

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of FPL
SolarTogether program and tariff, by Florida
Power & Light Company.

DOCKET NO. 20190061-EI
ORDER NO. PSC-2019-0399-PCO-EI
ISSUED: October 4, 2019

FIRST ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

On March 13, 2019, Florida Power & Light Company (FPL) filed a petition for a new voluntary community solar program, called FPL SolarTogether, which would allow FPL customers to subscribe to a portion of new solar capacity built through the program and to receive a credit for a portion of the system savings produced by that solar capacity. Order No. PSC-2019-0272-PCO-EI (“Procedural Order”), issued on July 5, 2019, established hearing procedures to govern this Docket, including controlling dates. This matter was set for an administrative hearing on October 15-16, 2019.

On September 27, 2019, the Office of the Public Counsel (OPC) filed a motion for continuance of the hearing, or in the alternative, a motion to strike portions of FPL’s rebuttal testimony. On September 30, 2019, OPC filed a corrected motion to rectify a scrivener’s error. On October 1, 2019, FPL filed a response in opposition to OPC’s motion.

Having considered the arguments made by both parties, OPC’s motion is granted, in part. The hearing shall be continued to commence on January 14, 2020. Granting a continuance will provide all parties the opportunity to conduct additional discovery, if any, as well as provide the opportunity for intervenors to file supplemental and FPL to file rebuttal to any supplemental testimony that is filed. In addition, this schedule change will allow the Commission to hear this case with the benefit of the most complete and accurate record.

Accordingly, at this time it is necessary to modify the Procedural Order to establish new controlling dates and modify discovery response times. As such, Section VIII of the Procedural Order shall be modified and the following controlling due dates are established to govern the remainder of the key activities of this case:

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|--|-------------------|
| (1) Intervenor’s Supplemental Testimony | November 15, 2019 |
| (2) Staff’s Supplemental Testimony | November 15, 2019 |
| (3) Utility’s Rebuttal of Supplemental Testimony | November 27, 2019 |
| (4) Discovery Deadline | December 20, 2019 |
| (5) Prehearing Statements | January 3, 2020 |
| (6) Prehearing Conference | January 10, 2020 |

(7) Hearing

January 14-16, 2020

Section IV of the Procedural Order is modified to require written discovery propounded after October 4, 2019 to be responded to in 7 days. In addition, any written discovery propounded after December 2, 2019 that is related to the utility's rebuttal of supplemental testimony filed by the intervenors shall be responded to within 5 calendar days.

Based on the foregoing, it is

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that the controlling dates and discovery response times established by Order No. PSC-2019-0272-PCO-EI are modified as set forth in the body of this order. It is further

ORDERED that Order No. PSC-2019-0272-PCO-EI is reaffirmed in all other respects.

By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, this 4th day of October, 2019.



GARY F. CLARK
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.

WLT

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.