

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Public Utilities Company - Gas.	DOCKET NO. 20180051-GU
In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Public Utilities Company – Indiantown Division.	DOCKET NO. 20180052-GU
In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Public Utilities Company – Fort Meade.	DOCKET NO. 20180053-GU
In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Florida Division of Chesapeake Utilities Corporation.	DOCKET NO. 20180054-GU FILED: November 9, 2018

THE OFFICE OF PUBLIC COUNSEL’S AGREED MOTION
TO CONSOLIDATE FOR PURPOSES OF HEARING

The Citizens of the State of Florida, by and through the Office of Public Counsel (“OPC”), pursuant to Rule 28-106.204 and 28-106.108, Florida Administrative Code (“F.A.C.”), respectfully moves the Florida Public Service Commission (“Commission”) to consolidate the above-referenced dockets for purposes of hearing. In support of this Motion, OPC states:

1. These four dockets were opened on February 23, 2018, to provide vehicles for the Commission to consider the tax impacts associated with the passage of the Tax Cuts and Jobs Act of 2017 (“TCJA”) on Florida Public Utilities Company, Florida Public Utilities Company-Indiantown Division, Florida Public Utilities Company-Fort Meade, and the Florida Division of Chesapeake Utilities Corporation (jointly herein the “Companies”). The respective Orders Establishing Procedure for these proceedings, Order No. PSC-2018-0213-PCO-GU, Order No.

PSC-2018-0214-PCO-GU, Order No. PSC-2018-2015-PCO-GU, and Order No. PSC-2018-0216-PCO-GU, were issued April 25, 2018.

2. The schedules for each of these dockets were subsequently revised on (i) May 31, 2018, by Order No. PSC-2018-0274-PCO-GU, Order No. PSC-2018-0275-PCO-GU, Order No. PSC-2018-0276-PCO-GU, and Order No. PSC-2018-0277-PCO-GU; and (ii) on August 20, 2018, by Order No. PSC-2018-0412-PCO-GU.

3. On June 1, 2018, the Companies filed separate Petitions asking the Commission for approval of the Companies' calculations of the tax benefits amounts (or detriments) arising from the TCJA, along with proposed mechanisms for flowing the benefits through to the Companies' customers. With each Petition, the Companies also submitted the Direct Testimonies of witnesses Michael Cassel, Matthew Dewey, and Michael Reno.

4. In accordance with the Orders Establishing Procedure in these dockets, OPC submitted the prefiled direct testimony of its witness, Ralph Smith, on September 17, 2018.

5. The Orders Establishing Procedure provide that the hearings in these dockets will take place on November 27-30, 2018.

6. Recently, OPC and the Companies stipulated to a majority of the issues presented in these dockets. The remaining contested issues in all four dockets are primarily limited to the disposition of tax benefits arising from the TCJA. As a result of narrowing the issues presented, OPC and the Companies were also able to stipulate to the excusal of two of the Companies' three witnesses – Witnesses Reno and Dewey. Thus, the Companies will be presenting only one witness at hearing, Witness Cassel.

7. OPC and the Companies have conferred and agree that a unified consolidated hearing in these four dockets is administratively efficient given the significant reduction of issues

being raised before the Commission. For example, the Parties anticipate that only one day – as opposed to the four days currently prescribed by the Orders Establishing Procedure – will be adequate time for testimony in all four dockets in a consolidated hearing format. Additionally, the current Prehearing Orders limit witness testimony summaries to three (3) minutes – a total of twenty-four (24) minutes collectively between OPC and the Companies for all dockets with each party having one witness. However, in a consolidated hearing format, OPC and the Companies agree a single five (5) minute summary addressing the testimony submitted in all four dockets by each witness will be sufficient.

8. Under the Uniform Rules of Procedure, an agency may order consolidation when separate proceedings involve similar issues of law or fact and it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings and would not unduly prejudice the rights of a party. Rule 28-106.108, F.A.C. Here, consolidation will promote efficiency as well as prevent confusion and the duplication of Commission resources. Further, consolidation is not prejudicial to the rights of any party.

9. Accordingly, the Parties respectfully propose the following procedure for consolidation:

- a) Each witness will take the stand once to provide testimony in all four dockets.
- b) In docket sequential order, each witness will affirm the correctness of his prefiled testimony and associated exhibits.
- c) Each witness will have five (5) minutes to provide an oral summary of his prefiled testimony in each docket in docket sequential order.

d) Each witness will be tendered for cross-examination, and OPC and the Companies agree to proffer questions in docket sequential order.

10. OPC states that it has consulted with the Companies. The Companies support this request to consolidate these four dockets for purposes of hearing.

WHEREFORE, OPC respectfully request that the Commission grant this Motion for Consolidation for Purposes of Hearing.

Respectfully submitted this 9th day of November 2018 by:

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copy of the foregoing has been served by Electronic

Mail this 9th day of November, 2018, upon the following:

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