

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of 2026-2035 Storm Protection
Plan Pursuant to Rule 25-6.030, F.A.C., Duke
Energy Florida, LLC

Docket No. 20250015-EI

Dated: April 28, 2025

**DUKE ENERGY FLORIDA, LLC'S
PREHEARING STATEMENT**

Pursuant to the Order Establishing Procedure, Order No. PSC-2025-0029-PCO-EI (the "OEP"), Duke Energy Florida, LLC ("DEF") hereby submits its Prehearing Statement with respect to its 2026-2035 Storm Protection Plan Pursuant to Rule 25-6.030, F.A.C.

1. **Known Witnesses** - DEF intends to offer the testimony of:

Direct

Witness	Subject Matter	Issues#
Brian Lloyd	Distribution investments and projects approved in 2023-2032 SPP and set out for 2026-2035 SPP.	2
Alexandra Vazquez	Transmission investments and projects approved in 2023-2032 SPP and set out for 2026-2035 SPP	1, 2, A, B
Christopher Menendez	Calculation of the estimated revenue requirements for each year of the SPP and estimated rate impacts for each of the first three years	2, 3

Rebuttal

Witness	Subject Matter	Issues#
Brian Lloyd	Rebuttal of OPC's witness Mara	2
Alexandra Vazquez	Rebuttal of OPC's witness Mara	1, 2, A, B

2. **Known Exhibits** - DEF intends to offer the following exhibits:

Witness	Proffered By	Exhibit #	Description
Direct			
Brian Lloyd	DEF	2 nd Corrected (BML-1)	DEF SPP Program Descriptions and Summaries Distribution Portion
Brian Lloyd	DEF	(BML-2)	DEF SPP Support
Brian Lloyd	DEF	(BML-3)	DEF Service Area
Alexandra Vazquez	DEF	2 nd Corrected (BML-1)	DEF SPP Program Descriptions and Summaries - Transmission Portion
Alexandra Vazquez	DEF	(BML-2)	DEF SPP Support
Alexandra Vazquez	DEF	(BML-3)	DEF Service Area
Christopher Menendez	DEF	2 nd Corrected (BML-1)	DEF SPP Program Descriptions and Summaries - Estimated Revenue Requirements and Estimated Rate Impact
Rebuttal			
Alexandra Vazquez	DEF	(AV-1)	Excerpt from Howe Testimony, DN 20220050-EI

DEF reserves the right to identify additional exhibits for the purpose of cross-examination or rebuttal.

3. **Statement of Basic Position** -

As required by Section 366.96, Florida Statutes (the “SPP Statute”), Rule 25-6.030, F.A.C. (the “SPP Rule”), and the OEP, on January 15, 2025, DEF filed its proposed Storm Protection Plan (“SPP” or the “Plan”). DEF’s transmission and distribution SPP covers the immediate 10-year planning period (2026-2035) and explains the systematic approach DEF will follow to protect and strengthen its transmission and distribution infrastructure to achieve the objectives

of reducing restoration costs and outage times associated with extreme weather events and enhancing overall reliability, as demonstrated by the pre-filed testimonies and exhibits of DEF's witnesses Mr. Brian Lloyd and Mrs. Alexandra Vazquez, and converted into the 3-year projected rates and revenue requirements as required by the SPP Rule and included in the testimony and exhibit of Mr. Christopher Menendez. DEF's SPP continues the same suite of Distribution and Transmission Programs approved by the Commission in Order No. 2022-0388-FOF-EI, *affirmed by Citizens of the State of Fla. v. Fay*, 396 So. 3d 549 (Fla 2024), with the addition of one subprogram, the Insulator Upgrade subprogram, within the Transmission Structure Hardening Program.

DEF's SPP includes all elements required by the SPP Rule, is in the public interest as defined in the SPP Statute and should be approved by this Commission.

4. Statement of Facts

ISSUE 1 Should the proposed Insulator Upgrade Sub-Program be included in DEF's proposed 2026-2035 SPP?

