

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 20170009-EI
ORDER NO. PSC-2017-0260-PCO-EI
ISSUED: July 10, 2017

FIRST ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

Order No. PSC-17-0057-PCO-EI, issued on February 20, 2017, established hearing procedures and controlling dates governing the annual Nuclear Cost Recovery Clause docket set for hearing August 15-18, 2017. On June 16, 2017, the Office of Public Counsel (OPC) and White Springs Agricultural Chemicals, Inc., d/b/a PCS Phosphate – White Springs (PCS Phosphate) (jointly “Movants”) filed a Motion to Temporarily Hold in Abeyance and Reschedule the 2017 Hearing for Duke Energy Florida, LLC (Motion)¹ to defer the hearing of the Duke Energy Florida, LLC (DEF) portion of Docket No. 20170009-EI until October 24, 2017, to be held concurrent with the general clause hearings.

In support of its Motion, the Movants state that additional time is necessary to conduct discovery and prepare for hearing on DEF’s petition to recover a portion of outstanding Levy Nuclear Project (LNP) costs due to the pending litigation between DEF and Westinghouse Electric Company, LLC (Westinghouse) and Stone & Webster, Inc. concerning DEF’s 2014 termination of the engineering, procurement, and construction contract, and Westinghouse’s 2017 bankruptcy filing. On June 22, 2017, during a noticed informal meeting amongst all parties and interested persons, the Movants clarified that the Motion pertains only to the LNP portion of the docket. It is not the intent of the Movants to petition to defer the portions of this docket related to DEF’s petition to recover costs relating to the Crystal River Unit 3 Uprate Project (CR3).

Within its Motion, the Movants state that it has conferred with all parties to this docket and that no party was opposed to the Motion, and DEF took no position. As provided by Rule 28-106.204, Florida Administrative Code (F.A.C.), the time allowed for parties to file a response to the Motion expired on June 23, 2017. However, on June 27, 2017, DEF amended its position, and filed with the Office of the Commission Clerk a response in support of the Movant’s Motion. DEF states that it initially took no position on the Motion; however, after further discussions with the Movants, DEF determined that the relief sought within the Motion would be within the best interests of itself and DEF’s customers. Further, DEF emphasizes that the CR3 portion of this docket should not be subject to the Motion.

Despite the timing of its response, I have decided to take DEF’s amended position into account in rendering my decision, as Rule 28-106.204, F.A.C., states that written motions should be disposed of on the basis of the motion itself and any supporting or opposing memoranda. Therefore, upon consideration of the Motion and DEF’s response, I find that it is reasonable and should not unduly prejudice any party to this docket to temporarily hold in abeyance the LNP

¹ Document No. 05380-2017

portions of this proceeding. Thus, I hereby grant the Motion of the Office of Public Counsel and White Springs Agricultural Chemicals, Inc., d/b/a, PCS Phosphate – White Springs to Temporarily Hold in Abeyance and Reschedule the 2017 Hearing For Duke Energy Florida, LLC for the Levy Nuclear Project.

Section VIII of the Order Establishing Procedure, Order No. PSC-17-0057-PCO-EI, shall be modified and the following dates are hereby established to govern key activities in this case relating only to Duke Energy Florida, LLC's petition to recover costs associated with its Levy Nuclear Project.

Intervenors' Testimony and Exhibits	September 14, 2017
Staff's Testimony and Exhibits	September 14, 2017
Rebuttal Testimony and Exhibits	September 21, 2017
Prehearing Statements	September 21, 2017
Last Day to Conduct Discovery	October 6, 2017
Prehearing Conference	October 11, 2017
Hearing	October 25, 2017
Post-Hearing Briefs, if any	November 13, 2017

All other dates established within the Order Establishing Procedure shall remain unchanged. The CR3 portions of this docket will heard as scheduled during the August 15-18, 2017 hearing.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that the Motion of the Office of Public Counsel and White Springs Agricultural Chemicals, Inc., d/b/a, PCS Phosphate – White Springs to Temporarily Hold in Abeyance and Reschedule the 2017 Hearing For Duke Energy Florida, LLC is hereby granted. It is further

ORDERED that the controlling dates for key activities in this proceeding relating only to Duke Energy Florida, LLC's petition to recover costs associated with its Levy Nuclear Project are modified as set forth herein. It is further

ORDERED that Order No. PSC-17-0057-PCO-EI is hereby affirmed in all other respects.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 10th day
of July, 2017.



RONALD A. BRISÉ
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.