

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Irma and Nate, by Duke Energy Florida, LLC.

DOCKET NO. 20170272-EI  
ORDER NO. PSC-2019-0119-PCO-EI  
ISSUED: April 3, 2019

ORDER GRANTING DUKE ENERGY FLORIDA, LLC'S MOTION TO ABATE

On December 28, 2017, pursuant to Rules 28-106.201 and 25-6.0143, Florida Administrative Code (F.A.C.), and Order No. PSC-2017-0451-AS-EU,<sup>1</sup> Duke Energy Florida, LLC, (DEF) filed its application for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Irma and Nate.

The Order Establishing Procedure, Order No. PSC-2018-0082-PCO-EI (Procedural Order), was issued on February 16, 2018, in which hearing procedures were established to govern this docket, including controlling dates and discovery response times. Intervention has been granted to the Office of Public Counsel (OPC), the Florida Industrial Power Users Group (FIPUG), the Florida Retail Federation (FRF), and PCS Phosphate-White Springs (PCS Phosphate). Order No. PSC-2018-0410-PCO-EI (Order Granting DEF's Motion for Continuance), issued on August 20, 2018, further modified these dates following DEF's Motion for Continuance.

On September 27, 2018, Order No. PSC-2018-0487-PCO-EI (the Second Order Modifying Order Establishing Procedure) was issued to modify the controlling dates and discovery response times pursuant to the Order Granting DEF's Motion for Continuance. On March 15, 2019, Order No. PSC-2019-0103-PCO-EI (the Third Order Modifying Order Establishing Procedure) was issued to modify the Procedural Order to revise the Prehearing Conference date from May 6, 2019, to May 13, 2019. On March 26, 2019, Order No. PSC-2019-0116-PCO-EI (the Fourth Order Modifying Order Establishing Procedure) was issued to modify the controlling dates and discovery response times to satisfy the Joint Motion to Revise Procedural Order that was submitted by DEF and OPC on March 22, 2019.

On March 29, 2019, DEF filed a Motion to Abate (Motion), seeking to abate the remaining filing dates as modified by the Fourth Order Modifying Order Establishing Procedure, with the exception of the Prehearing, Hearing, and Brief dates. In its Motion, DEF asserts that OPC, FIPUG, FRF, and PCS Phosphate (the Parties) have reached an agreement in principle to resolve all issues in this docket. DEF further asserts that the Parties are working to finalize the agreement into a Storm Cost Settlement Agreement, including Storm Process Improvements, for filing with the Commission. Accordingly, DEF requests that the remaining filing dates outlined in the Fourth Order Modifying Order Establishing Procedure be abated since they are not

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<sup>1</sup> Order No. PSC-2017-0451-AS-EU, issued on November 20, 2017, in Docket No. 20170183-EI, In re: Application for limited proceeding to approve 2017 second revised and restated settlement agreement, including certain rate adjustments, by Duke Energy Florida, LLC.

necessary, with the exception of the Prehearing Conference, Hearing, and Brief dates. The Parties request that the Commission maintain the Prehearing Conference and Hearing dates for consideration of the Storm Cost Settlement Agreement. DEF asserts that it conferred with all of the parties to this proceeding and is authorized to represent that OPC and FRF support the Motion, while FIPUG and PSC Phosphate take no position.

Upon review and consideration of the Motion, the remaining controlling dates in this docket are hereby abated, with the exception of the Prehearing Conference, Hearing, and Brief dates which remain unchanged as follows:

- |                           |                 |
|---------------------------|-----------------|
| (7) Prehearing Conference | May 13, 2019    |
| (8) Hearing               | May 21-24, 2019 |
| (9) Briefs                | June 19, 2019   |

Based on the foregoing, it is hereby

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Duke Energy Florida, LLC's Motion to Abate is granted as set forth herein. It is further

ORDERED that all other provisions of Order No. PSC-2018-0082-PCO-EI and Order No. PSC-2019-0116-PCO-EI not inconsistent with this Order are hereby reaffirmed.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 3rd day of April, 2019.



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.

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.