

September 1, 2022

Writer's Direct Dial Number: (850) 521-1706  
Writer's E-Mail Address: bkeating@gunster.com

**BY E-PORTAL**

Mr. Adam Teitzman, Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

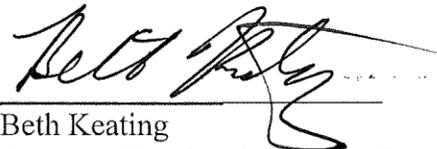
**Re: Docket No. 20220067-GU: Petition for rate increase by Florida Public Utilities Company, Florida Division of Chesapeake Utilities Corporation, Florida Public Utilities Company - Fort Meade, and Florida Public Utilities Company - Indiantown Division.**

Dear Mr. Teitzman:

Attached for electronic filing, please find Florida Public Utilities Company's Motion for Extension of Time to File Rebuttal Testimony.

Thank you for your assistance with this filing. As always, please don't hesitate to let me know if you have any questions.

Sincerely,



Beth Keating  
Gunster, Yoakley & Stewart, P.A.  
215 South Monroe St., Suite 601  
Tallahassee, FL 32301  
(850) 521-1706

Cc: Certificate of Service

**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: September 1, 2022

**FLORIDA PUBLIC UTILITIES COMPANY'S MOTION FOR EXTENSION OF TIME TO FILE REBUTTAL TESTIMONY**

Florida Public Utilities Company ("FPUC" or "the Company"), by and through undersigned counsel pursuant to Rule 28-106.204, Fla. Admin. Code, files this Motion for Extension of Time to File Rebuttal Testimony. In support, FPUC states the following:

1. On May 24, 2022, FPUC, including all of its natural gas divisions and the Florida Division of Chesapeake Utilities Corporation filed its Petition for Rate Adjustment, Approval of Depreciation Study, Approval of Consolidated Rate Structure and Request for Interim Relief, and *inter alia* the prefiled direct testimony and supporting exhibits of its witnesses and Minimum Filing Requirements ("MFRs") and served the Office of Public Counsel with a copy of same.
2. On May 26, 2022, the Citizens of the State of Florida, through the Office of Public Counsel ("OPC"), filed its notice of intervention.
3. On May 31, 2022, FPUC provided hard copies of the petition including exhibits, testimony, and MFRs to the Commission, as well as the MFRs in native format (Excel) by means of flash drives and DVDs. FPUC likewise provided a flash drive with the MFRs in native format to OPC.

4. Order No. PSC-2022-0222-PCO-GU, Order Establishing Procedure (OEP), issued on June 17, 2022, establishing the hearing procedures to govern this docket, including controlling dates for key activities prior to hearing. On June 24, 2022, the Office of Public Counsel (OPC) filed a Motion to Modify Key Activity Dates (Motion), pursuant to Rule 28-106.204(4), F.A.C. Therein, OPC requested, primarily, that the schedule be revised to allow OPC additional time to prepare and submit its testimony in this proceeding.

5. By Order No. PSC-2022-0270-PCO-GU, issued July 8, 2022, OPC's motion was granted in part, and denied in part. Specifically, the Key Activity dates set forth in Order No. PSC-2022-0222-PCO-GU were revised as follows:

<u>Key Activities</u>	<u>New Controlling Dates</u>
Intervenors' testimony and exhibits	August 24, 2022
Staff's testimony and exhibits, if any	August 24, 2022
Rebuttal testimony and exhibits	September 14, 2022
Prehearing Statements	September 30, 2022
Discovery deadline	October 12, 2022

In addition, consistent with OPC's request, the discovery response time frames originally set forth in the Order Establishing Procedure were revised, such that the following now applies:

Discovery responses shall be served within **25** days (inclusive of mailing) of receipt of the discovery request. **For discovery requests related to matters addressed in the intervenors' testimony, discovery responses shall be served within 20 days of receipt of the discovery request.** For discovery requested related to matters addressed in the utility's rebuttal testimony, discovery responses shall be served within 10 days of receipt of the discovery request.

Order No. PSC-2022-0270-PCO-GU, at pg. 2.

6. FPUC acknowledges that it had indicated its agreement with OPC's request in its Motion to Modify Key Activity Dates. However, that agreement largely hinged upon OPC's proposal that FPUC's Rebuttal also be extended from September 9 to September 23. FPUC nonetheless made every effort to work with the more limited extension of rebuttal provided in Order No. PSC-2022-0270-PCO-GU.

