

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., 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  
ORDER NO. PSC-2020-0209-PCO-EI  
ISSUED: June 25, 2020

SECOND ORDER MODIFYING ORDER ESTABLISHING PROCEDURE IN DOCKET NO. 20200069-EI AND GRANTING DUKE ENERGY FLORIDA, LLC'S MOTION FOR EXTENSION OF TIME TO FILE REBUTTAL TESTIMONY

Order No. PSC-2020-0073-PCO-EI (Procedural Order), issued on March 11, 2020, established hearing procedures to govern Docket Nos. 20200067-EI, 20200069-EI, 20200070-EI, and 20200071-EI, and consolidated the dockets for the purpose of the hearing. Order No. PSC-2020-0122-PCO-EI (First Modified Procedural Order), issued on April 22, 2020, modified the filing dates for intervenor, staff, and rebuttal testimony.

On June 22, 2020, Duke Energy Florida, LLC (DEF) filed a Motion for Extension of Time to File Rebuttal Testimony (Motion) in Docket No. 20200069-EI. At the time DEF filed its Motion, the intervening parties in Docket No. 20200069-EI were the Office of Public Counsel (OPC), White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate-White Springs (PCS Phosphate), and Walmart Inc. (Walmart). In its Motion, DEF states that, on May 29, 2020, DEF served its First Set of Interrogatories (Nos. 1-44) and its First Request of Production of Documents (Nos. 1-16) to OPC. Pursuant to the Procedural Order, responses from OPC were due by June 18, 2020. OPC advised DEF that, due to an internal communication error, OPC would not be able to provide its responses until June 23, 2020. DEF states that OPC's responses are necessary to prepare its rebuttal testimony, which is currently due on June 26, 2020. Accordingly, DEF requests a five day extension to allow time for DEF to incorporate OPC's responses into its rebuttal testimony. DEF notes that OPC and Walmart did not object to the Motion, and PCS Phosphate did not respond.

Pursuant to Rule 28-106.211, F.A.C., the Prehearing Officer before whom a case is pending may issue any order necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case. Additionally, Rule 28-106.204(4), F.A.C., provides that motions for extension of time shall state good cause for the request. Based on the facts alleged in DEF's Motion, it appears that allowing more time for DEF to file its rebuttal testimony will promote the just determination of this case. Accordingly, DEF's Motion is hereby granted.

As such, it is necessary to modify the First Procedural Order to extend the date for DEF to file its rebuttal testimony and exhibits from June 26, 2020 to July 1, 2020. The date to file rebuttal testimony and exhibits in Docket Nos. 20200067-EI, 20200070-EI, and 20200071-EI shall remain unchanged.

All other requirements established by the Procedural Order and the First Modified Procedural Order are hereby reaffirmed in all other aspects.

Based on the foregoing, it is

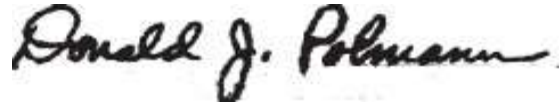
ORDERED by Commissioner Donald J. Polmann, as Prehearing Officer, that Duke Energy Florida, LLC's Motion for Extension of Time to File Rebuttal Testimony is hereby granted. It is further

ORDERED that Duke Energy Florida, LLC's rebuttal testimony and exhibits shall be filed on July 1, 2020, in Docket No. 20200069-EI. It is further

ORDERED that the date to file rebuttal testimony and exhibits in Docket Nos. 20200067-EI, 20200070-EI, and 20200071-EI shall remain unchanged. It is further

ORDERED that all other requirements established by the Procedural Order and the First Modified Procedural Order in Docket Nos. 20200067-EI, 20200069-EI, 20200070-EI, and 20200071-EI that are not inconsistent with this Order shall remain in full force and effect.

By ORDER of Commissioner Donald J. Polmann, as Prehearing Officer, this 25th day of June, 2020.



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DONALD J. POLMANN, Ph.D., P.E.  
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.