

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric conservation goals (Florida Power & Light Company).

DOCKET NO. 20240012-EG

In re: Commission review of numeric conservation goals (Duke Energy Florida, LLC).

DOCKET NO. 20240013-EG

In re: Commission review of numeric conservation goals (Tampa Electric Company).

DOCKET NO. 20240014-EG

In re: Commission review of numeric conservation goals (Florida Public Utilities Company).

DOCKET NO. 20240015-EG

In re: Commission review of numeric conservation goals (JEA).

DOCKET NO. 20240016-EG

In re: Commission review of numeric conservation goals (Orlando Utilities Commission).

DOCKET NO. 20240017-EG
ORDER NO. PSC-2024-0159-PCO-EG
ISSUED: May 17, 2024

FIRST ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

By Order No. PSC-2024-0022-PCO-EG, the Order Establishing Procedure (OEP), issued on January 23, 2024, hearing procedures were established to govern these dockets, including controlling dates. At this time, it is necessary to modify the OEP to establish an additional controlling date and modify or add procedures.

As such, Sections V, VI, and X of the OEP are modified as reflected in bold type below, and new subsections H. and I. are added to Section VII as reflected below:

V. Prefiled Testimony and Exhibits

Each party shall file all testimony and exhibits that it intends to sponsor, pursuant to the schedule set forth in Section X of this Order. Testimony and exhibits may be filed electronically. **If filing electronically, each set of testimony and accompanying exhibits must be saved as distinct and separate electronic files; multiple sets of testimony and exhibits combined in a single electronic file are not acceptable.** If filing paper copies, an original and 15 copies of all testimony and exhibits shall be filed with the Office of Commission Clerk by 5:00 p.m. on the date due. A copy of all prefiled testimony and exhibits shall be served electronically or by

regular mail, overnight mail, or hand delivery to all other parties and staff no later than the date filed with the Commission. Failure of a party to timely prefile exhibits and testimony from any witness in accordance with the foregoing requirements may bar admission of such exhibits and testimony.

Parties may use exhibits in their native Excel format for demonstrative purposes; however, any exhibits created in Excel that a party seeks to admit into the record must be converted to Adobe portable document format (pdf) and provided to the Commission as a separate electronic file.

The dimensions of each page of testimony shall be 8 ½ x 11 inches. Each page shall be consecutively numbered and double spaced, with 25 numbered lines per page and left margins of at least 1.25 inches. If filing paper copies of the testimony, all pages shall be filed on white, unglossed, three-holed paper and shall be unbound and without tabs.

Each exhibit sponsored by a witness in support of his or her prefiled testimony shall be:

- (1) Attached to that witness' testimony when filed;
- (2) If filing paper copies, on three-holed paper, unbound, and without tabs;
- (3) Sequentially numbered beginning with 1 (any exhibits attached to subsequently filed testimony of the same witness shall continue the sequential numbering system);
- (4) Identified in the upper right-hand corner of each page by the docket number, a brief title, and the witness' initials followed by the exhibit's number; and
- (5) Paginated by showing in the upper right-hand corner of each page the page number followed by the total number of pages in the exhibit.

An example of the information to appear in the upper right-hand corner of the exhibit is as follows:

Docket No. 20012345-EI
Foreign Coal Shipments to Port of Tampa
Exhibit BLW-1, Page 1 of 2

After an opportunity for opposing parties to object to introduction of the exhibits and to cross-examine the witness sponsoring them, exhibits may be offered into evidence at the hearing.

VI. Discovery Procedures

A. General Requirements

The portion in bold type reflects the only modification to this section of the order.

