

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Consideration of the tax impacts  
associated with Tax Cuts and Jobs Act of 2017  
for Duke Energy Florida, LLC..

DOCKET NO. 20180047-EI

FILED: August 30, 2018

**CITIZENS' MOTION FOR MODIFICATION OF THE FIRST ORDER REVISING  
ORDER ESTABLISHING PROCEDURE AND TESTIMONY DATES**

The Citizens of Florida, by and through the Office of Public Counsel (OPC), request that the Commission modify the procedural schedule contained in the First Order Revising Order Establishing Procedure No. PSC-2018-0279-PCO-EI ("OEP"), to allow additional time for the filing of Intervenor testimony. In support, Citizens state as follows:

On June 1, 2018 the Prehearing Officer issued the OEP. The following schedule was established.

- (1) Utility Testimony and Exhibits May 31, 2018
- (2) Intervenor Testimony and Exhibits, if any September 6, 2018
- (3) Staff Testimony and Exhibits, if any September 18, 2018
- (4) Rebuttal Testimony, if any November 6, 2018
- (5) Prehearing Statements November 26, 2018
- (6) Last Day to Conduct Discovery December 10, 2018
- (7) Prehearing Conference December 10, 2018
- (8) Hearing January 8-11, 2019
- (9) Post-Hearing Statements of Issues and Positions,  
and Briefs, if any

In the time leading up to the present, OPC's expert Ralph Smith has been engaged in formal and informal discovery, including on-site visits prior to testimony filing, with up to ten electric and gas utilities. To date, two visits have been completed for three companies (Tampa Electric ("TECO"), Peoples Gas ("PGS") and Gulf Power) and a third scheduled with FPL. These visits have

enabled OPC to fully resolve major tax flow-back issues, achieve 100% return of tax savings for those utilities and avoid or minimize hearing time for Tampa Electric, PGS and Gulf Power.

The confluence of storm dockets (Duke, Tampa Electric and FPL) and the many tax savings dockets has – despite DEF’s full cooperation and willingness to meet – not allowed a DEF tax savings meeting (similar to the ones held for TECO, PGS and Gulf) to be scheduled prior to the filing of testimony.

Given the success of the first two meetings and the likelihood of the similar results with DEF, OPC requests that the Intervenor testimony date be modified to October 8, 2018 and that the Company’s rebuttal testimony be due on November 13, 2018. In the unlikely event – given history to date –that Staff would need to file testimony (none has been filed in the other tax dockets), OPC suggests October 15, 2018 as a possible Staff testimony date. OPC submits that no other dates would need to be changed. A new procedural schedule with changed dates in **bold and underlined** would look like this if acceptable to the Commission:

- (1) Utility Testimony and Exhibits May 31, 2018
- (2) Intervenor Testimony and Exhibits, if any, **October 13**, 2018
- (3) Staff Testimony and Exhibits, if any, **October 15, 2018**
- (4) Rebuttal Testimony, if any, **November 13, 2018**
- (5) Prehearing Statements November 26, 2018
- (6) Last Day to Conduct Discovery December 10, 2018
- (7) Prehearing Conference December 10, 2018
- (8) Hearing January 8-11, 2019
- (9) Post-Hearing Statements of Issues and Positions,  
and Briefs, if any

Given the compression in the schedule and the desired willingness of the Parties and Commission to accommodate the additional testimony time, OPC would also commit to responding

to testimony-related discovery within 10 days. The existing discovery requirements for DEF would not need to be changed. In addition, given the compression in the schedule and the highly unusual circumstances of this situation, such a discovery response time would not be a precedent for OPC testimony response times in other cases.

OPC has consulted with DEF, FIPUG, PCS and FRF and can represent that no party objects to these modifications. The modifications would be in the public interest and allow for the orderly and efficient use of public and customer resources to achieve a more streamlined hearing process.

WHEREFORE, for the reasons stated above, Citizens request that the Commission take the necessary steps to modify the testimony filing deadlines for OPC and DEF (and possibly Staff).

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**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and foregoing CITIZENS' MOTION FOR MODIFICATION OF THE ORDER ESTABLISHING PROCEDURE AND TESTIMONY DATES has been furnished by electronic mail on this 30th day of August, 2018, to the following:

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