

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric
conservation goals (Tampa Electric Company).

DOCKET NO. 20240014-EG
ORDER NO. PSC-2024-0097-PCO- EG
ISSUED: April 17, 2024

ORDER GRANTING TAMPA ELECTRIC COMPANY'S
MOTION TO ACCEPT LATE-FILED TESTIMONY

Background

On January 5, 2024 we opened Docket No. 20240014-EG for the purpose of reviewing Tampa Electric Company's (TECO) proposed numeric conservation goals under the Florida Energy Efficiency and Conservation Act (FEECA). On January 23, 2024, we issued an Order Establishing Procedure and Consolidation of Dockets (OEP). The TECO docket was consolidated for purposes of hearing with the other FEECA utilities' dockets. The OEP set a deadline of April 2, 2024 for the utilities to file their direct testimony and exhibits.

On April 2, 2024, TECO filed a petition for approval of numeric conservation goals, the direct testimony of company witness Mark R. Roche, and Exhibit MRR-1. The filing was accepted by the Commission Clerk on April 2, 2024.

Later on April 2, 2024, TECO filed the direct testimony and exhibits of witness Jim Herndon. The filing was not received by the Commission Clerk until after 5:00 PM; thus, the filing was reflected in the docket as received on April 3, 2024, one day after the deadline.

Decision

The Office of Public Counsel (OPC) was the only other party in this docket at the time the testimony and exhibits of Jim Herndon was filed by TECO. OPC was not prejudiced by the late filing because identical testimony and exhibits were filed in the other FEECA utilities' dockets. TECO conferred with OPC and OPC does not oppose this Motion.

Rule 28-106.211, Florida Administrative Code (F.A.C.), allows a prehearing officer to issue orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case. I find the inclusion of Jim Herndon's testimony and exhibits necessary to the overall determination of this case. Since there was no prejudice to OPC, the only other party to the docket at the time, the late-filed testimony and exhibits of Jim Herndon will be accepted in Docket No. 20240014-EG.

Based on the foregoing, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that Tampa Electric Company's Motion to Accept Late-Filed Testimony is granted.

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 17th day of April, 2024.



ART GRAHAM

Commissioner and Prehearing 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.