

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida Public Utilities Company, Florida Division of Chesapeake Utilities Corporation, Florida Public Utilities Company - Fort Meade, and Florida Public Utilities Company - Indiantown Division.

DOCKET NO. 20220067-GU

FILED: June 24, 2022

MOTION TO MODIFY KEY ACTIVITY DATES

The Citizens of the State of Florida (“Citizens”), by and through the Office of Public Counsel (“OPC”), hereby files this Motion To Modify Key Activity Dates in this docket. OPC requests that this Motion be granted and in support of the motion states:

1. On March 24, 2022, Florida Public Utilities Company-Gas Division, Florida Public Utilities Company-Fort Meade, Florida Public Utilities Company-Indiantown Division, and Florida Division of Chesapeake Utilities Corporation (hereafter “FPUC” or “Company”) filed a Test Year Notification Letter pursuant to Rule 25-7.140, F.A.C., thereby providing the Public Service Commission (“Commission”) with notice that the Company intended to seek general rate relief pursuant to section 366.06(3), Florida Statutes.
2. On 5/27/2022, OPC’s Notice of Intervention was acknowledged.
3. On May 24, 2022, FPUC filed its MFRs, testimonies with exhibits, depreciation study, requests for consolidation and request for interim relief.
4. An Order Establishing Procedure was issued June 17, 2022. The key activity dates for the Docket were established as follows:

(1) Utility’s testimony and exhibits

May 24, 2022

(2)	Intervenors' testimony and exhibits	August 12, 2022
(3)	Staff's testimony and exhibits, if any	August 26, 2022
(4)	Rebuttal testimony and exhibits	September 9, 2022
(5)	Prehearing Statements	September 28, 2022
(6)	Discovery deadline	October 7, 2022
(7)	Prehearing Conference	October 13, 2022
(8)	Hearing	October 25-28, 2022
(9)	Briefs	November 28, 2022

5. Pursuant to Rule 28-106.204(4), F.A.C., "Motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request."

6. OPC requests additional time to prepare its testimony. Under the current schedule, Intervenor testimony and exhibits is due only two and half months after the utility filed its seventeen testimonies with exhibits, depreciation study, and MFRs including a request for consolidation. Due to the complexity of a base rate case including consolidation, two and half month is insufficient time for OPC to adequately present its case in chief. OPC and its experts require additional time to conduct reasonable discovery and then thoroughly analyze and assess all responses to its discovery and the Company's testimony and exhibits to ensure customers' positions are well represented and that its due process rights are protected.

7. As an accommodation to FPUC, OPC understands that the 20-day turn around for discovery prior to rebuttal is burdensome for FPUC given the complexity of the base rate case including the request for consolidation that has been filed. As such, OPC is amenable to include in this revised schedule accommodation for FPUC's concern and suggests that a 25-day turn around on discovery would be appropriate up until the Intervenor filing date, when it should revert

to a 20-day turn around. Counsel for FPUC has represented to OPC that it agrees that the 10-day turn around on rebuttal should remain the same.

8. The modification of the testimony and exhibit deadlines, coupled with adjustments in the activity dates related to the Prehearing Statement and Discovery Deadline will allow the Parties to best utilize their limited time and resources. This applies most directly in this critical phase of the case to the OPC, whose expert witnesses have multiple clients, in various jurisdictions, and who operate on tight time schedules to provide consulting and testimony services.

9. With collaborative effort, the Parties present modified dates that are workable, address the Parties concerns raised herein, are in the best interest of all and constitute good cause shown. Thus, the Parties requests that key activity dates be modified as shown below:

- | | |
|--|--------------------|
| a. Intervenors' testimony and exhibits | August 26, 2022 |
| b. Staff Testimony and exhibits. | September 9, 2022 |
| c. Rebuttal testimony and exhibits | September 23, 2022 |
| d. Prehearing Statements | September 30, 2020 |
| e. Discovery Deadline | October 12, 2020 |

The Parties also request that the discovery turn-around prior to rebuttal testimony be extended from 20 days to 25 days as more specifically set forth in paragraph 7 above.

10. Counsel for FPUC is in agreement with this request. The Commission attorney was contacted and took no position on the Motion.

WHEREFORE, OPC hereby requests that the Prehearing Officer grant its Motion to Modify Key Activity Dates as outlined in the body of this motion, above.

Respectfully submitted,

/s/Patricia A. Christensen

Patricia A. Christensen
Associate Public Counsel Bar No.
Bar No. 0989789

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street Room 12
Tallahassee, FL 32399-1400

Attorneys for the Citizens of the
State of Florida

CERTIFICATE OF SERVICE
20220067-GU

I **HEREBY CERTIFY** that a true and correct copy of the forgoing has been furnished by electronic mail on this 24th day of June 2022, to the following:

Florida Public Utilities Company
Mr. Mike Cassel
208 Wildlight Ave.
Yulee FL 32097
mcassel@fpuc.com

Gunster Law Firm
Beth Keating
215 South Monroe Street, Suite 601
Tallahassee FL 32301
bkeating@gunster.com

Jennifer Crawford
Ryan Sandy
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
jcrawfor@psc.state.fl.us
rsandy@psc.state.fl.us

/s/ Patricia A. Christensen
Patricia A. Christensen
Associate Public Counsel
Christensen.Patty@leg.state.fl.us