan
Pursuant to Rule 25-6.030, F.A.C., Duke
Energy Florida, LLC

Docket No. 20220050-EI

Dated: July 19, 2022

DUKE ENERGY FLORIDA'S MOTION TO STRIKE TESTIMONY

Duke Energy Florida, LLC (“DEF” or the “Company”), pursuant to Section 120.569(2)(g), Fla. Stat., Rule 28-106.204(1), F.A.C., and Section VI.D. of Order No. PSC-2022-0119-PCO-EI, hereby files this Motion to Strike certain portions of the pre-filed testimony of the Office of Public Counsel’s (“OPC”) witness Lane Kollen. In support, DEF states as follows:

1. On July 13, 2022, Florida Power & Light (“FPL”) filed a Motion to Strike Certain Portions of the Testimony of OPC Witness Kollen in Docket No. 20220051-EI. *See* doc. no. 04722-2022.
2. DEF has had an opportunity to review FPL’s motion and arguments and has determined that FPL’s arguments apply equally to Mr. Kollen’s amended testimony filed in this docket, which includes virtually identical passages and arguments to the testimonies filed by Mr. Kollen in each of the Storm Protection Plan dockets. *See* doc. no. 04308-2022.¹
3. As the SPP dockets have been consolidated for purposes of hearing, *see* Order No. PSC-2022-0119-PCO-EI (the “OEP”), and to eliminate any confusion in the common record that will be developed at hearing, DEF believes that the Commission’s action on FPL’s

¹ On June 27, 2022, OPC filed its unopposed motion to amend the testimonies of Messrs. Kollen and Mara. As of this date, that motion (which DEF believes should be granted) has not been ruled upon, but for purposes of this filing, it is irrelevant whether the motion is ultimately granted or denied, as the amended testimony continues to include the passages identified in FPL’s motion.

motion should consistently apply to Mr. Kollen's testimony in DEF's and the other companies' dockets as well. To that end, DEF hereby incorporates FPL's Motion and Arguments by reference as if fully set forth herein.²

4. Pursuant to Rule 28-106.204(3), F.A.C., DEF has consulted with counsel for the parties of record and represents that OPC objects to this Motion and Walmart takes no position. As of the time of this filing, DEF has not received a position from FIPUG, Nucor, or PCS Phosphate.

WHEREFORE, Duke Energy Florida, LLC, requests that the Commission strikes the portions of the testimony of Mr. Lane Kollen identified in Attachments 1-4 to doc. no. 04722-2022, as modified by footnote 2 herein.

Respectfully submitted,

/s/ Matthew R. Bernier

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² DEF has reviewed each of the passages identified in Attachments 1-4 to FPL's Motion and has determined only one passage is unique to FPL and its SPP, and thus DEF takes no position regarding this specific passage. That passage is identified in both Attachments 2 and 4 and is located on page 22, lines 7-13 of Mr. Kollen's testimony in Docket No. 20220051. This FPL-specific testimony is reproduced below for clarity:

“Q. DID FPL'S CALCULATIONS OF THE ESTIMATED REVENUE REQUIREMENTS ALSO INCLUDE UNIQUE ERRORS THAT SHOULD BE CORRECTED IN THESE PROCEEDINGS?

A. Yes. FPL had one unique error in its calculations of the SPP revenue requirements and customer rate impact. FPL improperly calculated property tax expense on the net plant balance at the end of each year rather than at the end of the prior year. This error should be considered and corrected in this SPP proceeding and in the SPPCRC proceeding.”

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CERTIFICATE OF SERVICE

Docket No. 20220050-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by electronic mail this 19th day of July, 2022, to all parties of record as indicated below.

/s/ Matthew R. Bernier

Attorney

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