

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Irma and Nate, by Duke Energy Florida, LLC.

DOCKET NO. 20170272-EI
ORDER NO. PSC-2019-0116-PCO-EI
ISSUED: March 26, 2019

FOURTH ORDER MODIFYING ORDER ESTABLISHING PROCEDURE AND
ORDER GRANTING JOINT MOTION TO REVISE PROCEDURAL ORDER

On December 28, 2017, pursuant to Rules 28-106.201 and 25-6.0143, Florida Administrative Code (F.A.C.), and Order No. PSC-2017-0451-AS-EU,¹ Duke Energy Florida, LLC, (DEF) filed its application for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Irma and Nate.

The Order Establishing Procedure, Order No. PSC-2018-0082-PCO-EI (Procedural Order), was issued on February 16, 2018, in which hearing procedures were established to govern this docket, including controlling dates and discovery response times. On March 7, 2018, Order No. PSC-2018-0127-PCO-EI was issued to modify the controlling dates in Section VIII of the Procedural Order. On August 18, 2018, DEF filed a Motion for Continuance in this docket to process, review, and organize a large amount of cost data and associated information pertaining to restoration costs. DEF requested that the hearing be held no earlier than May 2019. The Office of Public Counsel (OPC), the Florida Retail Federation (FRF), and White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate-White Springs (PCS Phosphate) did not oppose the Motion, and the Florida Industrial Power Users Group (FIPUG) took no position. By Order No. PSC-2018-0410-PCO-EI, issued on August 20, 2018, DEF's Motion for Continuance was granted.

On September 27, 2018, Order No. PSC-2018-0487-PCO-EI (the Second Order Modifying Order Establishing Procedure), was issued to modify the controlling dates and discovery response times pursuant to the Order Granting DEF's Motion for Continuance. On March 15, 2019, Order No. PSC-2018-0103-PCO-EI (the Third Order Modifying Order Establishing Procedure), was issued to modify the Procedural Order to revise the Prehearing Conference date from May 6, 2019, to May 13, 2019.

On March 22, 2019, DEF and OPC filed a Joint Motion to Revise Procedural Order (Joint Motion). DEF and OPC assert that the requested date changes will facilitate ongoing discussion between the parties. DEF and OPC have conferred with all parties to this proceeding and are authorized to represent that FRF, PCS Phosphate, and FIPUG have no objection and/or support the Joint Motion. In order to accommodate the parties' request without prejudicing the parties' and staff's discovery rights, it is also appropriate to modify the response time to discovery

¹ Order No. PSC-2017-0451-AS-EU, issued on November 20, 2017, in Docket No. 20170183-EI, In re: Application for limited proceeding to approve 2017 second revised and restated settlement agreement, including certain rate adjustments, by Duke Energy Florida, LLC.

requests. As such, the remaining controlling dates in Section VIII of Order No. PSC-2018-0487-PCO-EI, are set forth below. Each date followed by an asterisk (*) is modified by this Order.

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| (2) | Intervenors' testimony and exhibits | April 8, 2019* |
| (3) | Staff's testimony and exhibits, if any | April 15, 2019* |
| (4) | Rebuttal testimony and exhibits | April 25, 2019* |
| (5) | Prehearing Statements | April 29, 2019* |
| (6) | Discovery deadline | May 10, 2019* |
| (7) | Prehearing Conference | May 13, 2019 |
| (8) | Hearing | May 21-24, 2019 |
| (9) | Briefs | June 19, 2019 |

Additionally, the discovery response times, found in Section IV, Subsection A(6), Discovery Procedures, of the Procedural Order, shall be modified as follows:

- (6) For discovery requests made prior to the filing of the utility's rebuttal testimony, discovery responses shall be served within 20 days (inclusive of mailing) of receipt of the discovery request. For discovery requests related to matters addressed in the utility's rebuttal testimony, discovery responses shall be served within 7 days of receipt of the discovery request.

Based on the foregoing, it is

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Duke Energy Florida, LLC, and the Office of Public Counsel's Joint Motion to Revise Procedural Order is granted as set forth herein. It is further

ORDERED that the discovery procedures and controlling dates shall be modified as stated in the body of this Order. It is further

ORDERED that all other provisions of Order No. PSC-2018-0082-PCO-EI and Order No. PSC-2018-0487-PCO-EI not inconsistent with this Order are hereby reaffirmed.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 26th day of March, 2019.



JULIE I. BROWN

Commissioner and Prehearing Officer
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.

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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.