

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Duke Energy
Florida, LLC.

DOCKET NO. 20240025-EI
ORDER NO. PSC-2024-0147-PCO-EI
ISSUED: May 8, 2024

ORDER DENYING OFFICE OF PUBLIC COUNSEL'S
MOTION FOR ADDITIONAL SERVICE HEARINGS

On April 17, 2024, the Office of Public Counsel (OPC or Citizens) filed a Motion for Additional Service Hearings. On that same date, Florida Rising and the League of United Latin American Citizens of Florida filed a Notice of Joinder in Citizens' Motion. On April 22, 2024, Duke Energy Florida, LLC (Duke) filed a Response in Opposition to Citizens' Motion. No other intervenors have filed in support of or opposition to Citizens' Motion.

Parties' Arguments

OPC contends that the anticipated schedule of service hearings provides insufficient opportunity for customer input. Because Progress Energy Florida, Inc. (Progress) is the predecessor of Duke, OPC treats the 2009 Progress service hearing schedule as a baseline for Duke in 2024 and argues that the Commission must justify any decrease in the number of service hearings. OPC then argues that this baseline number of service hearings cannot be decreased but must be increased to reflect the 25% expansion of Duke's customer base since the 2009 rate case. OPC concludes by adding that more service hearings are needed because the number of complaints received by Duke is higher than the other electric utilities. OPC specifically requests that the Commission establish three additional in-person hearings, "conduct these hearings at times that are accessible to working Floridians," provide a Spanish language interpreter at an in-person hearing in the Orlando area, make all service hearings hybrid (virtual and in-person), and eliminate any requirement that speakers sign up in advance.

Duke argues that the current service hearing schedule provides full opportunity for ratepayer participation. Duke notes that the service hearings are to be conducted at different times at dates in several locations. Duke continues that the 2009 rate case is not a relevant comparison because virtual attendance was not utilized in that proceeding, and several service hearings in this docket will be conducted virtually. Duke asserts that these virtual hearings will broaden the opportunities for customers to participate. Duke further argues that the Commission has discretion when setting customer service hearings in a rate proceeding and that the Commission offers multiple avenues for ratepayers to submit comments that will be made part of the record in this docket.

Decision

There is no statutory or rule formula pursuant to which service hearings are set. The Commission establishes each service hearing schedule based on the specific circumstances of the

docket at issue. While service hearing schedules in past dockets reflect experience and inform current decisions, they do not establish hard standards or baselines that bind future Commissions.

The Commission conducted 10 in-person customer service hearings for Progress in 2009. Since that time, the Commission has conducted several customer services hearings in other dockets virtually, which allows customers to participate by telephone from any location with wired or wireless service. Experience indicates that overall participation may increase if customers are allowed the option to participate in service hearings virtually,¹ and that customers may actually prefer virtual to in-person participation.² Taking into account this experience as well as historic practice, the current schedule combines two virtual and four in-person hearings. This schedule affords multiple opportunities and choices for customers who wish to participate. Citizens has not demonstrated a need at this time to further expand that schedule to include 6 more service hearings.

Having fully considered the representations by all parties, the Motion is hereby denied.

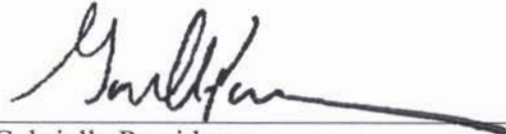
Based on the foregoing, it is

ORDERED by Commissioner Gabriella Passidomo, as Prehearing Officer, that the Office of Public Counsel's Motion for Additional Service Hearings is denied.

¹ Order No. PSC-2022-0276-PCO-GU, issued July 15, 2022, in Docket No. 20220069-GU, *In re: Petition for rate increase by Florida City Gas* (noting 162.5% increase in virtual service hearing participation in the Peoples Gas System 2020 rate case as compared to in-person service hearing participation in the Peoples 2008 rate case).

² Order No. PSC-2023-0177-FOF-GU, issued June 9, 2023, in Docket No. 20220069-GU, *In re: Petition for rate increase by Florida City Gas* (“Three virtual and two in-person customer service hearings were held in September of 2022. A total of thirteen customers participated at the virtual service hearings and four customers spoke at the in-person service hearings . . .”).

By ORDER of Commissioner Gabriella Passidomo, as Prehearing Officer, this 8th day
of May, 2024.



Gabriella Passidomo
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

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

MRT

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.

Any party adversely affected by this order, which is non-final 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. Citizens of the State of Florida v. Mayo, 316 So.2d 262 (Fla. 1975), states that an order on interim rates is not final or reviewable until a final order is issued. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.