

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Tampa Electric Company.

DOCKET NO. 20240026-EI

In re: Petition for approval of 2023 depreciation and dismantlement study, by Tampa Electric Company.

DOCKET NO. 20230139-EI

In re: Petition to implement 2024 generation base rate adjustment provisions in paragraph 4 of the 2021 stipulation and settlement agreement, by Tampa Electric Company.

DOCKET NO. 20230090-EI

ORDER NO. PSC-2024-0452-PCO-EI
ISSUED: October 17, 2024

ORDER GRANTING OFFICE OF PUBLIC COUNSEL'S AMENDED MOTION FOR
EXTENSION OF TIME TO FILE POST-HEARING BRIEF AND MODIFYING ORDER
ESTABLISHING PROCEDURE AND CONSOLIDATING DOCKETS

On April 16, 2024, this Florida Public Service Commission (Commission) issued an Order Establishing Procedure and Consolidating Dockets, Order No. PSC-2024-0096-PCO-EI, which established hearing procedures and controlling dates to govern these dockets. This Commission held the final hearing in this matter from August 26–30, 2024. At the end of the hearing, we agreed to extend the deadline for filing of post-hearing briefs. The deadline changed from September 23, 2024, to September 30, 2024.

On October 14, 2024, the Office of Public Counsel (OPC) filed an Amended Motion for Extension of Time to File Post Hearing Brief.¹ OPC asserts that the original transcript was delayed with errors, inaccuracies, and omissions. Recognizing the original transcript's questionable quality, this Commission secured the services of a different reporting service to prepare a proper transcript of the full hearing. The estimated completion date of this corrected transcript was October 4, 2024, and the parties were notified that post-hearing briefs would be due October 16, 2024. However, the corrected transcript was not finalized until October 9, 2024.

Motions for extension of time must articulate good cause and be filed prior to the expiration of the deadline sought to be extended.² OPC argues that the material deficiencies of the original transcript and delayed corrections impeded its briefing efforts. Furthermore, OPC asserts that the landfall of Hurricane Helene near Tallahassee also played a part in reducing the time it had to work on post-hearing briefs. OPC alleges that the majority of its office evacuated under either an evacuation order or advisory and that the Florida Legislature directed all

¹ Document No. 09503-2024, filed Oct. 11, 2024, in Docket No. 20240026-EI.

² Rule 28-106.204(4), Florida Administrative Code.

legislative offices in the capital to close from September 25th to September 27th. Therefore, OPC moves this Commission to extend the deadline to file post-hearing briefs to October 21, 2024.

TECO objects and argues that despite the transcript delay, the significant damage to TECO's system from both Hurricanes Helene and Milton, as well as the impact storm restoration efforts have had on the company, TECO will still be ready to file its post-hearing brief by the current deadline of October 16, 2024.³

I find that extending the deadline by five days is reasonable given the circumstances. OPC filed its request for relief prior to the expiration of the deadline it seeks to extend. The overall difficulties and delays surrounding the transcripts as detailed above is sufficient good cause to warrant a small extension of time. Therefore, I modify Section X of the Order Establishing Procedure and Consolidating Dockets to set a new controlling date for the post-hearing briefs of October 21, 2024.

Additionally, pursuant to Section 120.57(1)(f)(9), Florida Statutes, "[t]he record in a case governed by this subsection shall consist only of . . . [t]he official transcript." The transcript originally filed in this case cannot be relied upon due to multiple material errors and omissions contained therein. A proper transcript was subsequently prepared and filed in this docket that can and should be relied upon for the preparation of post-hearing briefs as well as any other future use. I hereby designate the following documents as the "official transcript" for purposes of the record:

- 1) DN 09098-2024, filed 9/19/2024, docketed "CORRECTED TRANSCRIPT – Vol 1, pages 1-301, for 8/26/24 hearing;"
- 2) DN 09157-2024, filed 9/23/2024, docketed "CORRECTED TRANSCRIPT – Vol 2, pages 302-503, for 8/27/24 hearing;"
- 3) DN 09275-2024, filed 9/30/2024, docketed "CORRECTED TRANSCRIPT - Vol 3, pages 504-764, of 8/27/24 hearing;"
- 4) DN 09276-2024, filed 9/30/2024, docketed "CORRECTED TRANSCRIPT - Vol 4, pages 765-923, of 8/27/24 hearing;"
- 5) DN 09302-2024, filed 9/30/2024, docketed "CORRECTED TRANSCRIPT - Vol 5, pages 924-1090, of 8/28/24 hearing;"
- 6) DN 09303-2024, filed 9/30/2024, docketed "CORRECTED TRANSCRIPT - Vol 6, pages 1091-1297, of 8/28/24 hearing;"
- 7) DN 09309-2024, filed 10/1/2024, docketed "CORRECTED TRANSCRIPT - Vol 7, pages 1298-1558, of 8/28/24 hearing;"

³ Document No. 09509-2024, filed on Oct. 14, 2024, in Docket No. 20240026-EI.

