

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm protection plan cost recovery  
clause.

DOCKET NO. 20240010-EI  
ORDER NO. PSC-2024-0426-PHO-EI  
ISSUED: September 17, 2024

PREHEARING ORDER

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (F.A.C.), Commissioner Gabriella Passidomo, as Prehearing Officer, conducted a Prehearing Conference in this docket on September 9, 2024, in Tallahassee, Florida.

APPEARANCES:

J. JEFFRY WAHLEN, MALCOLM N. MEANS and VIRGINIA L. PONDER, ESQUIRES, Ausley McMullen, Post Office Box 391, Tallahassee, Florida 32302  
On behalf of Tampa Electric Company (TECO).

BETH KEATING, ESQUIRE, Gunster, Yoakley & Stewart, P.A., 215 South Monroe Street, Suite 601, Tallahassee, Florida 32301  
On behalf of Florida Public Utilities Company (FPUC).

CHRISTOPHER T. WRIGHT and DAVID M. LEE, ESQUIRES, Florida Power & Light Company, 700 Universe Boulevard, Juno Beach, Florida 33408-0420  
On behalf of Florida Power & Light Company (FPL).

MATTHEW R. BERNIER and STEPHANIE A. CUELLO, ESQUIRES, 106 East College Avenue, Suite 800, Tallahassee, Florida 32301  
DIANNE M. TRIPLETT, ESQUIRE, Deputy General Counsel, 299 1<sup>st</sup> Avenue North, St. Petersburg, Florida 33701  
On behalf of Duke Energy Florida, LLC (DEF).

WALT TRIERWEILER, CHARLES REHWINKEL, PATRICIA A. CHRISTENSEN, MARY A. WESSLING, OCTAVIO SIMOES-PONCE, and AUSTIN A. WATROUS, ESQUIRES, Office of the Public Counsel, c/o The Florida Legislature, 111 West Madison Street, Suite 812, Tallahassee, Florida 32399-1400  
On behalf of Office of Public Counsel (OPC).

JON C. MOYLE, JR. and KAREN A. PUTNAL, ESQUIRES, Moyle Law Firm, P.A., 118 North Gadsden Street, Tallahassee, Florida 32301  
On behalf of Florida Industrial Power Users Group (FIPUG).

PETER J. MATTHEIS, MICHAEL K. LAVANGA, and JOSEPH R. BRISCAR, ESQUIRES, Stone, Mattheis, Xenopoulos & Brew, PC, 1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower, Washington, DC 20007  
On behalf of Nucor Steel Florida, Inc. (Nucor).

JAMES W. BREW, LAURA WYNN BAKER and SARAH B. NEWMAN, ESQUIRES, Stone, Mattheis, Xenopoulos & Brew, PC, 1025 Thomas Jefferson Street, NW, Suite 800 West, Washington, DC 20007  
On behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (PCS Phosphate).

SHAW STILLER and DANIEL DOSE, ESQUIRES, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850  
On behalf of the Florida Public Service Commission (Staff).

MARY ANNE HELTON, ESQUIRE, Deputy General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850  
Advisor to the Florida Public Service Commission.

KEITH C. HETRICK, ESQUIRE, General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850  
Florida Public Service Commission General Counsel.

## **I. CASE BACKGROUND**

The 2019 Florida Legislature enacted Section 366.96, Florida Statutes (F.S.), entitled “Storm protection plan cost recovery.” Section 366.96(3), F.S., established a new requirement that each public utility file a transmission and distribution storm protection plan (SPP) covering the immediate 10-year planning period, and explaining the systematic approach the utility will follow to achieve the objectives of reducing restoration costs and outage times associated with extreme weather events and enhancing reliability. Pursuant to Sections 366.96(5) and 366.96(6), F.S., the Florida Public Service Commission (Commission) is required every three years to determine whether it is in the public interest to approve, approve with modification, or deny each utility’s SPP.

In addition to reviewing SPPs at least every three years, the Commission must conduct an annual proceeding pursuant to Section 366.96(7), F.S., to determine a utility’s prudently incurred transmission and distribution storm protection plan costs and allow the utility to recover such costs through a charge separate and apart from its base rates, to be referred to as the storm protection plan cost recovery clause (SPPCRC). The annual SPPCRC proceeding is a rolling three-year review that includes a true-up of costs for the prior year, the calculation of actual/estimated costs for the year of the filing, and projected factors for the following year. If

the Commission determines that costs were prudently incurred, those costs will not be subject to disallowance or further prudence review except for fraud, perjury, or intentional withholding of key information by the public utility.

This docket was opened by Order No. PSC-2024-0010-PCO-EI, issued January 3, 2024, under the authority of Sections 366.96(5), 366.96(6), and 366.96(7), F.S. The purpose of this 2024 annual proceeding is for the Commission to establish the amount of prudently incurred costs each utility shall be allowed to recover through the SPPCRC and the specific terms of that recovery. Tampa Electric Company, Duke Energy Florida, Florida Industrial Power Users Group, Florida Power & Light, PCS Phosphate – White Springs, Nucor Steel Florida, Inc., Office of Public Counsel, and Florida Public Utilities Company each filed a Notice of Intent to Retain Party Status. No additional parties filed for intervention.

This matter has been scheduled for an evidentiary hearing September 25-27, 2024.

## **II. CONDUCT OF PROCEEDINGS**

Pursuant to Rule 28-106.211, F.A.C., this Prehearing Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of this case.

## **III. JURISDICTION**

This Commission is vested with jurisdiction over the subject matter by the provisions of Chapter 366, F.S. This hearing will be governed by Chapters 120 and 366, F.S., and Chapters 25-6, 25-22, and 28-106, F.A.C., as well as any other applicable provisions of law.

## **IV. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION**

Information for which proprietary confidential business information status is requested pursuant to Section 366.093, F.S., F.S., and Rule 25-22.006, F.A.C., shall be treated by the Commission as confidential. The information shall be exempt from Section 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., F.S. The Commission may determine that continued possession of the information is necessary for the Commission to conduct its business.

It is the policy of this Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 366.093, F.S., F.S.,

to protect proprietary confidential business information from disclosure outside the proceeding. Therefore, any party wishing to use any proprietary confidential business information, as that term is defined in Section 366.093, F.S., F.S., at the hearing shall adhere to the following:

- (1) When confidential information is used in the hearing that has not been filed as prefiled testimony or prefiled exhibits, parties must have copies for the Commissioners, necessary staff, and the court reporter, in red envelopes clearly marked with the nature of the contents and with the confidential information highlighted. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.
- (2) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise confidentiality. Therefore, confidential information should be presented by written exhibit when reasonably possible.

At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the court reporter shall be retained in the Office of Commission Clerk's confidential files. If such material is admitted into the evidentiary record at hearing and is not otherwise subject to a request for confidential classification filed with the Commission, the source of the information must file a request for confidential classification of the information within 21 days of the conclusion of the hearing, as set forth in Rule 25-22.006(8)(b), F.A.C., if continued confidentiality of the information is to be maintained.

#### **V. PREFILED TESTIMONY AND EXHIBITS; WITNESSES**

Testimony of all witnesses to be sponsored by the parties and Staff has been prefiled and will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to timely and appropriate objections. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Summaries of testimony shall be limited to three minutes.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer. After all parties and Staff have had the opportunity to cross-examine the witness, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.



The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

The parties shall avoid duplicative or repetitious cross-examination. Further, friendly cross-examination will not be allowed. Cross-examination shall be limited to witnesses whose testimony is adverse to the party desiring to cross-examine. Any party conducting what appears to be a friendly cross-examination of a witness should be prepared to indicate why that witness's direct testimony is adverse to its interests.

## **VI. PROVISION OF EXHIBITS FOR HEARING**

With the exception of deposition transcripts used for impeachment exhibits, which will be discussed further below, all cross-examination, demonstrative, and impeachment exhibits, except for deposition transcripts, shall be exchanged between the parties and Staff by the close of business on September 13, 2024, using the process set out in Order No. PSC-2024-0216-PCO-EI.

Deposition transcripts *used for impeachment purposes only* are not required to be exchanged between the parties and Staff. Deposition transcripts that are used for impeachment purposes will not be loaded into Case Center. Section VI, Part G, of Order No. PSC-2024-0032-PCO-EI, still applies to those deposition transcripts that parties seek to admit into the record.

By Section VI, Part H, of Order No. PSC-2024-0216-PCO-EI, the Commission intended to require all parties and Staff to exchange exhibits prior to the hearing so that all hearing participants are on notice of all exhibits to be used during the hearing. Notice prior to the hearing remains the intent and is the reason for the Exhibit List required by Section VI, Part H, of the Order.

The following clarifications are offered to assist the parties in preparing for the final hearing:

- Parties may use the exhibits identified by Staff on the Comprehensive Exhibit List (CEL) for cross-examination purposes without listing them on the party's exhibit list or exchanging the exhibit with the other parties. Thus, for example, a Staff Exhibit on the CEL may be used by any party, and should not be duplicated on another party's exhibit list or provided in the exchange if the party intends to use that previously identified exhibit.
- All hearing participants are already on notice of all prefiled testimony and exhibits. Thus, no prefiled testimony or prefiled exhibits should be listed on any party's exhibit list or exchanged.
- Parties are not required to submit an exhibit in Excel format if you are satisfied that a witness can view the PDF conversion of the spreadsheet; please check the PDF version to ensure legibility. However, if an Excel spreadsheet is submitted in native

format, the party must also submit a PDF conversion of the exhibit using the same exhibit name. (i.e., OPC-1 Short Title.pdf and OPC-1 Short Title.xls).

