

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 Florida Public Utilities Company - Gas.	DOCKET NO. 20180051-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. 20180052-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. 20180053-GU
In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Division of Chesapeake Utilities Corporation.	DOCKET NO. 20180054-GU ORDER NO. PSC-2018-0555-PCO-GU ISSUED: November 20, 2018

ORDER CONSOLIDATING DOCKET NOS. 20180051-GU, 20180052-GU, 20180053-GU, AND 20180054-GU FOR HEARING

The Florida Public Service Commission opened Docket Nos. 20180051-GU, 20180052-GU, 20180053-GU, and 20180054-GU (the Dockets) on February 23, 2018, to consider the tax impacts affecting Florida Public Utilities Company – Gas, Florida Public Utilities Company – Indiantown Division, Florida Public Utilities Company – Fort Meade Division, and Florida Division of Chesapeake Utilities Corporation (FPUC/CFG or Utilities), respectively, as a result of the passage of the Tax Cuts and Jobs Act of 2017. On April 25, 2018, an Order Establishing Procedure for each of the Dockets was issued, in which controlling dates were set for filing testimony, exhibits, and discovery.<sup>1</sup> On May 31, 2018, the discovery procedures and controlling dates were modified.<sup>2</sup> Order No. PSC-2018-0412-PCO-GU, issued on August 20, 2018, was the second order modifying the order establishing procedure for each docket to allow the Utilities to file supplemental testimony and extend testimony filing dates for Commission staff and the Office of Public Counsel (OPC). OPC is the only intervenor in the Dockets. The prehearing conferences for the Dockets were held on November 5, 2018. The hearings are scheduled for November 27-30, 2018.

<sup>1</sup>See Order Nos. PSC-2018-0213-PCO-GU, PSC-2018-0214-PCO-GU, PSC-2018-0215-PCO-GU, and PSC-2018-0216-PCO-GU, issued in Docket Nos. 20180051-GU, 20180052-GU, 20180053-GU, and 20180054-GU, respectively.

<sup>2</sup>See Order Nos. PSC-2018-0274-PCO-GU, PSC-2018-0275-PCO-GU, PSC-2018-0276-PCO-GU, and PSC-2018-0277-PCO-GU, issued in Docket Nos. 20180051-GU, 20180052-GU, 20180053-GU, and 20180054-GU, respectively.

Motion to Consolidate

On November 9, 2018, OPC filed an Agreed Motion to Consolidate for Purposes of Hearing (Motion). In the Motion, OPC advises that all parties were able to stipulate to a majority of the issues presented in the Dockets, as well as the excusal of two of the Utilities' three witnesses, and requests that the Dockets be consolidated for the purposes of hearing. OPC argues that a unified consolidated hearing in the Dockets is administratively efficient, given the significant reduction of issues to be litigated before the Commission. OPC further requests that the parties' witnesses be allowed to present a single, five minute witness summary addressing the testimony submitted in all of the Dockets, as opposed to four, three minute summaries for each witness. Pursuant to Rule 28-106.204(3), Florida Administrative Code (F.A.C.), OPC conferred with the Utilities and represents that the Utilities support the Motion.

Analysis and Decision

Pursuant to Rule 28-106.108, F.A.C., matters may be consolidated when separate proceedings involve similar issues of law or fact, it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and consolidation would not unduly prejudice the rights of a party. Because the Dockets involve similar issues of law or fact, the Dockets have the same witnesses presenting testimony, and OPC and the Utilities agree to consolidation, it is appropriate to consolidate the Dockets. Consolidation promotes the just, speedy, and inexpensive resolution of the proceedings in accordance with Rule 28-106.108, F.A.C. The procedure for consolidation shall be as follows:

- 1) Each witness shall take the stand once to provide testimony in all four dockets.
- 2) Each witness may provide a five (5) minute oral summary of his prefiled testimony that addresses all of the Dockets.
- 3) On cross-examination the parties will make it clear whether questions pertain to all Dockets or a single docket.

Based on the foregoing, it is

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Docket Nos. 20180051-GU, 20180052-GU, 20180053-GU, and 20180054-GU are hereby consolidated for the purposes of a single evidentiary hearing as set forth in the body of this order. It is further,

ORDERED that witness summaries shall be limited to a single five minute summary per witness.

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By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 20th day  
of November, 2018.



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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.