

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Fuel and Purchased Power Cost )  
Recovery Clause with Generating )  
Performance Incentive Factor )  
\_\_\_\_\_)

DOCKET NO. 20240001-EI  
FILED: March 11, 2024

**PREHEARING STATEMENT OF THE FLORIDA RETAIL FEDERATION**

The Florida Retail Federation ("FRF"), pursuant to Order No. PSC-2023-0207-PCO-EI, Order Granting Motion to Defer Issues, which was issued on July 24, 2023, hereby submits this Prehearing Statement.

**APPEARANCES:**

Robert Scheffel Wright  
John T. LaVia, III  
Gardner, Bist, Bowden, Dee, LaVia, Wright, Perry & Harper, P.A.  
1300 Thomaswood Drive  
Tallahassee, Florida 32308  
Telephone 850/385-0070  
Facsimile 850/385-5416  
E-mails: [schef@gbwlegal.com](mailto:schef@gbwlegal.com) and [jlavia@gbwlegal.com](mailto:jlavia@gbwlegal.com)

On behalf of the Florida Retail Federation

1. **WITNESSES:**

The Florida Retail Federation does not intend to call any witnesses for direct examination but reserves its rights to cross-examine all witnesses and to rely upon the prefiled testimony of witnesses in this docket, as well as testimony on their cross-examination.

2. **EXHIBITS:**

The Florida Retail Federation will not introduce any exhibits on direct examination but reserves its rights to introduce exhibits through cross-examination of other parties' witnesses.

### 3. STATEMENT OF BASIC POSITION

The Commission's task in the Fuel Docket, as in all ratemaking proceedings, is to ensure that the rates charged by Florida public utilities are fair, just, reasonable, non-discriminatory, and neither insufficient nor excessive. The utilities bear the burden of proof that their proposed Fuel Charges satisfy the statutory criteria articulated above. The FRF understands that Florida Power & Light Company and the Office of Public Counsel have reached a stipulation on the issues to be addressed in the hearing scheduled for March 26, 2024, and the FRF takes no position on the proposed stipulation.

### 4. STATEMENT OF FACTUAL ISSUES AND POSITIONS

**Issue 1: What adjustment should be made with respect to replacement power costs associated with any unplanned outages that occurred at Turkey Point or St. Lucie during the calendar years 2020, 2021 and 2022?**

**FRF: No position.**

**Issue 2: Should FPL be subject to a follow up nuclear operations and management audit covering the 2024 to 2029 time period?**

**FRF: No position.**

### 5. STIPULATED ISSUES:

The FRF understands that FPL and the Office of Public Counsel have agreed to a stipulation on the above issues. The FRF takes no position on the stipulation. If the stipulation is not approved, the FRF will take positions on any remaining issues as instructed by the Commission.

### 6. PENDING MOTIONS:

The FRF has no pending motions before the Commission in this docket.

7. STATEMENT OF PARTY'S PENDING REQUESTS OR CLAIMS FOR CONFIDENTIALITY:

The FRF has no pending requests or claims for confidentiality.

8. OBJECTIONS TO QUALIFICATION OF WITNESSES AS AN EXPERT:

As of the time of filing its prehearing statement, the FRF does not expect to challenge the qualification of any witness. However, the FRF believes that each party that intends to rely upon a witness's testimony as expert testimony should be required to identify the field or fields of expertise of such witness and to provide the basis for the witness's claimed expertise.

9. STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE:

There are no requirements of the Order Granting Motion to Defer Issues with which the Florida Retail Federation cannot comply.

Respectfully submitted this 11th day of March, 2024.

**/s/ Robert Scheffel Wright**

Robert Scheffel Wright

Florida Bar No. 0966721

John T. LaVia, III

Florida Bar No. 0853666

Gardner, Bist, Bowden, Dee, LaVia, Wright, Perry & Harper, P.A.

1300 Thomaswood Drive

Tallahassee, Florida 32308

Telephone 850/385-0070

Facsimile 850/385-5416

Attorneys for the Florida Retail Federation

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by electronic mail on this 11th day of March, 2024.

**Duke Energy**

Matthew Bernier/Robert Pickels/  
Stephanie Cuello  
106 East College Avenue, Suite 800  
Tallahassee, FL 32301-7740  
FLRegulatoryLegal@duke-energy.com  
Matthew.bernier@duke-energy.com  
Robert.pickels@duke-energy.com  
Stephanie.cuello@duke-energy.com

Dianne Triplett  
P.O. Box 14042  
St. Petersburg, FL 33733  
Dianne.triplett@duke-energy.com

**Tampa Electric Company**

Jeffrey Wahlen / Malcolm Means /  
Virginia Ponder  
Ausley Law Firm  
Post Office Box 391  
Tallahassee, Florida 32302  
jwahlen@ausley.com  
mmeans@ausley.com  
vponder@ausley.com

Paula K. Brown  
Administrator, Regulatory Coordination  
Tampa Electric Company  
P. O. Box 111  
Tampa, FL 33601-0111  
regdept@tecoenergy.com

**Florida Public Service Commission**

Suzanne Brownless/Ryan Sandy  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
sbrownle@psc.state.fl.us  
rsandy@psc.state.fl.us

**Florida Public Utilities Company**

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

Mike Cassel  
208 Wildlight Avenue  
Yulee, FL 32097  
mcassel@fpuc.com

Michelle D. Napier  
1635 Meathe Drive  
West Palm Beach, FL 33411  
mnapier@fpuc.com

**Florida Power & Light**

Maria Moncada  
David Lee  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Maria.moncada@fpl.com  
David.lee@fpl.com

Kenneth Hoffman  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301  
Ken.hoffman@fpl.com

**Florida Industrial Power Users Group**

Jon C. Moyle  
Moyle Law Firm  
118 N. Gadsden Street  
Tallahassee, FL 32301  
jmoyle@moylelaw.com  
mqalls@moylelaw.com

**Office of Public Counsel**

Walter Trierweiler / P. Christensen  
C. Rehwinkel / M. Wessling  
c/o The Florida Legislature  
111 West Madison Street, #812  
Tallahassee, FL 32399-1400  
Gentry.richard@leg.state.fl.us  
Christensen.patty@leg.state.fl.us  
Rehwinkel.charles@leg.state.fl.us  
Pirrello.anastacia@leg.state.fl.us  
Morse.stephanie@leg.state.fl.us  
Wessling.mary@leg.state.fl.us

**PCS Phosphate – White Springs**

James W. Brew / Laura Wynn Baker  
Stone Law Firm  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington D.C. 20007  
jbrew@smxblaw.com  
lwb@smxblaw.com

**Nucor Steel Florida, Inc.**

Peter J. Mattheis / Michael K. Lavanga /  
Joseph R. Briscar  
Stone Law Firm  
1025 Thomas Jefferson Street, NW  
Suite 800 West  
Washington DC 20007  
jrb@smxblaw.com  
pjm@smxblaw.com  
mkl@smxblaw.com

Corey Allain  
22 Nucor Drive  
Frostproof, FL 33843  
Corey.allain@nucor.com

**Southern Alliance for Clean Energy**

Garner Law Firm  
William C. Garner  
3425 Bannerman Road, Unit 105, No. 414  
Tallahassee, FL 32302  
bgarner@scglawoffice.com

**/s/ Robert Scheffel Wright**  
ATTORNEY