

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 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.

DOCKET NO. 20190110-EI  
ORDER NO. PSC-2020-0288-PCO-EI  
ISSUED: August 27, 2020

THIRD ORDER MODIFYING ORDER ESTABLISHING PROCEDURE  
AND ORDER GRANTING THE OFFICE OF PUBLIC COUNSEL  
AND DUKE ENERGY FLORIDA, LLC'S JOINT MOTION TO ABATE HEARING  
AND POST-HEARING PROCESS

Order No. PSC-2020-0039-PCO-EI (Procedural Order), issued on January 30, 2020, established hearing procedures to govern this docket, including controlling dates. On June 24, 2019, the Office of Public Counsel's (OPC) intervention was acknowledged by Order No. PSC-2019-0239-PCO-EI. On May 11, 2020, Order No. PSC-2020-0138-PCO-EI (First Modified Procedural Order) was issued to modify the controlling dates in Section VIII of the Procedural Order. On July 1, 2020, Order No. PSC-2020-0226-PCO-EI (Second Modified Procedural Order) was issued to modify the controlling dates in Section VIII of the Procedural Order a second time. On August 20, 2020, OPC filed a joint motion on behalf of Duke Energy Florida, LLC to temporarily abate the hearing and post-hearing process (Joint Motion). The Procedural Order set the Prehearing Conference for August 31, 2020, and the Hearing for September 15-16, 2020, with Briefs due October 14, 2020. In the Joint Motion, OPC states that temporary abatement will enable further communication between the parties, may eliminate potential misunderstandings, and may allow for the narrowing of disputes relating to the known issues under dispute. The Joint Motion is unopposed.

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 the parties' Joint Motion, it appears that allowing more time for the parties to communicate will promote the just determination of this case. Accordingly, the Joint Motion is hereby granted.

At this time, it is necessary to modify the Procedural Order to establish new controlling dates and modify discovery response times. As such, Section VIII of the Procedural Order will be modified as follows:

- |                           |                    |
|---------------------------|--------------------|
| (7) Prehearing Conference | November 19, 2020  |
| (8) Hearing               | December 8-9, 2020 |
| (9) Briefs                | January 8, 2021    |

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

Based on the foregoing, it is

ORDERED by Commissioner Andrew Giles Fay, as Prehearing Officer, that the Office of Public Counsel and Duke Energy Florida, LLC's joint motion to abate the hearing and post-hearing procedures is hereby granted. It is further

ORDERED that the Procedural Order, First Modified Procedural Order, and Second Modified Procedural Order are modified as set forth in the body of this Order. It is further

ORDERED that all other requirements established by the Procedural Order, First Modified Procedural Order, and Second Modified Procedural Order in this docket that are not inconsistent with this Order shall remain in full force and effect.

By ORDER of Commissioner Andrew Giles Fay, as Prehearing Officer, this 27th day of August, 2020.



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ANDREW GILES FAY  
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.

AJW

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.