7. As it currently stands, however, FPUC will not receive and be able to review, in any meaningful way, any discovery responses issued to OPC regarding the testimony of OPC's witnesses in time to utilize that information in the development of FPUC's rebuttal testimony. For example, had FPUC been able to issue discovery on the very day that OPC filed the Testimony of its witnesses Garrett and Smith, those discovery responses would not have been due back until September 13, one day before FPUC's rebuttal testimony is due. Given that OPC's testimony was not received until later in the day on the day that it was due, FPUC was not able to issue any discovery until the following day. Thus, responses to discovery issued by FPUC the day after OPC filed the testimony of its witnesses Garrett and Smith will be due back to FPUC on the day that FPUC's Rebuttal Testimony is currently due to be filed.

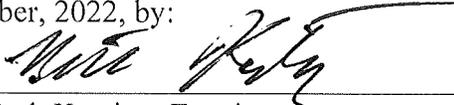
8. FPUC has conferred with counsel for OPC in this regard, and as it relates to OPC's recent Motion to Increase Discovery Limits, to which FPUC objected. In sum, FPUC is willing to concede to an increase in the discovery limitation set forth in Order No. PSC-2022-0222-PCO-GU by 100 interrogatories, allowing for a "reasonable" number of clearly related subparts to such interrogatories, as well as an extension of the current Discovery Completion date from October 12 to October 14. In exchange, OPC has indicated that it would agree to FPUC's

request for an extension of time to file its Rebuttal Testimony in this proceeding on or before September 20, 2022. OPC has also agreed to provide certain exhibits to its witnesses' testimony in native format on an expedited basis.

9. As such, FPUC respectfully requests that the Prehearing Officer grant an extension to allow FPUC to file its Rebuttal Testimony on or before September 20, 2022, and approve the agreed extension of the discovery "cut-off" date to October 14, as well as an extension on the limitation set forth in Order No. PSC-2022-0222-PCO-GU to increase the limitation on interrogatories by 100, exclusive of a reasonable number of clearly related subparts. To be clear, as proposed, this would mean an increase in the limitation by 100 additional interrogatories, allowing for a reasonable number of subparts to such interrogatories, which would not be counted towards the additional allowance of 100. Furthermore, in order to avoid any burden on Commission staff, FPUC further commits to make its rebuttal witnesses available for deposition, as may be necessary, on a reasonable basis.

10. As noted, counsel for the Office of Public Counsel has indicated agreement with this request. In addition, although intervention has not yet been ruled upon for FIPUG, counsel for FPUC has consulted with counsel for FIPUG, who has indicated FIPUG would not oppose this request.

Respectfully submitted this 1st day of September, 2022, by:

  
Beth Keating, Esquire  
Florida Bar No. 0022756  
Gunster Law Firm  
215 South Monroe Street  
Suite 601  
Tallahassee, FL 32301

*Attorneys for Florida Public Utilities Company*

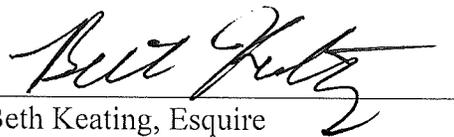
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing filing has been served by Electronic Mail this 1st day of September, 2022, upon the following:

Richard Gentry  
P. Christensen  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400  
[Gentry.Richard@leg.state.fl.us](mailto:Gentry.Richard@leg.state.fl.us)  
[Christensen.patty@leg.state.fl.us](mailto:Christensen.patty@leg.state.fl.us)

Jennifer Crawford  
Ryan Sandy  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399  
[jcrawfor@psc.state.fl.us](mailto:jcrawfor@psc.state.fl.us)  
[rsandy@psc.state.fl.us](mailto:rsandy@psc.state.fl.us)

Mike Cassel  
Florida Public Utilities Company  
208 Wildlight Ave.  
Yulee, FL 32097  
[mcassel@fpuc.com](mailto:mcassel@fpuc.com)



Beth Keating, Esquire  
Florida Bar No. 0022756  
Gunster Law Firm  
215 South Monroe Street  
Suite 601  
Tallahassee, FL 32301

*Attorneys for Florida Public Utilities Company*