

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Duke Energy Florida, LLC
For limited proceeding for recovery of
Incremental storm restoration costs related to
Hurricane Michael and Tropical Storm
Alberto.

Docket: 20190110-EI

Filed: November 12, 2020

SECOND JOINT MOTION TO ABATE HEARING AND POST-HEARING PROCESS

Duke Energy Florida, LLC (“DEF”) and the Citizens of the State of Florida, through the Office of Public Counsel (“Citizens”) (collectively, the “Parties”), by and through their respective counsel, hereby move the Commission to temporarily abate the prehearing conference and upcoming public hearing and post-hearing process, scheduled to commence on November 19, 2020, and December 8-9, 2020, respectively. In support of their Joint Motion, the Parties state as follows:

1. On April 30, 2019, DEF filed its Petition for Limited Proceeding for Recovery of Incremental Storm Restoration Costs Related to Hurricane Michael and Approval of Second Implementation Stipulation.
2. The Office of Public Counsel filed its Notice of Intervention acknowledged by the Commission on June 24, 2019.¹
3. On July 1, 2019, the Commission approved DEF’s interim storm restoration recovery charge subject to refund, approved the second implementation stipulation, and held the docket open for future disposition.²
4. Discovery began on July 16, 2019, and the deadline to complete discovery was August 28, 2020.

¹ Order No. PSC-2019-0239-PCO-EI

² Order No. PSC-2019-0268-PCO-EI

5. On August 20, 2020, Duke Energy Florida, LLC and the Office of Public Counsel filed its Joint Motion to Abate Hearing and Post-Hearing Process.

6. On August 27, 2020, the Commission issued the Third Order Modifying Order Establishment Procedure and Order Granting the Office of Public Counsel and Duke Energy Florida, LLC's Joint Motion to Abate Hearing and Post-Hearing Process.³

7. Pursuant to the Commission's Third Order Modifying the Order Establishing Procedure, the prehearing in this matter is scheduled to be held on November 19, 2020, and the hearing is scheduled for December 8-9, 2020, with post-hearing briefs due on January 8, 2021.

8. The Parties have conferred and believe that an abatement of this matter for ninety days will enable further communication that will assist in narrowing the issues requiring litigation.

9. The Parties believe that overall efficiency and conservation of resources could occur if they are permitted additional time to review and evaluate the issues pending in this docket.

10. The Parties estimate that an abatement of ninety days would be sufficient to allow for such a review and evaluation.

11. At the end of the abatement period approved by the Commission, the Parties will jointly inform the Commission of the outcome of their discussions and request that the Commission either (a) extend the abatement period to facilitate additional discussions by the Parties or (b) set prehearing conference and hearing dates and new briefing schedule.

WHEREFORE, the Parties respectfully request that this Commission enter an Order abating the prehearing conference, hearing and post-hearing process in this matter for a period of ninety days.

Respectfully submitted this 12th day of November, 2020.

³ Order No. PSC-2020-0288-PCO-EI

/s/ Matthew R. Bernier

DIANNE M. TRIPLETT

Deputy General Counsel
Duke Energy Florida, LLC.
299 First Avenue North
St. Petersburg, FL 33701
T: 727.820.4692
F: 727.820.5041
E: Dianne.Triplett@duke-energy.com

MATTHEW R. BERNIER

Associate General Counsel
Duke Energy Florida, LLC
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
T: 850.521.1428
F: 727.820.5041
E: Matt.Bernier@duke-energy.com
FLRegulatoryLegal@duke-energy.com

/s/ Charles J. Rehwinkel

CHARLES J. REHWINKEL

Florida Bar No. 527599
J.R. KELLY
Office of Public Counsel
c/o The Florida Legislature
111 West Madison St., Room 812
Tallahassee, FL 32399-1400
kelly.jr@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us

CERTIFICATE OF SERVICE
(Dkt. No. 20190110-EI)

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by electronic mail this 12th day of November, 2020, to all parties of record as indicated below.

/s/ Matthew R. Bernier
Attorney

<p>A. Weisenfeld / R. Dziechciarz Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 rdziehc@psc.state.fl.us awaisenf@psc.state.fl.us</p>	<p>J.R. Kelly / Charles Rehwinkel Office of Public Counsel c/o The Florida Legislature 111 West Madison St., Rm. 812 Tallahassee, FL 32399-1400 kelly.jr@leg.state.fl.us rehwinkel.charles@leg.state.fl.us</p>
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