

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Matthew by Florida Power & Light Company.

DOCKET NO. 20160251-EI
ORDER NO. PSC-2018-0253-PCO-EI
ISSUED: May 18, 2018

SECOND ORDER REVISING ORDER ESTABLISHING PROCEDURE

Pursuant to Order No. PSC-2017-0471-PCO-EI, issued on December 15, 2017, the final hearing in this docket is scheduled for May 22 and 23, 2018. On May 15, 2018, Florida Power & Light Company (FPL) and the Office of Public Counsel (OPC) filed a Joint Motion for Approval of Settlement Agreement (Joint Motion) requesting that the Stipulation and Settlement Agreement (Settlement) signed on May 14, 2018, be approved by the Commission. The signatories represent that the Settlement resolves all issues in this docket. The Florida Retail Federation (FRF) and Florida Industrial Power Users Group (FIPUG) are parties to this docket and neither are signatories to the Settlement. In the Joint Motion, the signatories represented that FRF and FIPUG were taking no position on the Joint Motion but reserved the right to take a position and file a response within the time allowed by Rule 28-106.204(1), Florida Administrative Code (F.A.C.), or by May 22, 2018.

Due process requires that both FRF and FIPUG be given an adequate opportunity to review the Settlement prior to taking a position on it. Additionally, FRF's and FIPUG's final position on the Settlement may significantly affect how the case is tried, e.g., whether all or part of FPL's, OPC's, and Commission staff's witnesses are required to testify or can be excused and their prefiled testimony and exhibits stipulated into the record. Therefore, it is more administratively efficient to allow the parties additional time to review the Settlement and take a position so that the final hearing can be structured appropriately.

For the reasons stated above, the final hearing will be rescheduled to June 5, 2018, to allow all parties an opportunity to review the Settlement, take a position no later than May 22, 2018, and prepare for final hearing, which will address both the identified issues in Order No. PSC-2018-0245-PCO-EI as well as the Settlement. A future order further establishing procedures for the final hearing may be forthcoming after May 22, 2018. The time to file post-hearing briefs, should the parties desire to do so, will be set at the final hearing.

This order is issued pursuant to the authority granted by Rule 28-106.211, 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.

Based on the foregoing, it is

ORDERED by Julie I. Brown, as Prehearing Officer, that the final hearing in this case currently scheduled for May 22 and 23, 2018, in this docket is cancelled. It is further

ORDERED that the final hearing in this case will be held on June 5, 2018, and that the time to file briefs, should parties desire to do so, will be set at final hearing. It is further

ORDERED that all other provisions of Order Nos. PSC-2017-0471-PCO-EI and PSC-2018-0189-PCO-EI not inconsistent with this order are hereby reaffirmed.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 18th day of May, 2018.



JULIE I. BROWN
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.

SBr

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.

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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.