

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric conservation goals (Florida Power & Light Company).

DOCKET NO. 20240012-EG

In re: Commission review of numeric conservation goals (Duke Energy Florida, LLC).

DOCKET NO. 20240013-EG

In re: Commission review of numeric conservation goals (Tampa Electric Company).

DOCKET NO. 20240014-EG

In re: Commission review of numeric conservation goals (Florida Public Utilities Company).

DOCKET NO. 20240015-EG

In re: Commission review of numeric conservation goals (JEA).

DOCKET NO. 20240016-EG

In re: Commission review of numeric conservation goals (Orlando Utilities Commission).

DOCKET NO. 20240017-EG  
ORDER NO. PSC-2024-0157-PCO-EG  
ISSUED: May 16, 2024

ORDER DENYING IN PART AND GRANTING IN PART FLORIDA RISING’S, LEAGUE OF UNITED LATIN AMERICAN CITIZENS’ & ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA’S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE TESTIMONY

On January 5, 2024, Docket Nos. 20240012-EG, 20240013-EG, 20240014-EG, 20240015-EG, 20240016-EG, and 20240017-EG were established to review and adopt the corresponding utility’s conservation goals pursuant to Sections 366.80-366.83 and 403.519, Florida Statutes. (F.S.), known collectively as the Florida Energy Efficiency and Conservation Act (FEECA). By the Order Consolidating Dockets and Establishing Procedure, Order No. PSC-2024-0022-PCO-EG, issued January 23, 2024 (OEP), the dockets were consolidated for purposes of hearing, and controlling dates were established.<sup>1</sup> On March 15, 2024, Florida Rising, the League of United Latin American Citizens (LULAC), and the Environmental Confederation of Southwest Florida (ECOSWF) (Petitioners) filed a joint motion to intervene in Docket Nos. 20240012-EG (all Petitioners), 20240013-EG (Florida Rising and LULAC only), 20240014-EG

<sup>1</sup> Notably, the OEP established a schedule providing 56 days between the deadline for utility testimony and exhibits on April 2, 2024, and the deadline for intervenor testimony and exhibits on May 28, 2024, and providing a total of 106 days in which to conduct discovery before the discovery deadline of July 17, 2024.

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(Florida Rising and LULAC only), 20240016-EG (Florida Rising only), and 20240017-EG (Florida Rising only). The motion was granted on April 25, 2024.

On April 30, 2024 Florida Rising, LULAC, and ECOSWF filed a motion for an extension of time to file testimony in each of the respective dockets in which they intervened. In their motion they also request that other specific dates set out in the Order Establishing Procedure be extended. Specifically, the Petitioners ask for intervenor testimony be moved from May 28, 2024 to June 7, 2024; staff pre-filed testimony to be moved from June 5, 2024 to June 15, 2024; rebuttal pre-filed testimony be moved from July 1, 2024 to July 11, 2024; pre-hearing statements be moved from July 9, 2024 to July 18, 2024; and completion of discovery to be moved from July 17, 2024 to July 22, 2024. Southern Alliance for Clean Energy (SACE) supports the motion. All other parties either did not oppose, did not object, or took no position on the motion. These dockets are currently scheduled for hearing on August 6-9, 2024.

Petitioners argue that the delay of their intervention being granted reduced their overall time to conduct discovery in this case prior to the deadline to file intervenor testimony and exhibits. I note that the Petitioners did not intervene in each of the consolidated dockets, and that granting their motion would nevertheless require amending the procedural schedule in all consolidated dockets.

Hearing officers have broad discretion when establishing procedural deadlines and when ruling on motions for extension of time. *See, e.g.*, Section 120.569(2)(o), F.S.; Rules 28-106.206 and 28-106.211, Florida Administrative Code (F.A.C.). The dates established by the OEP are designed to allow the parties and Commission staff sufficient time to prepare and conduct the final hearings in these matters without undue burden or delay.

In the instant case, Petitioners have a total of 33 days to conduct discovery between the date their intervention was granted and the deadline to file intervenor testimony and exhibits. Further, they have a total of 83 days before the July 17 discovery deadline. I do not find that the Petitioners will be prejudiced by the major activity dates established in the OEP, nor do I find that the Petitioners have demonstrated good cause for the request as required by Rule 28-106.204(4), F.A.C. *See Litvak v. Scylla Props., LLC*, 946 So. 2d 1165, 1174 (Fla. 1st DCA 2006) (stating that “an intervenor must take the case as he finds it”). However, I will nevertheless extend the intervenor testimony deadline of May 28, 2024, to June 5, 2024, to allow the Petitioners and other intervenors an additional 8 days to file their testimony in each of the consolidated dockets in which they intervened. I see no reason to alter any of the other existing procedural deadlines, so they will remain as set forth in the OEP. Under these circumstances, I find that the motion for extension of time should be denied and the major activity dates established by the OEP should remain in place, except that the Intervenor Testimony date shall be moved from May 28, 2024 to June 5, 2024, for all parties that have intervened in the consolidated FEECA dockets.

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Therefore, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that in Docket Nos. 20240012-EG, 20240013-EG, 20240014-EG, 20240015-EG, 20240016-EG, and 20240017-EG the Intervenor Testimony date established in the Order Establishing Procedure shall be moved from May 28, 2024 to June 5, 2024. It is further

ORDERED that the remaining proposed dates in Florida Rising, the League of United Latin American Citizens, and the Environmental Confederation of Southwest Florida's Motion for extension of time to file testimony are DENIED.

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 16th day of May, 2024.



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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.

JDI/jhr

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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.