

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery
Clause.

DOCKET NO.: 150009-EI

FILED: July 13, 2015

MOTION TO EXTEND DISCOVERY CUTOFF DATE

The Citizens of the State of Florida (Citizens), hereby file this Motion to Extend the Discovery Cutoff Date, and as grounds state the following:

1. On January 03, 2015, the Order Establishing Procedure (OEP) was issued. Pursuant to the OEP, the discovery cutoff date was set as July 13, 2015.

2. Per the OEP, the Rebuttal testimony in this proceeding was due and filed on July 7, 2015, only six days before the discovery cutoff date. This is an insufficient amount of time to fully review the rebuttal testimonies and conduct additional discovery, either in the form of interrogatories or depositions. Although the OEP shortens the discovery turn around deadline to 5 days, Rule 28-106.103, Florida Administrative Code (F.A.C.), Computation of Time, states that "When the period of time allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation." Between July 7th and July 13th was a weekend, thus under the Uniform Rules, the discovery cutoff date could not have been complied with even if written discovery was sent on the date rebuttal was filed.

3. All parties have the obligation to their clients to thoroughly review and conduct discovery on the extensive amount of testimonies and documentation that has been filed in this proceeding to identify and flesh out all issues of material fact that are in dispute in the docket.

Further, discovery allows the parties to sharpen the focus of the cross-examination at the hearing, which should lead to a more efficient and timely hearing.

4. With rebuttal testimony on which additional discovery is necessary, Citizens believe that the current discovery cutoff date unnecessarily impedes this process.

5. In all the other annual pass-through clause adjustment dockets, the discovery cutoff date has been set approximately two weeks before the hearings. Pursuant to Order No. PSC-15-0204-PCO-PU, issued May 21, 2015, modifying the OEPs in the 150002-EG, 150003-GU, 150004-GU, and 150007-EI dockets, the discovery cutoff dates were scheduled for October 16, 2015, with the first day of the hearing scheduled two weeks later on November 2, 2015. In the 150001-EI docket, the discovery cutoff date was modified to October 19, 2015, also two weeks prior to the November 2nd start of the fuel clause adjustment hearing. See, Order No. PSC-15-0169-PCO-EI.

6. The current discovery date of July 13, 2015 set in the 150009-EI Nuclear Cost Recovery Clause docket is approximately 5 weeks before the beginning of the scheduled hearing date of August 18th. There is nothing unique in the NCRC docket that would require the discovery period to be shortened to 3 weeks less than the other annual pass-through clause dockets.

7. Therefore, Citizens request the discovery cutoff date in this docket be amended to August 4, 2015, which is approximately two weeks prior to the first day of the NCRC hearing. This additional time will facilitate the parties' ability to present a fully vetted case to the Commission, and should not present any scheduling or work impediments for Staff.

8. In accordance with Rule 28-106.204(3), F.A.C., OPC consulted with counsel for Commission staff and the other parties of record prior to the filing of this motion. PCS Phosphate/

White Springs, Florida Retail Federation and SACE support this motion. In addition, the following parties have represented that they have no objection to OPC's Motion: Commission Staff, City of Miami, and FIPUG. Duke takes no position on the motion. FPL represented that FPL does not object so long as it is provided 10 days (not 5 days) to respond to discovery issued during the extended discovery timeframe.

WHEREFORE, Citizens respectfully requests this Motion to Extend the Discovery Cutoff to August 4, 2015 be granted.

Respectfully submitted,

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CERTIFICATE OF SERVICE
Docket No. 150009-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished
by electronic mail on this 13th day of July, 2015, to the following:

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