- Parties are not required to create a separate PDF file or exhibit for each Interrogatory response. Several responses and attachments can be combined into one PDF document and submitted as one composite exhibit. If a party submits an attachment separately, the attachment must be numbered as a separate exhibit.
- The exchange of cross-examination exhibits prior to hearing is consistent with Florida law and is to afford due process to all parties by avoiding “trial by surprise.” The Commission expects all parties to respect the process by being judicious about the cross-examination exhibits provided. Parties should have a reasonable, good faith expectation of using the exhibit during the hearing.

## **VII. ORDER OF WITNESSES**

Each witness whose name is followed by an asterisk (\*) has been excused from the final hearing. Their prefiled testimonies will be inserted into the record as though read.

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
M. Ashley Sizemore*	TECO	1-10
C. David Sweat*	TECO	1-10
Phuong T. Nguyen* (adopted by Michelle Napier)	FPUC	1C
Mark Cutshaw*	FPUC	1C, 2C-3C
Michelle Napier*	FPUC	2C-9C
Michael Jarro*	FPL	1-4
Richard L. Hume*	FPL	1-10
Christopher A. Menendez*	DEF	1D-9D
Robert E. McCabe*	DEF	1D-3D
Robert E. Brong*	DEF	1D-3D
Tomer Kopelovich*	Staff	1A

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
Ron Mavrides*	Staff	1B
Donna D. Brown*	Staff	1C and 1D

### **VIII. BASIC POSITIONS**

**TECO:** In Order No. PSC-2022-0386-FOF-EI, issued November 10, 2022, the Commission found that Tampa Electric’s 2022-2031 Storm Protection Plan (“2022 SPP”) is in the public interest and approved that plan with one modification – elimination of the company’s existing Transmission Access Enhancement Program as of December 31, 2022.

The Commission is currently scheduled to conduct a hearing regarding the Storm Protection Cost Recovery Clause on September 25, 2024, to review and approve the proposed cost recovery factors to be used for the January 2025 through December 2025 period.

The Commission should determine that Tampa Electric has properly calculated its Storm Protection Plan cost recovery true-up and projections and the Storm Protection Plan cost recovery factors set forth in the testimony and exhibits of witness M. Ashley Sizemore during the period January 2025 through December 2025. These calculations were performed in accordance with the requirements of Section 366.96 of the Florida Statutes and Rule 25-6.031 of the Florida Administrative Code. No party has challenged or made any other recommended adjustments to the company’s calculations. The company’s true-up, projections, and factors should accordingly be approved. The Commission should also find that Tampa Electric’s actual 2023 Storm Protection Plan costs were prudently incurred. No party has challenged the prudence of Tampa Electric’s actual incurred costs or made any recommended adjustments to any of the projects or costs included in the 2023 final true-up.

**FPUC:** The factors proposed by the Company have been developed through projections and calculations made in accordance with Rule 25-6.031, F.A.C., and the associated depreciation expense has been calculated in accordance with the rates approved in the Company’s last approved depreciation study. The factors are based upon actual, prudently incurred costs associated with the implementation of those aspects of FPUC’s Storm Protection Plan (“SPP”) approved by Order No. PSC-2022-0387-FOF-EI, issued November 10, 2022, as well as reasonable estimates of costs to be incurred in the remainder of 2024 and in 2025. In addition, the Company has applied an allocation methodology consistent with the stipulation between FPUC and Walmart approved by Order No. PSC-2022-0418-

FOF-EI, issued in last year's SPPCRC proceeding. As such, the Company asks that it be allowed to implement its proposed SPPCRC Factors for the January – December, 2025 period.

**FPL:** FPL's final true-up of its 2023 SPP costs is consistent with the actual/estimated 2023 SPP costs approved by Commission Order No. PSC-2023-0364-FOF-EI in Docket No. 20230010-EI, consistent with the 2023 SPP approved by Commission Order No. PSC-2022-0389-FOF-EI in Docket No. 20220051-EI, applies the methodology and prescribed schedules contained in Commission Forms 1A through 8A, and meets the requirements of Section 366.96, Florida Statutes, and Rule 25-6.031(7)(a), Florida Administrative Code. No parties challenged or made any recommended adjustments to any of the SPP projects, costs, or revenue requirements included in FPL's 2023 SPPCRC final true-up. Therefore, the Commission should approve FPL's net final true-up under-recovery amount of \$5,648,042, including interest, for the period of January 2023 through December 2023.

FPL's actual/estimated true-up of its 2024 SPP costs is consistent with the projected 2024 SPP costs approved by Commission Order No. PSC-2023-0364-FOF-EI in Docket No. 20230010-EI, consistent with the 2023 SPP approved by Commission Order No. PSC-2022-0389-FOF-EI in Docket No. 20220051-EI, applies the methodology and prescribed schedules contained in Commission Forms 1E through 8E, and meets the requirements of Section 366.96, Florida Statutes, and Rule 25-6.031(7)(b), Florida Administrative Code. No parties challenged or made any recommended adjustments to any of the SPP projects, costs, or revenue requirements included in FPL's 2024 SPPCRC actual/estimated true-up. Therefore, the Commission should approve FPL's actual/estimated true-up under-recovery amount of \$59,670,684, including interest, for the period of January 2024 through December 2024.

FPL's projected 2025 SPP costs are consistent with the 2023 SPP approved Commission Order No. PSC-2022-0389-FOF-EI in Docket No. 20220051-EI, apply the methodology and prescribed schedules contained in Commission Forms 1P through 7P, and meet the requirements of Section 366.96, Florida Statutes, and Rule 25-6.031(2) and (7)(c), Florida Administrative Code. No parties challenged or made any recommended adjustments to any of the individual 2025 SPP projects or associated costs. Therefore, the Commission should approve the \$721,264,550 of revenue requirements associated with the SPP programs projected to be incurred between January 1, 2025, and December 31, 2025.

For these reasons, as further explained in FPL's direct, supplemental, and rebuttal testimonies, the Commission should approve the total jurisdictional revenue requirement of \$ 786,583,276, including true-up amounts, for recovery through FPL's 2025 SPPCRC Factors for the period of January 2025 through December 2025.

**DEF:** As required by the OEP, on April 1 and May 1, DEF made its 2023 True-Up and 2024 Actual/Estimated and 2025 Projection filings, respectively. Subsequently, in Docket No. 20240025-EI, DEF filed the Joint Motion for Approval of 2024 Settlement Agreement. *See* doc. no. 07553-2024. The 2024 Settlement Agreement, if approved by the Commission, would authorize DEF to earn a mid-point 10.3% ROE (9.3%-11.3% authorized range). *See id.* at Attachment 1, Par. 2. However, DEF's May 1 Projection filing incorporated the ROE DEF requested in its as-filed Rate Case Petition of 11.15%. The Commission is currently scheduled to hold a hearing to consider the 2024 Settlement Agreement beginning on August 21. Therefore, because DEF cannot know at this time whether the Settlement Agreement will be approved, and while it urges the Commission to do so, concurrent with this prehearing statement, DEF is also filing an Updated 2024 Actual/Estimated and 2025 Projection Petition, Updated Testimony of Christopher Menendez, and an Updated Exhibit CAM-3. The purpose of these Updated filings is to recalculate applicable projected capital recovery amounts and revenue requirements for 2025 based on the reduction in ROE as agreed in the 2024 Settlement Agreement versus as originally filed on May 1 in this docket. This results in lower capital revenue requirements and SPPCRC recovery factors in 2025. Below, in the applicable individual issues, DEF will provide its positions based on the original May 1 filing as well as an "Alternative" position that should be approved if the Commission approves the 2024 Settlement Agreement.

**OPC:** The Storm Protection Plan Cost Recovery Clause (SPPCRC) is the step in the ratemaking process where the Commission sets the factors necessary for recovery for the annual costs for implementing the Companies' approved Storm Protection Plan. The process of reviewing and implementing an SPP is an indispensable and necessary step in the ratemaking process within the meaning and intent of Section 366.06(1) and 366.96, Florida Statutes. Section 366.06(1), Florida Statutes, establishes the Commission's rate-making procedure for public utilities in the State of Florida. Upon application for a change in rates by a utility,

The commission shall investigate and determine the actual legitimate costs of the property of each utility company, actually used and useful in the public service, and shall keep a current record of the net investment of each public utility company in such property which value, as determined by the commission, shall be used for ratemaking purposes and shall be the money honestly and **prudently** invested by the public utility company in such property used and useful in serving the public, less accrued depreciation, and shall not include any goodwill or going-concern value or franchise value in excess of payment made therefor.

*Id.* (emphasis added).

The requirement that the Commission evaluate the prudence of investments in all ratemaking requests before the Commission is embedded in the Commission's legislative mandate. The statute does not specify that the Commission must only consider prudence of investments in base rate cases, cost recovery dockets, or any other specified type of rate-setting case before the Commission. If the Commission is setting rates, it must consider, among other things, the prudence of making the investment at issue (including the decisions behind the timing, amount and locations of the investment(s)), regardless of whether that requirement is explicitly stated in the other provisions of chapter 366, Florida Statutes, or the Commission's rules. Section 366.96, Florida Statutes, sets forth the process for review and approval of and implementation of the prudent costs for the SPP. Furthermore, it is worth noting that section 366.96(2)(c), Florida Statutes defines "transmission and distribution storm protection plan costs" as "the reasonable and prudent costs to implement an approved transmission and distribution storm protection plan."

