

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Gulf Power Company for
Limited Proceeding for Recovery of Incremental
Storm Restoration Costs Related to Hurricane
Sally

Docket No. 20200241-EI
Docket No. 20210178-EI
Docket No. 20210179-EI

Filed: November 12, 2021

**FLORIDA POWER AND LIGHT COMPANY AND GULF POWER COMPANY’S
MOTION TO CONSOLIDATE PETITIONS
FOR APPROVAL OF FINAL/ACTUAL STORM RESTORATION COSTS FOR
HURRICANE ISAIAS, TROPICAL STORM ETA, HURRICANE SALLY AND
HURRICANE ZETA AND FINAL STORM SURCHARGES AND ASSOCIATED TRUE-
UP PROCESS FOR HURRICANES SALLY AND ZETA**

Florida Power and Light Company (“FPL”) and Gulf Power Company (“Gulf”), pursuant to Rule 28-106.108, Florida Administrative Code (“F.A.C.”), hereby file this Motion to Consolidate FPL’s Petition for Limited Proceeding for Approval of Final /Actual Hurricane Isaias and Tropical Storm Eta Storm Costs (the “Isaias/Eta Petition”) with Gulf’s Petitions for Limited Proceedings for Approval of Final/Actual Storm Restoration Costs and Associated True-Up Process Related to Hurricanes Sally (the “Sally Petition”) and Zeta (the “Zeta Petition”).

In support of this Motion to Consolidate FPL and Gulf state as follows:

1. During the 2020 Atlantic hurricane season, Gulf was impacted by two hurricanes (Hurricane Sally in September and Hurricane Zeta in October), each of which caused damage to the Gulf system, resulting in restoration activities after both storms for which Gulf incurred storm related costs.

2. In November of 2020, Gulf filed a petition in this docket seeking Commission approval to commence interim recovery of incremental storm costs related to Hurricane Sally. That request was approved by the Commission in Order No. PSC-2021-0112-PC-EI. Today Gulf has filed the Sally Petition seeking Commission approval of the final actual Sally storm costs and the associated true up process.

3. Contemporaneous with the filing of this Motion and the Sally Petition, Gulf has also filed the Zeta Petition seeking approval of the Zeta storm costs and the associated true up process.

4. The Sally Petition is supported by the pre-filed testimony and exhibits of witnesses Michael Spoor, Carmine Priore, Clare Gerard, David Hughes, and Tiffany Cohen. The Zeta Petition is supported by the pre-filed testimony and exhibits of the same witnesses, minus Carmine Priore.¹ The subject matter addressed by each witness with respect to Hurricane Sally is essentially the same, and in some cases identical, to the subject matter addressed by each witness with respect to Hurricane Zeta. In short, litigation of the Sally Petition and the Zeta Petition involve similar issues of both law and fact, similar (and for the most part identical) witnesses, and similar requests related to surcharges and true-up processes.

5. During the 2020 Atlantic hurricane season, FPL was also impacted by two named storms (Hurricane Isaias in August and Tropical Storm Eta in November), each of which caused damage to the FPL system, resulting in restoration activities after both storms for which FPL incurred storm related costs.

6. FPL's Isaias/Eta Petition does not request the recovery of costs, but instead seeks only a prudence determination from the Commission. FPL's Isaias/Eta Petition is supported by the pre-filed testimony and exhibits of witnesses Manuel B. Miranda, Clare Gerard, and David Hughes. The Commission's assessment and evaluation of FPL's storm costs to make a prudence determination will involve the same legal issues and will follow the same processes as the Commission and the parties will employ to assess and evaluate Gulf's storm costs. FPL and Gulf

¹ Mr. Priore addresses the Hurricane Sally damage to Plant Crist, the only issue that is not germane to both the Sally Petition and the Zeta Petition.

also reasonably anticipate that the same parties will be involved in the litigation of both the FPL and the Gulf storm dockets.

7. FPL and Gulf seek consolidation of the previously described three petitions filed in the above numbered dockets. In support of this request, FPL and Gulf rely upon Rule 28-106.108, F.A.C., which reads as follows: “If there are separate matters which involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party.”

8. FPL and Gulf respectfully submit that consolidation of the above numbered storm dockets and petitions will avoid the unnecessary duplication of time and resources, and would promote the just, speedy, and inexpensive resolution of the proceedings. All three petitions seek prudence determinations on the actual/final costs for the four storms at issue and thereby raise common issues of fact and law. Only the Gulf Petitions (the Sally Petition and the Zeta Petition) raise the additional issue regarding recovery of actual/final incremental storm costs and the associated true-up process. Clearly, no party would be prejudiced by the requested consolidation, and administrative efficiency will be best served by the requested consolidation. Administrative efficiency and consistency could be enhanced by the assignment of a single Prehearing Officer for the litigation of storm costs incurred for all four storms; discovery could proceed on the same path for all four storms²; the Commission could hold a single hearing or hold consecutive hearings on

² In the event this request is granted, FPL and Gulf submit that discovery on the four distinct storms could identify both the consolidated docket number (Docket No. 20200241-EI), and, where applicable, the docket number assigned to the Zeta Petition or the Isaias/Eta Petition. Alternatively, all discovery could simply be identified by the name of the storm to which the discovery is directed.

the consolidated Gulf petitions and the FPL petition³; and the Commission could issue a single final order or separate final orders for FPL and Gulf.

9. The requested relief is supported by both Rule 28-106.108, F.A.C. and numerous Commission decisions. See for example Order No. PSC-2020-0073-PCO-EI and Order No. PSC-2020-0121-PCO-EI.

WHEREFORE, for the foregoing reasons, FPL and Gulf respectfully request that the Commission grant this Motion to Consolidate the above referenced dockets to promote the just, speedy, efficient and inexpensive resolution of these proceedings consistent with Rule 28-106.108, F.A.C.

Respectfully submitted,

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³ Consecutive hearings could follow the practice used by the Commission in the annual clause proceedings.

CERTIFICATE OF SERVICE

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I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 12th day of November, 2021 to the following:

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