

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
ORDER NO. PSC-2022-0323-PCO-GU
ISSUED: September 12, 2022

SECOND ORDER REVISING ORDER ESTABLISHING PROCEDURE
AND ORDER GRANTING IN PART AND DENYING IN PART
MOTION FOR EXTENSION OF TIME

On May 24, 2022, Florida Public Utilities Company, Florida Division of Chesapeake Utilities Corporation, Florida Public Utilities Company-Fort Meade, and Florida Public Utilities Company-Indiantown Division (collectively FPUC or Company) filed a petition seeking approval to increase rates and charges and to consolidate the four natural gas utilities into one utility operating under the name Florida Public Utilities Company. Pursuant to Order Establishing Procedure (OEP) No. PSC-2022-0222-PCO-GU, issued June 17, 2022, this matter was scheduled for a hearing on October 25-28, 2022. The OEP also established controlling dates for key prehearing activities, and established procedures for conducting discovery, including that each party is authorized to serve up to 300 interrogatories. Pursuant to a request by the Office of Public Counsel (OPC), which intervened in this proceeding, new filing dates were established for key activities, including the filing of testimony, by Order No. PSC-2022-0270-PCO-GU, issued July 8, 2022.

FPUC's Motion for Extension of Time

On September 1, 2022, FPUC filed a motion for the extension of time to file rebuttal testimony in this docket, as set forth in Order No. PSC-2022-0270-PCO-GU. FPUC asks that the Prehearing Officer grant an extension to allow FPUC to file its rebuttal testimony on or before September 20, 2022. FPUC states that it will not receive and be able to review, in any meaningful way, any discovery responses from OPC regarding the testimony of OPC's witnesses in time to utilize that information in the development of FPUC's rebuttal testimony. For example, in its motion, FPUC illustrates how responses to discovery regarding OPC witnesses Garrett and Smith will be due back to FPUC on the day that FPUC's rebuttal testimony is currently due to be filed, on September 14, 2022.

FPUC has conferred with OPC and the Florida Industrial Power Users Group (FIPUG),¹ and neither object to extending the rebuttal testimony deadline. However, during their consultation, OPC raised a concern regarding the OEP's established interrogatory limits,

¹ FIPUG requested intervention in this proceeding by petition dated August 24, 2022.

consistent with OPC's motion for additional discovery requests filed on August 18, 2022.² Based on that consultation the parties agree, as reflected in FPUC's Motion, that Order No. PSC-2022-0222-PCO-GU should be further modified to increase the limitation on interrogatories by 100, exclusive of a reasonable number of clearly related subparts, and to extend the current discovery completion date from October 12 to October 14. These positions supersede OPC's motion and FPUC's response previously filed in this docket. FPUC further commits in its motion to make its rebuttal witnesses available for deposition on a reasonable basis, as may be necessary, so as not to unduly burden Commission staff.

Ruling

Upon consideration, FPUC's motion for extension of time to file rebuttal testimony shall be granted in part and denied in part. The controlling dates established by Order No. PSC-2022-0222-PCO-GU, as modified by Order No. PSC-2022-0270-PCO-GU, shall be revised as follows:

	<u>Current Due Date</u>	<u>Extended Due Date</u>
Rebuttal testimony and exhibits	September 14, 2022	September 20, 2022

Furthermore, FPUC's request to increase the limitation on interrogatories by 100, exclusive of a reasonable number of clearly related subparts, shall be granted. However, FPUC's request to extend the current discovery completion date from October 12 to October 14, 2022, shall be denied. With the granting of relief as set forth herein, OPC's August 18, 2022, motion for additional interrogatories is moot.

Based upon the foregoing, it is hereby

ORDERED by Commissioner Gabriella Passidomo, as Prehearing Officer, that Florida Public Utilities Company's request to extend the deadline for submitting rebuttal testimony to on or before September 20, 2022, is granted. It is further

ORDERED that Florida Public Utilities Company's request to increase the limitation on interrogatories by 100, exclusive of a reasonable number of clearly related subparts, is granted. It is further

ORDERED that Florida Public Utilities Company's request to extend the current discovery completion date from October 12 to October 14, 2022, is denied. It is further

ORDERED that Order No. PSC-2022-0222-PCO-GU, as modified by Order No. PSC-2022-0270-PCO-GU, shall be revised as indicated herein. It is further

² OPC filed a motion requesting that the parties be granted an additional 200 interrogatories. On August 25, 2022, FPUC responded in opposition to OPC's request for additional interrogatories.

ORDER NO. PSC-2022-0323-PCO-GU

DOCKET NO. 20220067-GU

PAGE 3

ORDERED that Order No. PSC-2022-0222-PCO-GU, as modified by Order No. PSC-2022-0270-PCO-GU, is hereby reaffirmed to the extent not inconsistent with this Order.

By ORDER of Commissioner Gabriella Passidomo, as Prehearing Officer, this 12th day of September, 2022.



Gabriella Passidomo
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

RPS

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.