The positions taken by the Public Counsel in this docket are consistent with and informed to the greatest extent possible by the unresolved statutory interpretation issues currently pending before the Florida Supreme Court in Case No. SC 2022-1733 (consolidated).

**FIPUG:** The petitioners have the burden of proof to establish that expenditures for which cost recovery is sought are prudent. The Commission should reduce the monies sought by the utilities by the amounts for which it finds insufficient proof or for costs not properly within the scope of the state's storm protection plan statute, section 366.96, Florida Statutes, or the Commission's rule, Rule 25-6.030, Florida Administrative Code.

**Nucor:** Rule 25-6.031, F.A.C, details the specific recoverable costs that Duke Energy Florida, LLC ("DEF") may collect through the SPPCRC and provides that such costs must be consistent with the Company's approved Storm Protection Plan. Nucor's basic position is that DEF bears the burden of proof to justify the amount of costs it seeks to recover through the SPPCRC and show that such costs are eligible recovery costs under 25-6.031(6) and are consistent with DEF's approved Storm Protection Plan. Finally, Nucor notes that DEF over-recovered and/or projects to over-recover its eligible costs through the SPPCRC for 2023 and 2024. The Commission should carefully review DEF's projected 2025 SPPCRC rates to ensure that the rates are properly designed to recover the Company's forecast 2025 costs.

**PCS**

**Phosphate:** Only costs prudently incurred and legally authorized may be recovered through the fuel clause. Florida electric utilities, including in particular Duke Energy Florida, LLC ("DEF"), must satisfy the burden of proving the reasonableness of any expenditures for which recovery or other relief is sought in this proceeding.

DEF has filed for recovery of costs of its Storm Protection Plan (“SPP”), which was approved in 2022.<sup>1</sup> DEF’s approved SPPCRC revenue requirement for 2024 was \$201.3 million before accounting for prior year true-ups,<sup>2</sup> and its projected period 2025 SPPCRC revenue requirement for 2025 is \$301.1 million before accounting for prior year true-ups.<sup>3</sup> This is a 50% overall revenue requirement increase. According to DEF’s approved Storm Protection Plan, the utility’s SPP investments are supposed to begin generating substantial system benefits in the form of reduced outage times and restoration costs.<sup>4</sup> The Commission should begin requiring DEF to include in its annual SPPCRC filings an assessment of system benefits realized by program.

**STAFF:** Staff’s positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff’s final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

## **IX. ISSUES AND POSITIONS**<sup>5</sup>

**ISSUE 1A: What jurisdictional amounts should the Commission approve as FPL’s final 2023 prudently incurred costs and final true-up revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?**

**TECO:** No position.

**FPUC:** No position.

**FPL:** FPL’s final total SPPCRC cost incurred for 2023 is \$1,371,442,934, which includes a total operations and maintenance (“O&M”) expense of \$96,591,030 and a total capital expenditure of \$1,274,851,904.<sup>6</sup> FPL’s SPPCRC final jurisdictional revenue requirement true-up for the period January 2023 through December 2023, including interest, is an under-recovery of \$5,648,042.

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<sup>1</sup> Docket 20220050-EI, Amended Final Order Approving, With Modifications, Duke Energy Florida’s Storm Protection Plan, Order No. PSC-2022-0388A-FOF-EI (Nov. 14, 2022) (“2022 SPP Approval Order”).

<sup>2</sup> See *Docket No. 20230010-EI, In re: Storm protection plan cost recovery clause*, Final Order Approving Storm Cost Recovery Amounts and Related Tariffs and Establishing Storm Cost Recovery Factors for the Period January 2024 through December 2024, Order No. PSC-2023-0364-FOF-EI at 17.

<sup>3</sup> See Exh. No. \_\_ (CAM-3), Form 1P at page 1 of 118.

<sup>4</sup> See 2022 SPP Approval Order.

<sup>5</sup> All issues in this docket are the subject of proposed Type 2 stipulations. See Attachments A – D to this Order. A Type 2 stipulation occurs on an issue when the utility and the staff, or the utility and at least one party adversarial to the utility, agree on the resolution of the issue and the remaining parties (including staff if they do not join in the agreement) do not object to the Commission relying on the agreed language to resolve that issue in a final order.

<sup>6</sup> The jurisdictional separation factors are applied to the revenue requirements and not the costs incurred. Therefore, the total jurisdictional cost incurred for the applicable calendar year is not available.

**DEF:** No position.

**OPC:** OPC takes no position on FPL's proposed Storm Protection Plan Cost Recovery Clause Factors, nor does it have the burden of proof related to them. As such, OPC further represents that it takes no position on, and thus will not contest or oppose the Commission taking action approving a proposed stipulation between the Company and another party or Staff as to a final resolution of, Issue Nos. 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, and 10. No person is authorized to state that the OPC is a participant in, or party to, a stipulation on these issues, either in this docket, in an order of the Commission or in a representation to a Court.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 1B:** **What jurisdictional amounts should the Commission approve as TECO's final 2023 prudently incurred costs and final true-up revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?**

**TECO:** Tampa Electric's final Storm Protection Plan Cost Recovery Clause jurisdictional revenue requirements are \$70,079,782 and jurisdictional cost recovery true-up under-recovery amount is \$459,097 for the period January 2023 through December 2023 including interest.

**FPUC:** No position.

**FPL:** No position.

**DEF:** No position.

**OPC:** OPC takes no position on Tampa Electric's proposed Storm Protection Plan Cost Recovery Clause Factors, nor does it have the burden of proof related to them. As such, OPC further represents that it takes no position on, and thus will not contest or oppose the Commission taking action approving a proposed stipulation between the Company and another party or Staff as to a final resolution of, Issue Nos. 1B, 2B, 3B, 4B, 5B, 6B, 7B, 8B, 9B, and 10. No person is authorized to state that the OPC is a participant in, or party to, a stipulation on these issues, either in this docket, in an order of the Commission or in a representation to a Court.



**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 1C:** **What jurisdictional amounts should the Commission approve as the FPUC's final 2023 prudently incurred costs and final true-up revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?**

**TECO:** No position.

**FPUC:** The final, end of period true up amount to be included in the calculation of the 2023 cost recovery factors is an under-recovery of \$388,983, which reflects the difference between the actual, end of period revenue requirement of \$246,889 based on actual expenditures, and the projected 2023 over-recovery of \$142,094.

**FPL:** No position.

**DEF:** No position.

**OPC:** OPC takes no position on FPUC's proposed Storm Protection Plan Cost Recovery Clause Factors, nor does it have the burden of proof related to them. As such, OPC further represents that it takes no position on, and thus will not contest or oppose the Commission taking action approving a proposed stipulation between the Company and another party or Staff as to a final resolution of, Issue Nos. 1C, 2C, 3C, 4C, 5C, 6C, 7C, 8C, 9C, and 10. No person is authorized to state that the OPC is a participant in, or party to, a stipulation on these issues, either in this docket, in an order of the Commission or in a representation to a Court.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 1D: What jurisdictional amounts should the Commission approve as the DEF's final 2023 prudently incurred costs and final true-up revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?**

**TECO:** No position.

**FPUC:** No position.

**FPL:** No position.

**DEF:** DEF's total SPPCRC investments for 2024 is \$684,389,980.<sup>7</sup> DEF's SPPCRC final jurisdictional revenue requirement true-up for the period January 2023 through December 2023, including interest, is an over-recovery of \$5,364,450.

**OPC:** OPC takes no position on DEF's proposed Storm Protection Plan Cost Recovery Clause Factors, nor does it have the burden of proof related to them. As such, OPC further represents that it takes no position on, and thus will not contest or oppose the Commission taking action approving a proposed stipulation between the Company and another party or Staff as to a final resolution of, Issue Nos. 1D, 2D, 3D, 4D, 5D, 6D, 7D, 8D, 9D, and 10. No person is authorized to state that the OPC is a participant in, or party to, a stipulation on these issues, either in this docket, in an order of the Commission or in a representation to a Court.

**FIPUG:** Agree with OPC.

**NUCOR:** Agree with OPC.

**PCS**

**Phosphate:** Agree with OPC.

**STAFF:** Staff has no position at this time.

**ISSUE 2A: What jurisdictional amounts should the Commission approve as the FPL's reasonably estimated 2024 costs and estimated true-up revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?**

**TECO:** No position.

**FPUC:** No position.

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<sup>7</sup> The jurisdictional separation factors are applied to the revenue requirements and not the costs incurred. Therefore, the total jurisdictional cost incurred for the applicable calendar year is not available.

**FPL:** FPL's total SPPCRC cost estimated for 2024 is \$1,540,725,072, which includes a total O&M expense of \$126,982,092 and a total capital expenditure of \$1,413,742,980.<sup>8</sup> FPL's SPPCRC actual/estimated jurisdictional revenue requirement true-up for the period January 2024 through December 2024, including interest, is an under-recovery of \$59,670,684.

**DEF:** No position.

**OPC:** Same as Issue 1A.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 2B:** **What jurisdictional amounts should the Commission approve as TECO's reasonably estimated 2024 costs and estimated true-up revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?**

**TECO:** Tampa Electric's actual/estimated Storm Protection Plan Cost Recovery Clause jurisdictional revenue requirements are \$90,297,357 and jurisdictional estimated cost recovery true-up under-recovery amount is \$606,964 for the period January 2024 through December 2024 including interest.

**FPUC:** No position.

**FPL:** No position.

**DEF:** No position.

**OPC:** Same as Issue 1B.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

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<sup>8</sup> See Footnote 3.

