

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida City  
Gas.

DOCKET NO. 20220069-GU  
ORDER NO. PSC-2022-0275-PCO-GU  
ISSUED: July 15, 2022

FIRST ORDER REVISING ORDER ESTABLISHING PROCEDURE  
GRANTING IN PART AND DENYING IN PART THE OFFICE OF PUBLIC  
COUNSEL'S MOTION TO MODIFY KEY ACTIVITY DATES

Florida City Gas (FCG or the Utility) operates as a natural gas utility that serves approximately 116,000 customers in the southeastern portions of Florida, including Miami-Dade, Broward, Palm Beach, Brevard, Indian River, St. Lucie, Martin, and Hendry counties. FCG filed for a permanent rate increase proceeding on May 31, 2022. Accordingly, in compliance with Section 366.06(2), Florida Statutes (F.S.), an administrative hearing has been scheduled for this matter from December 12-16, 2022. The Order Establishing Procedure (OEP), Order No. PSC-2022-0224-PCO-GU, was issued on June 22, 2022. At the time that the Office of Public Counsel (OPC) filed its motion, there were no other intervenors in this docket.

On June 28, 2022, OPC filed a motion to modify certain controlling dates set by the OEP. OPC requests that the deadlines for filing Intervenor, Staff, and Rebuttal Testimony should be pushed back 3 weeks to provide additional time for OPC to prepare its testimony. OPC asserts that Intervenor Testimony and Exhibits are due only 2.5 months after the utility filed its rate case documents, and that, due to the complexity of the matters within the docket, this is insufficient time for it to adequately prepare its case in chief. OPC and its experts require additional time to conduct reasonable discovery and thoroughly analyze and assess the responses.

Additionally, OPC contends that the current schedule leaves almost 2 months of time between the deadline for Rebuttal and the Discovery Deadline, and proposes a redistribution of those days so that all parties are allowed more time to prepare for hearing, without changing the deadline for discovery, prehearing statements, prehearing conference, hearing, or briefs. OPC states that if granted the additional days, it could ensure that customers' positions are well represented and that its due process rights are protected.

OPC also petitions for 5 additional days for the Utility to respond to discovery requests based upon the Utility's initial rate case filings and related discovery, but only up until the date of the deadline for intervenors to file testimony. OPC states this request is an accommodation to FCG.

On June 30, 2022, FCG responded in opposition to OPC's request to extend the deadlines for Intervenor, Staff, and Rebuttal Testimony. FCG asserts that OPC's Motion should be denied for failing to establish good cause as required by Rule 28-106.204(4), Florida Administrative Code (F.A.C.). FCG also disagrees with OPC's characterizations of this rate case as complex or

that 2.5 weeks is insufficient time to prepare expert testimony. FCG believes OPC's 3 week extension is unnecessary, but FCG agrees to an extension of 10 additional days to the filing deadlines for Intervenor, Staff, and Rebuttal Testimony, on the condition that the hearing date remains unchanged. FCG opposes any such modifications that would require a delay in the hearing dates established by the OEP.

FCG has no objection to OPC's proposal to expand the written discovery response period from 20 to 25 days until the intervenor testimony due date, after which the written discovery response time would revert back to 20 days.

Analysis and Decision

Having considered the arguments made by OPC and FCG, the deadlines for filing Intervenor, Staff, and Rebuttal Testimony shall be extended for 10 days, as reflected below:

	<u>Current Due Date</u>	<u>Extended Due Date</u>
Intervenors' testimony and exhibits	August 16, 2022	August 26, 2022
Staff testimony and exhibits	September 1, 2022	September 12, 2022
Rebuttal testimony and exhibits	September 23, 2022	October 3, 2022

In addition, the parties shall have 25 days to respond to written discovery until intervenor testimony is due, when the response time will revert back to 20 days.

This order is issued pursuant to the authority afforded by Rule 28-106.211, 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. Order No. PSC-2022-0224-PCO-GU is reaffirmed in all other respects.

Based upon the above representations it is

ORDERED by Chairman Andrew Giles Fay, as Chairman and Prehearing Officer, that the Motion to Modify Key Activity Dates is hereby granted in part and denied in part, as set forth above in the body of this Order. It is further

ORDERED that the time period for filing Intervenor, Staff, and Rebuttal Testimony is extended for a period of 10 days. It is further

ORDERED that the parties shall have 25 days to respond written discovery until the intervenor testimony due date, when the response time shall revert back to 20 days. It is further

ORDERED that all other provisions of Order No. PSC-2022-0224-PCO-GU not inconsistent with this order are hereby affirmed.

By ORDER of Chairman Andrew Giles Fay, as Prehearing Officer, this 15th day of July, 2022.



ANDREW GILES FAY  
Chairman 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.

WLT

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.