

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Duke Energy
Florida, LLC.

DOCKET NO. 20240025-EI
ORDER NO. PSC-2024-0145-PCO-EI
ISSUED: May 7, 2024

ORDER GRANTING OFFICE OF PUBLIC COUNSEL'S
MOTION TO ENLARGE DISCOVERY

On April 11, 2024, Order Establishing Procedure No. PSC-2024-0092-PCO-EI issued in this docket and established the controlling dates and procedures for this docket. Among other provisions, the order provided that, unless subsequently modified by the Prehearing Officer, the number of interrogatories, including all subparts, shall be limited to 500.

On April 29, 2024, the Office of Public Counsel (OPC) filed an Expedited Motion to Enlarge Discovery (Motion). OPC states that on April 29, 2024, Duke Energy Florida, LLC (Duke) informed OPC that, by Duke's count, OPC has exceeded the 500 interrogatory limitation established by Order No. PSC-2024-0092-PCO-EI. In its Motion, OPC contends that it has been as proactive and efficient as possible in propounding interrogatories to Duke. However, OPC states that this case exceeds all of Duke's historical requests in terms of magnitude and scope of issues and is an evolving, complex matter. OPC therefore requests that the interrogatory limit established in Order No. PSC-2024-0092-PCO-EI be raised from 500 to 1,000, or alternatively, that the limit be removed entirely. OPC represents that all intervenors either support or do not object to the Motion.

On April 30, 2024, Duke timely filed a Response to the Motion requesting that OPC's request for unlimited discovery be denied. However, Duke does not object to OPC being granted additional interrogatories to the extent determined by the Prehearing Officer. Finally, Duke requests that the expansion of the interrogatories be limited to OPC.

Rule 1.340(a) of the Florida Rules of Civil Procedure limits parties to 30 interrogatories, including subparts, unless a party moves to exceed that number and demonstrates good cause. This Commission permits parties to exceed that number when the scope of a proceeding is complex. Given the volume and complexity of Duke's application, OPC's Motion to Enlarge Discovery is hereby granted. The limit on interrogatories, including all subparts, for OPC shall be increased to 1,000.

Based on the foregoing, it is

ORDERED by Commissioner Gabriella Passidomo, as Prehearing Officer, that the Office of Public Counsel's Motion to Enlarge Discovery is hereby granted as set forth herein. It is further

ORDERED that Order No. PSC-2024-0092-PCO-EI is reaffirmed in all other aspects.

By ORDER of Commissioner Gabriella Passidomo, as Prehearing Officer, this 7th day of May, 2024.



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.

MRT

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.