

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida Public Utilities Company, Florida Division of Chesapeake Utilities Corporation, Florida Public Utilities Company - Fort Meade, and Florida Public Utilities Company - Indiantown Division.

DOCKET NO. 20220067-GU
ORDER NO. PSC-2022-0270-PCO-GU
ISSUED: July 8, 2022

FIRST ORDER MODIFYING ORDER ESTABLISHING PROCEDURE
AND GRANTING IN PART AND DENYING IN PART
MOTION TO MODIFY KEY ACTIVITY DATES

Order No. PSC-2022-0222-PCO-GU, Order Establishing Procedure (OEP), issued on June 17, 2022, established hearing procedures to govern this docket, including controlling dates for key activities prior to hearing. On June 24, 2022, the Office of Public Counsel (OPC) filed a Motion to Modify Key Activity Dates (Motion), pursuant to Rule 28-106.204(4), F.A.C.

In its Motion, OPC requests additional time to prepare its testimony. Under the current schedule, Intervenor testimony and exhibits are due on August 12, 2022 – approximately two and a half months after Florida Public Utilities Company (Utility) prefiled its direct testimony and exhibits, depreciation study, and minimum filing requirements, including a request for consolidation of rates and rate structure. OPC contends that due to the complexity of this base rate case, two and half months is insufficient time for OPC to adequately prepare its case in chief. Therefore, OPC argues that it requires additional time for a number of prehearing activities to conduct reasonable discovery and ensure its due process rights are protected.

In paragraph seven of its Motion, OPC acknowledges that if its Motion request is granted, a 20-day turn around for discovery prior to rebuttal, as currently set forth in the OEP, would be burdensome to the Utility, given the complexity of this rate case. Therefore, OPC also requests 25 days to answer discovery requests prior to when Intervenor's testimony and exhibits are due and 20 days to answer discovery requests thereafter, with the 10-day discovery response time on matters addressing rebuttal remaining unchanged. In its motion, OPC represents that FPUC is in agreement with OPC's request.

In drafting controlling dates for this docket, significant thought and consideration has been put into the needs of not only the Commission and Commission staff, but also those of the parties. However, it appears that part, but not all, of OPC's request may be granted without unduly disadvantaging the parties or staff. Accordingly, Section IX of the OEP shall be modified and the following due dates are hereby established to govern the key activities of this case:

<u>Key Activities</u>	<u>New Controlling Dates</u>
Intervenors' testimony and exhibits	August 24, 2022
Staff's testimony and exhibits, if any	August 24, 2022
Rebuttal testimony and exhibits	September 14, 2022
Prehearing Statements	September 30, 2022
Discovery deadline	October 12, 2022

Further, as provided in OPC's motion, the discovery response times reflected in Section V, Paragraph 6, of the OEP shall be modified as follows:

Discovery responses shall be served within **25** days (inclusive of mailing) of receipt of the discovery request. **For discovery requests related to matters addressed in the intervenors' testimony, discovery responses shall be served within 20 days of receipt of the discovery request.** For discovery requested related to matters addressed in the utility's rebuttal testimony, discovery responses shall be served within 10 days of receipt of the discovery request.

This Order modifying the OEP is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code (F.A.C.), which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

Based on the foregoing, it is

ORDERED by Commissioner Gabriella Passidomo, as Prehearing Officer, that OPC's Motion to Modify Key Activity Dates is granted in part and denied in part, as set forth herein. It is further

ORDERED Order No. PSC-2022-0222-PCO-GU is modified as set forth in the body of this order. It is further

ORDERED that Order No. PSC-2022-0222-PCO-GU is reaffirmed in all other respects.

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By ORDER of Commissioner Gabriella Passidomo, as Prehearing Officer, this 8th day of July, 2022.



Gabriella Passidomo
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.

RPS

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.