

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 20170009-EI

FILED: August 29, 2017

**DUKE ENERGY FLORIDA, LLC'S MOTION TO DEFER OR CONTINUE
THE LEVY NUCLEAR PROJECT PORTION OF THE HEARING**

Pursuant to Rule 28-106.204, F.A.C, the February 20, 2017 Order Establishing Procedure, Order No. PSC-2017-0057-PCO-EI, and the First Order Modifying Order Establishing Procedure, Order No. PSC 2017-0260-PCO-EI, in this Docket, Duke Energy Florida, LLC (“DEF”) hereby moves the Commission to defer or continue the Levy Nuclear Project (“LNP”) portion of the hearing in this docket, currently scheduled to begin October 25, 2017, along with all other related filing dates established by Order No. PSC-2017-0260-PCO-EI, pending the Commission’s ruling on the Company’s Petition for a Limited Proceeding to Approve the 2017 Second Revised and Restated Settlement Agreement (“2017 Agreement”) filed with the Commission on August 29, 2017. The 2017 Agreement, if approved by the Commission, resolves all remaining LNP issues to be decided in this docket, mooted the need for the October 25, 2017 hearing. As a result, Commission approval of this Motion will promote administrative efficiency; avoid the time, expense, and uncertainty associated with resolving these issues in the October 25, 2017 hearing; and is consistent with the Commission’s long-standing practice of encouraging parties to settle contested issues in proceedings whenever possible. For all these reasons, DEF requests the Commission to grant its Motion.

1. On July 10, 2017, in Order No. PSC-2017-0260-PCO-EI, the prehearing officer in this docket granted Office of Public Counsel (“OPC”) and White Springs Agriculture Chemicals, Inc. d/b/a PCS Phosphate’s (“White Springs”) Joint Motion to Temporarily Hold in Abeyance the hearing on the LNP portion of Docket No. 20170009-EI until October 25, 2017, to be held concurrent with the general clause hearings.
2. Subsequently, following extensive negotiations between the Company and the OPC, the

Florida Industrial Power Users Group ("FIPUG"), the Florida Retail Federation ("FRF"), White Springs, and the Southern Alliance for Clean Energy ("SACE") (hereinafter collectively the "Parties"), the Parties executed the 2017 Agreement. On August 29, 2017, DEF filed a Petition for Limited Proceeding to Approve the 2017 Second Revised and Restated Settlement Agreement with the consent of the Parties. That Petition is presently pending before the Commission.

3. The 2017 Agreement will not become effective until the Company's Petition is approved by final Commission vote. A final Commission vote is not expected to occur before the October 25, 2017 hearing in this docket. Consequently, while the 2017 Agreement resolves the LNP issues that would be otherwise litigated in the October 25, 2017 hearing, there is not sufficient time before the hearing for the Commission to review and potentially approve the 2017 Agreement.
4. Accordingly, DEF moves to defer and continue the October 25, 2017 hearing to a date in 2018, to allow time for the Commission to review and potentially approve the 2017 Agreement. Given that the Parties have requested that the Commission complete this review so that the new tariff sheets proposed in the 2017 Agreement become effective January 1, 2018, deferring or continuing the hearing to sometime in 2018 should allow sufficient time for the Commission's review. If the Commission approves the 2017 Agreement, then DEF will file a separate request to cancel the LNP portion of the NCRC hearing.
5. As grounds for this Motion, DEF states that Commission approval of this Motion will promote administrative efficiency; avoid the time, expense, and uncertainty associated with resolving these issues in the October 25, 2017 hearing; and is consistent with the Commission's long-standing practice of encouraging parties to settle contested issues in proceedings whenever possible. Deferral/continuance of the hearing will permit the Commission to timely review the Commission's Petition for Limited Proceeding to Approve the 2017 Second Revised and Restated Settlement Agreement, and if the

Commission approves the Petition, it will resolve the issues that must be decided by the Commission in the October 25, 2017 hearing. No party will be prejudiced by the granting of this Motion.

6. DEF has conferred with all parties to the DEF portion of this docket in satisfaction of Rule 28-106.204(3), F.A.C. and is authorized to represent that OPC, White Springs, FRF, FIPUG, and SACE support this Motion.

WHEREFORE, for the reasons stated above, DEF respectfully requests that the Commission grant its request to defer/continue the October 25, 2017 hearing to a date in 2018 and abating all other filing dates contained in Order No. PSC-2017-0260-PCO-EI, pending the Commission's ruling on the Company's Petition for a Limited Proceeding to Approve the 2017 Second Revised and Restated Settlement Agreement.

Respectfully submitted,

/s/ Matthew R. Bernier

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 29th day of August, 2017.

/s/ Matthew R. Bernier

Attorney

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