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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20230020-EI

Petition for limited proceeding for recovery of
incremental storm restoration costs related to
Hurricanes Elsa, Eta, Isaias, Ian, Nicole, and
Tropical Storm Fred, by Duke Energy Florida, LLC.

DOCKET NO. 20230116-EI

Petition for limited proceedings for recovery of
incremental storm restoration costs related to
Hurricane Idalia, by Duke Energy Florida, LLC.

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONERS
PARTICIPATING: GABRIELLA PASSIDOMO SMITH
PREHEARING OFFICER

DATE: May 19, 2025

TIME: Commenced: 1:00 p.m.

PLACE: Betty Easley Conference Center
Room 105
2524 Shumard Oak Boulevard
Gerald L. Gunter Building
Tallahassee, Florida

REPORTED BY: DEBRA R. KRICK
Court Reporter

PREMIER REPORTING
TALLAHASSEE, FLORIDA
(850) 894-0828

1 APPEARANCES:

2 MATTHEW R. BERNIER, STEPHANIE A. CUELLO,
3 ESQUIRES, 106 East College Avenue, Tallahassee, Florida
4 32301; and DIANNE M. TRIPLETT, Deputy General Counsel,
5 299 First Avenue North, St. Petersburg, Florida 33701;
6 appearing on behalf of Duke Energy Florida, LLC (DEF).

7 WALT TRIERWEILER, PUBLIC COUNSEL; CHARLES
8 REHWINKEL, DEPUTY PUBLIC COUNSEL, OFFICE OF PUBLIC
9 COUNSEL, c/o The Florida Legislature, 111 West Madison
10 Street, Room 812, Tallahassee, FL 32399-1400, appearing
11 on behalf of the Citizens of the State of Florida (OPC).

12 STEPHANIE U. EATON, ESQUIRE, Spilman Law Firm,
13 110 Oakwood Drive, Suite 500, Winston-Salem, NC 27103;
14 STEVEN W. LEE, ESQUIRE, Spilman Thomas & Battle, 1100
15 Bent Creek Boulevard, Suite 101, Mechanicsburg, PA
16 17050; STEVEN W. LEE, Spilman Thomas & Battle, PLLC, 110
17 Bent Creek Boulevard, Suite 101, Mechanicsburg, PA
18 17050; appearing on behalf of Walmart (Walmart).

19 JAMES W. BREW, LAURA W. BAKER, and SARAH B.
20 NEWMAN, ESQUIRES, Stone Law Firm, 1025 Thomas Jefferson
21 Street NW, Suite 800 West Washington, DC 20007;
22 appearing on behalf of White Springs Agricultural
23 Chemicals, Inc. d/b/a PCS-Phosphate - White Springs (PCS
24 Phosphate).

25

1 APPEARANCES CONTINUED:

2 SUZANNE BROWNLESS, ESQUIRE, FPSC General
3 Counsel's Office, 2540 Shumard Oak Boulevard,
4 Tallahassee, Florida 32399-0850, appearing on behalf of
5 the Florida Public Service Commission (Staff).

6 MARY ANNE HELTON, INTERIM GENERAL COUNSEL,
7 Florida Public Service Commission, 2540 Shumard Oak
8 Boulevard, Tallahassee, Florida 32399-0850, Advisor to
9 the Florida Public Service Commission.

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1 P R O C E E D I N G S

2 COMMISSIONER PASSIDOMO SMITH: Okay. Good
3 afternoon, everyone. All right, today is Monday,
4 May 19th. It's 1:00 p.m., and I will now call this
5 Prehearing Conference to order.

6 Staff, will you please read the notice?

7 MS. BROWNLESS: By notice issued on May 12th,
8 2025, this time and place has been set for a
9 prehearing conference in Docket Nos. 20230020-EI
10 and 20230116-EI. The purpose of the Prehearing is
11 set forth more fully in the notice.

