

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Dorian and Tropical Storm Nestor, by Duke Energy Florida, LLC.

DOCKET NO. 20190222-EI
ORDER NO. PSC-2021-0081-PCO-EI
ISSUED: February 16, 2021

ORDER GRANTING DUKE ENERGY FLORIDA, LLC'S
MOTION FOR ABATEMENT OF THE REMAINING SCHEDULED ITEMS

On December 19, 2019, pursuant to Subsection 366.076(1), Florida Statutes (F.S.), and Rules 25-6.0143 and 25-6.0431, Florida Administrative Code (F.A.C.), Duke Energy Florida, LLC (DEF or Company) filed a petition for a limited proceeding seeking authority to recover a total of \$171.3 million for its incremental storm restoration costs related to Hurricane Dorian and Tropical Storm Nestor. This amount includes \$2.1 million for interest and the regulatory assessment fee gross-up. DEF filed its petition pursuant to the provisions of the Second Revised and Restated 2017 Settlement Agreement, which the Commission approved by Order No. PSC-2017-0451-AS-EU.¹ In its petition, DEF requested approval of an interim storm restoration recovery charge to commence with the first billing cycle of March 2020, which the Commission authorized by Order No. PSC-2020-0058-PCO-EI.² For final reconciliation of actual recoverable Hurricane Dorian and Tropical Storm Nestor storm costs with the amount collected pursuant to the interim storm restoration recovery charge, this matter is set for hearing on May 18-19, 2021. Two parties have filed to intervene in this matter, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (White Springs) and the Office of Public Counsel (OPC).³

On January 14, 2021, a 2021 Settlement Agreement (Settlement) was filed in Docket No. 20210016-EI.⁴ DEF, OPC, White Springs, the Florida Industrial Power Users Group (FIPUG), and Nucor Steel Florida, Inc. (Nucor), collectively referred to as the Parties, assert that the Settlement also resolves all issues in this docket; therefore, the remaining events scheduled in this Docket should be abated, pending Commission action on the Settlement. Accordingly, on January 22, 2021, DEF filed a Motion to Abate⁵ the remaining scheduled items in Docket No. 20190222-EI. DEF asserts that the Parties support the Motion to Abate.

Based on a review of the Motion to Abate and the filing of the Settlement, the Motion to Abate is hereby granted and these proceedings shall be held in abeyance. All scheduled actions,

¹ Order No. PSC-2017-0451-AS-EU, issued November 20, 2017, in Docket No. 20170183-EI, *In re: Application for limited proceeding to approve 2017 second revised and restated settlement agreement, including certain rate adjustments, by Duke Energy Florida, LLC.*

² Order No. PSC-2020-0058-PCO-EI, issued February 24, 2020, in Docket 20190222-EI, *In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Dorian and Tropical Storm Nestor, by Duke Energy Florida, LLC.*

³ Documents Nos. 00028-2020 and 00099-2020.

⁴ *In re: Petition for limited proceeding to approve 2021 settlement agreement, including general base rate increases, by Duke Energy Florida, LLC.*

⁵ Document No. 0158-2021.

including testimony and prehearing statements, are abated pending the outcome of Docket No. 20210016-EI.

Based on the foregoing, it is

ORDERED by Commissioner Andrew Giles Fay, as Prehearing Officer, that Duke Energy Florida, LLC's Motion for abatement of the remaining scheduled items is granted. It is further

ORDERED that the prehearing currently scheduled for May 6, 2021, is held in abeyance. It is further

ORDERED that the hearing currently scheduled for May 18-19, 2021, is held in abeyance.

By ORDER of Commissioner Andrew Giles Fay, as Prehearing Officer, this 16th day of February, 2021.



ANDREW GILES FAY
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.

BYL

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.