**STAFF:** Staff has no position at this time.

**ISSUE 2C:** **What jurisdictional amounts should the Commission approve as FPUC's reasonably estimated 2024 costs and estimated true-up revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?**

**TECO:** No position.

**FPUC:** FPUC projects an end of period 2024 under-recovery of \$1,120,304, based on a revised 2024 revenue requirement of \$3,481,578, which is net of \$975,504 already recovered through base rates.

**FPL:** No position.

**DEF:** No position.

**OPC:** Same as Issue 1C.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 2D:** **What jurisdictional amounts should the Commission approve as DEF's reasonably estimated 2024 costs and estimated true-up revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?**

**TECO:** No position.

**FPUC:** No position.

**FPL:** No position.

**DEF:** DEF's total SPPCRC investments for 2024 is \$771,943,413.<sup>9</sup> DEF's SPPCRC actual/estimated jurisdictional revenue requirement true-up for the period January

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<sup>9</sup> See Footnote 7.

2024 through December 2024, including interest, is an over-recovery of \$10,259,107.

**OPC:** Same as Issue 1D.

**FIPUG:** Agree with OPC.

**NUCOR:** Agree with OPC.

**PCS**

**Phosphate:** Agree with OPC.

**STAFF:** Staff has no position at this time.

**ISSUE 3A:** **What jurisdictional amounts should the Commission approve as FPL's reasonably projected 2025 costs and projected revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?**

**TECO:** No position.

**FPUC:** No position.

**FPL:** FPL's total SPPCRC cost projected for 2025 is \$1,471,820,854, which includes a total O&M expense of \$134,563,013 and a total capital expenditure of \$1,337,257,841.<sup>10</sup> FPL's projected SPPCRC jurisdictional revenue requirement for the period January 2025 through December 2025 is \$721,264,550.

**DEF:** No position.

**OPC:** Same as Issue 1A.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

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<sup>10</sup> See Footnote 3.

**ISSUE 3B: What jurisdictional amounts should the Commission approve as TECO's reasonably projected 2025 costs and projected revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?**

**TECO:** The Commission should approve reasonably projected Storm Protection Plan Cost Recovery Clause jurisdictional revenue requirements are \$116,458,022 for the period January 2025 through December 2025.

Tampa Electric has certain proposals pending in its current base rate case in Docket No. 20240026-EI that may affect the company's storm protection plan cost recovery charges and associated tariffs. The above revenue requirement may be amended to reflect revisions ordered by the Commission in that docket.

**FPUC:** No position.

**FPL:** No position.

**DEF:** No position.

**OPC:** Same as Issue 1B.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 3C: What jurisdictional amounts should the Commission approve as FPUC's reasonably projected 2025 costs and projected revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?**

**TECO:** No position.

**FPUC:** FPUC projects total expenditures of \$20.44 million, with a revenue requirement of \$4,153,106, which is net of \$975,504 already recovered through base rates.

**FPL:** No position.

**DEF:** No position.

**OPC:** Same as Issue 1C.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 3D:** **What jurisdictional amounts should the Commission approve as DEF's reasonably projected 2025 costs and projected revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?**

**TECO:** No position.

**FPUC:** No position.

**FPL:** No position.

**DEF:** DEF's total SPPCRC projected investments for 2025 is \$845,476,201.<sup>11</sup> DEF's projected SPPCRC jurisdictional revenue requirement for the period January 2025 through December 2025 is \$285,580,616, based on the updated 2025 testimony of Christopher A. Menendez and updated Exhibit CAM-3.

**OPC:** Same as Issue 1D.

**FIPUG:** Agree with OPC.

**NUCOR:** Agree with OPC.

**PCS**

**Phosphate:** Agree with OPC.

**STAFF:** Staff has no position at this time.

**ISSUE 4A:** **What are the Storm Protection Plan Cost Recovery Clause total jurisdictional cost recovery amounts, including true-ups, to be included in establishing 2025 Storm Protection Plan Cost Recovery factors for FPL?**

**TECO:** No position.

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<sup>11</sup> See Footnote 7.

**FPUC:** No position.

**FPL:** The projected total SPPCRC jurisdictional revenue requirement for the period January 2025 through December 2025, including true-up amounts, is \$786,583,276.

**DEF:** No position.

**OPC:** Same as Issue 1A.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 4B:** **What are the Storm Protection Plan Cost Recovery Clause total jurisdictional cost recovery amounts, including true-ups, to be included in establishing 2025 Storm Protection Plan Cost Recovery factors for TECO?**

**TECO:** The Storm Protection Plan Cost Recovery Clause total jurisdictional cost recovery amounts, including true-ups, to be included in establishing Storm Protection Plan Cost Recovery factors for the period January 2025 through December 2025 is \$117,623,744 .

Tampa Electric has certain proposals pending in its current base rate case in Docket No. 20240026-EI that may affect the company's storm protection plan cost recovery charges and associated tariffs. The above jurisdictional cost recovery amount may be amended to reflect revisions ordered by the Commission in that docket.

**FPUC:** No position.

**FPL:** No position.

**DEF:** No position.

**OPC:** Same as Issue 1B.

**FIPUG:** Agree with OPC.



**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 4C:** **What are the Storm Protection Plan Cost Recovery Clause total jurisdictional cost recovery amounts, including true-ups, to be included in establishing 2025 Storm Protection Plan Cost Recovery factors for FPUC?**

**TECO:** No position.

**FPUC:** The total amount upon which FPUC's proposed factors are calculated is \$5,667,195, which is adjusted for taxes.

**FPL:** No position.

**DEF:** No position.

**OPC:** Same as Issue 1C.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 4D:** **What are the Storm Protection Plan Cost Recovery Clause total jurisdictional cost recovery amounts, including true-ups, to be included in establishing 2025 Storm Protection Plan Cost Recovery factors for DEF?**

**TECO:** No position.

**FPUC:** No position.

**FPL:** No position.

**DEF:** The projected total SPPCRC jurisdictional revenue requirement for the period January 2025 through December 2025, including true-up amounts, is \$269,957,058, based on the updated 2025 testimony of Christopher A. Menendez and updated Exhibit CAM-3.

**OPC:** Same as Issue 1D.

**FIPUG:** Agree with OPC.

**NUCOR:** Agree with OPC.

**PCS**

**Phosphate:** Agree with OPC.

**STAFF:** Staff has no position at this time.

**ISSUE 5A: What depreciation rates should be used to develop the depreciation expense included in the total 2025 Storm Protection Plan Cost Recovery Clause amounts for FPL?**

**TECO:** No position.

**FPUC:** No position.

**FPL:** The depreciation rates used to calculate the depreciation expense should be the Commission-approved depreciation rates that are in effect during the period the allowed capital investment is in service. For the period January 2025 through December 2025, FPL's depreciation rates are those approved by Commission Order Nos. PSC-2021-0446-S-EI and PSC-2021-0446A-S-EI in Docket No. 20210015-EI.

**DEF:** No position.

**OPC:** Same as Issue 1A.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 5B: What depreciation rates should be used to develop the depreciation expense included in the total 2025 Storm Protection Plan Cost Recovery Clause amounts for TECO?**

**TECO:** The depreciation rates from Tampa Electric’s most current Depreciation Study, approved by Order No. PSC-2021-0423-S-EI issued November 10, 2021, within Docket No. 20210034-EI, should be and were used to develop the depreciation expense included in the total Storm Protection Plan Cost Recovery Clause amounts for 2025.

Tampa Electric has certain proposals pending in Docket No. 20240026-EI that may affect the company’s storm protection plan cost recovery charges and associated tariffs. The company’s cost recovery clause factors may be amended to reflect any changes to depreciation rates and depreciation expense ordered by the Commission in Docket Nos. 20230139-EI and 20240026-EI.

**FPUC:** No position.

**FPL:** No position.

**DEF:** No position.

**OPC:** Same as Issue 1B.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 5C: What depreciation rates should be used to develop the depreciation expense included in the total 2025 Storm Protection Plan Cost Recovery Clause amounts for FPUC?**

**TECO:** No position.

**FPUC:** The appropriate depreciation rates are those approved in, Order No. PSC-2023-0384-PAA-EI, issued December 21, 2023, in Docket No. 20230079-EI.

**FPL:** No Position.

**DEF:** No position.

**OPC:** Same as Issue 1C.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 5D: What depreciation rates should be used to develop the depreciation expense included in the total 2025 Storm Protection Plan Cost Recovery Clause amounts for DEF?**

**TECO:** No position.

**FPUC:** No position.

**FPL:** No position.

**DEF:** For the period January 2025 through December 2025, DEF should use the depreciation rates that were approved in Final Order No. PSC-2021-0202A-AS-EI, consistent with DEF's settlement agreement filed on July 15, 2024, in Docket No. 20240025-EI and reflected in the updated 2025 testimony of Christopher A. Menendez and updated Exhibit CAM-3.

**OPC:** Same as Issue 1D.

**FIPUG:** Agree with OPC.

**NUCOR:** Agree with OPC.

**PCS**

**Phosphate:** Agree with OPC.

**STAFF:** Staff has no position at this time.

**ISSUE 6A: What are the appropriate 2025 jurisdictional separation factors for FPL?**

**TECO:** No position.

**FPUC:** No position.

**FPL:** As shown on page 1 of Exhibit RLH-4, FPL's retail jurisdictional separation factors for the period January 2025 through December 2025 are:

DEMAND

Transmission	0.887807
Non-Stratified Production	0.960110
Intermediate Strata Production	0.954157
Peaking Strata Production	0.949428
Distribution	1.000000

ENERGY

Total Sales	0.938401
Non-Stratified Sales	0.957062
Intermediate Strata Sales	0.939405
Peaking Strata Sales	0.956020

GENERAL PLANT

Labor	0.969425
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**DEF:** No position.

