

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of Numeric Conservation Goals (Florida Power & Light Company))	DOCKET NO. 20240012-EG
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In re: Commission Review of Numeric Conservation Goals (Duke Energy Florida, LLC))	DOCKET NO. 20240013-EG (Florida Rising and LULAC only)
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In re: Commission Review of Numeric Conservation Goals (Tampa Electric Company))	DOCKET NO. 20240014-EG (Florida Rising and LULAC only)
_____)	
In re: Commission Review of Numeric Conservation Goals (JEA))	DOCKET NO. 20240016-EG (Florida Rising only)
_____)	
In re: Commission Review of Numeric Conservation Goals (Orlando Utilities Commission))	DOCKET NO. 20240017-EG (Florida Rising only)
_____)	

FLORIDA RISING’S, LEAGUE OF UNITED LATIN AMERICAN CITIZENS’, & ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA’S UNOPOSED MOTION FOR EXTENSION OF TIME TO FILE TESTIMONY

Pursuant to Rule 28-106.204 of the Florida Administrative Code, Florida Rising, the League of United Latin American Citizens of Florida (“LULAC”), and the Environmental Confederation of Southwest Florida, Inc. (“ECOSWF”) (collectively, “Florida Rising intervenors”), through their undersigned counsel, move for an extension of time to file pre-filed testimony for all intervenors and therefore modify the schedule contained in the Order Consolidating Dockets and Establishing Procedure, Order Number PSC-20204-0022-PCO-EG, entered on January 23, 2024 in these dockets (“Order Establishing Procedure”). After talking

with the other parties, all parties to these dockets have agreed that they support or do not object to the following schedule: Intervenor pre-filed testimony due June 7, 2024; Staff pre-filed testimony due June 15, 2024; rebuttal pre-filed testimony due July 11, 2024; prehearing statements due July 18, 2024; and discovery complete by July 22, 2024. All other deadlines and hearing dates in the Order Establishing Procedure would stay the same. Good cause exists because the existing schedule does not leave intervenors adequate time to conduct discovery and develop pre-filed testimony, through no-fault of Florida Rising intervenors.

On March 15, 2024, Florida Rising intervenors moved to intervene in the above-consolidated dockets.¹ On April 1, 2024, the undersigned reached out to counsel for Florida Power & Light Company (“FPL”), Duke Energy Florida (“Duke”), Tampa Electric Company (“TECO”), Orlando Utilities Commission (“OUC”), and JEA (collectively, “FEECA utilities”) regarding whether they would accept discovery from Florida Rising intervenors. All of the FEECA utilities, except for TECO, indicated that although they would “accept” discovery, for purposes of responding to the discovery, they would not start the 20-day clock contained in the Order Establishing Procedure until the day that Florida Rising intervenors were granted intervention. As such, until April 25, Florida Rising intervenors had not been able to conduct any discovery on the FEECA utilities, except for TECO, even though such discovery is crucial for developing testimony in these dockets.

On April 25, 2024, Florida Rising intervenors were granted intervention, allowing them to start discovery in these cases.² In total, it took 41 days for Florida Rising intervenors’ unopposed intervention to be granted. As established in the Order Establishing Procedure, all

¹ No party filed any opposition to Florida Rising Intervenors’ Joint Petition to Intervene.

² Order Nos. PSC-2024-0135-PCO-EG (Florida Rising); PSC-2024-0134-PCO-EG (ECOSWF); PSC-2024-0133-PCO-EG (LULAC).

intervenor testimony and exhibits are due May 28, 2024, thus envisioning a 56-day period of discovery before intervenor testimony would be due (April 2-May 28). May 28 is 33 days away from April 25, when intervention was granted, which is only enough time to conduct one-round of discovery with no follow-up discovery. Florida Rising intervenors move for an extension of time for intervenor testimony in order to allow one round of follow-up discovery, and hence move that the deadline for all intervenor testimony be moved to June 7, 2024, allowing 43-days to conduct discovery and prepare testimony. No prejudice will occur to other parties as all parties have agreed to allow intervenor testimony to be due June 7, 2024, with a corresponding adjustment to some other deadlines, like rebuttal testimony. All parties have agreed to the following changes: staff pre-filed testimony due June 15, 2024; rebuttal pre-filed testimony due July 11, 2024; prehearing statements due July 18, 2024; and discovery complete by July 22, 2024. The prehearing conference date and hearing dates would not be changed in this proposed schedule.

Florida Rising intervenors have consulted with counsel for FPL, Duke, TECO, JEA, Florida Public Utilities Company (“FPUC”),³ OUC, the Office of Public Counsel, PCS Phosphate, FPIUG, the Southern Alliance for Clean Energy, Nucor, Walmart, and the Florida Department of Agriculture and Consumer Services regarding the relief sought in this motion. The Southern Alliance for Clean Energy supports the motion. FPL, Duke, TECO, FPUC, OUC, JEA, the Office of Public Counsel, Nucor, FIPUG, Walmart, and PCS Phosphate have no objection and/or do not oppose the relief requested here. The Florida Department of Agriculture and Consumer Services takes no position.

³ Although FPUC is not a party in any of the dockets that Florida Rising intervenors have intervened in, their goal-setting docket (docket no. 20240015-EG) would presumably be impacted by changes in deadlines in these dockets.

WHEREFORE, Florida Rising, LULAC, and ECOSWF respectfully request that the Commission extend the due date for intervenor discovery to June 7, 2024 in these cases, and adjust the other deadlines as follows: staff pre-filed testimony due June 15, 2024; rebuttal pre-filed testimony due July 11, 2024; prehearing statements due July 18, 2024; and discovery complete by July 22, 2024.

RESPECTFULLY SUBMITTED this 30th day of April, 2024.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 30th day of April, 2024, via electronic mail on:

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DATED this 30th day of April, 2024.

/s/ Bradley Marshall
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