

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Public Utilities Company - Indiantown Division.

DOCKET NO. 20180052-GU  
ORDER NO. PSC-2018-0275-PCO-GU  
ISSUED: May 31, 2018

FIRST ORDER REVISING ORDER ESTABLISHING PROCEDURE

The Florida Public Service Commission (Commission) opened Docket No. 20180052-GU on February 23, 2018, to consider the tax impacts affecting Florida Public Utilities Company – Indiantown Division as a result of the passage of the Tax Cuts and Jobs Act of 2017. The Order Establishing Procedure, Order No. PSC-2018-0214-PCO-GU, was issued on April 25, 2018, in which controlling dates were set for filing testimony, exhibits, and discovery. On April 30, 2018, the Office of Public Counsel (OPC) filed a Motion for Emergency Hearing Concerning Scheduling and Discovery Procedures (Motion) in which it argued that it was unable to properly conduct discovery, prepare testimony, and prepare for hearing. OPC argues that its staff and consultants do not have enough time to adequately prepare for nine separate hearings<sup>1</sup> conducted in a two- week period. In its Motion, OPC represents that Tampa Electric Company (TECO), Duke Energy Florida, LLC (DEF), Florida Power & Light (FPL), and Peoples Gas have no objection to the Motion and that the Florida Industrial Users Group (FIPUG) supports the Motion.

On May 2, 2018, Order No. PSC-2018-0224-PCO-PU was issued requesting that OPC file a specific request for relief for which it seeks, including suggested time frames it proposes, since OPC did not propose a preferred hearing schedule in its Motion. On May 4, 2018, OPC filed its Additional Comment,<sup>2</sup> pursuant to Order No. PSC-2018-0224-PCO-PU, in which it stated that it was unable to provide exact time frames, but noted that only TECO stated that it requires a decision in 2018, and there are no statutory deadlines. Therefore, OPC has proposed that the other eight hearings be held during the months of January 2019-April 2019. The remaining tax dockets will be rescheduled and addressed by separate orders.

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<sup>1</sup> Docket No. 20180045-EI, In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Tampa Electric Company; Docket No. 20180046-EI, In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Power & Light Company; Docket No. 20180047-EI, In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Duke Energy Florida, LLC; Docket No. 20180048-EI, In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Public Utilities Company – Electric; Docket No. 20180052-GU, In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Public Utilities Company – Indiantown Division; Docket No. 20180053-GU, In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Public Utilities Company – Fort Meade Division; Docket No. 20180054-GU, In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Division of Chesapeake Utilities Corporation.

<sup>2</sup> On May 7, 2018, the Florida Retail Federation (FRF) filed a Motion to Intervene and Notice of Joinder in OPC's Motion and Additional Comment.

Upon a review of the pleadings and consideration of OPC's arguments, Section IV. Subsection A(7), Discovery Procedures, of Order No. PSC-2018-0214-PCO-GU, is deleted and replaced with the following:

- (7) For discovery requests related to matters raised in a utility's direct testimony, the responding party shall serve its responses to the requesting party via electronic mail within **30** days of the date of the request. For discovery requests related to matters addressed in intervenor and Commission staff testimony, the responding party shall serve its responses to the requesting party via electronic mail within **30** days of the date of the request. For discovery requests related to matters in rebuttal testimony, the utility shall serve its responses to the requesting party via electronic mail within **15** days of the date of the request. A hard copy of responses shall also be served by hand-delivery, U.S. Mail or overnight mail on the day that responses are served electronically.

Further, Section VIII, Controlling Dates, is modified as follows:

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|-----|--|----------------------|
| (1) | Utility Testimony and Exhibits   | June 4, 2018         |
| (2) | Intervenor Testimony and Exhibits, if any                              | August 27, 2018      |
| (3) | Staff Testimony and Exhibits, if any                                   | September 14, 2018   |
| (4) | Rebuttal Testimony, if any   | October 1, 2018      |
| (5) | Prehearing Statements  | October 22, 2018     |
| (6) | Last Day to Conduct Discovery  | November 5, 2018     |
| (7) | Prehearing Conference  | November 5, 2018     |
| (8) | Hearing  | November 27-30, 2018 |
| (9) | Post-Hearing Statements of Issues and Positions,<br>and Briefs, if any | December 28, 2018    |

Based on the foregoing, it is hereby

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that the discovery procedures and controlling dates shall be modified as stated in the body of this Order. It is further

ORDERED that all other provisions of Order No. PSC-2018-0214-PCO-GU not inconsistent with this order are hereby reaffirmed.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 31st day  
of May, 2018.



JULIE I. BROWN  
Commissioner and Prehearing Officer  
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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.

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NOTICE OF FURTHER PROCEEDINGS OR 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) 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. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.