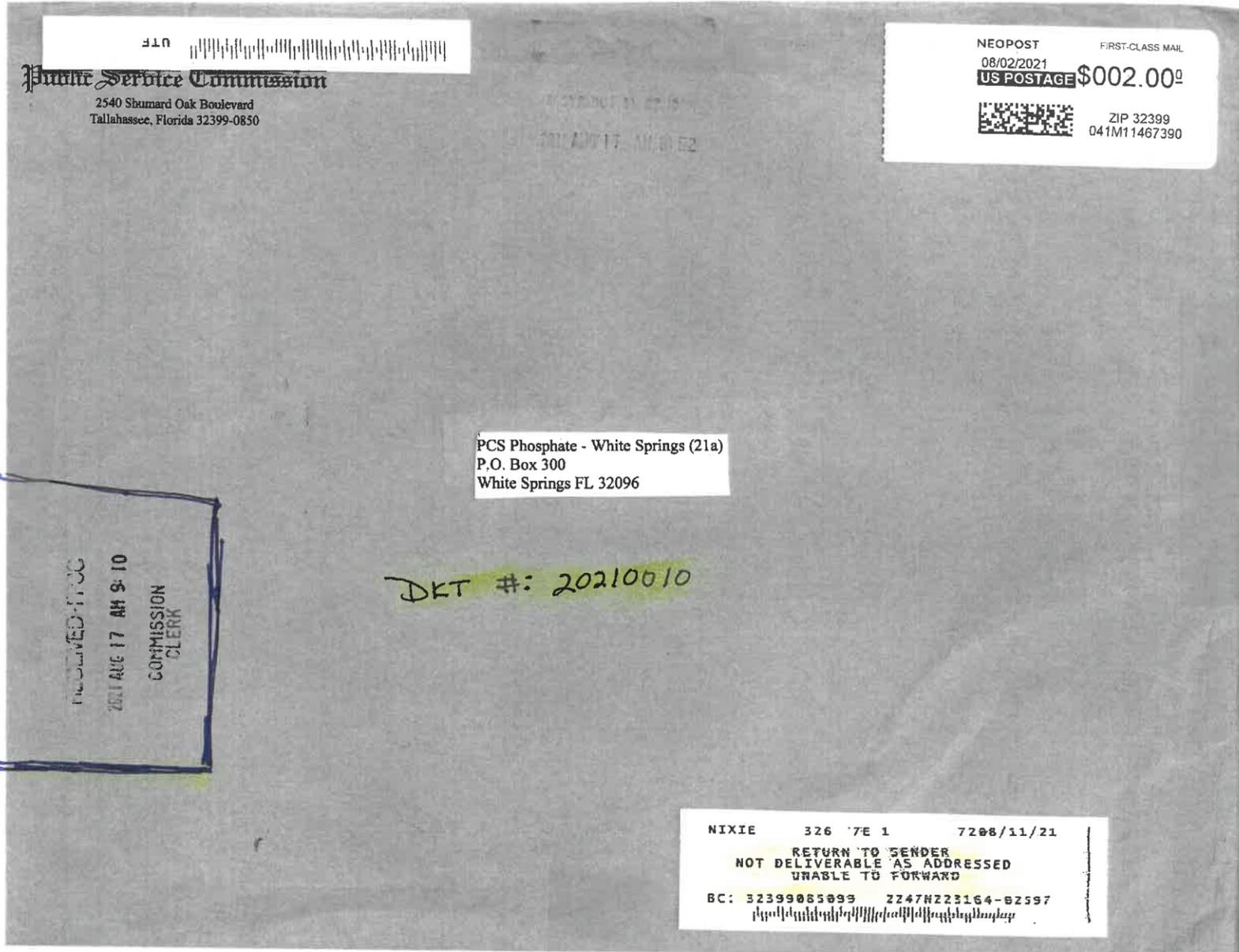


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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm protection plan cost recovery  
clause.

