BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

|  |  |
| --- | --- |
| In re: Petition for rate increase by Duke Energy Florida, LLC. | DOCKET NO. 20240025-EI  ORDER NO. PSC-2024-0360-PHO-EI  ISSUED: August 15, 2024 |

PREHEARING ORDER

This Prehearing Order 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.

**I. CASE BACKGROUND**

Duke Energy Florida, LLC (DEF) filed its Petition for Rate Increase, minimum filing requirements (MFRs), and testimony on April 2, 2024. DEF filed its MFRs based on projected test years from January 1 to December 31, 2025; January 1 to December 31, 2026; and January 1 to December 31, 2027. By Order No. PSC-2024-0092-PCO-EI, issued April 11, 2024, a final administrative hearing was scheduled for August 12 – 16, 2024, with August 19 – 23, 2024, also reserved for the continuation and conclusion of the hearing, if necessary.

Intervention by the Citizens of the State of Florida through the Office of Public Counsel (OPC) was acknowledged by Order No. PSC-2024-0041-PCO-EI, issued February 16, 2024. Petitions to Intervene filed by the following entities and associations were subsequently granted: Florida Rising, Inc. and the League of United Latin American Citizens of Florida (collectively (LULAC);[[1]](#footnote-1) Florida Industrial Power Users Group (FIPUG);[[2]](#footnote-2) Florida Retail Federation (FRF);[[3]](#footnote-3) Sierra Club;[[4]](#footnote-4) White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate - White Springs (PCS Phosphate);[[5]](#footnote-5) Nucor Steel Florida, Inc. (Nucor);[[6]](#footnote-6) the Southern Alliance for Clean Energy (SACE);[[7]](#footnote-7) Americans for Affordable Clean Energy, Inc., Circle K Stores, Inc., RaceTrac, Inc., and Wawa, Inc. (collectively Fuel Retailers);[[8]](#footnote-8) EVgo Services, LLC (EVgo);[[9]](#footnote-9) and Walmart, Inc. (Walmart).[[10]](#footnote-10) The Petition to Intervene by the Florida Solar Energy Industry Association was denied without prejudice.[[11]](#footnote-11)

On July 15, 2024, DEF, OPC, FRF, FIPUG, Nucor, and PCS Phosphate (collectively Signatories) filed a Joint Motion for Approval of 2024 Settlement Agreement (Motion for Approval), with a copy of the 2024 Settlement Agreement appended thereto as Attachment 1. The Signatories requested that the Commission consider the Settlement Agreement during the two-week period that had been set aside for the final hearing in this docket, and approve the Settlement Agreement in its entirety as being in the public interest. Based on the representations in the Motion for Approval, the undersigned Prehearing Officer issued a First Order Revising Order Establishing Procedure on July 24, 2024, and therein scheduled a final hearing on the 2024 Settlement Agreement for August 21, 2024, with August 22, 2024, also reserved for the continuation and conclusion of the hearing, if necessary.

**II. JURISDICTION**

The Florida Public Service Commission (Commission) is vested with jurisdiction over the subject matter of this proceeding by the provisions of Chapter 366, Florida Statutes (F.S.). This hearing will be governed by said Chapter and Chapters 25-6, 25-22, and 28-106, F.A.C., as well as any other applicable provisions of law.

**III. BASIC POSITIONS**

The positions listed below reflect those taken by the parties in the Joint Motion for Approval of 2024 Settlement Agreement.

**DEF:** The Commission should approve the 2024 Settlement Agreement because it is in the public interest, and establishes rates that are fair, just, and reasonable.

**OPC:** The Commission should approve the 2024 Settlement Agreement.

**Fuel**

**Retailers:** No position on whether the Commission should approve the 2024 Settlement Agreement.

**EVgo:** No objection to the Commission approving the 2024 Settlement Agreement.

**FIPUG:** The Commission should approve the 2024 Settlement Agreement.

**LULAC:** Do not oppose Commission approval of the 2024 Settlement Agreement.

**FRF:** The Commission should approve the 2024 Settlement Agreement.

**Nucor:** The Commission should approve the 2024 Settlement Agreement.

**PCS**

**Phosphate:** The Commission should approve the 2024 Settlement Agreement.

**SACE:** Does not oppose Commission approval of the 2024 Settlement Agreement.

**Sierra Club:** Does not oppose Commission approval of the 2024 Settlement Agreement.

**Walmart:** Does not oppose Commission approval of the 2024 Settlement Agreement.

**STAFF:** Staff's final positions will be based upon all the evidence in the record and set forth in a written recommendation.

