

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm protection plan cost recovery  
clause.

DOCKET NO. 20200092-EI  
ORDER NO. PSC-2020-0242-PCO-EI  
ISSUED: July 17, 2020

ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

Order No. PSC-2020-0170-PCO-EI (Procedural Order), issued on May 29, 2020, established hearing procedures to govern this Docket, including controlling dates. In Section VIII, Controlling Dates, the date to file rebuttal testimony and exhibits and the deadline for discovery were established as September 11 & 25, 2020, respectively.

On June 16, 2020, Florida Power & Light Company, Gulf Power Company, Duke Energy Florida, LLC, and Tampa Electric Company (collectively the Utilities) filed a Joint Motion to Modify the Rebuttal Testimony Date and Discovery Completion Date Established By Order No. PSC-2020-0170-PCO-EI (Motion). In the Motion, the Utilities request that the Procedural Order be modified to extend the date to file rebuttal testimony from September 11 to 23, 2020, and the discovery deadline from September 25 to October 5, 2020. The Utilities' also request that the time to respond to discovery served after the date of Intervenors' Testimony be modified from twenty (20) days to ten (10) days. The Utilities argue that the existing schedule does not provide sufficient time for them to review the testimony from intervenors, currently due to be filed September 4, 2020, and prepare meaningful rebuttal. The Office of Public Counsel (OPC) filed a Response to the Motion on June 22, 2020, therein expressing concerns with the Utilities' request and asserting that the modifications would only make the existing schedule more difficult by compressing activities into the period just before commencement of the hearing. Finally, OPC suggested in its response that Commission staff convene an informal conference to allow the parties the opportunity for a more full scheduling discussion. Following notice, staff and the parties convened telephonically on July 2, 2020, and participated in the informal conference requested by OPC.

Upon further review of the procedural schedule in this docket and full consideration of the positions forwarded by the parties, additional modifications to the procedural schedule are appropriate. Accordingly, the controlling dates established in Section VIII of the Procedural Order shall be revised as set forth below:

- |     |  |                    |
|-----|--|--------------------|
| (1) | Utility's testimony and exhibits       | July 24, 2020      |
| (2) | Intervenors' testimony and exhibits    | September 4, 2020  |
| (3) | Staff's testimony and exhibits, if any | September 8, 2020  |
| (4) | Rebuttal testimony and exhibits        | September 18, 2020 |
| (5) | Prehearing Statements                  | September 25, 2020 |

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|------|--|---------------------|
| (6)  | Discovery Deadline                       | October 1, 2020     |
| (7)  | Motions to Strike Testimony and Exhibits | October 2, 2020     |
| (8)  | Prehearing Conference                    | October 5, 2020     |
| (9)  | Hearing                                  | October 13-15, 2020 |
| (10) | Briefs                                   | October 28, 2020    |

Based on the foregoing, it is

ORDERED by Commissioner Andrew Giles Fay, as Prehearing Officer, that the Joint Motion to Modify the Rebuttal Testimony Date and Discovery Completion Date Established By Order No. PSC-2020-0170-PCO-EI is granted in part and denied in part as set forth in the body of this Order. It is further,

ORDERED that Order No. PSC-2020-0170-PCO-EI is modified as set forth in the body of this Order. It is further,

ORDERED that Order No. PSC-2020-0170-PCO-EI is reaffirmed in all other respects.

By ORDER of Commissioner Andrew Giles Fay, as Prehearing Officer, this 17th day of July, 2020.



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ANDREW GILES FAY  
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.

SPS

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

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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.