

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for the Orlando/St. Cloud Regional Resiliency Connection 230 kV transmission line project in Orange and Osceola Counties, by Orlando Utilities Commission.

DOCKET NO. 20200107-EM
ORDER NO. PSC-2020-0171-PCO-EM
ISSUED: May 29, 2020

FIRST ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

By Order No. PSC-2020-0135-PCO-EM (“Procedural Order”), issued on May 6, 2020, hearing procedures to govern this Docket were established. It was anticipated that because of COVID-19, the hearing for this docket might be handled remotely in accordance with Chapter 28-109, F.A.C. In accordance with the Procedural Order, 1) directions for public participation were to be posted on the Commission’s website (www.floridapsc.com) under the Hot Topics link found on the home page, and 2) modifications to procedures governing parties to this docket were to be established by subsequent procedural order. This Order is issued to provide such additional direction.

State buildings are currently closed to the public and other restrictions on gatherings remain in place due to COVID-19. Accordingly, the prehearing conference and hearing will be conducted remotely, and all parties and witnesses shall be prepared to present argument and testimony by communications media technology. The Public Service Commission shall act as the host of the prehearing conference and hearing and will use a combination of technologies to ensure full participation. As discussed below, the Commission will employ GoToMeeting as an audio and video platform for the prehearing conference and hearing. The prehearing conference and hearing will be broadcast and archived and can be attended remotely by the public. Except as modified herein, all other provisions of Order No. PSC-2020-0135-PCO-EM shall remain in full force and effect.

Public Attendance at Prehearing Conference

The prehearing conference in this docket is scheduled to begin at the conclusion of the Commission’s internal affairs meeting on June 9, 2020. Parties will participate via the GoToMeeting platform. Because this meeting is to address procedural matters governing parties to this proceeding, only parties may speak. The public may attend by going to the Commission’s web site at <http://www.floridapsc.com/Conferences/AudioVideoEventCoverage> on the time and date of the prehearing conference and selecting the prehearing conference in this docket. The prehearing conference will also be archived there for future viewing.

Public Participation and Attendance at Hearing

The hearing scheduled for this docket will be held on June 18, 2020, at which the public is invited to provide sworn testimony, subject to cross examination. Those wishing to provide public testimony at the hearing will participate by telephone via GoToMeeting, and must make arrangements for such participation no later than close of business on June 15, 2020, by calling Gabriella Passidomo in the Commission's Office of General Counsel at 850-413-6230 or by email to gpassido@psc.state.fl.us. A person wishing to supplement their testimony with other evidence, including but not limited to written documents, must provide it to Ms. Passidomo at gpassido@psc.state.fl.us no later than close of business on June 9, 2020. The address of the Florida Public Service Commission is 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. Any person submitting such evidence must be available during the sworn public testimony portion of the hearing for cross examination by the parties and Commissioners. Hearing exhibits that do not include proprietary confidential information will be available at <https://exhibits.floridapsc.com> prior to the hearing.

Those wishing to attend the hearing but not wishing to provide public testimony may do so by going to the Commission's web site at <http://www.floridapsc.com/Conferences/AudioVideoEventCoverage> on the time and date of the hearing and selecting the hearing in this docket. The hearing will also be archived there for future viewing.

Participation by Parties in the Prehearing Conference and Hearing

Parties will participate remotely via GoToMeeting. A GoToMeeting invitation shall be provided to counsel for each party at least five days prior to the prehearing conference and hearing. If technical difficulties on the day of the prehearing conference or hearing make it impossible to appear by video, participation may be by audio only via telephone. It shall be the responsibility of counsel to provide their clients, client representatives, and witnesses with the invitation.

All exhibits to be sponsored by the parties or staff, or utilized for the purposes of cross-examination or impeachment at the hearing, must be filed electronically in this docket, with an electronic copy of all such documents also provided to all parties and Commission staff, no later than close of business on June 11, 2020. Any confidential exhibits shall be identified in such a way as to not disclose information for which confidential treatment is requested, with the exhibits filed consistent with the requirements of Section 366.093, F.S., and Rule 25-22.006, F.A.C., with copies provided to those parties who have executed appropriate nondisclosure agreements.

The Swearing of Party Witnesses and those Providing Public Testimony

Each public and party witness shall be sworn in remotely by the Commission Chairman. Pursuant to emergency procedures instituted by the Florida Supreme Court, it is not necessary that witnesses have a notary public with them.

Court Reporters

Consistent with holding a remote prehearing conference and hearing, court reporting services for these events will be accomplished via communications media technology.

Technical Difficulties

A person experiencing technical difficulties regarding access to the prehearing conference and the hearing should contact Lee Kissell at (850) 413-6324 or lkissell@psc.state.fl.us so that any issues may be resolved as quickly as possible.

Applicable Dates

In addition to the dates set forth in the Procedural Order, the following dates shall govern this proceeding.

Deadlines to Submit/Participate	Date
Public Participation – Provide any Supplemental Evidence	June 9, 2020
Parties/Staff – Provide all Exhibits to be Used in Hearing	June 11, 2020
Public Participation – Sign up to Provide Testimony	June 15, 2020

Based on the foregoing, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that Order No. PSC-2020-0135-PCO-EM is modified as set forth in the body of this order. It is further

ORDERED that Order No. PSC-2020-0135-PCO-EM is reaffirmed in all other respects.

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 29th day of May, 2020.



ART GRAHAM

Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

CWM

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.