**OPC:** Same as Issue 1A.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 6B: What are the appropriate 2025 jurisdictional separation factors for TECO?**

**TECO:** The appropriate jurisdictional separation factors are as follows:

FPSC Jurisdictional Factor: 93.5213%

FERC Jurisdictional Factor: 6.4787%

**FPUC:** No position.

**FPL:** No position.

**DEF:** No position.

**OPC:** Same as Issue 1B.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 6C: What are the appropriate 2025 jurisdictional separation factors for FPUC?**

**TECO:** No position.

**FPUC:** There is no jurisdictional separation applicable to FPUC.

**FPL:** No position.

**DEF:** No position.

**OPC:** Same as Issue 1C.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 6D: What are the appropriate 2025 jurisdictional separation factors for DEF?**

**TECO:** No position.

**FPUC:** No position.

**FPL:** No position.

**DEF:** As shown in updated Exhibit CAM-3, DEF's retail jurisdictional separation factors for the period January 2025 through December 2025 are:

**DEMAND**

Transmission: 0.703692

Distribution: 1.000000

**OPC:** Same as Issue 1D.

**FIPUG:** Agree with OPC.

**NUCOR:** Agree with OPC.

**PCS**

**Phosphate:** Agree with OPC.

**STAFF:** Staff has no position at this time.

**ISSUE 7A: What are the appropriate 2025 Storm Protection Plan Cost Recovery Clause factors for each rate class for FPL?**

**TECO:** No position.

**FPUC:** No position.

**FPL:** As shown on Form 5P of Exhibit RLH-3, p. 15, the appropriate FPL 2025 SPPCRC factors for each rate class are as follows:

Rate Class	SPP Factor (\$/kW)	SPP Factor (\$/kWh)	RDC (\$/KW)	SDD (\$/KW)
RS1/RTR1		0.00810		
GS1/GST1		0.00730		
GSD1/GSDT1/HLFT1/GSD1-EV	1.42			
OS2		0.02199		
GSLD1/GSLDT1/CS1/CST1/HLFT2/GSLD1-EV	1.44			
GSLD2/GSLDT2/CS2/CST2/HLFT3	1.32			
GSLD3/GSLDT3/CS3/CST3	0.16			
SST1T			0.02	0.01
SST1D1/SST1D2/SST1D3			0.23	0.10
CILC D/CILC G	1.34			
CILC T	0.17			
MET	1.60			
OL1/SL1/SL1M/PL1/OSI/II		0.00558		
SL2/SL2M/GSCU1		0.00683		

**DEF:** No position.

**OPC:** Same as Issue 1A.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 7B:** **What are the appropriate 2025 Storm Protection Plan Cost Recovery Clause factors for each rate class for TECO?**

**TECO:** The appropriate January 2025 through December 2025 cost recovery clause factors utilizing the appropriate recognition of Federal Energy Regulatory Commission transmission jurisdictional separation, revenue tax factors and the rate design and cost allocation as put forth in Docket No. 20210034-EI are as follows:



<u>Rate Schedule</u>	<u>Cost Recovery Factors (cents per kWh)</u>
RS	0.838
GS and CS	1.040
GSD Optional – Secondary	0.188
GSD Optional – Primary	0.186
GSD Optional – Subtransmission	0.184
LS-1, LS-2	5.246

<u>Rate Schedule</u>	<u>Cost Recovery Factors (dollars per kW)</u>
GSD – Secondary	0.77
GSD – Primary	0.76
GSD – Subtransmission	0.76
SBD – Secondary	0.77
SBD – Primary	0.76
SBD – Subtransmission	0.76
GSLD - Primary	0.64
GSLD - Subtransmission	0.15

Tampa Electric has certain proposals pending in its current base rate case in Docket No. 20240026-EI that may affect the company’s storm protection plan cost recovery charges and associated tariffs. The above cost recovery clause factors may be amended to reflect revisions ordered by the Commission in that docket.

**FPUC:** No position.

**FPL:** No position.

**DEF:** No position.

**OPC:** Same as Issue 1B.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 7C: What are the appropriate 2025 Storm Protection Plan Cost Recovery Clause factors for each rate class for FPUC?**

**TECO:** No position.

**FPUC:**

Rate Schedule	SPP FACTORS PER KWH
Residential	\$0.00997
General Service	\$0.01100
General Service Demand	\$0.00594
General Service Large Demand	\$0.00508
Industrial/Standby	\$0.01402
Lighting Service	\$0.06177

**FPL:** No position.

**DEF:** No position.

**OPC:** Same as Issue 1C.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 7D: What are the appropriate 2025 Storm Protection Plan Cost Recovery Clause factors for each rate class for DEF?**

**TECO:** No position.

**FPUC:** No position.

**FPL:** No position.

**DEF:** As shown in Form 6P of updated Exhibit CAM-3, the appropriate DEF 2025 SPPCRC factors for each rate class are as follows:

<b>Customer Class</b>	<b>SPPCRC Factor</b>
Residential	0.801 cents/kWh
General Service Non-Demand	0.694 cents/kWh
@ Primary Voltage	0.687 cents/kWh
@ Transmission Voltage	0.680 cents/kWh
General Service 100% Load Factor	0.355 cents/kWh
General Service Demand	1.92 \$/kW
@ Primary Voltage	1.90 \$/kW
@ Transmission Voltage	0.33 \$/kW
Curtable	1.15 \$/kW
@ Primary Voltage	1.14 \$/kW
@ Transmission Voltage	1.13 \$/kW
Interruptible	1.54 \$/kW
@ Primary Voltage	1.26 \$/kW
@ Transmission Voltage	0.25 \$/kW
Standby Monthly	0.170 \$/kW
@ Primary Voltage	0.168 \$/kW
@ Transmission Voltage	0.167 \$/kW
Standby Daily	0.081 \$/kW
@ Primary Voltage	0.080 \$/kW
@ Transmission Voltage	0.079 \$/kW
Lighting	0.586 cents/kWh

**OPC:** Same as Issue 1D.

**FIPUG:** Agree with OPC.

**NUCOR:** Agree with OPC.

**PCS**

**Phosphate:** Agree with OPC.

**STAFF:** Staff has no position at this time.

**ISSUE 8A: What should be the effective date of the 2025 Storm Protection Plan Cost Recovery Clause factors for billing purposes for FPL?**

**TECO:** No position.

**FPUC:** No position.

**FPL:** The 2025 SPPCRC Factors should become effective for application to bills beginning the first billing cycle in January 2025 through the last billing cycle December 2025 and continuing until modified by subsequent order of this Commission.

**DEF:** No position.

**OPC:** Same as Issue 1A.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS  
Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 8B: What should be the effective date of the 2025 Storm Protection Plan Cost Recovery Clause factors for billing purposes for TECO?**

**TECO:** The effective date of the new Storm Protection Plan Cost Recovery Clause factors should be January 1, 2025.

**FPUC:** No position.

**FPL:** No position.

**DEF:** No position.

**OPC:** Same as Issue 1B.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 8C: What should be the effective date of the 2025 Storm Protection Plan Cost Recovery Clause factors for billing purposes for FPUC?**

**TECO:** No position.

**FPUC:** The effective date for FPUC's cost recovery factors should be the first billing cycle for January 1, 2025, which could include some consumption from the prior month. Thereafter, customers should be billed the approved factors for a full 12 months, unless the factors are otherwise modified by the Commission.

**FPL:** No position.

**DEF:** No position.

**OPC:** Same as Issue 1C.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 8D: What should be the effective date of the 2025 Storm Protection Plan Cost Recovery Clause factors for billing purposes for DEF?**

**TECO:** No position.

**FPUC:** No position.

**FPL:** No position.

**DEF:** The factors shall be effective beginning with the specified Storm Protection Plan Cost Recovery Clause cycle and thereafter for the period January 2025 through December 2025. Billing cycles may start before January 1, 2025, and the last cycle may be read after December 31, 2025, so that each customer is billed for

twelve months, regardless of when the adjustment factor became effective. These charges shall continue in effect until modified by subsequent order of this Commission.

**OPC:** Same as Issue 1D.

**FIPUG:** Agree with OPC.

**NUCOR:** Agree with OPC.

**PCS**

**Phosphate:** Agree with OPC.

**STAFF:** Staff has no position at this time.

**ISSUE 9A:** **Should the Commission approve revised tariffs reflecting the 2025 Storm Protection Plan Cost Recovery Clause factors determined to be appropriate in this proceeding for FPL?**

**TECO:** No position.

**FPUC:** No position.

**FPL:** Yes. FPL will submit to Staff for administrative approval revised tariffs reflecting the SPPCRC amounts and SPPCRC Factors approved in this proceeding.

**DEF:** No position.

**OPC:** Same as Issue 1A.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 9B: Should the Commission approve revised tariffs reflecting the 2025 Storm Protection Plan Cost Recovery Clause factors determined to be appropriate in this proceeding for TECO?**

**TECO:** Yes, the Commission should approve revised tariffs reflecting the new Storm Protection Plan Cost Recovery Clause factors determined to be appropriate in this proceeding.

The Commission should also grant Staff administrative authority to approve revised tariffs reflecting amended cost recovery clause factors that incorporate any revisions that are necessary as a result of the Commission's decision in Tampa Electric's current base rate case in Docket No. 20240026-EI.