**IV. ISSUES**

**ISSUE 1:** Should the Commission approve the 2024 Settlement Agreement as being in the public interest and establishing rates that are fair, just, and reasonable?

2024 Settlement Agreement Major Elements

1. Cost of Capital
2. 2025 Test Year Revenue Increase
3. 2026 Subsequent Year Adjustment
4. Powerline Battery Storage Project and Investment Tax Credit Monetization
5. Revenue Allocation
6. Elimination of Reconnect Fees and the Reallocation of the Foregone Annual Revenue
7. Extreme Weather Disconnections
8. Minimum Bill Adjustment to Income-Qualified Customers
9. Solar Base Rate Adjustment
10. Process to Approve Acquisition of Future Fossil Generation
11. Electric Vehicle Charging Programs
12. Federal and/or State Corporate Income Tax Change
13. Revised Dismantlement Accrual
14. Adjusted Depreciation Study
15. Production Tax Credit True-Up
16. Asset Optimization Mechanism
17. Storm Damage Cost Recovery Surcharge
18. Interruptible Credits, Neighborhood Energy Saver Program, and Smart Thermostats

**ISSUE 2:** Should this docket be closed?

**V. FINAL HEARING PROCEDURE**

Section 120.57(4), F.S., permits the Commission to informally dispose of any proceeding by stipulation, agreed settlement, or consent order. Pursuant to Rule 28-106.302(2), F.A.C., the purpose of this hearing is for the Commission to take oral and written evidence or argument regarding the approval of the 2024 Settlement Agreement as being in the public interest, and establishing rates that are fair, just, and reasonable.

The hearing for August 21-22, 2024, shall be governed by the following agenda:

1. Convene Hearing

2. Read Notice

3. Take Appearances

4. Preliminary Matters

5. Openings

a. Opening Statements by Signatories to 2024 Settlement (5 minutes each)

b. Statements of Position by Non-Signatories (2 minutes each)

6. The Record

7. Witness panel testimony (in-person) regarding the 2024 Settlement Agreement

8. Questions from Commissioners regarding the 2024 Settlement Agreement

9. Concluding Matters

10. Adjourn

Upon the admission of all testimony and evidence, and completion of the Commission’s questions at hearing, the hearing record will be closed. Briefs, if any, will be due September 6, 2024.

**VI. TESTIMONY**

**Prefiled Testimony**

Testimony of the following witnesses sponsored by the parties and Staff has been prefiled and will be inserted into the record as though read in the following order:

| Witness | Proffered By |
| --- | --- |
| **Direct** |  |
| Melissa Seixas | DEF |
| Ned W. Allis | DEF |
| Reginald D. Anderson | DEF |
| Nicole Aquilina | DEF |
| Benjamin M.H. Borsch | DEF |
| Rebekah E. Buck | DEF |
| Shannon Caldwell | DEF |
| Matthew Chatelain | DEF |
| Timothy J. Duff | DEF |
| Vanessa Goff | DEF |
| Hans Jacob | DEF |
| Jeffrey T. Kopp | DEF |
| Brian M. Lloyd | DEF |
| James J. McClay, III | DEF |
| Adrian M. McKenzie | DEF |
| Karl W. Newlin | DEF |
| Michael T. O’Hara | DEF |
| Marcia J. Oliver | DEF |
| John R. Panizza | DEF |
| Lesley G. Quick | DEF |
| Edward L. Scott | DEF |
| James R. Dauphinais, Ph.D. | OPC |
| David E. Dismukes | OPC |
| William W. Dunkel | OPC |
| Daniel J. Lawton | OPC |
| Kevin J. Mara, P.E. | OPC |
| Helmuth W. Schultz, III | OPC |
| David Failkov | AACE-Fuel Retailers |
| Lindsey R. Stegall | EVgo |
| Jonathan Ly | FIPUG |
| Jeff Pollock | FIPUG |
| Steve W. Chriss | FRF |
| MacKenzie Marcelin | FL Rising/LULAC |
| Karl R. Rabago | FL Rising/LULAC |
| Tony Georgis | Nucor/PCS Phosphate |
| Rose Anderson | Sierra Club |
| Angela L. Calhoun | Staff |
| Simon Ojada | Staff |

|  |  |
| --- | --- |
| **Rebuttal** |  |
| Ned W. Allis | DEF |
| Reginald D. Anderson | DEF |
| Benjamin M.H. Borsch | DEF |
| Matthew Chatelain | DEF |
| Timothy J. Duff | DEF |
| Misty Easton | DEF |
| Vanessa Goff | DEF |
| Timothy S. Hill | DEF |
| Jeffrey T. Kopp | DEF |
| Brian M. Lloyd | DEF |
| Adrian M. McKenzie | DEF |
| Sharif S. Mitchell | DEF |
| Karl W. Newlin | DEF |
| Michael T. O’Hara | DEF |
| Marcia J. Olivier | DEF |
| John R. Panizza | DEF |
| Lesley G. Quick | DEF |
| Edward L. Scott | DEF |
| Paige Swofford | DEF |