DOCKET NO. 20210010-EI  
ORDER NO. PSC-2021-0290-PHO-EI  
ISSUED: July 30, 2021

PREHEARING ORDER

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (F.A.C.), a Prehearing Conference was held on July 26, 2021, in Tallahassee, Florida, before Commissioner Andrew Giles Fay, as Prehearing Officer.

APPEARANCES:

DIANNE M. TRIPLETT, ESQUIRE, 299 First Avenue North, St. Petersburg, Florida 33701; and STEPHANIE A. CUELLO, ESQUIRE, 106 East College Avenue, Suite 800, Tallahassee, Florida 32301  
On behalf of Duke Energy Florida, LLC (DEF).

CHRISTOPHER T. WRIGHT, ESQUIRE, Florida Power & Light Company, 700 Universe Boulevard, Juno Beach, Florida 33408-0420  
On behalf of Florida Power & Light Company (FPL) and Gulf Power Company (GULF).

JAMES D. BEASLEY, J. JEFFRY WAHLEN, and MALCOM N. MEANS, ESQUIRES, Ausley McMullen, Post Office Box 391, Tallahassee, Florida 32302  
On behalf of Tampa Electric Company (TECO).

RICHARD GENTRY, CHARLES REHWINKEL, and MARY A. WESSLING, ESQUIRES, Office of Public Counsel, c/o The Florida Legislature, 111 West Madison Street, Room 812, Tallahassee, Florida 32399  
On behalf of the Citizens of the State of Florida (OPC).

JON C. MOYLE, JR. and KAREN PUTNAL, ESQUIRES, Moyle Law Firm, PA, 118 North Gadsden Street, Tallahassee, Florida 32301  
On behalf of the Florida Industrial Power Users Group (FIPUG).

JAMES W. BREW and LAURA WYNN BAKER, ESQUIRES, Stone Mattheis Xenopoulos & Brew, PC, 1025 Thomas Jefferson St., NW, Eighth Floor, West Tower, Washington, DC 20007  
On behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (PCS Phosphate).

PETER J. MATTHEIS and MICHAEL K. LAVANGA, ESQUIRES, Stone Mattheis Xenopoulos & Brew, PC, 1025 Thomas Jefferson St., NW, Eighth Floor, West Tower, Washington, DC 20007  
On behalf of Nucor Steel Florida, Inc. (NUCOR).

STEPHANIE U. EATON, ESQUIRE, Spilman Thomas and Battle, PLLC, 110 Oakwood Drive, Suite 500, Winston-Salem, North Carolina 27103  
On behalf of Walmart Inc. (WALMART).

SHAW P. STILLER, JENNIFER S. CRAWFORD, MARGO A. DUVAL, and STEFANIE-JO OSBORN, ESQUIRES, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850  
On behalf of the Florida Public Service Commission (Staff).

MARY ANNE HELTON, ESQUIRE, Deputy General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850  
Advisor to the Florida Public Service Commission.

KEITH C. HETRICK, ESQUIRE, General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850  
Florida Public Service Commission General Counsel.

## **I. CASE BACKGROUND**

In 2019, the Florida Legislature enacted Section 366.96, Florida Statutes (F.S.), entitled “Storm protection plan cost recovery.” Pursuant to Subsection 366.96(7), F.S., the Commission must conduct an annual proceeding to determine a utility’s prudently incurred transmission and distribution storm protection plan costs and allow the utility to recover such costs through a charge separate and apart from its base rates, to be referred to as the storm protection plan cost recovery clause (“SPPCRC”). If the Commission determines that costs were prudently incurred, those costs will not be subject to disallowance or further prudence review except for fraud, perjury, or intentional withholding of key information by the public utility.

DEF, FPL (representing the merged and consolidated operations of FPL and the former GULF), and TECO petitioned the Commission for recovery of costs through the SPPCRC on May 3, 2021. This docket is set for an administrative hearing on August 3-6, 2021. OPC, FIPUG, PCS Phosphate, NUCOR, and WALMART have each been granted intervention. On July 12, 2021, DEF, FPL, TECO, OPC, FIPUG, PCS Phosphate, NUCOR, WALMART, and Staff filed Prehearing Statements.