**FPUC:** No position.

**FPL:** No position.

**DEF:** No position.

**OPC:** Same as Issue 1B.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 9C: Should the Commission approve revised tariffs reflecting the 2025 Storm Protection Plan Cost Recovery Clause factors determined to be appropriate in this proceeding for FPUC?**

**TECO:** No position.

**FPUC:** The Company will submit, and the Commission should authorize its staff to approve administratively, revised tariffs reflecting the SPPCRC factors determined to be appropriate in this proceeding. The Commission should direct staff to verify that the revised tariffs are consistent with the Commission's decision.

**FPL:** No position.

**DEF:** No position.

**OPC:** Same as Issue 1C.

**FIPUG:** Agree with OPC.

**NUCOR:** No position.

**PCS**

**Phosphate:** No position.

**STAFF:** Staff has no position at this time.

**ISSUE 9D:** **Should the Commission approve revised tariffs reflecting the 2025 Storm Protection Plan Cost Recovery Clause factors determined to be appropriate in this proceeding for DEF?**

**TECO:** No position.

**FPUC:** No position.

**FPL:** No position.

**DEF:** Yes. The Commission should approve DEF's revised tariffs reflecting the Storm Protection Plan Cost Recovery Clause factors determined to be appropriate in this proceeding. The Commission should direct Staff to verify that the revised tariffs are consistent with the Commission's decision. The Commission should grant Staff Administrative authority to approve revised tariffs reflecting the new Storm Protection Plan Cost Recovery Clause factors determined to be appropriate in this proceeding.

**OPC:** Same as Issue 1D.

**FIPUG:** Agree with OPC.

**NUCOR:** Agree with OPC.

**PCS**

**Phosphate:** Agree with OPC.

**STAFF:** Staff has no position at this time.



**ISSUE 10: Should this docket be closed?**

**TECO:** No. The storm protection plan cost recovery clause is a continuing docket and should remain open until a new docket number is assigned next year.

**FPUC:** This is a continuing docket and should remain open.

**FPL:** No. While a separate docket number is assigned each year for administrative convenience, this is a continuing docket and should remain open.

**DEF:** No, this is an on-going docket and should remain open until a subsequent year's docket is established.

**OPC:** Same as Issues 1A-1D.

**FIPUG:** Agree with OPC.

**NUCOR:** Agree with OPC.

**PCS**

**Phosphate:** Agree with OPC.

**STAFF:** Staff has no position at this time.

**X. EXHIBIT LIST**

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
<u>Direct</u>			
M. Ashley Sizemore	TECO	MAS-1	A-Schedules, filed April 1, 2024 - Schedules Supporting Storm Protection Cost Recovery Factor, Actual for the period January 2023 – December 2023

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
M. Ashley Sizemore	TECO	MAS-2	E-Schedules, filed May 1, 2024; revised July 26, 2024 - Schedules supporting cost recovery amount, projected January 2024-December 2024 P-Schedules, filed May 1, 2024; revised July 26, 2024 - Schedules supporting costs recovery amount, projected for the period January 2025–December 2025, Projected - Current
M. Ashley Sizemore	TECO	MAS-3	P-Schedules, filed May 1, 2024; revised July 26, 2024 - Schedules supporting costs recovery amount, projected for the period January 2025–December 2025, Projected - Proposed
C. David Sweat	TECO	CDS-1	Tampa Electric Company, 2023 Storm Protection Plan Accomplishments
C. David Sweat	TECO	CDS-2	Project List and Summary of Costs
Michelle D. Napier  C. David Cutshaw (Schedule 8A only)	FPUC	PTN-1 (Exhibit of Phuong Nguyen adopted by Napier)	SPPCRC Schedules 1A-9A
Michelle D. Napier	FPUC	MDN-2	SPPCRC Schedules E and P
Michael Jarro	FPL	MJ-1	FPL Actual Storm Protection Plan Work Completed in 2023 (Project Level Detail)
Michael Jarro	FPL	MJ-2	List of Explanations of Drivers for Variance in Storm Protection Plan Programs and Projects
Michael Jarro	FPL	MJ-3	Form 6P – Program Description and Progress Report

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Michael Jarro	FPL	MJ-4	FPL Actual/Estimated Storm Protection Plan Work to be Completed in 2024 (Project Level Detail)
Michael Jarro	FPL	MJ-5	FPL Storm Protection Plan Work Projected to be Completed in 2025 (Project Level Detail)
Richard L. Hume	FPL	RLH-1 (corrected by Errata filed on May 17, 2024)	Forms 1A through 8A for the FPL 2023 SPPCRC Final True-Up
Richard L. Hume	FPL	RLH-2	Forms 1E through 8E for the FPL 2024 SPPCRC Actual/Estimated True-Up
Richard L. Hume	FPL	RLH-3	Forms 1P through 5P and 7P for FPL's Proposed 2025 SPPCRC Factors
Richard L. Hume	FPL	RLH-4	Retail Separation Factors
Christopher A. Menendez	DEF	CAM-1	True-up costs associated with the SPPCRC activities for the period January 2023 through December 2023
Robert E. McCabe			Distribution-related costs associated with DEF's Storm Protection Plan ("SPP") proposed for recovery through the Storm Protection Plan Cost Recovery Clause ("SPPCRC") for 2023
Robert E. Brong			Transmission-related costs associated with DEF's Storm Protection Plan ("SPP") proposed for recovery through the Storm Protection Plan Cost Recovery Clause ("SPPCRC") for 2023

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Christopher A. Menendez  Robert E. McCabe  Robert E. Brong	DEF	CAM-2	Actual/estimated true-up for the period January 2024 through December 2024  Distribution-related costs associated with DEF's Storm Protection Plan ("SPP") proposed for recovery through the Storm Protection Plan Cost Recovery Clause ("SPPCRC") for 2024  Transmission-related costs associated with DEF's Storm Protection Plan ("SPP") proposed for recovery through the Storm Protection Plan Cost Recovery Clause ("SPPCRC") for 2024.
Christopher A. Menendez  Robert E. McCabe  Robert E. Brong	DEF	CAM-3  (Revised 7.31.24)	Projected costs for the SPPCRC for the period January 2025 through December 2025, and DEF's Storm Protection Plan cost recovery factors for the period January 2025 through December 2025  Distribution-related costs associated with DEF's Storm Protection Plan ("SPP") proposed for recovery through the Storm Protection Plan Cost Recovery Clause ("SPPCRC") for 2025  Transmission-related costs associated with DEF's Storm Protection Plan ("SPP") proposed for recovery through the Storm Protection Plan Cost Recovery Clause ("SPPCRC") for 2025
Tomer Kopelovich	Staff	TK-1	Auditor's Report - FPL
Ron Mavrides	Staff	RM-1	Auditor's Report – TECO

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Donna D. Brown	Staff	DDB-1	Auditor's Report - DEF
Donna D. Brown	Staff	DDB-2	Auditor's Report – FPUC

**XI. PROPOSED STIPULATIONS**

On September 5, 2024, FPL filed a set of proposed stipulations that would fully resolve all FPL issues in this docket. A true and correct copy of those stipulations is appended to this order as Attachment A.

On September 9, 2024, TECO filed a set of proposed stipulations that would fully resolve all TECO issues in this docket. A true and correct copy of those stipulations is appended to this order as Attachment B.

On September 9, 2024, FPUC filed a set of proposed stipulations that would fully resolve all FPUC issues in this docket. A true and correct copy of those stipulations is appended to this order as Attachment C.

On September 6, 2024, DEF filed a set of proposed stipulations that would fully resolve all DEF issues in this docket. A true and correct copy of those stipulations is appended to this order as Attachment D.

**XII. PENDING MOTIONS**

There are no pending motions at this time.

**XIII. PENDING CONFIDENTIALITY MATTERS**

There are no pending confidentiality matters at this time.

**XIV. POST-HEARING PROCEDURES**

If no bench decision is made, each party shall file a post-hearing statement of issues and positions. A summary of each position, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of this Prehearing Order, the post-hearing statement may simply restate the prehearing position. If a party fails to file a post-hearing statement, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, F.A.C., a party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 40 pages and shall be filed at the same time.

**XV. RULINGS**

Opening statements, if any, shall not exceed three minutes per party.

It is therefore,

ORDERED by Commissioner Gabriella Passidomo, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Commissioner Gabriella Passidomo, as Prehearing Officer, this 17th day of September, 2024.



Gabriella Passidomo  
Commissioner and Prehearing Officer  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

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

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.

FILED 9/5/2024  
DOCUMENT NO. 08878-2024  
FPSC - COMMISSION CLERK



**Christopher T. Wright**  
Managing Attorney  
**Florida Power & Light Company**  
700 Universe Blvd (LAW/JB)  
Juno Beach, FL 33408-0420  
Phone: (561) 691-7144  
E-mail: [Christopher.Wright@fpl.com](mailto:Christopher.Wright@fpl.com)  
Florida Authorized House Counsel;  
Admitted in Pennsylvania

September 5, 2024

*VIA ELECTRONIC FILING*

Mr. Adam J. Teitzman  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**Re: Docket No. 20240010-EI**  
**In re: Storm Protection Plan Cost Recovery Clause (Florida Power & Light Company)**  
**Stipulations and Proposed Resolutions**

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Dear Mr. Teitzman:

On behalf of Florida Power & Light Company (FPL) and the Office of Public Counsel (OPC), enclosed for filing in the above-referenced matter are Stipulations and Proposed Resolutions. Therein, FPL and OPC stipulate and agree that the stipulations and issue resolutions address all issues in Docket No. 20240010-EI with respect to FPL and accordingly, are ripe to be approved by the Florida Public Service Commission. Additionally, FPL and OPC agree to waive cross-examination of all FPL and Staff witnesses and, upon Florida Public Service Commission approval, have no objection to such witnesses being excused from appearing at the hearing.

