

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Re: Petition for rate increase and approval of
depreciation study by Florida City Gas

DOCKET NO. 20170179-GU

FILED: November 16, 2017

**JOINT MOTION TO MODIFY KEY ACTIVITY DATES AND DISCOVERY
PROCEDURES ESTABLISHED BY ORDER NO. PSC-2017-0427-PCO-GU**

Pursuant to Rule 28-106.204, Florida Administrative Code, the Citizens of the State of Florida, by and through the Office of Public Counsel (OPC), and Florida City Gas (hereinafter, Joint Movants), hereby file their Motion to Modify Key Activities and Discovery Procedures Established by Order No. PSC-2017-0427-PCO-GU (Order Establishing Procedure), issued November 7th, 2017, and as grounds state the following:

1. On October 23, 2017, Florida City Gas filed for approval of a base rate increase with the Florida Public Service Commission (“Commission”). Florida City Gas has filed direct testimony and exhibits for eleven (11) witnesses. This is the first base rate case that Florida City Gas has filed since August 15, 2003.

2. 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 and will be filed in this proceeding. Given the amount and complexity of the extensive documentation that needs to be reviewed and the discovery that will be conducted and produced, Joint Movants believe that the current schedule is not conducive to the development of an accurate and complete record in an equitable and well-reasoned manner.

3. The controlling dates governing key activities that Joint Movants seek to modify were established by the Order Establishing Procedure as follows: Intervenor’s testimony and

exhibits due January 22, 2018; Rebuttal testimony and exhibits due February 15, 2018; Prehearing Statements due March 1, 2018; and Discovery deadline of March 9, 2018.

4. Joint Movants seek to move the testimony filing dates back two weeks as well as to include additional time for Prehearing Statements and the Discovery deadline as follows: Intervenor's testimony and exhibits due February 12, 2018; Rebuttal testimony and exhibits due February 28, 2018; Prehearing Statements due March 5, 2018; and Discovery Deadline of March 16, 2018. The additional time will facilitate the Joint Movants' ability to present a fully vetted case to the Commission, and should not otherwise impair Commission Staff's ability to participate fully and effectively in the process. The Joint Movants take no position as to whether the scheduled date for the filing of Commission Staff's testimony should also be modified.

5. Joint Movants also request that Section V., Discovery Procedures, be modified. Currently, this section states that "(6) Discovery responses shall be served within 20 days (inclusive of mailing) of receipt of the discovery request. For discovery requests related to matters addressed in the utility's rebuttal testimony, discovery responses shall be served within 10 days of receipt of the discovery request." The Joint Movants seek to amend this section to permit discovery responses to be served within 30 days of receipt of the discovery request. This will facilitate the Joint Movants' ability to thoroughly review and conduct discovery. Thus, Joint Movants request the language be modified as follows: "(6) Discovery responses shall be served within 30 days (inclusive of mailing) of receipt of the discovery request. For discovery requests related to matters addressed in the utility's rebuttal testimony, discovery responses shall be served within 10 days of receipt of the discovery request."

6. Florida City Gas has authorized OPC to file this Motion on behalf of the Joint Movants.

7. OPC has contacted lead attorney for Staff regarding the modifications proposed herein and Staff takes no position to this Motion.

WHEREFORE, the Joint Movants hereby request that the Commission grant their Motion to Modify the Controlling Dates and Discovery Service.

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 16th day of November, 2017, to the following:

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