

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by)
Duke Energy Florida, LLC.)
_____)
Docket No. 20240025-EI
FILED: April 23, 2024

RESPONSE IN SUPPORT OF CITIZEN’S EXPEDITED MOTION FOR RECONSIDERATION OF WHITE SPRINGS AGRICULTURAL CHEMICALS, INC. D/B/A PCS PHOSPHATE – WHITE SPRINGS

White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (“PCS Phosphate”), pursuant to Rule 25-22.0376, F.A.C., hereby responds in support of the Office of Public Counsel’s (“OPC”) Expedited Motion for Reconsideration or, in the Alternative, Motion for Continuance, dated April 22, 2024, which requests consideration of the Public Service Commission’s (“Commission”) *Order Establishing Procedure* (“Procedural Order”), Order No. PSC-2024-0092-PCO-EI, issued on April 11, 2024. Pursuant to Rule 25-22.0376(2), F.A.C., responses are due within seven days of the filing of motions for reconsideration of non-final orders. PCS Phosphate filed a petition to intervene on March 29, 2024, and will be substantially affected by the proposed rate change in this proceeding.

OPC succinctly explains in its Motion why the procedural timeline set forth in the Procedural Order fails to provide intervenors with sufficient time to evaluate Duke Energy Florida, LLC’s (“DEF”) proposed rate increase, develop responsive testimony and prepare for hearing. As OPC accurately notes, the time for intervenors to conduct discovery and prepare responsive testimony has essentially been cut in half compared to DEF’s previous base rate case schedule, and DEF has in this instance proposed three projected test years rather than the single test year which has historically been filed and whose evaluation is anticipated in Section 366.06(3), Florida Statutes. This is transparently unfair given the magnitude of the requested increases and the complexity of the issues presented. Moreover, the truncated time frame will not result in a more

efficient hearing process since intervenor parties will inevitably find it necessary to conduct more lengthy and detailed cross-examination to explore issues that might normally have been resolved through discovery or further analysis. PCS supports OPC's motion for reconsideration of the timeline portion of the Procedural Order or, in the alternative, OPC's motion for a continuance of the hearing.

In addition, PCS Phosphate supports OPC's motion for reconsideration regarding the Exhibit Provisions.¹ Requiring the submission of exhibits twelve days in advance of the hearing will prejudice parties' ability to meaningfully prepare for cross-examination and will lead to an inefficient use of Commission time during the hearing. In preparation for hearing, litigants typically start with a large number of potential exhibits and cull those as they refine their potential cross-examination and the need for potential impeachment exhibits. By requiring submission of exhibits so far in advance of the hearing, litigants will necessarily be over-inclusive in their submissions. Hence, while the Commission normally encourages parties to confine hearing exhibits to specific areas of contention, the twelve-day advance filing rule will provoke the opposite (anticipatory over-inclusion of materials). The inescapable result will be an unnecessarily prolonged hearing and extended debates over the otherwise routine admission of documents into evidence. PCS therefore supports OPC's motion for reconsideration regarding the Exhibit Provisions.

WHEREFORE, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs respectfully requests that the Commission enter an order consistent with the relief requested in OPC's motion and as discussed in this response in support.

¹ See OPC Motion at 15-23.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Response in Support of Citizen’s Expedited Motion for Reconsideration of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs has been served by electronic mail to the following this 23rd day of April, 2024:

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