FPL contacted counsel for the Florida Industrial Power Users Group, which advised they take no position on the enclosed Stipulations and Proposed Resolutions.

If you or your staff have any question regarding this filing, please contact me at (561) 691-7144.

Respectfully submitted,

/sChristopher T. Wright  
Christopher T. Wright  
Fla. Auth. House Counsel No. 1007055

Enclosures

cc: Charles Rehwinkel ([rehwinkel.charles@leg.state.fl.us](mailto:rehwinkel.charles@leg.state.fl.us))  
Certificate of Service

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Florida Power & Light Company  
700 Universe Boulevard, Juno Beach, FL 33408



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copies of the foregoing have been furnished by Electronic Mail to the following parties of record this 5th day of September 2024:

<p>Shaw Stiller                  Jennifer Crawford                  Daniel Dose                  Florida Public Service Commission                  2540 Shumard Oak Boulevard                  Tallahassee, FL 32399  <a href="mailto:ddose@psc.state.fl.us">ddose@psc.state.fl.us</a>  <a href="mailto:sstiller@psc.state.fl.us">sstiller@psc.state.fl.us</a>  <a href="mailto:jcrawfor@psc.state.fl.us">jcrawfor@psc.state.fl.us</a>  <a href="mailto:discoverv-gcl@psc.state.fl.us">discoverv-gcl@psc.state.fl.us</a>  <b><i>For Commission Staff</i></b></p>	<p>Office of Public Counsel                  c/o The Florida Legislature                  111 West Madison Street, Room 812                  Tallahassee, FL 32399-1400  <a href="mailto:christensen.pattv@leg.state.fl.us">christensen.pattv@leg.state.fl.us</a>  <a href="mailto:ponce.octavio@leg.state.fl.us">ponce.octavio@leg.state.fl.us</a>  <a href="mailto:rehwinkel.charles@leg.state.fl.us">rehwinkel.charles@leg.state.fl.us</a>  <a href="mailto:Trierweiler.walt@leg.state.fl.us">Trierweiler.walt@leg.state.fl.us</a>  <a href="mailto:watrous.austin@leg.state.fl.us">watrous.austin@leg.state.fl.us</a>  <a href="mailto:wessling.marv@leg.state.fl.us">wessling.marv@leg.state.fl.us</a>  <b><i>For Office of Public Counsel</i></b></p>
<p>J. Jeffrey Wahlen                  Malcolm M. Means                  Virginia Ponder                  Ausley McMullen                  Post Office Box 391                  Tallahassee, Florida 32302  <a href="mailto:jwahlen@auslev.com">jwahlen@auslev.com</a>  <a href="mailto:mmeans@auslev.com">mmeans@auslev.com</a>  <a href="mailto:vponder@auslev.com">vponder@auslev.com</a>                   Ms. Paula K. Brown                  Regulatory Affairs                  P. O. Box 111                  Tampa FL 33601-0111  <a href="mailto:regdept@tecoenergy.com">regdept@tecoenergy.com</a>  <b><i>For Tampa Electric Company</i></b></p>	<p>Beth Keating                  Gunster, Yoakley &amp; Stewart, P.A.                  215 South Monroe St., Suite 601                  Tallahassee, FL 32301  <a href="mailto:BKeating@gunster.com">BKeating@gunster.com</a>                   Mr. Mike Cassel                  208 Wildlight Ave.                  Yulee FL 32097  <a href="mailto:mcassel@fpuc.com">mcassel@fpuc.com</a>                   Michelle D. Napier/Phuong Nguyen                  1635 Meathe Drive                  West Palm Beach FL 33411  <a href="mailto:mnapier@fpuc.com">mnapier@fpuc.com</a>  <a href="mailto:pnguven@chpk.com">pnguven@chpk.com</a>  <b><i>For Florida Public Utilities Company</i></b></p>
<p>Peter J. Mattheis                  Michael K. Lavanga                  Joseph R. Briscar                  Stone Mattheis Xenopoulos &amp; Brew, PC                  1025 Thomas Jefferson Street, NW                  Suite 800 West                  Washington DC 20007  <a href="mailto:jrb@smxblaw.com">jrb@smxblaw.com</a>  <a href="mailto:mkl@smxblaw.com">mkl@smxblaw.com</a>  <a href="mailto:pjm@smxblaw.com">pjm@smxblaw.com</a>                   Corey Allain                  22 Nucor Drive                  Frostproof FL 33843  <a href="mailto:corev.allain@nucor.com">corev.allain@nucor.com</a>  <b><i>For NuCor Steel Florida, Inc.</i></b></p>	<p>Dianne M. Triplett                  Deputy General Counsel                  Duke Energy Florida, LLC                  299 First Avenue North                  St. Petersburg, FL 33701  <a href="mailto:Dianne.Triplett@Duke-Energy.com">Dianne.Triplett@Duke-Energy.com</a>                   Matthew R. Bernier                  Robert L. Pickels                  Stephanie A. Cuello                  106 E. College Avenue, Suite 800                  Tallahassee FL 32301  <a href="mailto:FLRegulatoryLegal@duke-energy.com">FLRegulatoryLegal@duke-energy.com</a>  <a href="mailto:matthew.bernier@duke-energy.com">matthew.bernier@duke-energy.com</a>  <a href="mailto:robert.pickels@duke-energy.com">robert.pickels@duke-energy.com</a>  <a href="mailto:stephanie.cuello@duke-energy.com">stephanie.cuello@duke-energy.com</a>  <b><i>For Duke Energy Florida, LLC</i></b></p>

<p>Jon C. Moyle, Jr. Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, Florida 32301 Telephone: (850) 681-3828 Facsimile: (850) 681-8788 <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a> <a href="mailto:mqualls@moylelaw.com">mqualls@moylelaw.com</a> <i>For Florida Industrial Power Users Group</i></p>	<p>James W. Brew Laura Wynn Baker Stone Mattheis Xenopoulos &amp; Brew, PC 1025 Thomas Jefferson Street, NW Suite 800 West Washington, DC 20007-5201 <a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a> <a href="mailto:lwb@smxblaw.com">lwb@smxblaw.com</a> <i>For PCS Phosphate - White Springs</i></p>
---	---

*s/ Christopher T. Wright*  
Christopher T. Wright  
Fla. Auth. House Counsel No. 1007055

*Attorney for Florida Power & Light Company*

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Storm Protection Plan Cost Recovery | Docket No. 20240010-EI  
Clause

**STIPULATIONS AND PROPOSED RESOLUTIONS**

Florida Power & Light Company (“FPL” or the “Company”) and the Office of Public Counsel (“OPC”) (hereinafter collectively referred to as “Parties”) hereby agree to submit for approval by the Florida Public Service Commission (“Commission”) the following Stipulations and Proposed Resolutions of the issues to be addressed with respect to FPL in Docket No. 20240010-EI on the following terms and conditions:

1. The Parties stipulate to having all pre-filed testimony and exhibits filed in this docket entered into the record, specifically the following:
  - a. The Direct Testimony of FPL witnesses Michael Jarro filed on April 1, 2024, along with Exhibits MJ-1 and MJ-2;
  - b. The Direct Testimony of FPL witnesses Richard L. Hume filed on April 1, 2024, along with Exhibit RLH-1 as corrected by May 17, 2024 Errata of Richard L. Hume;
  - c. The Direct Testimony of FPL witnesses Michael Jarro filed on May 1, 2024, along with Exhibits MJ-3 through MJ-5;
  - d. The Direct Testimony of FPL witnesses Richard L. Hume filed on May 1, 2024, along with Exhibits RLH-2 through RLH-4; and
  - e. The Direct Testimony of Staff witness Tomer Kopelovich filed on July 1, 2024, along with Exhibit TK-1.

2. The Parties agree to waive cross-examination of all FPL and Staff witnesses in Docket No. 20240010-EI and, upon Commission approval, have no objection to such witnesses being excused from appearing at the hearing.
3. The Parties stipulate to having all of FPL's responses to Staff's discovery requests entered into the record.
4. To the extent there are proposed Type 2 stipulations<sup>1</sup> for Issue Nos. 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, and 10, FPL supports the proposed stipulations and OPC will take no position on each issue and thereby will facilitate a Type 2 stipulation on each of these issues as follows:

OPC takes no position on FPL's proposed Storm Protection Plan Cost Recovery Clause (SPPCRC) Factors, nor does it have the burden of proof related to them. As such, OPC further represents that it takes no position on, and thus will not contest or oppose the Commission taking action approving a proposed stipulation between the Company and another party or Staff as to a final resolution of, Issue Nos. 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, and 10. No person is authorized to state that the OPC is a participant in, or party to, a stipulation on these issues, either in this docket, in an order of the Commission or in a representation to a Court.

5. FPL's positions subject to the Type 2 stipulations described above, if approved, are as follows:

Issue 1A: FPL's final total SPPCRC cost incurred for 2023 is \$1,371,442,934, which includes a total O&M expense of \$96,591,030 and a total capital expenditure of \$1,274,851,904.<sup>2</sup> FPL's SPPCRC final jurisdictional revenue requirement true-up for the period January 2023 through December 2023, including interest, is an under-recovery of \$5,648,042.

Issue 2A: FPL's total SPPCRC cost estimated for 2024 is \$1,540,725,072, which includes a total O&M expense of \$126,982,092 and a total capital expenditure of

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<sup>1</sup> A Type 2 stipulation occurs on an issue when the utility and the staff, or the utility and at least one party adversarial to the utility, agree on the resolution of the issue and the remaining parties (including staff if they do not join in the agreement) do not object to the Commission relying on the agreed language to resolve that issue in a final order.