12 COMMISSIONER PASSIDOMO SMITH: Thank you, Ms.
13 Brownless.

14 Let's move to appearances, start with Duke.

15 MR. BERNIER: Good afternoon, Commissioner.
16 Matt Bernier for Duke Energy. I will also enter an
17 appearance for Dianne Triplett and Stephanie
18 Cuello. Thanks.

19 MS. BAKER: Good afternoon, Laura Baker on
20 behalf of White Springs Agricultural Chemicals,
21 Inc., doing business as PCS Phosphate-White
22 Springs. And I will also enter an appearance for
23 James Brew and Sarah Newman.

24 MR. REHWINKEL: Good afternoon, Commissioner.
25 Charles Rehwinkel with the Office of Public Counsel

1 here on behalf of the customers of Duke, and I
2 would also like to inter an appearance for Walt
3 Trierweiler the Public Counsel.

4 COMMISSIONER PASSIDOMO SMITH: Thank you.
5 Staff.

6 MS. BROWNLESS: And I am Suzanne Brownless on
7 behalf of Commission staff.

8 MS. HELTON: And Mary Anne Helton is here as
9 your Advisor.

10 COMMISSIONER PASSIDOMO SMITH: Thank you.

11 All right. Let's move to preliminary matters.
12 Staff, are there any we need to address before
13 we --

14 MS. BROWNLESS: Yes, ma'am.

15 Walmart is a party to this docket by virtue of
16 the fact that Docket 20230020 was combined with
17 Docket 20230116 by Order No. PSC-2024-0151-PHO-EI.

18 Walmart filed a letter on May 13th, 2025,
19 stating that it does not intend to participate in
20 this prehearing nor the hearing schedule followed
21 June 3rd and forth in this proceeding. Consistent
22 with that statement, Walmart has not filed a
23 prehearing statement as required by Order No.
24 PSC-2025-0067-PCO-EI.

25 Given these facts, I recommend that you treat

1 the letter as a request for recusal from the docket
2 and grant that request.

3 COMMISSIONER PASSIDOMO SMITH: Do the parties
4 have any objection to us excusing Walmart? Okay.
5 So seeing no objection, Walmart is excused as a
6 party from this proceeding.

7 MS. BROWNLESS: OPC has entered into a
8 stipulation with DEF regarding procedural
9 improvements for tracking cost. I would suggest
10 that we take that issue up when we discuss
11 stipulations later on.

12 COMMISSIONER PASSIDOMO SMITH: Okay. We will.
13 So parties, is there other preliminary matters
14 you would like to address before we move to the
15 Prehearing Order?

16 All right. Seeing none. Going through the
17 draft Prehearing Order, I will identify sections,
18 and just let me know if I am moving too fast so we
19 can slow down and make the adjustments when we need
20 to.

21 Okay. With that, we will start with Section 1
22 is Case Background.

23 Section II, Conduct of Proceedings.

24 Section III, Jurisdiction.

25 Section IV, Procedure for Handling

1 Confidential Information.

2 MS. BROWNLESS: When confidential information
3 is used in the hearing, parties must have copies
4 for the Commissioners, necessary staff and the
5 court reporter in red envelopes clearly marked with
6 the nature of the contents. Any party wishing to
7 examine the confidential material that is not
8 subject to an order granting confidentiality shall
9 be provided a copy in the same fashion as provided
10 to the Commissioners, subject to execution of any
11 appropriate protective agreement with the owner of
12 the material.

13 COMMISSIONER PASSIDOMO SMITH: Thank you.

14 Does any party have any other matters related
15 to confidential information at this time?

16 All right. Seeing none, we will move to
17 Prefiled Testimony and Exhibits, staff.

18 MS. BROWNLESS: Staff suggests that the
19 witness summary testimony be no longer than three
20 minutes.

21 COMMISSIONER PASSIDOMO SMITH: Any objections?
22 All right. So witness summaries shall be limited
23 to three minutes. Thank you.

24 Moving to Offer of Witnesses. Are there any
25 witnesses that can be stipulated?

1 MS. BROWNLESS: At this time, because we are
2 still in the process of looking through the
3 proposed stipulations, we cannot stipulate to the
4 excusal of any witnesses.

