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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20240025-EI
ORDER NO. PSC-2024-0145-PCO-EI
ISSUED: May 7, 2024

ORDER GRANTING OFFICE OF PUBLIC COUNSEL'S
MOTION TO ENLARGE DISCOVERY

On April 11, 2024, Order Establishing Procedure No. PSC-2024-0092-PCO-EI issued in this docket and established the controlling dates and procedures for this docket. Among other provisions, the order provided that, unless subsequently modified by the Prehearing Officer, the number of interrogatories, including all subparts, shall be limited to 500.

On April 29, 2024, the Office of Public Counsel (OPC) filed an Expedited Motion to Enlarge Discovery (Motion). OPC states that on April 29, 2024, Duke Energy Florida, LLC (Duke) informed OPC that, by Duke's count, OPC has exceeded the 500 interrogatory limitation established by Order No. PSC-2024-0092-PCO-EI. In its Motion, OPC contends that it has been as proactive and efficient as possible in propounding interrogatories to Duke. However, OPC states that this case exceeds all of Duke's historical requests in terms of magnitude and scope of issues and is an evolving, complex matter. OPC therefore requests that the interrogatory limit established in Order No. PSC-2024-0092-PCO-EI be raised from 500 to 1,000, or alternatively, that the limit be removed entirely. OPC represents that all intervenors either support or do not object to the Motion.

On April 30, 2024, Duke timely filed a Response to the Motion requesting that OPC's request for unlimited discovery be denied. However, Duke does not object to OPC being granted additional interrogatories to the extent determined by the Prehearing Officer. Finally, Duke requests that the expansion of the interrogatories be limited to OPC.

Rule 1.340(a) of the Florida Rules of Civil Procedure limits parties to 30 interrogatories, including subparts, unless a party moves to exceed that number and demonstrates good cause. This Commission permits parties to exceed that number when the scope of a proceeding is complex. Given the volume and complexity of Duke's application, OPC's Motion to Enlarge Discovery is hereby granted. The limit on interrogatories, including all subparts, for OPC shall be increased to 1,000.

Based on the foregoing, it is

ORDERED by Commissioner Gabriella Passidomo, as Prehearing Officer, that the Office of Public Counsel's Motion to Enlarge Discovery is hereby granted as set forth herein. It is further

ORDERED that Order No. PSC-2024-0092-PCO-EI is reaffirmed in all other aspects.