

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of the tax impacts  
associated with Tax Cuts and Jobs Act of 2017  
for Duke Energy Florida, LLC.

DOCKET NO. 20180047-EI  
ORDER NO. PSC-2018-0447-PCO-EI  
ISSUED: September 4, 2018

SECOND ORDER REVISING ORDER ESTABLISHING PROCEDURE

The Florida Public Service Commission (Commission) opened Docket No. 20180047-EI on February 21, 2018, to consider the tax impacts affecting Duke Energy Florida, LLC (DEF) as a result of the passage of the Tax Cuts and Jobs Act of 2017. The Order Establishing Procedure, Order No. PSC-2018-0210-PCO-EI, was issued on April 25, 2018, in which controlling dates were set for filing testimony, exhibits, and discovery. The First Order Revising Order Establishing Procedure, Order No. PSC-2018-0279-PCO-EI, was issued on June 1, 2018, in which the discovery procedures and controlling dates were modified. The Office of Public Counsel (OPC), the Florida Industrial Power Users Group (FIPUG), White Springs Agricultural Chemicals Inc. d/b/a PCS Phosphate – White Springs (PCS Phosphate), and the Florida Retail Federation (FRF) have intervened in this docket.

On August 30, 2018, OPC filed a Motion for Modification of the First Order Revising Order Establishing Procedure and Testimony Dates (Motion), requesting that the dates established within Docket No. 20180047-EI, be amended to allow additional time for the filing of Intervenor testimony. OPC asserts that modified testimony dates are necessary because time constraints have prevented it from scheduling a tax savings meeting with DEF, despite DEF's full cooperation and willingness to meet, prior to the current testimony filing dates. Accordingly, OPC proposes to respond to testimony-related discovery within 10 days. Additionally, OPC represents that DEF, FIPUG, PCS Phosphate, and FRF have no objection to these modifications.

DEF filed its initial testimony and exhibits on May 31, 2018. Upon review of the Motion and consideration of OPC's arguments, the Motion is hereby granted. Section IV, Subsection A(7), Discovery Procedures, of Order No. PSC-2018-0210-PCO-EI, is deleted and replaced with the following:

- (7) For discovery requests related to matters raised in a utility's direct testimony, the responding party shall serve its responses to the requesting party via electronic mail within 30 days of the date of the request. **For discovery requests related to matters addressed in intervenor testimony, the responding party shall serve its responses to the requesting party via electronic mail within 10 days of the date of the request.** For discovery requests related to matters addressed in Commission staff testimony, the responding party shall serve its responses to the requesting party via electronic mail within 30 days of the date of the request. For discovery requests related to matters in rebuttal testimony, the utility shall serve its responses to the requesting party via electronic mail within 15 days of

the date of the request. A hard copy of responses shall also be served by hand-delivery, U.S. Mail or overnight mail on the day that responses are served electronically.

Further, the remaining controlling dates in Section VIII of Order No. PSC-2018-0210-PCO-EI, are set forth below. Each date followed by an asterisk (\*) is modified by this Order.

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|-----|--|--------------------|
| (2) | Intervenor Testimony and Exhibits, if any                              | October 15, 2018*  |
| (3) | Staff Testimony and Exhibits, if any                                   | October 15, 2018*  |
| (4) | Rebuttal Testimony, if any   | November 13, 2018* |
| (5) | Prehearing Statements  | November 26, 2018  |
| (6) | Last Day to Conduct Discovery  | December 10, 2018  |
| (7) | Prehearing Conference  | December 10, 2018  |
| (8) | Hearing  | January 8-11, 2019 |
| (9) | Post-Hearing Statements of Issues and Positions,<br>and Briefs, if any | February 4, 2019   |

Based on the foregoing, it is hereby

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that the Office of Public Counsel's Motion for Modification of the First Order Revising Order Establishing Procedure and Testimony Dates is granted. It is further

ORDERED that the discovery procedures and controlling dates shall be modified as stated in the body of this Order. It is further

ORDERED that all other provisions of Order No. PSC-2018-0210-PCO-EI and Order No. PSC-2018-0279-PCO-EI not inconsistent with this order are hereby reaffirmed.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 4th day of September, 2018.



JULIE I. BROWN  
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.

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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.