

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 20170009-EI
ORDER NO. PSC-2017-0341-PCO-EI
ISSUED: August 30, 2017

SECOND ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

Order No. PSC-17-0057-PCO-EI, issued on February 20, 2017, established hearing procedures and controlling dates governing the annual Nuclear Cost Recovery Clause that went to hearing August 15-16, 2017. On July 10, 2017, Order No. PSC-2017-0260-PCO-EI, First Order Modifying Order Establishing Procedure, was issued granting the Office of Public Counsel's (OPC) and White Springs Agricultural Chemicals, Inc., d/b/a PCS Phosphate – White Springs' (PCS Phosphate) Motion to Temporarily Hold in Abeyance and Reschedule the 2017 Hearing for Duke Energy Florida, LLC (DEF) to defer the hearing on the DEF portion of Docket No. 20170009-EI until October 25, 2017.

On August 29, 2017, DEF filed a Motion to Defer or Continue the Levy Nuclear Project Portion of the Hearing (Motion). DEF's Motion requests that the Levy Nuclear Project (LNP) hearing, and all other dates established within Order No. PSC-2017-0260-PCO-EI, be continued or deferred until the Florida Public Service Commission (Commission) rules on DEF's Petition for a Limited Proceeding to Approve the 2017 Second Revised and Restated Settlement Agreement (2017 Agreement), filed on August 29, 2017.¹

In support of its Motion, DEF states that if the Commission approves the 2017 Agreement, all remaining LNP issues to be decided within this docket would be resolved, obviating the need for the October 25, 2017 hearing. DEF states that deferring the LNP hearing until possibly 2018 would allow the Commission time to complete its review of the 2017 Agreement. DEF states that if the Commission were to approve the 2017 Agreement, DEF would file a separate request to cancel the LNP portion of this docket. DEF affirms that it has conferred with all parties to the DEF portion of this docket, and it is authorized to represent that OPC, PCS Phosphate, Florida Retail Federation, Florida Industrial Power Users Group, and the Southern Alliance for Clean Energy support its Motion.

Upon consideration of the Motion, I find it reasonable and not unduly prejudicial to any party to this proceeding to defer or continue the LNP portion of this docket. Thus, I hereby grant Duke Energy Florida, LLC's Motion to Defer or Continue the Levy Nuclear Project Portion of the Hearing. Accordingly, Section VIII of the Order Establishing Procedure, Order No. PSC-17-0057-PCO-EI, shall be modified as set forth herein. The Order Establishing Procedure is reaffirmed in all other respects. Because the subject of Order No. PSC-2017-0260-PCO-EI dealt

¹ DEF filed its Petition for a Limited Proceeding to Approve the 2017 Second Revised and Restated Settlement Agreement on August 29, 2017, in Docket Nos. 20150171-EI, 20170001-EI, 20170002-EG, 20170009-EI, and 20170183-EI.

with deferring the LNP portion of this docket to October 25, 2017, the ruling herein renders that Order moot.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Duke Energy Florida, LLC's Motion to Defer or Continue the Levy Nuclear Project Portion of the Hearing is hereby granted. It is further

ORDERED that Order No. PSC-17-0057-PCO-EI is hereby affirmed in all other respects. It is further

ORDERED that Order No. PSC-2017-0260-PCO-EI is hereby rendered moot.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 30th day of August, 2017.



RONALD A. BRISE
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.

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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.