- (8) Copies, whether hard copies or electronic, of discovery requests and responses shall be served on all parties and Commission staff. In addition, copies of all responses to requests for production of documents shall be provided to the Commission staff at its Tallahassee office unless otherwise agreed. **The address block for Commission staff shall include the email address discovery-gcl@psc.state.fl.us in addition to the email address for staff counsel.**

VII. Prehearing Procedures

H. Settlements

Section 120.57(4), F.S., recognizes that settlement agreements are a viable way to resolve disputes among parties. The Commission has a history of considering settlements between parties, but there must be sufficient time for our review. Accordingly, parties are encouraged to file comprehensive settlements as soon as practicable before the scheduled start date of the evidentiary hearing to allow time for discovery and a hearing on the settlement. Submittal of a settlement at least 6 weeks before the scheduled evidentiary hearing will avoid the possibility of the petitioning utility exercising its right to implement rates as filed at the conclusion of the 8-month clock under Section 366.06(3), F.S., or the need for the utility to waive the 8-month clock. Nothing herein is intended to limit the timing of the submittal of a settlement by parties, even a settlement submitted post-hearing. However, regardless when a settlement is filed, the Commission will set aside sufficient time to review and conduct a hearing on the settlement.

I. Provision of Exhibits

By July 19, 2024, each party must provide an electronic copy of all exhibits that the party plans to offer into evidence or use for demonstrative purposes during the hearing, except for exhibits that have already been prefiled with witness testimony that are in the docket file. Each party shall also provide a list of the exhibits it has electronically submitted. Absent a showing of good cause, the failure of a party to timely provide exhibits in compliance with this order may bar admission of such exhibits.

Each exhibit must be saved as a distinct and separate electronic file; multiple exhibits combined in a single electronic file are not acceptable. No cover pages are required; however, as with all exhibits, a top margin of not less than one inch is required for stamping purposes. Each exhibit shall be named with the party's acronym and sequential numbering as follows:

FPL-1 – short document title, FPL-2 – short document title, etc.

OPC-1 – short document title, OPC-2 – short document title, etc.

Parties may use exhibits in their native Excel format for demonstrative purposes; however, any exhibits created in Excel that a party seeks to admit into the record must be

converted to Adobe portable document format (pdf) and provided to the Commission as a separate electronic file. Any attachment to a discovery response that a party wishes to offer as an exhibit must be provided as a separate electronic file to be marked as a separate exhibit. Cumulative or irrelevant attachments are not appropriate exhibits.

Confidential information will be handled as described below in the following section. However, parties must also provide an electronic, redacted, non-confidential version of each confidential exhibit they intend to use at the hearing.

Each non-confidential exhibit and a list of these exhibits must be provided to the Commission Office of the General Counsel on either USB flash drives or CDs, or emailed to discovery-gcl@psc.state.fl.us. A copy of each exhibit and the accompanying list shall also be served electronically or by regular mail, overnight mail, or hand delivery to all other parties no later than the date provided to the Commission's Office of the General Counsel.

X. Controlling Dates

The following dates have been established to govern the key activities of this case. The portion in bold type reflects the modification to this section of the order:

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|------|--|---------------------------------|
| (1) | Utility's testimony and exhibits | April 2, 2024 |
| (2) | Intervenors' testimony and exhibits | June 5, 2024¹ |
| (3) | Staff's testimony and exhibits, if any | June 5, 2024 |
| (4) | Rebuttal testimony and exhibits | July 1, 2024 |
| (5) | Prehearing Statements | July 9, 2024 |
| (6) | Discovery deadline | July 17, 2024 |
| (7) | Provision of Exhibits | July 19, 2024 |
| (8) | Prehearing Conference | July 23, 2024 |
| (9) | Hearing | August 6-9, 2024 |
| (10) | Briefs | September 12, 2024 |

¹ The controlling date for Intervenors' testimony and exhibits is modified pursuant to Order No. PSC-2024-0157-PCO-EG, issued on May 16, 2024.

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DOCKET NOS. 20240012-EG, 20240013-EG,
20240014-EG, 20240015-EG, 20240016-EG, 20240017-EG
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Based on the foregoing, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that Order No. PSC-2024-0022-PCO-EG is modified as set forth in the body of this order. It is further

ORDERED that Order No. PSC-2024-0022-PCO-EG is reaffirmed in all other respects.

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 17th day of May,
2024.



ART GRAHAM
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.

JHR

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.