**In-person Witness Testimony**

The following witness panel will provide in-person testimony regarding the 2024 Settlement Agreement at the August 21, 2024, hearing:

|  |  |
| --- | --- |
| Benjamin M.H. Borsch | DEF |
| Matthew Chatelain | DEF |
| Marcia J. Olivier | DEF |

**VII. PREFILED EXHIBITS**

The following prefiled exhibits submitted along with the prefiled testimony of all witnesses will be moved into the record.

| Witness | Proffered By |  | Description |
| --- | --- | --- | --- |
| Direct |  |  |  |
| Ned W. Allis | DEF | NWA-1 | 2024 Depreciation Study |
| Ned W. Allis | DEF | NWA-2 | List of Cases which Ned W. Allis Submitted Testimony |
| Ned W. Allis | DEF | NWA-3 | Summaries of Depreciation Accruals Using Existing and Proposed Depreciation Rates |
| Reginald D. Anderson | DEF | RDA-1 | List of MFR’s Sponsored |
| Reginald D. Anderson | DEF | RDA-2 | List of Facilities that Comprise DEF’s Current Generation Fleet |
| Reginald D. Anderson | DEF | RDA-3 | DEF’s Heat Rate & Unit Flexibility Metrics |
| Reginald D. Anderson | DEF | RDA-4 | Overview of each of the major DEF Generation projects that make up the Company’s capital request included in the MFRs for the years 2025-2027 |
| Nicole Aquilina | DEF | NA-1 | List of MFR’s Sponsored |
| Benjamin M. H. Borsch | DEF | BMHB-1 | List of MFR’s Sponsored |
| Benjamin M. H. Borsch | DEF | BMHB-2 | Historic and Projected Customer, Energy Sales & Seasonal Demand Forecast |
| Benjamin M. H. Borsch | DEF | BMHB-3 | Solar Cost Analysis  AMENDED 4/23/2024 |
| Benjamin M. H. Borsch | DEF | BMHB-4 | CEC Expansion Cost Analysis  AMENDED 4/23/2024 |
| Benjamin M. H. Borsch | DEF | BMHB-5 | Combined Cycle Efficiency Improvements Project Cost Analysis |
| Benjamin M. H. Borsch | DEF | BMHB-6 | Battery Storage Cost Analysis  AMENDED 4/23/2024 |
| Rebekah E. Buck | DEF | REB-1 | Service Company Utility Company Service Agreement |
| Rebekah E. Buck | DEF | REB-2 | Operating Companies Service Agreement |
| Rebekah E. Buck | DEF | REB-3 | Operating Company/ Nonutility Companies Service Agreement  AMENDED 4/23/2024 |
| Rebekah E. Buck | DEF | REB-4 | Intercompany Asset Transfer Agreement |
| Rebekah E. Buck | DEF | REB-5 | 2023 Service Company Cost Allocation Rate Schedule |
| Shannon Caldwell | DEF | SC-1 | List of MFR’s Sponsored |
| Shannon Caldwell | DEF | SC-2 | Duke Energy 2023 Survey Library |
| Shannon Caldwell | DEF | SC-3 | 2023 Duke Energy Short-Term Incentive Plan  REDACTED |
| Shannon Caldwell | DEF | SC-4 | 2023 Duke Energy Short-Term Incentive Scorecard  REDACTED |
| Shannon Caldwell | DEF | SC-5 | 2023 Duke Energy Executive Long-Term Incentive Plan brochure  REDACTED |
| Shannon Caldwell | DEF | SC-6 | 2023 Duke Energy Restricted Stock Unit Award Summary |
| Shannon Caldwell | DEF | SC-7 | Duke Energy Florida Year End 2023 Disclosure and Fiscal 2024 Cost  REDACTED |
| Matthew Chatelain | DEF | MC-1 | List of MFR’s Sponsored |
| Matthew Chatelain | DEF | MC-2 | Company-Proposed Allocation of the Target Revenue and Rate Increase/ (Decrease) by Rate Class |
| Matthew Chatelain | DEF | MC-3 | Base Revenue by Rate Schedule – Calculations – Calendar Year Determinants |
| Vanessa Goff | DEF | VG-1 | Site plan drawings for the four 1 named 2025 solar projects: Sundance, Bailey Mill, Half Moon, and Rattler |
| Vanessa Goff | DEF | VG-2 | Project milestone schedule |
| Jeffrey T. Kopp | DEF | JTK-1 | Resume & Curriculum Vitae |
| Jeffrey T. Kopp | DEF | JTK-2 | 2023 Dismantlement Study Report  Co-Sponsored by Nicole Aquilina |
| Brian M. Lloyd | DEF | BL-1 | Summary of co-sponsored schedules of the Company’s MFR’s |
| Brian M. Lloyd | DEF | BL-2 | Summary of Distribution reliability results for the years 2018-2023 |
