

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida  
Power & Light Company.

DOCKET NO. 20210015-EI  
ORDER NO. PSC-2021-0120A-PCO-EI  
ISSUED: April 8, 2021

AMENDATORY ORDER

Order No. PSC-2021-0116-PCO-EI, establishing procedures to be used in this docket, was issued on March 24, 2021. Order No. PSC-2021-0120-PCO-EI, issued on April 1, 2021, revised Order No. PSC-2021-0116-PCO-EI to correct scrivener's errors. Upon further review of Order No. PSC-2021-0120-EI, two scrivener's errors were also found. First, several paragraphs in the revised Section IV, Prefiled Testimony and Exhibits, were omitted in error. Second, Section V, Discovery Procedures, was deleted in its entirety in the revised order rather than only Section V.A. This order is being issued to correct the scrivener's errors of revised Order No. PSC-2021-0120-EI and to clearly state the corrected contents of Sections IV and V of the original order establishing procedure, Order No. PSC-2021-0116-PCO-EI.

Section IV, Prefiled Testimony and Exhibits, in its entirety should read as follows:

**IV. Prefiled Testimony and Exhibits**

Each party shall file all testimony and exhibits that it intends to sponsor, pursuant to the schedule set forth in Section IX of this Order. Testimony and exhibits may be filed electronically. If filing paper copies, an original and 15 copies of all testimony and exhibits shall be filed with the Office of Commission Clerk, by 5:00 p.m. on the date due. A copy of all prefiled testimony and exhibits shall be served electronically or by regular mail, overnight mail, or hand delivery to all other parties and staff no later than the date filed with the Commission. Failure of a party to timely prefile exhibits and testimony from any witness in accordance with the foregoing requirements may bar admission of such exhibits and testimony.

The dimensions of each page of testimony shall be 8 ½ x 11 inches. Each page shall be consecutively numbered and double spaced, with 25 numbered lines per page and left margins of at least 1.25 inches. If filing paper copies of the testimony, all pages shall be filed on white, unglossed, three-holed paper and shall be unbound and without tabs.

Each exhibit sponsored by a witness in support of his or her prefiled testimony shall be:

- (1) Attached to that witness' testimony when filed;
- (2) If filing paper copies, on three-holed paper, unbound, and without tabs;
- (3) Sequentially numbered beginning with 1 (any exhibits attached to subsequently filed testimony of the same witness shall continue the sequential numbering system);
- (4) Identified in the upper right-hand corner of each page by the docket number, a brief title, and the witness' initials followed by the exhibit's number; and

- (5) Paginated by showing in the upper right-hand corner of each page the page number followed by the total number of pages in the exhibit.

An example of the information to appear in the upper right-hand corner of the exhibit is as follows:

Docket No. 012345-EI  
Foreign Coal Shipments to Port of Tampa  
Exhibit BLW-1, Page 1 of 2

After an opportunity for opposing parties to object to introduction of the exhibits and to cross-examine the witness sponsoring them, exhibits may be offered into evidence at the hearing.

Section V in its entirety should read as follows:

**V. Discovery Procedures**

**A. General Requirements**

Discovery shall be conducted in accordance with the provisions of Chapter 120, F.S., and the relevant provisions of Chapter 366, F.S., Rules 25-22, 25-40, and 28-106, F.A.C., and the Florida Rules of Civil Procedure (as applicable), as modified herein or as may be subsequently modified by the Prehearing Officer.

Unless subsequently modified by the Prehearing Officer, the following shall apply:

- (1) Discovery shall be completed by August 6, 2021.
- (2) Discovery requests and responses shall be served by e-mail, hand delivery, or overnight mail, and electronic service is encouraged. Discovery served via e-mail shall be limited to 5 MB per attachment, shall indicate how many e-mails are being sent related to the discovery (such as 1 of 6 e-mails), and shall be numbered sequentially. Documents provided in response to a document request may be provided via a CD, DVD, or flash drive if not served electronically.
- (3) Each electronic discovery response shall be given a separate electronic file name that is no longer than 60 characters.
- (4) Sets of interrogatories, requests for admissions, requests for production of documents, or other forms of discovery shall be numbered sequentially in order to facilitate identification.
- (5) Within each set, discovery requests shall be numbered sequentially, and any discovery requests in subsequent sets shall continue the sequential numbering system.
- (6) Discovery made prior to the filing of the utility's direct testimony and exhibits in this docket shall be made within 30 days in the manner provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure, except as modified by this Order and any subsequent procedural orders issued in this docket.