- 8) DN 09339-2024, filed 10/2/2024, docketed "CORRECTED TRANSCRIPT - Vol 8, pages 1559-1798, of 8/28/24 hearing;"
- 9) DN 09359-2024, filed 10/4/2024, docketed "CORRECTED TRANSCRIPT - Vol 9, pages 1799-2129, of 8/28/24 hearing;"
- 10) DN 09368-2024, filed 10/4/2024, docketed "CORRECTED TRANSCRIPT - Vol 10, pages 2130-2397, of 8/29/24 hearing;"
- 11) DN 09383-2024, filed 10/7/2024, docketed "CORRECTED TRANSCRIPT - Vol 11, pages 2398-2665, of 8/29/24 hearing;"
- 12) DN 09384-2024, filed 10/7/2024, docketed "CORRECTED TRANSCRIPT - Vol 12, pages 2666-2917, of 8/29/24 hearing;"
- 13) DN 09385-2024, filed 10/7/2024, docketed "CORRECTED TRANSCRIPT - Vol 13, pages 2918-3109, of 8/29/24 hearing;"
- 14) DN 09386-2024, filed 10/7/2024, docketed "CORRECTED TRANSCRIPT - Vol 14, pages 3110-3302, of 8/29/24 hearing;"
- 15) DN 09387-2024, filed 10/7/2024, docketed "CORRECTED TRANSCRIPT - Vol 15, pages 3303-3558, of 8/29/24 hearing;"
- 16) DN 09441-2024, filed 10/9/2024, docketed "CORRECTED TRANSCRIPT - Vol 16, pages 3359-3643, of 8/29/24 hearing;" and
- 17) DN 09454-2024, filed 10/9/2024, docketed "CORRECTED TRANSCRIPT - Vol 17, pages 3644-3831, of 8/30/24 hearing."

Any other transcript filed in Docket No. 20240026-EI of the final hearing on August 26–30, 2024, shall be removed from the docket file, shall be stricken from the record, and shall not be used in the remainder of this or any future proceeding.⁴

Based on the foregoing, it is

⁴ The below list of documents comprise the transcript volumes that are being removed:

- (1) DN 08952-2024, filed 9/10/2024, docketed "TRANSCRIPT - Vol 1 pages 1-288, for 8/26/24 hearing;"
- (2) DN 09000-2024, filed 9/13/2024, docketed "TRANSCRIPT - Vol 2 pages 289-880, for 8/27/24 hearing;"
- (3) DN 09002-2024, filed 9/13/2024, docketed "TRANSCRIPT - Vol 3 pages 881-1205, for 8/28/24 hearing;"
- (4) DN 09004-2024, filed 9/13/2024, docketed "TRANSCRIPT - Vol 4 pages 1206-1458, for 8/28/24 hearing;"
- (5) DN 09005-2024, filed 9/13/2024, docketed "TRANSCRIPT - Vol 5 pages 1459-2016, for 8/28/24 hearing;"
- (6) DN 09034-2024, filed 9/16/2024, docketed "TRANSCRIPT - Vol 6 pages 2017-3383, for 8/29/24 hearing;"
and
- (7) DN 09022-2024, filed 9/16/2024, docketed "TRANSCRIPT - Vol 7 pages 3384-3566, for 8/30/24 hearing."

ORDERED by Chairman Mike La Rosa, that Order No. PSC-2024-0096-PCO-EI is modified as set forth in the body of this order. It is further

ORDERED that Order No. PSC-2024-0096-PCO-EI is reaffirmed in all other respects. It is further

ORDERED that the “official transcript” is comprised of the documents as set forth in the body of this order.

By ORDER of Chairman Mike La Rosa, as Presiding Officer, this 17th day of October, 2024.



Mike La Rosa
Chairman
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.

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. 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.