| Brian M. Lloyd | DEF | BL-3 | Summary of Distribution Maintenance Subprograms |
| Adrien M. McKenzie | DEF | AMM-1 | Qualifications of Adrien M. McKenzie |
| Adrien M. McKenzie | DEF | AMM-2 | Summary of Results |
| Adrien M. McKenzie | DEF | AMM-3 | Risk Measures – Utility Group |
| Adrien M. McKenzie | DEF | AMM-4 | Regulatory Mechanisms |
| Adrien M. McKenzie | DEF | AMM-5 | Capital Structure |
| Adrien M. McKenzie | DEF | AMM-6 | Discount Cash Flow Model – Utility Group |
| Adrien M. McKenzie | DEF | AMM-7 | br + sv Growth Rate – Utility Group |
| Adrien M. McKenzie | DEF | AMM-8 | Capital Asset Pricing Model |
| Adrien M. McKenzie | DEF | AMM-9 | Empirical Capital Asset Pricing Model |
| Adrien M. McKenzie | DEF | AMM-10 | Utility Risk Premium |
| Adrien M. McKenzie | DEF | AMM-11 | Expected Earnings Approach |
| Adrien M. McKenzie | DEF | AMM-12 | Flotation Cost Study |
| Adrien M. McKenzie | DEF | AMM-13 | Discount Cash Flow Model – Non-Utility Group |
| Marcia J. Olivier | DEF | MJO-1 | List of MFR’s Sponsored |
| Marcia J. Olivier | DEF | MJO-2 | Depreciation Study Company Adjustment |
| Marcia J. Olivier | DEF | MJO-3 | Dismantlement Study Company Adjustment |
| Marcia J. Olivier | DEF | MJO-4 | Electric Vehicle Make Ready Credit Program Company Adjustment |
| Marcia J. Olivier | DEF | MJO-5 | Clean Energy Connection Cumulative Revenue Requirements  AMENDED 4/23/2024 |
| Marcia J. Olivier | DEF | MJO-6 | Clean Energy Connection Subscription Revenue Company Adjustment |
| Marcia J. Olivier | DEF | MJO-7 | Functionalization, Classification, and Allocation of Plant |
| Marcia J. Olivier | DEF | MJO-8 | Delivery Voltage Credit Calculation |
| John R. Panizza | DEF | JRP-1 | Calculation of Production Tax Credits In Test Periods |
| John R. Panizza | DEF | JRP-2 | Calculation of Proration Adjustments |
| Edward L. Scott | DEF | ELS-1 | List of MFR’s Sponsored |
| James R. Dauphinais, Ph.D. | OPC | JRD-1 | DEF Firm Capacity Need Timing for Summer Peak – 2023 TYSP |
| James R. Dauphinais, Ph.D. | OPC | JRD-2 | DEF Firm Capacity Need Timing for Winter Peak – 2023 TYSP |
| James R. Dauphinais, Ph.D. | OPC | JRD-3 | DEF Firm Capacity Need Timing for Summer Peak – 2024 TYSP |
| James R. Dauphinais, Ph.D. | OPC | JRD-4 | DEF Firm Capacity Need Timing for Winter Peak – 2024 TYSP |
| James R. Dauphinais, Ph.D. | OPC | JRD-5 | DEF Firm Capacity Need Timing for Summer Peak – 2023 TYSP – Bayboro P1-P4 CT Retirement Sensitivity |
| James R. Dauphinais, Ph.D. | OPC | JRD-6 | DEF Firm Capacity Need Timing for Winter Peak – 2023 TYSP – Bayboro P1-P4 CT Retirement Sensitivity |
| James R. Dauphinais, Ph.D. | OPC | JRD-7 | DEF Firm Capacity Need Timing for Summer Peak – 2024 TYSP – Bayboro P1-P4 CT Retirement Sensitivity |
| James R. Dauphinais, Ph.D. | OPC | JRD-8 | DEF Firm Capacity Need Timing for Winter Peak – 2024 TYSP – Bayboro P1-P4 CT Retirement Sensitivity |
| James R. Dauphinais, Ph.D. | OPC | JRD-9 | CCE Projects – CPVRR Breakeven |
| James R. Dauphinais, Ph.D. | OPC | JRD-10 | CCE Projects – CPVRR Breakeven – OPC Estimate with Updated Capital Costs + Hypothetical Retirement of All CC Units by the end of 2041 |
| James R. Dauphinais, Ph.D. | OPC | JRD-11 | 2025-2027 Solar Projects – Cost Effectiveness – OPC Estimate for Last Nine Projects |
| James R. Dauphinais, Ph.D. | OPC | JRD-12 | 2025-2027 Solar Projects – All 14 Projects Pursued – CPVRR Breakeven |
| James R. Dauphinais, Ph.D. | OPC | JRD-13 | 2025-2027 Solar Projects – All 14 Projects Pursued – CPVRR Breakeven – OPC Estimate with Updated Capital Costs |
