

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of 2025
depreciation study and for approval to amortize
reserve imbalance, by Florida City Gas.

DOCKET NO. 20250035-GU
ORDER NO. PSC-2025-0431-PCO-GU
ISSUED: November 21, 2025

ORDER GRANTING STAFF'S MOTION TO ACCEPT LATE FILED TESTIMONY
AND SECOND ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

Background

By Order No. PSC-2025-0366-PCO-GU, the Order Establishing Procedure (OEP), issued on October 2, 2025 (OEP), hearing procedures were established to govern this Docket, including controlling dates. On November 14, 2025, Commission staff filed a Motion to Accept Late Filed Testimony and to Amend Order Establishing Procedure. Staff requested that the OEP be modified to establish November 13, 2025, as the due date for staff testimony and exhibits, and November 20, 2025, as the due date for rebuttal testimony and exhibits. Pursuant to the OEP, the deadline for Staff's testimony and exhibits to be submitted was November 12, 2025. Due to unforeseen circumstances, staff was unable to file the testimony of Edwin A. Kunkler until approximately 5:16 p.m. on November 12, 2025, roughly 16 minutes after the 5:00 p.m. deadline set forth in the OEP. The parties were also served the testimony and exhibits electronically at this same time. Florida City Gas (FCG) agreed to not object to the late filed testimony and exhibits if the rebuttal testimony due date in the OEP was changed from November 19 to November 20, 2025. No party objects to the relief requested.

Decision

Pursuant to Rule 28-106.104, Florida Administrative Code (F.A.C.), a document received after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Since the testimony and exhibits of Edwin A. Kunkler were received after 5:00 p.m. on November 12, 2025, the documents were deemed filed on November 13, 2025. Section IV of the OEP states "[f]ailure of a party to timely prefile exhibits and testimony from any witness in accordance with the foregoing requirements *may* bar admission of such exhibits and testimony." (emphasis added). Under the authority of Rule 28-106.211, F.A.C., the late filed testimony and exhibits of Edwin A. Kunkler shall be admitted because there is no or very little prejudice to any of the parties and none of the parties objected to the testimony and exhibits being admitted. Furthermore, FCG's request to file their rebuttal testimony on November 20, 2025 is reasonable and hereby granted.

Based on the above, Section IX of the OEP shall be modified and the following due dates are hereby established to govern the key activities of this case:

Staff's testimony and exhibits, if any	November 13, 2025
Rebuttal testimony and exhibits	November 20, 2025

Therefore, it is

ORDERED by Commissioner Gabriella Passidomo Smith, as Prehearing Officer, that Staff's Motion to Accept Late Filed Testimony and to Amend Order Establishing Procedure is granted. It is further,

ORDERED that Order No. PSC-2025-0366-PCO-GU is modified as set forth in the body of this order. It is further

ORDERED that Order No. PSC-2025-0366-PCO-GU is reaffirmed in all other respects.

By ORDER of Commissioner Gabriella Passidomo Smith, as Prehearing Officer, this 21st day of November, 2025.



Gabriella Passidomo Smith
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.

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.