5 COMMISSIONER PASSIDOMO SMITH: Okay. Yeah.

6 MR. BERNIER: And, Commissioner, just for the
7 record. I don't -- hopefully we won't get here and
8 we won't have to have any witnesses, but if we do,
9 Mr. New would be unavailable during the hearing
10 dates, but we would substitute an appropriate
11 witness --

12 COMMISSIONER PASSIDOMO SMITH: Okay.

13 MR. BERNIER: -- and make sure that everybody
14 was good.

15 COMMISSIONER PASSIDOMO SMITH: Yeah.

16 MR. BERNIER: I wanted everybody to know.

17 COMMISSIONER PASSIDOMO SMITH: Thank you.
18 That you for stating that.

19 MS. BROWNLESS: Matt, can you tell us what
20 witness would be substituted for Mr. New?

21 MR. BERNIER: Not off the top of my head,
22 because I am blanking right now.

23 MS. BROWNLESS: Thank you.

24 COMMISSIONER PASSIDOMO SMITH: We can figure
25 that out, yeah, in the time in between.

1 MR. BERNIER: Yeah.

2 COMMISSIONER PASSIDOMO SMITH: Okay. We are
3 going to move to Basic Positions. Do the parties
4 have any changes to their basic positions? All
5 right. If not, we are going to move on to the
6 issues, then.

7 Any changes to any of the issues? Yes, Mr.
8 Rehwinkel.

9 MR. REHWINKEL: Yes, Commissioner. On issues
10 3 through 17, we have no position at this time, and
11 I would ask for leave to provide, whatever time you
12 feel is appropriate, an amended position on those
13 issues.

14 COMMISSIONER PASSIDOMO SMITH: Okay. I mean,
15 I will defer to staff. I mean, I think --

16 MS. BROWNLESS: That's fine. And if you would
17 like to change those, we would like the changes to
18 be submitted by the close of business tomorrow,
19 May 20th.

20 MR. REHWINKEL: That works.

21 COMMISSIONER PASSIDOMO SMITH: Is that
22 appropriate?

23 MR. REHWINKEL: Yes.

24 COMMISSIONER PASSIDOMO SMITH: All right.
25 Sounds good. Thank you.

1 MS. BAKER: And, Commissioner --

2 COMMISSIONER PASSIDOMO SMITH: Yes.

3 MS. BAKER: -- PCS has agreed with OPC on
4 several of the issues. We will work with Mr.
5 Rehwinkel to make sure we still agree with OPC, and
6 if they still have no position at this time, we
7 would revert to no position.

8 COMMISSIONER PASSIDOMO SMITH: Okay. And,
9 staff, would they need to, will PCS need to have
10 their -- a separate, need to let you know as well
11 by tomorrow, submit to you as well, like, are they
12 just automatically agreeing with OPC?

13 MS. BROWNLESS: If they --

14 MR. REHWINKEL: What I will do is, probably no
15 later than the end of the day today, I will share a
16 new position with PCS so that they can be informed
17 as to whether to continue to agree or provide some
18 other position by the next day. I think that would
19 be enough time.

20 MS. BAKER: Thank you. Yeah, that would work
21 for us if that works for staff and you,
22 Commissioner.

23 MS. BROWNLESS: So the bottom line is we would
24 get your revised position by tomorrow, the close of
25 business tomorrow, is that correct?

1 MR. REHWINKEL: Yeah. So we will be
2 synchronized, so to peak.

3 MS. BROWNLESS: Perfect.

4 MS. BAKER: Thank you, yes.

5 COMMISSIONER PASSIDOMO SMITH: Thank you.

6 Okay. Well, with that, I think we are going
7 to move on to Comprehensive Exhibit List, staff.

8 MS. BROWNLESS: We have prepared a
9 Comprehensive Exhibit List, which includes all
10 prefiled exhibits and those exhibits staff wishes
11 to include in the record.