| James R. Dauphinais, Ph.D. | OPC | JRD-14 | 2025-2027 Solar Projects – All 14 Projects Pursued – CPVRR Breakeven – OPC Estimate with Updated Capital Costs and 2023 TYSP Low Fuel Costs |
| James R. Dauphinais, Ph.D. | OPC | JRD-15 | Powerline Battery Project (40% ITC) – CPVRR Breakeven |
| James R. Dauphinais, Ph.D. | OPC | JRD-16 | Public Non-Voluminous Discovery Responses Cited to by Mr. Dauphinais in his Direct Testimony |
| James R. Dauphinais, Ph.D. | OPC | JRD-17 | Confidential Non-Voluminous Discovery Responses Cited to by Mr. Dauphinais in his Direct Testimony |
| James R. Dauphinais, Ph.D. | OPC | JRD-18 | Confidential Deposition Transcript Excerpts Cited to by Mr. Dauphinais in his Direct Testimony |
| James R. Dauphinais, Ph.D. | OPC | JRD-19 | Deposition Late Filed Exhibits Cited to by Mr. Dauphinais in his Direct Testimony |
| David E. Dismukes | OPC | DED-1 | Base Revenue Impact |
| David E. Dismukes | OPC | DED-2 | Out-of-Model Adjustments |
| David E. Dismukes | OPC | DED-3 | Company Energy Sales and Customer Forecasts |
| David E. Dismukes | OPC | DED-4 | Revised Sales Forecast based on Ten-Year Trend |
| David E. Dismukes | OPC | DED-5 | Usage per Customer Utility Survey |
| David E. Dismukes | OPC | DED-6 | Rate Case Forecast Compared to Ten-Year Site Plan |
| David E. Dismukes | OPC | DED-7 | Impact of Alternative Regulation for Retail Ratepayers in Florida |
| David E. Dismukes | OPC | DED-8 | Energy Affordability Index |
| David E. Dismukes | OPC | WWD-1 | Summary of my qualifications, experience, and a list of prior testimonies before state utility regulatory agencies |
| David E. Dismukes | OPC | WWD-2 | Pages from the DEF Ten-Year Site Plan dated April, 2022 covering the years 2022-2031 |
| David E. Dismukes | OPC | WWD-3 | DEF response to OPC Sixth Set of Interrogatories, No. 139 |
| David E. Dismukes | OPC | WWD-4 | DEF response to OPC Sixth Set of Interrogatories, No. 126 |
| David E. Dismukes | OPC | WWD-5 | Utility-Scale Solar, 2022 Edition, LBNL |
| David E. Dismukes | OPC | WWD-6 | Redistribution of the Simple Cycle Production Plant depreciation reserve |
| David E. Dismukes | OPC | WWD-7 | OPC Depreciation Rates |
| David E. Dismukes | OPC | WWD-8 | DEF response to OPC’s Tenth Set of Interrogatories, Nos. 245 & 246 |
| David E. Dismukes | OPC | WWD-9 | Page 74 of Jeffrey T. Kopp’s Exhibit No. JTK-2 |
| David E. Dismukes | OPC | WWD-10 | Pages from the prior 2020 DEF Dismantlement Study |
| David E. Dismukes | OPC | WWD-11 | Dismantlement Cost Estimates |
| David E. Dismukes | OPC | WWD-12 | *Changes in U.S. Family Finances from 2016 to 2019: Evidence from the Survey of Consumer Finances*, Federal Reserve Bulletin Vol. 3, No. 3 (Sept. 2017) |
| David E. Dismukes | OPC | WWD-13 | January 2023 *Federal Reserve Statistical Release* |
| Daniel J. Lawton | OPC | DJL-1 | Resume |
| Daniel J. Lawton | OPC | DJL-2 | Comparable Company Electric Group Equity Ratios |
| Daniel J. Lawton | OPC | DJL-3 | Historical Monthly Government Bond Yields |
| Daniel J. Lawton | OPC | DJL-4 | Comparable Company Electric Equity Return Forecast |
| Daniel J. Lawton | OPC | DJL-5 | Comparable Company Electric Group Price Data |
| Daniel J. Lawton | OPC | DJL-6 | Comparable Company Electric Group Growth Rate Data |
| Daniel J. Lawton | OPC | DJL-7 | Comparable Company Electric Group DCF |
| Daniel J. Lawton | OPC | DJL-8 | Comparable Company Electric Group Two-Stage DCF |
| Daniel J. Lawton | OPC | DJL-9 | Comparable Company Electric Group CAPM/ECAPM |
| Daniel J. Lawton | OPC | DJL-10 | Bond Yield and Equity Risk Premium Analysis |
| Daniel J. Lawton | OPC | DJL-11 | Capital Structure Duke Energy Florida |
| Daniel J. Lawton | OPC | DJL-12 | Summary of Alternative Cost of Equity Model Estimates |
