

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Duke Energy Florida, LLC's Petition  
for a limited proceeding to approve Clean  
Energy Connection Program and Tariff and  
Stipulation

DOCKET NO. 20200176-EI

**LEAGUE OF UNITED LATIN AMERICAN CITIZENS'  
MOTION TO EXTEND FILING DEADLINES & CONTINUE HEARING**

Pursuant to Rule 28-106.204, Florida Administrative Code (F.A.C.), the Florida League of United Latin American Citizens of Florida ("LULAC") moves the Florida Public Service Commission ("Commission") to extend all deadlines and continue the hearing by moving all dates back 28 days,<sup>1</sup> and in support states the following establishes good cause for the extension.

1. The current controlling dates in the Order Establishing Procedure set the following filing deadlines: Intervenors' testimony and exhibits due October 2, 2020, and Staff's testimony and exhibits, if any, due October 5, 2020, and Rebuttal testimony and exhibits due October 19, 2020. This order was issued on September 22, 2020, just ten days before intervenors' testimony would be due. The order, which opens up discovery, also establishes that discovery responses are due 20 days after being served. This means that even if discovery were served on the day that discovery was opened by the Commission, no response would be owed until ten days after intervenors' testimony was due. Given the numerous factual disputes at issue in this case, this harms any intervenors wishing to file testimony.

2. This failure to conduct discovery is not due to any lack of diligence on the part of LULAC. LULAC filed its unopposed petition to intervene on July 15, 2020. Now, over two

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<sup>1</sup> Docket No. 20200176, Order No. PSC-2020-0324-PCO-EI, Order Establishing Procedure, p. 10, September 22, 2020.

months later, that petition to intervene still remains pending and LULAC is still not a party in the case, even though its members will face increased electricity rates to subsidize the corporate participants in Duke's solar program. Thus, even though discovery opened on September 22, 2020, LULAC is still unable to officially serve discovery due to the inaction on its petition. *Parker v. James*, 997 So. 2d 1225, 1227 (Fla. 2d DCA 2008) (“[t]he rules of civil procedure provide for certain discovery tools that may be used only by one party on another party”). See Fla. R. Civ. P. 1.280 (rules of discovery apply to parties to a case). Nonetheless, to protect its rights, LULAC is serving discovery concurrently with this filing. To be clear, if LULAC's petition to intervene had been timely granted and the Order Establishing Procedure had been issued in July, LULAC would have no complaint regarding the schedule set in the Order Establishing Procedure.

3. This abbreviated schedule is also a departure from the example the Commission set while evaluating Florida Power & Light's similar—but by no means identical, as LULAC maintains there are key differences—proposal, SolarTogether. In that docket, *In re: Petition for approval of FPL SolarTogether program and tariff, by Florida Power & Light Company*, which was filed March 13, 2019, the Commission set an order establishing procedure on July 5, 2019, and opened up discovery on that date. The Commission set a deadline of July 29, 2019, for the Utility's testimony and exhibits, and September 3, 2019, for the intervenors' testimony and exhibits. Order No. PSC-2019-0272-PCO-EI, Docket No. 20190061-EI (Fla. P.S.C. July 5, 2019). Intervenors were granted intervention on July 31, 2019 (*see, e.g.*, Order No. PSC-2019-0315-PCO-EI). This gave intervenors time to conduct discovery before intervenors' testimony and exhibits were due.

4. Assuming LULAC's Petition to Intervene is granted shortly, a time extension of 28 days of all dates in the Order Establishing Procedure would give sufficient time for all parties to conduct proper discovery and prepare testimony in the case based on that discovery. LULAC has conferred with the other parties, and can represent that Duke opposes the motion, and states that LULAC could have conducted discovery despite not having party-status. OPC takes no position on the motion. LULAC reached out via e-mail on the morning of September 23, 2020 to the counsel of record for the other parties that have moved to intervene but have not yet been granted party status yet. Vote Solar and Southern Alliance for Clean Energy take no position. As of the time of this filing, FIPUG had not responded.

RESPECTFULLY SUBMITTED this 23rd day of September, 2020

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 23rd day of September, 2020, via electronic mail on:

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DATED this 23rd day of September, 2020.

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