

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for establishment of regulatory assets for expenses not recovered during restoration for Hurricane Michael, by Florida Public Utilities Company.

DOCKET NO. 20190155-EI

In re: Petition for a limited proceeding to recover incremental storm restoration costs, capital costs, revenue reduction for permanently lost customers, and regulatory assets related to Hurricane Michael, by Florida Public Utilities Company.

DOCKET NO. 20190156-EI

In re: Petition for approval of 2019 depreciation study by Florida Public Utilities Company.

DOCKET NO. 20190174-EI

FILED: May 12, 2020

**CITIZENS' MOTION TO MODIFY THE DUE DATE FOR INTERVENOR TESTIMONY AND EXHIBITS (HURRICANE MICHAEL), ESTABLISHED BY ORDER NO. PSC-2020-0121-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 the Due Date for Intervenor Testimony and Exhibits (Hurricane Michael), Established by Order No. PSC-2020-0121-PCO-EI, issued April 21, 2020 (“OEP”). The Citizens request that this Motion be granted for good cause, and as grounds state the following:

1. On April 21, 2020, the Commission issued an Order Establishing Procedure and Consolidating the Florida Public Utilities Company (“FPUC”) Hurricane Michael and related dockets for hearing (“Hurricane Michael dockets”).

2. The key activity dates for these dockets were established as follows:

(1)	Utility's revised testimony and exhibits (Hurricane Michael)	March 11-12, 2020
(2)	Utility's testimony and exhibits (Depreciation Study)	April 23, 2020
(3)	Intervenors' testimony and exhibits (Depreciation Study)	May 15, 2020
(4)	Staff's testimony and exhibits, if any (Depreciation Study)	May 29, 2020
(5)	Intervenors' testimony and exhibits (Hurricane Michael)	June 12, 2020
(6)	Staff's testimony and exhibits, if any (Hurricane Michael)	June 26, 2020
(7)	Rebuttal testimony and exhibits (Depreciation Study)	June 26, 2020
(8)	Rebuttal testimony and exhibits (Hurricane Michael)	July 20, 2020
(9)	Prehearing Statements	August 17, 2020
(10)	Discovery deadline	August 24, 2020
(11)	Prehearing Conference	August 28, 2020
(12)	Hearing	September 8-10, 2020

3. OPC has engaged an accounting expert to review FPUC's requests in the Hurricane Michael dockets. As part of the review, significant discovery has been issued and responses provided to that discovery. In addition, FPUC agreed to provide binders with its vendors' costs with corresponding documentation for verification of its storm restoration costs. Due to issues with the binder presentations, or lack thereof, OPC issued additional discovery which was recently received. OPC's expert is in the process of reviewing this recent discovery.

4. However, the same OPC accounting expert is engaged in several other Florida Public Service Commission Dockets with key activity dates and hearings that are on similar schedules. In Docket No. 20200069-EI (Review of 2020-2029 Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Duke Energy Florida, LLC), Intervenor testimony is due May 26, 2020. In Docket No. 20190110-EI (Petition for Limited Proceeding for Recovery of Incremental Storm

Restoration Costs related to Hurricane Michael and Approval of Second Implementation Stipulation, by Duke Energy Florida, LLC), Intervenor testimony is due June 19, 2020.

5. Based on the current scheduling of these dockets, the same OPC accounting expert will be writing and submitting intervenor testimony (Hurricane Michael) in the above dockets between these two other Commission dockets. This back-to-back-to-back scheduling of Intervenor testimony is burdensome to OPC's expert under normal conditions. Given the delays and other limitations due to Covid-19, the current schedule is untenable to OPC's expert and relief from the schedule is warranted.

6. Therefore, to ensure fairness and due process in this proceeding, the OPC respectfully requests the Commission extend the Intervenors' testimony and exhibits (Hurricane Michael) due date by two weeks until June 26, 2020.

7. 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).

8. The OPC needs sufficient time to thoroughly analyze and assess all recently filed discovery, and write and draft testimony in these dockets after its accounting expert files testimonies in the other dockets, in order to ensure customers' positions are well represented in the Hurricane Michael dockets.

9. The modification of the Intervenor testimony (Hurricane Michael) due date by 14 days will allow OPC to manage its limited time and resources and that of its expert witness. In addition to scheduling constraints outlined above, this expert witness routinely has multiple clients, in various jurisdictions, and operates on very tight time schedules to provide consulting and testimony services.

10. Therefore, Citizens request that the due date for Intervenor testimony and exhibits (Hurricane Michael) in these dockets be modified to June 26, 2020.

11. Citizens' Counsel contacted all Interested Parties in these dockets. Florida Public Utilities Company has agreed to the modification of Intervenor testimony (Hurricane Michael) due date. Commission Staff has taken no position on this motion.

WHEREFORE, the Citizens hereby request that the Prehearing Officer grant their Motion to Modify the Due Date for Intervenor Testimony and Exhibits (Hurricane Michael), Established by Order No. PSC-2020-0121-PCO-EI.

Respectfully submitted,

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of the State of Florida

**CERTIFICATE OF SERVICE**

**Docket No.: 20190155-EI,**

**Docket No. 20190156-EI**

**Docket No. 20190174-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Citizens' Motion to Modify the Due Date for Intervenor Testimony and Exhibits (Hurricane Michael), Established By Order No. PSC 2020-0121-PCO-EI has been furnished by electronic mail on this 12<sup>th</sup> day of May, 2020, to the following:

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