| Kevin J. Mara, P.E. | OPC | KJM-1 | Curriculum Vitae |
| Helmuth W. Schultz, III | OPC | HWS-1 | Summary of background, experience and qualifications |
| Helmuth W. Schultz, III | OPC | HWS-2  (Revised 6.26.24) | Schedules with Recommendations based on an analysis of 2025, 2026 and 2027 test years |
| Helmuth W. Schultz, III | OPC | HWS-3 | compilation of discovery responses |
| Helmuth W. Schultz, III | OPC | HWS-4 | 1986 Staff Memorandum |
| Lindsey R. Stegall | EVgo | LRS-1 | Lindsey R. Stegall Qualifications |
| Jonathan Ly | FIPUG | JL-1 | Summary of DEF’s Proposed Solar Projects Cost-Effectiveness Analysis |
| Jonathan Ly | FIPUG | JL-2 | Comparison of Natural Gas Forecasts |
| Jonathan Ly | FIPUG | JL-3 | Comparison of EIA Reference Case Henry Hub Natural Gas Price Forecasts |
| Jeff Pollock | FIPUG | JP-1 | Authorized Return on Equity for Vertically Integrated Electric Utilities in Rate Cases Decided in 2023 and 2024 |
| Jeff Pollock | FIPUG | JP-2 | Monthly System Peaks as a Percent of the Annual System Peak |
| Jeff Pollock | FIPUG | JP-3 | Derivation of 4CP and Energy Allocation Factors |
| Jeff Pollock | FIPUG | JP-4 | FIPUG’s Revised Class Cost-of-Service Study |
| Jeff Pollock | FIPUG | JP-5 | Class Revenue Allocation Based on FIPUG’s Revised Class Cost-of-Service Study |
| Steve W. Chriss | FRF | SWC-1 | Witness Qualifications Statement |
| Steve W. Chriss | FRF | SWC-2 | Impact of DEF's Proposed Increase in Return on Equity ($000) vs. Originally Approved, PTY 2025 |
| Steve W. Chriss | FRF | SWC-3 | Impact of DEF's Proposed Increase in Return on Equity ($000) vs. Originally Approved, PTY 2026 |
| Steve W. Chriss | FRF | SWC-4 | Impact of DEF's Proposed Increase in Return on Equity ($000) vs. Originally Approved, PTY 2027 |
| Steve W. Chriss | FRF | SWC-5 | Impact of DEF's Proposed Increase in Return on Equity ($000) vs. ROE Trigger, PTY 2025 |
| Steve W. Chriss | FRF | SWC-6 | Reported Authorized Returns on Equity, Electric Utility Rate Cases Completed, 2021 to Present |
| Steve W. Chriss | FRF | SWC-7 | Impact of DEF's Proposed Increase in Return on Equity ($000) vs. 2024 National Average, Vertically Integrated |
| MacKenzie Marcelin | FL Rising/  LULAC | MM-1 | 2023 Utility Average Monthly Bill - Residential |
| MacKenzie Marcelin | FL Rising/  LULAC | MM-2 | DEF DSM Annual Report (2023) |
| MacKenzie Marcelin | FL Rising/  LULAC | MM-3 | SACE Energy Efficiency in the Southeast 5th Report (2023) |
| MacKenzie Marcelin | FL Rising/  LULAC | MM-4 | Utility Energy Efficiency Performance |
| MacKenzie Marcelin | FL Rising/  LULAC | MM-5 | Duke Spending on Industrial and Commercial Customers |
| MacKenzie Marcelin | FL Rising/  LULAC | MM-6 | Duke Response to FLL's 1st Interrogatories |
| Karl R. Rabago | FL Rising/  LULAC | KRR-1 | Resume |
| Karl R. Rabago | FL Rising/  LULAC | KRR-2 | List of Prior Testimony |
| Karl R. Rabago | FL Rising/  LULAC | KRR-3 | 12 CP and 50 AD Cost of Service Study with 9.5 ROE |
| Karl R. Rabago | FL Rising/  LULAC | KRR-4 | DEF's Response to Staff's 1st Interrogatories No. 1 |
| Karl R. Rabago | FL Rising/  LULAC | KRR-5 | Duke Spending on Industrial and Commercial Customers |
| Tony Georgis | Nucor/PCS Phosphate | TMG-1 | Resume and Record of Testimony of Tony Georgis |
| Tony Georgis | Nucor/PCS Phosphate | TMG-2 | Embedded Cost Value for CS and IS Capacity |
| Tony Georgis | Nucor/PCS Phosphate | TMG-3 | Cost of Service Adjustments |
| Tony Georgis | Nucor/PCS Phosphate | TMG-4 | Total Installed Costs of Historical Generation Additions |
| Tony Georgis | Nucor/PCS Phosphate | TMG-5 | CS and IS Demand Credit Valuation |