DEF Yes, the Insulator Upgrade subprogram is intended to upgrade targeted equipment that is more vulnerable during extreme weather events to protect the integrity of the grid. This subprogram of Structure Hardening will mitigate outages during extreme weather events. (Vazquez)

ISSUE 2 Should the Commission approve, approve with modification, or deny DEF's Storm Protection Plan?

DEF The Commission should approve, without modification, DEF's 2026-2035 Storm Protection Plan. DEF's proposed SPP is in the public interest as defined by, and using the factors outlined in, the SPP Statute.
DEF's SPP, with the exception of the Insulator Upgrade subprogram discussed in Issue 1, continues without material modification the Distribution and Transmission Programs approved by the Commission in Order No. PSC-2022-0388-FOF-EI. As depicted in Exhibit No. BML-1 and further explained in the testimonies of Witnesses Lloyd and Vazquez, the estimated benefits customers will receive from the deployment of DEF's SPP continue to outweigh the projected costs of the Plan. The estimated Annual Rate Impact is provided in Exhibit No. BML-3. (Vazquez, Lloyd, Menendez)

ISSUE 3 Should this docket be closed?

DEF Upon issuance of the Commission's decision, this docket should be closed.

5. Contested Issues

ISSUE A: Has the scope of the Tower Upgrade subprogram been modified since it was approved in Docket No. 20220050-EI, and if so, what action, if any, should the

Commission take with respect to the scope of the Tower Upgrade subprogram included in DEF's proposed 2026-2035 SPP?

DEF No, the Tower Upgrade subprogram has not been materially modified since it was approved in Docket No. 20220050-EI. (Vazquez)

ISSUE B: Has the scope of the Overhead Wire Upgrade (OHGW) subprogram been modified since it was approved in Docket No. 20220050-EI, and if so, what action, if any, should the Commission take with respect to the scope of the OHGW subprogram included in DEF's proposed 2026-2035 SPP?

DEF No, the OHGW subprogram has not been materially modified since it was approved in Docket No. 20220050-EI. (Vazquez)

ISSUE C (LEGAL):

What is the preclusive effect, if any, of the prior litigation in Docket No. 20220050-EI and resulting orders, Commission Order No. PSC-2022-0388-EI and *Citizens cf the State cf Fla. v. Fay*, 395 So. 3d 549 (Fla. 2024), on the OPC's right to challenge previously approved subprograms in this docket?

DEF: The Commission's prior determination that, *inter alia*, the Tower Upgrade and OHGW subprograms were properly included in DEF's 2023 SPP preclude the OPC from challenging those subprograms' inclusion in DEF's 2026 SPP under the doctrines of Administrative Finality and Collateral Estoppel, absent OPC showing by a preponderance of the evidence that DEF has proposed a material change to the subprograms. Moreover, to the extent OPC is able to meet its burden of showing such a material change, application of these doctrines properly limits the scope of the review of the subprograms to the incremental change identified - but not to the inclusion of the subprograms in the Plan – a determination that has been previously litigated, decided, and not challenged on appeal.

6. **Stipulated Issues** - None at this time.
7. **Pending Motions** - DEF does not have any pending motions at this time.
8. **Requests for Confidentiality** - DEF does not have any pending requests for confidential classification at this time.
9. **Objections to Qualifications** - DEF objects to any witness testimony that goes beyond the scope of their expertise, and more specifically objects to any witness testimony purporting to offer expert

testimony on the interpretation of statutes or rules, as such a determination is the exclusive province of the Commission.

10. **Sequestration of Witnesses** - DEF has not identified any witnesses for sequestration at this time.
11. **Requirements of Order** - At this time, DEF is unaware of any requirements of the Order Establishing Procedure of which it will be unable to comply.

/s/ Matthew R. Bernier

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 28th day of April 2025.

/s/ Matthew R. Bernier

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