

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of arrangement to mitigate unfavorable impact of St. Johns River Power Park, by Florida Power & Light Company.

DOCKET NO. 170123-EI

FILED: June 29, 2017

CITIZENS' MOTION TO EXTEND THE FILING DATE FOR INTERVENOR TESTIMONY

The Citizens of Florida, by and through the Office of Public Counsel (OPC), and pursuant to Fla. Admin. Code R. 28-106.204, file this Motion to Extend the Filing Date for Intervenor Testimony. The Citizens state the following:

1. The Petition at issue was filed on May 22, 2017; the Utility's related testimony and exhibits were filed concurrently with the Petition.
2. This case involves a complex proposal by Florida Power & Light Company (FPL) to terminate its long-standing joint operation agreement with the Jacksonville Electric Authority ("JEA") regarding the St. John's River Power Plant (SJRPP). Elements of the proposal include FPL's plan to shut down the SFRPP early, terminate early the existing power purchase agreement between FPL and JEA, dismantle the SJRPP, transfer assets to JEA, and establish several regulatory assets in order to recover upwards of \$281 million in costs from ratepayers.

3. The Office of Public Counsel filed its Notice of Intervention on June 6, 2017, and filed initial discovery requests on June 7, 2017.
4. The Order Establishing Procedure (OEP) was issued on June 12, 2017. The OEP provided a due date of **July 14** for Intervenor testimony. “*See*, Order No. PSC-17-0214-PCO-EI. Citizens hereby request a one-week extension of the Intervenor testimony-filing deadline to **July 21**. To date, Citizens are the only Intervenors in the case.
5. On June 21, 2017, Staff issued discovery requests to FPL consisting of 42 interrogatories and 11 items of document requests.
6. Responses from FPL to Staff’s outstanding discovery are due on **July 11**, which is **three days before** Citizens’ testimony is due. Citizens submit that the efficiency of the hearing process will be best served by providing more than three days for Citizens to analyze the discovery and, where appropriate, incorporate those facts into their testimony.
7. OPC requests the hearing officer issue an order revising the OEP testimony filing date for Intervenors to **July 21, 2017**.
8. A grant of additional time for Citizens to file testimony would allow for a more full evaluation of the SJRPP Transaction and, therefore, benefit customers and the public interest. It would also facilitate the Commission’s work by placing Citizens’ analysis and

accompanying facts and evidence in the record so the Commission can make a more informed decision.

9. Commission precedent supports Citizens' motion. *See, In re: Petition for authority to recover prudently incurred storm restoration costs, et al.*, DOCKET NO. 041291-EI; ORDER NO. PSC-05-0283-PCO-EI, 2005 Fla. PUC LEXIS 174, *9 March 16, 2005 (stating undue prejudice could result where petitioner filed new information two business days before intervenor's testimony was due and granting intervenor additional time to respond); *In re: Petition for rate increase by Peoples Gas System*, DOCKET NO. 020384-GU; ORDER NO. PSC-02-1613-PCO-GU (granting extension of deadline for filing of intervenor testimony after receipt of late-filed discovery).

10. Pursuant to Fla. Admin. Code R. 28-106.204(3) the movant conferred with all other parties of record. FPL informed OPC that FPL has "no objection to a one week extension so that the following dates would apply:

OPC testimony:	July 21 (currently due July 14)
Staff testimony:	August 4 (currently due July 28)
FPL Rebuttal:	August 14 (currently due August 7)
Prehearing Statements:	August 18 (currently due August 11)"

FPL further advised OPC of its position that "... a one week extension will allow all parties to remain on track for the August 28 Prehearing Conference and ultimately the September 13 hearing date."

11. Citizens only request the week long extension of the deadline for filing Citizens' testimony. However, the Citizens do not object to FPL's proposal for changes to the other dates outlined above.
12. Staff informally expressed a preference for extending only the Citizens' testimony filing deadline and not the other dates; however, Citizens have not received a final position from Staff as of the time of this filing.

Wherefore, the Citizens of Florida respectfully request entry of an order extending the filing date for Intervenor testimony from July 14 to July 21, 2017.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and foregoing CITIZENS' MOTION TO EXTEND THE FILING DATE FOR INTERVENOR TESTIMONY has been furnished by electronic mail on this 29th day of June, 2017, to the following:

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