

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Evaluation of storm restoration costs for
Florida Power & Light Company related to
Hurricane Irma.

DOCKET NO. 20180049-EI
ORDER NO. PSC-2018-0539-PCO-EI
ISSUED: November 16, 2018

FIRST ORDER MODIFYING ORDER ESTABLISHING PROCEDURE AND
ORDER GRANTING IN PART AND DENYING IN PART
JOINT MOTION FOR EXTENSION OF DATES

On October 29, 2018, the Office of Public Counsel (OPC) and Florida Power & Light Company (FPL) filed a Joint Motion For Extension of Dates (Joint Motion) requesting that the filing schedule established by Order No PSC-2018-0290-PCO-EI be modified as follows:

Intervenor Testimony and Exhibits	January 11, 2019
Staff Testimony and Exhibits	January 18, 2019
Rebuttal Testimony	March 15, 2019
Last Day to Conduct Discovery	May 20, 2019
Hearing	On or after July 15, 2019.

OPC argues that in addition to reviewing large volumes of documents from FPL, its consultants are also reviewing large numbers of documents associated with storm costs for Tampa Electric Company in Docket No. 20170271-EI, Duke Energy Florida, LLC in Docket No. 20170272-EI, and Florida Public Utility Company in Docket No. 20180061-EI. The request for extension is designed to allow all parties the time needed to review and respond to this discovery and fully prepare their respective cases. OPC and FPL state that granting this extension of time will not prejudice any party and will result in a fair, orderly and efficient hearing. The Florida Industrial Power Users Group (FIPUG) and Florida Retail Federation (FRF), the other parties to this docket, have no objections to the Joint Motion.

In anticipation of addressing storm cost recovery issues after Hurricane Irma made landfall in Florida on September 10, 2017, this docket was administratively opened on February 22, 2018. A procedural order establishing filing dates was issued on June 7, 2018.¹ OPC, FRF and FIPUG requested, and were granted, intervention in this docket in May and June of 2018.² Shortly thereafter, OPC served discovery on FPL, which was timely answered.³ On August 31, 2018, FPL filed its Petition for Evaluation of Storm Restoration Costs Related to Hurricane Irma and direct testimony in support of its petition. Since that time, OPC has served discovery on FPL's direct testimony.⁴

¹ Order No. PSC-2018-0290-PCO-EI, issued on June 7, 2018, in Docket No. 20180049-EI, In re: Evaluation of storm restoration costs for Florida Power & Light Company related to Hurricane Irma.

² Order No. 2018-0234-PCO-EI, issued May 8, 2018, in Docket No. 20180049-EI, In re: Evaluation of storm restoration costs for Florida Power & Light Company related to Hurricane Irma; Order No. PSC-2018-0299-PCO-EI, issued June 8, 2018, in Docket No. 20180049-EI, In re: Evaluation of storm restoration costs for Florida Power & Light Company related to Hurricane Irma; Order No. PSC-2018-0298, issued June 8, 2018, In re: Evaluation of storm restoration costs for Florida Power & Light Company related to Hurricane Irma.

³ DN 04233-2018, 04283-2018, 4988-2018, 05338-2018, 05337-2018.

⁴ DN 06613-2018.

The filing dates OPC and FPL seek to extend have been in place for five months and OPC, as well as all other intervenors, have had more than 2 months to review and conduct discovery on FPL's direct testimony in order to prepare their own testimony. The parties' request for more time to further develop their case through discovery must be balanced with the need to determine the actual costs ratepayers will bear in a timely manner. Under the schedule proposed in the Joint Motion, the State of Florida will be well into the 2019 hurricane season before a decision could be made on storm costs incurred two years prior. It should be underscored that the Commission diligently strives to avoid any unnecessary regulatory lag. Nevertheless, the collaborative request for additional time is somewhat persuasive.

The Joint Motion shall be granted in part and denied in part. The hearing will be scheduled earlier than requested, which still affords the parties the additional time they requested for discovery and testimony. Section VIII, Controlling Dates, of Order No. PSC-2018-0290-PCO-EI shall be modified as follows:

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| (2) | Intervenor Testimony and Exhibits, if any | January 11, 2019 |
| (3) | Staff Testimony and Exhibits, if any | January 18, 2019 |
| (4) | Rebuttal Testimony, if any | March 15, 2019 |
| (5) | Prehearing Statements | May 6, 2019 |
| (6) | Last Day to Conduct Discovery | May 20, 2019 |
| (7) | Prehearing Conference | May 20, 2019 |
| (8) | Hearing | June 11-14, 2019 |
| (9) | Post-Hearing Statements of Issues and Positions,
And Briefs, if any | June 28, 2019 |

Based on the foregoing, it is

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Order No. PSC-2018-0290-PCO-EI is modified as stated in the body of this order. It is further

ORDERED that Order No. PSC-2018-0290-PCO-EI is reaffirmed in all other respects.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 16th day
of November, 2018.



JULIE I. BROWN
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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.

SBr

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.