

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Florida City  
Gas

DOCKET NO.: 20220069-GU

FILED: June 28, 2022

**CITIZENS' 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 29, 2022, Florida City Gas (hereafter “FCG” 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 May 31, 2022, FCG filed its MFRs, testimonies with exhibits, depreciation study, and request for interim relief.

3. On June 2, 2022, OPC filed a Notice of Intervention which the Commission acknowledged on June 8, 2022.

4. The Commission issued an Order Establishing Procedure on June 22, 2022. The key activity dates for the Docket were established as follows:

- |  |                    |
|--|--------------------|
| (1) Utility’s testimony and exhibits       | May 31, 2022       |
| (2) Intervenors’ testimony and exhibits    | August 16, 2022    |
| (3) Staff’s testimony and exhibits, if any | September 1, 2022  |
| (4) Rebuttal testimony and exhibits        | September 23, 2022 |
| (5) Discovery Deadline                     | November 15, 2022  |
| (6) Prehearing Statements                  | November 15, 2022  |

- |                           |                      |
|---------------------------|----------------------|
| (7) Prehearing Conference | November 29, 2022    |
| (8) Hearing               | December 12-16, 2022 |
| (9) Briefs                | January 9, 2023      |

5. Pursuant to Rule 28-106.204(4), Florida Administrative Code (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 are due only two and half months after the utility filed its six testimonies with exhibits, depreciation study, and MFRs. Due to the complexity of a base rate case, two and half months is insufficient time for OPC to adequately prepare 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. Additionally, the current schedule leaves almost two months of time between the deadline for the utility’s rebuttal testimony and the discovery deadline. OPC requests a redistribution of that time so that all parties are allowed more time to prepare, which can be accomplished without changing the deadline for discovery, prehearing statements, prehearing conference, hearing or briefs.

8. As an accommodation to FCG, OPC understands that the 20-day turn around for discovery prior to rebuttal is burdensome for FCG given the complexity of the base rate case. As such, OPC 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.

9. The modification of the testimony and exhibit deadlines 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.

10. OPC requests that key activities dates be modified as shown below:

- |   |                    |
|---|--------------------|
| (2) Intervenors' testimony and exhibits | September 6, 2022  |
| (3) Staff Testimony and exhibits.       | September 22, 2022 |
| (4) Rebuttal testimony and exhibits     | October 14, 2022   |

11. OPC also requests 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.

12. Pursuant to Rule 28-106.204(3), F.A.C., OPC contacted counsel for FCG to determine if counsel for FCG had any objection to the motion. Counsel for FCG indicated that they have several objections to the motion.<sup>1</sup>

13. WHEREFORE, OPC hereby requests that the Prehearing Officer grant its Motion to Modify Key Activities Dates as outlined above.

Respectfully submitted,

Richard Gentry  
Public Counsel

/s/ Mary A. Wessling  
Mary A. Wessling  
Associate Public Counsel  
Florida Bar No. 93590

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400

Attorneys for the Citizens  
of the State of Florida

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<sup>1</sup>OPC did not include the text of FPL's objections as the intent of Rule 28-106.204(3), F.A.C. is simply to determine if opposing counsel has any objection to the motion.

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 20220069-GU**

I **HEREBY CERTIFY** that a true and correct copy of the forgoing has been furnished by electronic mail on this 28<sup>th</sup> day of June 2022, to the following:

Florida City Gas  
Kurt Howard  
700 Universe Boulevard  
Juno Beach FL 33408  
kurt.howard@nexteraenergy.com

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

Florida Public Service Commission  
Matthew Jones  
Walter Trierweiler  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399  
wtrierwe@psc.state.fl.us  
majones@psc.state.fl.us

Florida Power & Light Company  
Christopher T. Wright/Joel Baker  
700 Universe Boulevard  
Juno Beach FL 33408  
christopher.wright@fpl.com  
joel.baker@fpl.com

/s/ Mary A. Wessling  
Mary A. Wessling  
Associate Public Counsel  
Wessling.Mary@leg.state.fl.us