

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Analysis of IOUs' Hedging Practices

Docket No. 170057

Filed: May 3, 2017

SIERRA CLUB'S UNOPPOSED  
MOTION TO EXTEND INTERVENOR AND STAFF TESTIMONY DEADLINES AND  
UTILITY REBUTTAL TESTIMONY DEADLINE

Pursuant to Rule 28-106.204, Florida Administrative Code (F.A.C.), Sierra Club files this unopposed Motion to Extend Intervenor's Testimony Deadline and Utility Rebuttal Testimony Deadline in the above-captioned docket as established by Order No. PSC-17-0132-PCO-EI issued April 13, 2017. The Sierra Club moves the Prehearing Officer to: 1) extend Intervenor's direct testimony deadline from August 3, 2017 to August 10, 2017; 2) extend Staff's testimony deadline from August 3, 2017 to August 10, 2017; and 3) extend the deadline for rebuttal testimony from August 25, 2017 to September 1, 2017. This motion is timely filed prior to the expiration of the deadline sought to be extended. Rule 28-106.204(4), F.A.C.

Sierra Club has conferred with all parties to this docket in satisfaction of Rule 28-106.204(3). F.A.C. Both the Office of Public Counsel ("OPC") and the Florida Industrial Power Users Group ("FIPUG") support the modifications requested in this motion. Duke Energy Florida, Florida Power and Light Company, Gulf Power Company, Tampa Electric Company (collectively "IOUs") do not oppose the proposed changes. Staff was consulted and voiced a preference that if the modifications requested in this motion are granted that deadlines for Staff testimony also be modified to reflect the August 10, 2017 date, but otherwise takes no position on this motion. PCS Phosphate – White Springs takes no position on the matters raised here.

**I. The current schedule provides insufficient time for intervenors to respond to the utilities' direct testimony.**

On April 13, 2017, the Commission issued its Order Establishing Procedure, Order No. PSC-17-0132-PCO-EI. The order established the following timeline for key activities:

(1) Utility's testimony and exhibits	July 3, 2017
(2) Intervenors' testimony and exhibits	August 3, 2017
(3) Staff's testimony and exhibits, if any	August 3, 2017
(4) Rebuttal testimony and exhibits	August 25, 2017
(5) Prehearing Statements	September 7, 2017
(6) Discovery deadline	September 18, 2017
(7) Prehearing Conference	September 19, 2017
(8) Hearing	September 27-28, 2017
(9) Briefs	October 9, 2017

The Order also provides that the deadline to respond to discovery is thirty (30) days when requests are made prior to the utility's direct testimony; twenty (20) days when related to matters in the utility's direct testimony; and ten (10) days when related to rebuttal testimony.

If intervenors receive utilities' direct testimony on July 3, the 30 day period currently provided is insufficient for Sierra Club and other intervenors to review that testimony, draft and serve related discovery, wait twenty days for the utilities to respond to the discovery, and incorporate as appropriate the information provided in those responses in the intervenors' direct

testimony by August 3, 2017.<sup>1</sup> The additional seven days sought should provide an adequate opportunity to accomplish these activities.

**II. Extending the deadline for intervenor and rebuttal testimony each for one week will allow the parties to more fully develop the issues presented in this docket.**

For the Commission to make a prudent decision on the use of financial hedges, it should allow sufficient time for all parties to discover relevant information and fully develop the issues presented by this docket. Extending the deadline for intervenor testimony would allow the parties to incorporate responsive discovery materials into their direct testimony while not pressuring the utilities to respond on a compressed timeframe. Extending the staff testimony deadline retains the symmetry of the original schedule, and reflects that although Staff takes no position on this motion, it expressed a preference that both intervenors and staff face the same testimony deadlines. Likewise, extending the deadline for rebuttal testimony from August 25, 2017 to September 1, 2017, provides the utilities the same amount of time as in the initial schedule for their rebuttal testimony. The requested action would retain the same dates for the prehearing conference, hearing, and briefing in this matter. As noted above, these modifications are supported by OPC, and FIPUG, and otherwise unopposed.

ACTION	ORIGINAL DATE	MODIFIED DATE
Utility Testimony & Exhibits	July 3, 2017	July 3, 2017
Intervenors' Testimony & Exhibits	August 3, 2017	August 10, 2017
Staff Testimony & Exhibits	August 3, 2017	August 10, 2017
Rebuttal Testimony & Exhibits	August 25, 2017	September 1, 2017

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<sup>1</sup> Sierra Club anticipates that discovery will be necessary on issues including but not limited to the design of the call option approach, research to determine the availability of these mechanisms, and any consideration of alternative strategies to limit exposure to price volatility.

Prehearing Statement	September 7, 2017	September 7, 2017
Discovery Deadline	September 18, 2017	September 18, 2017
Prehearing Conference	September 19, 2017	September 19, 2017
Hearing	September 27-28, 2017	September 27-28, 2017
Briefs	October 9, 2017	October 9, 2017

WHEREFORE, Sierra Club respectfully requests that the Prehearing Officer enter an order to 1) extend Intervenors' direct testimony deadline by one week to August 10, 2017; 2) extend Staff's direct testimony deadline by one week to August 10, 2017; and 3) extend the utilities' deadline for rebuttal testimony by one week to September 1, 2017. The requested relief is necessary to develop a record that will inform the Commission's decisions in this docket.

RESPECTFULLY SUBMITTED this 3rd day of May, 2017

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served electronically on this 3rd day of May, 2017 on:

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