12 The draft list was provided to the parties to
13 see if there were any changes or objections to the
14 CEL. And at this time, we would ask if there are
15 changes or corrections to the CEL they wish to
16 make?

17 COMMISSIONER PASSIDOMO SMITH: Are there any
18 objections to the entry of the exhibits listed on
19 the CEL?

20 MR. REHWINKEL: We do not have any. There may
21 be -- after stipulations, there may need to be
22 additions, but what's here now is fine with us.

23 COMMISSIONER PASSIDOMO SMITH: Okay. Thank
24 you. Yeah, we moving -- that's our next step is
25 proposed stipulations. So with that, staff, are

1 there any proposed stipulations?

2 MS. BROWNLESS: The parties are currently
3 working on reviewing proposed stipulations for this
4 proceeding. Any proposed stipulations will be
5 identified as an exhibit on the CEL, provided to
6 the parties, and circulated to the Commissioners in
7 advance of the hearing.

8 As discussed before, OPC has entered into a
9 stipulation with DEF regarding process
10 improvements. Staff suggests now that OPC and the
11 parties be given an opportunity to describe that
12 stipulation.

13 COMMISSIONER PASSIDOMO SMITH: Mr. Rehwinkel,
14 would you like to address the agreement with Duke?

15 MR. REHWINKEL: Yes, very briefly. And I want
16 to first of all thank Duke for working with us.
17 When we reviewed the case and the testimony, we had
18 some questions more in the nature of clarification,
19 and so we asked Duke, in lieu of going through the
20 cost and burden of filing testimony and rebuttal
21 testimony, if we could state a proposition and see
22 whether they agreed with it or not.

23 So we worked through this process and came up
24 with what we have attached. And this set of
25 confirmations, the first three obviate the need for

1 us to do cross-examination and file testimony. So
2 it clarifies for us the nature of the invoicing and
3 the cost approval that the company went through, so
4 we are very satisfied with that.

5 And the fourth item, I would call it more of a
6 target for beginning a lengthy process of trying to
7 get standardization of reporting of vendor costs,
8 specifically linemen costs, so that the Commission
9 can understand kind of the progress of storm
10 hardening and process improvements, and have a
11 baseline of average cost by company, assuming that,
12 as it has been done in the past, it would be
13 treated confidential.

14 So it's just Duke has agreed to start this
15 process if the other three companies can be
16 convinced to go along with it. So it's just a
17 commitment on their part to be a part of a process
18 that's in the future. So that's how I would
19 characterize it, and it gives us the ability to
20 resolve this docket in a more streamlined and
21 efficient way.

22 COMMISSIONER PASSIDOMO SMITH: Okay. Thank
23 you.

24 Duke, do you have a response?

25 MR. BERNIER: Sure. Thanks, Commissioner.

1 Always happy to work with our friends in the
2 Public Counsel's office and find a way to
3 streamline these proceedings. And if we can find a
4 way to do it, it moves the ball forward in other
5 proceedings of this ilk, that's great. So happy to
6 have worked with them.

7 And I did just want to say that I had
8 forgotten when we went through on witnesses in
9 Section VI, when you asked if there was anybody to
10 be stipulated. We are perfectly happy to stipulate
11 Mr. Mouring. We do not have any questions for him.

12 COMMISSIONER PASSIDOMO SMITH: Okay.

13 MR. BERNIER: And I should have said that
14 earlier.

15 COMMISSIONER PASSIDOMO SMITH: Thank you. I
16 think, in the interim, staff will work with you
17 guys and the other offices, and all of that, about
18 stipulations. Thank you for stating that for the
19 record.

20 MR. REHWINKEL: We would join in that
21 stipulation.

22 COMMISSIONER PASSIDOMO SMITH: Okay. Thank
23 you.

24 MS. BROWNLESS: Thank you.

25 COMMISSIONER PASSIDOMO SMITH: Do any other

1 parties have anything to address as far as this
2 letter? Okay. So nobody objects to including the
3 May 16th letter and stipulated confirmations and
4 commitments as an exhibit on the CEL, and attaching
5 the letter to the final order in this docket?

