

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for emergency variance from or  
waiver of Rule 25-6.049(5)-(6), F.A.C., by  
Casa Devon Venture, L.P.

Docket No: 20200175-EU

Date: November 9, 2020

**JOINT MOTION OF CASA DEVON VENTURE, LP AND  
FLORIDA POWER & LIGHT COMPANY FOR A CONTINUANCE OF THE  
NOVEMBER 19-20, 2020 HEARING ON THE MERITS**

Pursuant to Rule 28-106.204(1), Florida Administrative Code (“F.A.C.”), Casa Devon Venture, LP (“Casa Devon”) and Florida Power & Light Company (“FPL”) (Casa Devon and FPL are collectively referred to as “Parties”), by and through their respective undersigned counsel, hereby file this Joint Motion for a Continuance of the November 19-20, 2020 Hearing on the Merits (“Joint Motion for Continuance”), and request that the Florida Public Service Commission (“Commission”) consider the Joint Motion for Approval of a Stipulation and Settlement Agreement (“Joint Motion to Approve Settlement”) filed contemporaneously herewith at the beginning of the currently scheduled hearing on November 19-20, 2020, and continue the hearing on the merits pending the outcome of the Commission’s disposition of the Joint Motion to Approve Settlement. In support of this motion, the Parties jointly state as follows:

1. On July 1, 2020, Casa Devon filed a Petition for Emergency Variance from or Waiver of Rule 25-6.049(5)-(6), F.A.C. (“Initial Petition”), seeking Commission consent to be able to master meter its Casa Devon apartment building. As alternative relief, Casa Devon alleged that it did not need a rule variance or waiver because the Casa Devon apartment building falls within one of the individual metering requirement exceptions described in Rule 25-6.049(5)(c) or (d), F.A.C.

2. On July 27, 2020, FPL submitted comments for the Commission’s consideration as it reviewed and decided the merits of Casa Devon’s Initial Petition.

3. The Commission considered Casa Devon's Initial Petition during its August 18, 2020 Agenda Conference. At the conclusion of the Commission's deliberations on this item, the Commission voted to deny Casa Devon's Initial Petition

4. On September 2, 2020, the Commission issued a Notice of Proposed Agency Action Order No. PSC-2020-0295-PAA-EU ("PAA Order"), denying Casa Devon's request for a variance from or waiver of the individual electric metering requirement of Rule 25-6.049(5) and (6), F.A.C., as well as Casa Devon's alternative request for relief.

5. On September 17, 2020, Casa Devon filed a Petition and Corrected Petition for Formal Administrative Hearing ("Hearing Petition"), protesting the Commission's PAA Order and requesting a hearing.

6. On October 1, 2020, the Commission issued an Order Establishing Procedure, setting a procedural schedule and scheduling Casa Devon's Hearing Petition for a *de novo* hearing on November 19-20, 2020.

7. On October 5, 2020, FPL filed a Motion to Intervene, which was granted by Commission Order issued October 7, 2020.

8. The Parties and Commission Staff have engaged in extensive discovery, resulting in excess of 2,500 documents being produced by the Parties.

9. After an extensive review and evaluation of Casa Devon's claims and the extensive discovery produced in this case, the Parties ultimately entered into Stipulation and Settlement Agreement ("Agreement") that is being filed contemporaneously herewith under a separate Joint Motion to Approve Settlement.

10. To maximize the administrative and regulatory efficiency, the Parties jointly request that the Commission consider the Agreement at the earliest available date or at the beginning of the hearing currently scheduled for November 19-20, 2020, and continue the hearing

on the merits of Casa Devon's Hearing Petition pending the Commission's disposition of the Agreement attached to the Joint Motion to Approve Settlement.

11. Granting the requested continuance of the hearing on the merits will reduce the time, resources, and expenses that the Parties will need to incur in order to prepare to fully litigate the case on November 19, 2020, a hearing which will become entirely unnecessary if the Commission approves the Joint Motion to Approve Settlement at the beginning of the November 19-20, 2020 hearing. The Parties jointly submit that continuing the hearing on the merits until after the Commission decides whether to approve the Joint Motion to Approve Settlement is the most efficient use of time and resources by all Parties, Staff, and the Commission.<sup>1</sup>

WHEREFORE, for all the reasons stated above, the Casa Devon Venture, LP and Florida Power & Light Company jointly and respectfully request that the Florida Public Service Commission (1) consider the Stipulation and Settlement Agreement at the beginning of the hearing currently scheduled for November 19-20, 2020, and (2) continue the hearing on the merits pending the disposition of the Stipulation and Settlement Agreement that is being filed contemporaneously herewith under a separate Joint Motion for Approval of a Stipulation and Settlement Agreement.

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<sup>1</sup> Casa Devon understands and recognizes that its proposed project could be delayed in the event that the Commission denies the Joint Motion to Approve Settlement and a hearing on the merits of Casa Devon's Hearing Petition is rescheduled for a later, yet to be determined date. In such event, Casa Devon would work collaboratively with Staff and FPL to establish a reasonable schedule for the earliest available hearing date that works for all Parties, Staff, and the Commission.

Respectfully submitted this 9th day of November, 2020,

By: /s/ Kenneth M. Rubin

Kenneth M. Rubin  
Assistant General Counsel  
Christopher T. Wright  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420

**FOR FLORIDA POWER & LIGHT  
COMPANY**

By:   
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SMITH, CURRIE & HANCOCK LLP  
Christopher M. Horton, Esq.  
S. Elysha Luken, Esq.  
101 N.E. Third Avenue, Suite 1910  
Fort Lauderdale, Florida 33301

**FOR CASA DEVON VENTURES, LP**

**ATTACHMENT A**  
**STIPULATION AND SETTLEMENT AGREEMENT**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic delivery to the following parties of record this 9th day of November, 2020:

<p>Kathryn Cowdery, Esquire Steven Kahn Florida Public Service Commission Division of Legal Services 2540 Shumard Oak Boulevard Tallahassee, Florida 32399 <a href="mailto:kcowdery@psc.state.fl.us">kcowdery@psc.state.fl.us</a> <a href="mailto:SKahn@psc.state.fl.us">SKahn@psc.state.fl.us</a>&gt;</p>	<p>SMITH, CURRIE &amp; HANCOCK LLP Christopher M. Horton, Esq. S. Elysha Luken, Esq. 101 N.E. Third Avenue, Suite 1910 Fort Lauderdale, Florida 33301 Tel: (954) 761-8700 Fax: (954) 524-6927 E-mail: <a href="mailto:cmhorton@smithcurrie.com">cmhorton@smithcurrie.com</a> E-mail: <a href="mailto:seluken@smithcurrie.com">seluken@smithcurrie.com</a> E-mail: <a href="mailto:nfox@smithcurrie.com">nfox@smithcurrie.com</a></p>
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By: /s/ Kenneth M. Rubin  
Kenneth M. Rubin  
Florida Bar No. 349038