

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost
Recovery Clause and Generating
Performance Incentive Factor

Docket No. 20210001-EI

Filed: January 12, 2022

**DUKE ENERGY FLORIDA'S RESPONSE IN OPPOSITION
TO OFFICE OF PUBLIC COUNSEL'S REQUEST FOR ORAL ARGUMENT
ON ITS MOTION FOR RECONSIDERATION**

Pursuant to Rule 25-22.0022(1), F.A.C., Duke Energy Florida, LLC ("DEF") hereby Responds in Opposition to Office of Public Counsel's ("OPC") Request for Oral Argument on its Motion for Reconsideration ("Request"). OPC's Request is untimely and therefore the ability to seek oral argument has been waived by Rule, and even if it had been timely, the pleadings are clear on their face that reconsideration is inappropriate and therefore additional argument is unnecessary. In support, DEF states as follows:

1. On January 5, 2022, OPC timely filed its Motion for Reconsideration ("Motion") of Order No. PSC-2021-0466-FOF-EI, which was issued December 21, 2021.
2. On January 6, 2022, OPC filed its Request for Oral Argument on its Motion.
3. Per Rule 25-22.0022(1), F.A.C., "Oral argument must be sought by separate written request filed concurrently with the motion on which argument is requested . . . Failure to timely file a request for oral argument shall constitute waiver thereof."
4. By failing to file its Request concurrently with its Motion, OPC has waived its ability to seek oral argument. *See id.*; Order No. PSC-2019-0207-FOF-EI, at p. 2 (May 31, 2019).
5. Moreover, OPC has offered no explanation for its failure to comply with the Rule's filing requirements. Rather, OPC asserts Oral Argument would aid the Commissioners with

understanding and evaluating the issues raised in the Motion, which is simply a recitation of the Rule's requirements for seeking Oral Argument, but without the required statement of particularity on *why* oral argument would so aid the Commission. *See* Rule 25-22.0022(1), F.A.C.

6. OPC further asserts that argument would provide OPC with an opportunity to answer any questions regarding the Motion, but the same is true of argument on any Motion.

7. As DEF's concurrently filed Response to OPC's Motion demonstrates, Reconsideration is inappropriate in this situation. As the merits of the Motion can be determined on the face of the pleadings, oral argument is unnecessary. *See* Order No. PSC-2019-0207-FOF-EI, at p. 2.

8. Finally, should the Request be granted, which it should not, DEF believes the requested 10 minutes per side is unnecessary, and therefore DEF respectfully requests that any argument be limited to 3 minutes per side.

WHEREFORE, DEF respectfully requests the Commission to Deny OPC's untimely and unnecessary request for Oral Argument.

Respectfully submitted,

s/ Matthew R. Bernier

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 12th day of January, 2022

s/ Matthew R. Bernier

Attorney

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