| Tony Georgis | Nucor/PCS Phosphate | TMG-6 | Duke Energy Florida, LLC’s 2024 Ten-Year Site Plan |
| Rose Anderson | Sierra Club | RA-1 | Resume of Rose Anderson |
| Rose Anderson | Sierra Club | RA-2 | Duke Energy Florida’s Public Responses to Sierra Club Interrogatories |
| Rose Anderson | Sierra Club | RA-3 | Duke Energy Florida’s 2024 Ten-Year Site Plan |
| Rose Anderson | Sierra Club | RA-4 | 2020 Crystal River North Retirement Study |
| Rose Anderson | Sierra Club | RA-5 | DEF’s Response to OPC POD 1-7 attach. “B-13 CWIP – REDACTED.xlsx |
| Rose Anderson | Sierra Club | RA-6 | Benjamin Borsch Deposition Transcript (Excerpted) |
| Rose Anderson | Sierra Club | RA-7 | Reginald Anderson Deposition Transcript (Excerpted) |
| Rose Anderson | Sierra Club | RA-8 | U.S. EPA, Final Carbon Pollution Standards to Reduce Greenhouse Gas Emissions from Power Plants, Apr. 25, 2024 |
| Rose Anderson | Sierra Club | RA-9 | Florida Reliability Coordinating Council, 2022 Load & Resource Reliability Assessment Report, FRCC-MS-PL-397 |
| Rose Anderson | Sierra Club | RA-10 | Duke Energy Carolinas and Duke Energy Progress, Effective Load Carrying Capability (ELCC) Study, Astrapé Consulting, Apr. 25, 2022 |
| Angela L. Calhoun | Staff | ALC-1 | List of Quality Of Service Complaints |
| Angela L. Calhoun | Staff | ALC-2 | List of Billing Complaints |
| Angela L. Calhoun | Staff | ALC-3 | List of Warm Transfers |
| Simon Ojada | Staff | SO-1 | Auditor's Report |
| Rebuttal |  |  |  |
| Ned W. Allis | DEF | NWA-4 | Depreciation tables for revised depreciation rates |
| Ned W. Allis | DEF | NWA-5 | Depreciation rates that would result from OPC’s proposed retirement dates and net salvage estimates |
| Benjamin M.H. Borsch | DEF | BMHB-7 | Cost-effectiveness analysis for the University of Florida Cogeneration facility |
| Timothy J. Duff | DEF | TJD-2 | “Commercial Make-Ready Credit Program Incentive Custom Calculation”  DEF’s Response to EVgo’s First Set of Interrogatories Nos. 5 & 7 |
| Adrien M. McKenzie | DEF | AMM-14 | Implied Cost of Equity—National Allowed ROEs |
| Adrien M. McKenzie | DEF | AMM-15 | Implied Cost of Equity—Commission Approved ROEs |
| Adrien M. McKenzie | DEF | AMM-16 | Implied Cost of Equity—Duke Energy Approved ROEs |
| Adrien M. McKenzie | DEF | AMM-17 | Allowed ROEs—Lawton Proxy Groups |
| Adrien M. McKenzie | DEF | AMM-18 | Lawton Constant Growth DCF—EPS Growth Rates |
| Adrien M. McKenzie | DEF | AMM-19 | Lawton CAPM Models—Corrected |
| Adrien M. McKenzie | DEF | AMM-20 | Lawton Risk Premium Model—Corrected |
| Karl W. Newlin | DEF | KWN-1 | Moody’s Investor Service May 29, 2024, DEF Credit Opinion |
| Karl W. Newlin | DEF | KWN-2 | S&P Global March 1, 2024 RRA State Regulatory Evaluations – Energy |
| Karl W. Newlin | DEF | KWN-3 | S&P Global RRA Regulatory Focus – Quarterly update on decided rate cases |
| Karl W. Newlin | DEF | KWN-4 | Moody’s Investor Service (“Moody’s”) May 22, 2023, DEF Credit Opinion |
| Karl W. Newlin | DEF | KWN-5 | S&P Global February 14, 2024 Ratings Rising Risks: Outlook for North American Investor-Owned Regulated Utilities Weakens |
| Michael T. O’Hara | DEF | MTO-2 | O&M – A&G |
| Michael T. O’Hara | DEF | MTO-3 | Capitalization of Payroll Expense |
| Michael T. O’Hara | DEF | MTO-4 | Unredacted Regulated O&M and Capital Reports |
| Michael T. O’Hara | DEF | MTO-5 | Capital In-Service |
| Marcia J. Olivier | DEF | MJO-9 | DEF’s Response in Opposition to OPC’s Response to DEF’s Test Year Letter, filed February 29, 2024 |
| Marcia J. Olivier | DEF | MJO-10 | DEF’s Response to OPC Interrogatory No. 7-150 |
| Marcia J. Olivier | DEF | MJO-11 | DEF’s Notice of Identified Adjustments, filed June 6, 2024 |

