

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Review of 2020-2029 Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Tampa Electric Company.	DOCKET NO. 20200067-EI
In re: Review of 2020-2029 Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Florida Public Utilities Company.	DOCKET NO. 20200068-EI
In re: Review of 2020-2029 Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Duke Energy Florida, LLC.	DOCKET NO. 20200069-EI
In re: Review of 2020-2029 Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Gulf Power Company.	DOCKET NO. 20200070-EI
In re: Review of 2020-2029 Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Florida Power & Light Company.	DOCKET NO. 20200071-EI
	FILED: April 6, 2020

**CITIZENS' MOTION TO MODIFY DISCOVERY DEADLINES, OR IN THE ALTERNATIVE EXTEND THE DUE DATES FOR TESTIMONY AND EXHIBITS, ESTABLISHED BY ORDER NO. PSC 2020-0073-PCO-EI**

The Citizens of the State of Florida (Citizens), by and through the Office of Public Counsel (OPC), pursuant to Rule 28-106.204, Florida Administrative Code (F.A.C.), hereby file Citizens' Motion To Modify Discovery Deadlines Established By Order No. PSC 2020-0073-PCO-EI (OEP), issued March 11, 2020, in the above dockets. In the alternative, the Citizens request an extension to the deadline for filing of Intervenors' testimony and exhibits established by the OEP. The Citizens request that this Motion be granted for good cause, and as grounds state the following:

1. On March 3, 2020, Public Service Commission Staff filed its Request to Establish Docket with the Florida Public Service Commission (Commission) to review the 2020-2029 Storm

Protection Plans to be filed by Tampa Electric Company, Florida Public Utilities Company, Duke Energy Florida, LLC, Gulf Power Company, and Florida Power & Light Company (the Utility Parties) pursuant to rule 25-6.030, F.A.C. Dockets Nos. 20200067-EI, 20200068-EI, 20200069-EI, 20200070-EI, and 20200071-EI (the SPP Dockets) were opened.

2. On March 11, 2020, the Commission issued an Order Establishing Procedure and Consolidating the SPP Dockets for hearing, Order No. PSC 2020-0073-PCO-EI. The key activities dates for the SPP Dockets were established as follows:

- |   |                    |
|---|--------------------|
| a) Utility’s testimony, storm protection plan, and exhibits | April 10, 2020     |
| b) Intervenors’ testimony and exhibits                      | May 15, 2020       |
| c) Staff’s testimony and exhibits, if any                   | May 29, 2020       |
| d) Rebuttal testimony and exhibits                          | June 15, 2020      |
| e) Prehearing Statements                                    | July 14, 2020      |
| f) Discovery deadline                                       | July 21, 2020      |
| g) Prehearing Conference                                    | July 28, 2020      |
| h) Hearing  | August 10-13, 2020 |
| i) Briefs   | September 4, 2020  |

3. On April 3, 2020, OPC served initial, general discovery on the Utility Parties. OPC served this discovery in an attempt to expedite the exchange of information in these proceedings. The responses to this discovery currently is due April 23, 2020.

4. OPC anticipates serving more focused sets of discovery on each of the Utility Parties, if necessary to clarify and develop the Utility Parties’ responses to the initial discovery and in response to their specific SPP filings. However, with the compressed time line, the responses to a

second set of discovery will not be due until after the deadline for Intervenors' testimony and exhibits.

5. Therefore, to ensure fairness and due process in this proceeding, the OPC contends that the Commission is presented with two choices: one, shorten the deadline for discovery served before the intervenors' testimony and exhibits is due to 10 days; or two, extend the deadlines for testimony and exhibits by 10 days.

6. Pursuant to Rule 28-106.204(4), F.A.C., "Motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state *good cause* for the request." (emphasis added).

7. The OPC needs a minimum amount of sufficient time to thoroughly analyze and assess all of the SPPs, which will be filed simultaneously, in order to ensure customers' positions are well represented in these dockets and the Storm Protection Plan Recovery Clause dockets.

8. The modification of the discovery response deadline will allow OPC to stretch its limited time and resources and that of its expert witness consultants who were hired within the past week. These outside expert witness consultants routinely have multiple clients, in various jurisdictions, and operate on very tight time schedules to provide consulting and testimony services.

9. Further, the COVID-19 pandemic, the stay-at home order(s), and the resulting disruptions have significantly exacerbated the limitations on OPC's resources. Any delay in OPC recognizing that a discovery "crunch" will occur has been due in part to the fact that the OPC has been pre-occupied by re-organization related to teleworking under the COVID-19 crisis, in addition to securing expert witnesses for the four or five simultaneous SPP dockets and overlapping SPPCRC dockets.

10. Thus, Citizens believe it is in the interest of justice – and for the good cause shown herein – that the discovery deadline for discovery served before the intervenors’ testimony is due be modified and shortened to 10 days.

11. In the alternative, Citizens submit that the due dates for testimony and exhibits be extended by 10 days, resulting in a filing schedule for the consolidated dockets as follows:

- a) Intervenors’ testimony and exhibits due May 25, 2020;
- b) Staff’s testimony and exhibits, if any, due June 8, 2020;
- c) Rebuttal testimony and exhibits due June 25, 2020;

12. Citizens’ Counsel contacted all Interested Parties in these dockets. To the extent this motion requests an extension of all testimony deadlines Duke Energy Florida, LLC, Gulf Power Company, and Florida Power & Light Company do not oppose the motion as long as they receive a similar 10-day extension on their testimony deadlines, but they oppose this motion to the extent it requests a modification of the discovery deadlines. Counsel representing Tampa Electric Company did not respond to OPC’s correspondence prior to the filing of this motion, therefore OPC presumes they object to this motion. On March 17, 2020, Florida Public Utilities Company filed a motion to suspend or close Docket No. 20200068.

WHEREFORE, the Citizens hereby request that the Prehearing Officer grant their Motion to Modify Discovery Deadlines, or in the Alternative Extend the Due Dates for Testimony and Exhibits, Established by Order No. PSC 2020-0073-PCO-EI, and amend the discovery schedule or in the alternative extend the testimony filing dates for the consolidated dockets as outlined in

the body of this motion, above.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Citizens' Motion to Modify Discovery Deadlines, or in the Alternative Extend the Due Dates for Testimony and Exhibits, Established By Order No. PSC 2020-0073-PCO-EI has been furnished by electronic mail on this 6<sup>th</sup> day of April, 2020, to the following:

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