6 MR. BERNIER: No objection.

7 COMMISSIONER PASSIDOMO SMITH: No objections.

8 MS. BAKER: Just to verbally confirming, PCS
9 has no objection.

10 COMMISSIONER PASSIDOMO SMITH: Thank you.

11 Thank you. Yes, sorry. For the record, everyone
12 is nodding their head yes.

13 Okay. Cool, so we will move on to pending
14 motions.

15 MS. BROWNLESS: There are no pending motions
16 at this time.

17 COMMISSIONER PASSIDOMO SMITH: Are there any
18 pending confidentiality matters?

19 MS. BROWNLESS: No, ma'am.

20 MS. BAKER: Commissioner.

21 COMMISSIONER PASSIDOMO SMITH: Yes.

22 MS. BAKER: I am not sure of the correct time
23 to raise this, and I apologize for interrupting. I
24 believe we might be moving toward stipulating all
25 the issues in this case -- in this matter, and I

1 know that we are going to work on this interim, but
2 I would like to, at some point, formally ask to be
3 excused from the June 3rd hearing if we are able to
4 get all the stipulations, but I wanted to go ahead
5 and address that --

6 COMMISSIONER PASSIDOMO SMITH: Yeah.

7 MS. BAKER: -- and see, at this hearing, if we
8 can get that process started.

9 COMMISSIONER PASSIDOMO SMITH: I have no
10 objection to that. Do any of the parties?

11 MR. BERNIER: I never have an objection to any
12 of them being excused.

13 COMMISSIONER PASSIDOMO SMITH: Yeah, that's
14 kind of what I assumed. Okay, so, yeah, so
15 absolutely, you guys are excused then.

16 MS. BAKER: Wonderful. Thank you,
17 Commissioner.

18 COMMISSIONER PASSIDOMO SMITH: Okay. So we
19 will move post-hearing procedures, staff -- sorry,
20 go ahead.

21 MS. BROWNLESS: Yes, ma'am.

22 If the parties agree to insert the testimony
23 of all direct witnesses and exhibits into the
24 record, and to waive all cross-examination, and the
25 Commissioners have no questions, it may be

1 appropriate to see in the parties wish to waive the
2 filing of briefs and substitute a closing argument.
3 This would allow the Commissioners to take a bench
4 vote at the final hearing on June 3rd. Parties
5 are, of course, allowed to file post-hearing briefs
6 on non-stipulated issues should they so choose.

7 COMMISSIONER PASSIDOMO SMITH: Any objections
8 to us potentially doing a bench decision on this?

9 MR. REHWINKEL: None from the Public Counsel.

10 MS. BAKER: None from PCS.

11 COMMISSIONER PASSIDOMO SMITH: Okay. Thank
12 you.

13 MR. BERNIER: No objection.

14 COMMISSIONER PASSIDOMO SMITH: Okay. Thank
15 you very much.

16 All right. Staff, are there any rulings to
17 address?

18 MS. BROWNLESS: Yes, ma'am.

19 We recommend that opening statements be
20 limited to three minutes per party.

21 COMMISSIONER PASSIDOMO SMITH: Okay. Thank
22 you.

23 Any objections? I think I did rule on this --
24 didn't I rule? No, that was witness summaries.
25 Okay. So seeing no objections, witness -- opening

1 statements are limited to three minutes per party.

2 I will probably be better about making actual
3 formal rulings.

4 Okay. Any other matters to address in this
5 Prehearing Conference?

6 MS. BROWNLESS: We are not aware of any other
7 matters at this time.

8 COMMISSIONER PASSIDOMO SMITH: Any parties
9 have any addition matters they would like to bring
10 about?

11 All right. Seeing none, this Prehearing
12 Conference is now adjourned.

13 Thank you.

14 MS. BROWNLESS: Thank you.

15 (Proceedings concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, DEBRA KRICK, Court Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 2nd day of June, 2025.


DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #HH575054
EXPIRES AUGUST 13, 2028