**VII. COMPREHENSIVE EXHIBIT LIST**

Commission staff has prepared and circulated to the parties a Comprehensive Exhibit List which lists all pre-filed exhibits and those exhibits staff wishes to include in the record. Staff will continue to work with the parties to work toward stipulating the exhibit list prior to the hearing.

**VIII. PENDING MOTIONS**

The Joint Motion for Approval of 2024 Settlement Agreement, with the attached 2024 Settlement Agreement appended thereto as Attachment 1, is pending.

**IX. PENDING CONFIDENTIALITY MATTERS**

The following confidentiality matter is pending: DEF’s Request for Confidential Classification (Doc. 07014-2024) of Response to Staff’s Fifth Set of Interrogatories (Doc. 08340-2024), redacted document filed August 8, 2024.

**X. POST-HEARING PROCEDURES**

Each party may file a post-hearing brief with a brief statement of position on each issue, proposed findings of fact, conclusions of law, and disposition. Pursuant to Rule 28-106.215, F.A.C., a party's post-hearing brief shall total no more than 40 pages.

It is therefore,

ORDERED by Commissioner Gabriella Passidomo, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Commissioner Gabriella Passidomo, as Prehearing Officer, this 15th day of August, 2024.

|  |  |
| --- | --- |
|  | /s/ Gabriella Passidomo |
|  | Gabriella Passidomo  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.

SPS

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.

1. Order No. PSC-2024-0106-PCO-EI, issued April 19, 2024. [↑](#footnote-ref-1)
2. Order No. PSC-2024-0107-PCO-EI, issued April 19, 2024. [↑](#footnote-ref-2)
3. Order No. PSC-2024-0108-PCO-EI, issued April 19, 2024. [↑](#footnote-ref-3)
4. Order No. PSC-2024-0109-PCO-EI, issued April 19, 2024. [↑](#footnote-ref-4)
5. Order No. PSC-2024-0129-PCO-EI, issued April 24, 2024. [↑](#footnote-ref-5)
6. Order No. PSC-2024-0130-PCO-EI, issued April 24, 2024. [↑](#footnote-ref-6)
7. Order No. PSC-2024-0150-PCO-EI, issued May 13, 2024. [↑](#footnote-ref-7)
8. Order No. PSC-2024-0184-PCO-EI, issued June 4, 2024. [↑](#footnote-ref-8)
9. Order No. PSC-2024-0185-PCO-EI, issued June 4, 2024. [↑](#footnote-ref-9)
10. Order No. PSC-2024-0256-PCO-EI, issued July 22, 2024. [↑](#footnote-ref-10)
11. Order No. PSC-2024-0257-PCO-EI, issued July 22, 2024. [↑](#footnote-ref-11)