- (7) For discovery requests related to matters raised in a utility's direct testimony and exhibits and interveners' or staff's testimony and exhibits, the responding party shall serve its responses to the requesting party via electronic mail within 25 days of the date of the request. For discovery requests related to matters addressed in the utility's rebuttal testimony, the utility shall serve its responses to the requesting party via electronic mail within 10 days of the date of the request. A hard copy of responses shall also be served by hand-delivery, U.S. Mail or overnight mail on the day that responses are served electronically.
- (8) Each page of every document produced pursuant to requests for production of documents shall be identified individually through the use of a Bates Stamp or other equivalent method of sequential identification. Parties should number produced documents in an unbroken sequence through the final hearing.
- (9) Copies, whether hard copies or electronic, of discovery requests and responses shall be served on all parties and staff. In addition, copies of all responses to requests for production of documents shall be provided to the Commission staff at its Tallahassee office unless otherwise agreed.
- (10) Parties shall file in the Commission Clerk's Office a notice of service of any interrogatories or request for production of documents propounded in this docket, giving the date of service and the name of the party to whom the discovery was directed.

Unless subsequently modified by the Prehearing Officer, the following shall apply:

- (1) Interrogatories, including all subparts, shall be limited to 750.
- (2) Requests for production of documents, including all subparts, shall be limited to 750.
- (3) Requests for admissions, including all subparts, shall be limited to 200.

When a discovery request is served and the respondent intends to seek clarification of any portion of the discovery request, the respondent shall request such clarification within 5 days of service of the discovery request. For discovery requests served after the date for rebuttal testimony, such clarification must be requested within 2 days. Any specific objections to a discovery request related to matters raised in the utility's direct testimony or intervenor or staff testimony shall be made within 5 days of service of the discovery request. Any specific objections to a discovery request related to matters raised in the utility's rebuttal testimony shall be made within 2 days of service of the discovery request. This procedure is intended to reduce delay in resolving discovery disputes.

**B. Confidential Information Provided Pursuant to Discovery**

Any information provided to the Commission staff pursuant to a discovery request by the staff or any other person and for which proprietary confidential business information status is requested pursuant to Section 366.093 F.S., and Rule 25-22.006, F.A.C., shall be treated by the Commission as confidential. The information shall be exempt from Subsection 119.07(1), F.S., pending a formal ruling on such request by the Commission or pending return of the information

to the person providing the information. If no determination of confidentiality has been made and the information has not been made a part of the evidentiary record in this proceeding, it shall be returned to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of this proceeding, it shall be returned to the person providing the information within the time period set forth in Section 366.093, F.S. The Commission may determine that continued possession of the information is necessary for the Commission to conduct its business.

Redacted versions of confidential filings may be served electronically, but in no instance may confidential information be electronically submitted. If the redacted version is served electronically, the confidential information (which may be on a CD, DVD, or flash drive) shall be filed with the Commission Clerk via hand-delivery, U.S. Mail, or overnight mail on the day that the redacted version was served via e-mail.

When a person provides information that it maintains as proprietary confidential business information to the Office of Public Counsel pursuant to a discovery request by the Office of Public Counsel or any other party, that party may request a temporary protective order pursuant to Rule 25-22.006(6)(c), F.A.C., exempting the information from Subsection 119.07(1), F.S.

When a party other than the Commission staff or the Office of Public Counsel requests information through discovery that the respondent maintains as proprietary confidential business information, or when such a party would otherwise be entitled to copies of such information requested by other parties through discovery (e.g., interrogatory responses), that party and respondent shall endeavor in good faith to reach agreement that will allow for the exchange of such information on reasonable terms, as set forth in Rule 25-22.006(7)(b), F.A.C.

Based on the foregoing, it is

ORDERED by Chairman Gary F. Clark, as Prehearing Officer, that Order No. PSC-2021-0120-PCO-EI, issued on April 1, 2021, shall be amended as stated above. It is further

ORDERED that Order No. PSC-2021-0120-PCO-EI, issued on April 1, 2021, and Order No. PSC-2021-0116-PCO-EI, issued on March 24, 2021, are hereby reaffirmed to the extent not inconsistent with this Order.

By ORDER of Chairman Gary F. Clark, as Presiding Officer, this 8th day of April, 2021.



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GARY F. CLARK  
Chairman and Presiding Officer  
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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.