<sup>2</sup> The jurisdictional separation factors are applied to the revenue requirements and not the costs incurred. Therefore, the total jurisdictional cost incurred for the applicable calendar year is not available.

\$1,413,742,980.<sup>3</sup> FPL's SPPCRC actual/estimated jurisdictional revenue requirement true-up for the period January 2024 through December 2024, including interest, is an under-recovery of \$59,670,684.

Issue 3A: FPL's total SPPCRC cost projected for 2025 is \$1,471,820,854, which includes a total O&M expense of \$134,563,013 and a total capital expenditure of \$1,337,257,841.<sup>4</sup> FPL's projected SPPCRC jurisdictional revenue requirement for the period January 2025 through December 2025 is \$721,264,550.

Issue 4A: The projected total SPPCRC jurisdictional revenue requirement for the period January 2025 through December 2025, including true-up amounts, is \$786,583,276.

Issue 5A: The depreciation rates used to calculate the depreciation expense should be the Commission-approved depreciation rates that are in effect during the period the allowed capital investment is in service. For the period January 2025 through December 2025, FPL's depreciation rates are those approved by Commission Order Nos. PSC-2021-0446-S-EI and PSC-2021-0446A-S-EI in Docket No. 20210015-EI.

Issue 6A: As shown on page 1 of Exhibit RLH-4, FPL's retail jurisdictional separation factors for the period January 2025 through December 2025 are:

	<u>DEMAND</u>	
Transmission		0.887807
Non-Stratified Production		0.960110
Intermediate Strata Production		0.954157
Peaking Strata Production		0.949428
Distribution		1.000000
	<u>ENERGY</u>	
Total Sales		0.938401
Non-Stratified Sales		0.957062
Intermediate Strata Sales		0.939405
Peaking Strata Sales		0.956020
	<u>GENERAL PLANT</u>	
Labor		0.969425

Issue 7A: As shown on Form 5P of Exhibit RLH-3, p. 15, the appropriate FPL 2025 SPPCRC factors for each rate class are as follows:

<sup>3</sup> See Footnote 2.

<sup>4</sup> See Footnote 2.

Rate Class	SPP Factor (\$/kW)	SPP Factor (\$/kWh)	RDC (\$/KW)	SDD (\$/KW)
RS1/RTR1		0.00810		
GS1/GST1		0.00730		
GSD1/GSDT1/HLFT1/GSD1-EV	1.42			
OS2		0.02199		
GSLD1/GSLDT1/CS1/CST1/HLFT2/GSLD1-EV	1.44			
GSLD2/GSLDT2/CS2/CST2/HLFT3	1.32			
GSLD3/GSLDT3/CS3/CST3	0.16			
SST1T			0.02	0.01
SST1D1/SST1D2/SST1D3			0.23	0.10
CILC D/CILC G	1.34			
CILC T	0.17			
MET	1.60			
OL1/SL1/SL1M/PL1/OSI/II		0.00558		
SL2/SL2M/GSCU1		0.00683		

Issue 8A: The 2025 SPPCRC Factors should become effective for application to bills beginning the first billing cycle in January 2025 through the last billing cycle December 2025 and continuing until modified by subsequent order of this Commission:

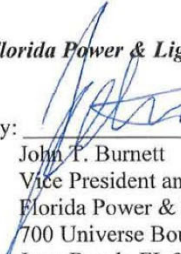
Issue 9A: Yes. FPL will submit to Staff for administrative approval revised tariffs reflecting the SPPCRC amounts and SPPCRC Factors approved in this proceeding.

Issue 10: No. While a separate docket number is assigned each year for administrative convenience, this is a continuing docket and should remain open.

- The Parties stipulate and agree that the issue resolutions set out above address all issues in Docket No. 20240010-EI with respect to FPL and accordingly, are ripe to be approved by the Commission.

In Witness Whereof, FPL and OPC evidence their acceptance and agreement with the aforesaid stipulations and proposed resolutions by their signature.

***Florida Power & Light Company***

By:  \_\_\_\_\_ Date: 9-4-24  
John T. Burnett  
Vice President and General Counsel  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420

***Office of Public Counsel***

By:  \_\_\_\_\_ Date: 9-4-24  
Walt Trierweiler  
Public Counsel  
Office of Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

FILED 9/9/2024  
DOCUMENT NO. 08937-2024  
FPSC - COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm Protection Plan Cost Recovery  
Clause

DOCKET NO. 20240010-EI

FILED: September 9, 2024

**STIPULATIONS AND PROPOSED RESOLUTION**

Tampa Electric Company (“Tampa Electric” or the “company”) and the Office of Public Counsel (“OPC”) (hereinafter collectively referred to as “Parties”) hereby agree to submit for Florida Public Service Commission (“Commission”) approval the following Stipulations and Proposed Resolution for the issues to be addressed in Docket No. 20240010-EI on the following terms and conditions:

1. The Parties stipulate to entry of the following pre-filed testimony and exhibits filed in this docket entered into the record:
  - a. The Direct Testimony of Tampa Electric witness M. Ashley Sizemore and Exhibit MAS-1, filed April 1, 2024;
  - b. The Direct Testimony of Tampa Electric witness C. David Sweat and Exhibit CDS-1, filed April 1, 2024;
  - c. The Direct Testimony of Tampa Electric witness M. Ashley Sizemore and Exhibits MAS-2 and MAS-3, as revised on July 26, 2024;
  - d. The Direct Testimony of Tampa Electric witness C. David Sweat and Exhibit CDS-2, filed July 26, 2024;
  - e. The Direct Testimony of Staff witness Ron Mavrides filed on July 1, 2024, along with Exhibit RM-1.



2. The Parties agree to waive cross-examination of all Tampa Electric and Staff witnesses in Docket No. 20240010-EI and, upon Commission approval, have no objection to such witnesses being excused from appearing at the hearing.
3. The Parties stipulate to entry of the following exhibits identified on Staff's Comprehensive Exhibit List into the record for the above-captioned docket: Exhibit Nos. 2-6, 22, and 29-33.
4. To the extent there are proposed Type 2 stipulations<sup>1</sup> for Issue Nos. 1B, 2B, 3B, 4B, 5B, 6B, 7B, 8B, 9B, and 10, Tampa Electric supports the stipulations and OPC will take no position on each issue and thereby will facilitate a Type 2 stipulation on each of these issues as follows:

OPC takes no position on Tampa Electric proposed Storm Protection Plan Cost Recovery Clause (SPPCRC) Factors, nor does it have the burden of proof related to them. As such, OPC further represents that it takes no position on, and thus will not contest or oppose the Commission taking action approving a proposed stipulation between the Company and another party or Staff as to a final resolution of, Issue Nos. 1B, 2B, 3B, 4B, 5B, 6B, 7B, 8B, 9B, and 10. No person is authorized to state that the OPC is a participant in, or party to, a stipulation on these issues, either in this docket, in an order of the Commission or in a representation to a Court.

5. Tampa Electric's positions subject to the Type 2 stipulations described above, if approved, are as follows:

Issue 1B: Tampa Electric's final Storm Protection Plan Cost Recovery Clause jurisdictional revenue requirements are \$70,079,782 and jurisdictional cost recovery true-up under-recovery amount is \$459,097 for the period January 2023 through December 2023 including interest.

Issue 2B: Tampa Electric's actual/estimated Storm Protection Plan Cost Recovery Clause jurisdictional revenue requirements are \$90,297,357 and jurisdictional

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<sup>1</sup> A Type 2 stipulation occurs on an issue when the utility and the staff, or the utility and at least one party adversarial to the utility, agree on the resolution of the issue and the remaining parties (including staff if they do not join in the agreement) do not object to the Commission relying on the agreed language to resolve that issue in a final order.

estimated cost recovery true-up under-recovery amount is \$606,964 for the period January 2024 through December 2024 including interest.

Issue 3B: Tampa Electric's projected Storm Protection Plan Cost Recovery Clause jurisdictional revenue requirements are \$116,458,022 for the period January 2025 through December 2025.

Tampa Electric has certain proposals pending in its current base rate case in Docket No. 20240026-EI that may affect the company's storm protection plan cost recovery charges and associated tariffs. The above revenue requirement may be amended to reflect revisions ordered by the Commission in that docket.

Issue 4B: The Storm Protection Plan Cost Recovery Clause total jurisdictional cost recovery amounts, including true-ups, to be included in establishing Storm Protection Plan Cost Recovery factors for the period January 2025 through December 2025 is \$117,623,744 .

Tampa Electric has certain proposals pending in its current base rate case in Docket No. 20240026-EI that may affect the company's storm protection plan cost recovery charges and associated tariffs. The above jurisdictional cost recovery amount may be amended to reflect revisions ordered by the Commission in that docket.

Issue 5B: The depreciation rates from Tampa Electric's most current Depreciation Study, approved by Order No. PSC-2021-0423-S-EI issued November 10, 2021, within Docket No. 20210034-EI, should be and were used to develop the depreciation expense included in the total Storm Protection Plan Cost Recovery Clause amounts for 2025.

Tampa Electric has certain proposals pending in Docket No. 20240026-EI that may affect the company's storm protection plan cost recovery charges and associated tariffs. The company's cost recovery clause factors may be amended to reflect any changes to depreciation rates and depreciation expense ordered by the Commission in Docket Nos. 20230139-EI and 20240026-EI.

Issue 6B: The appropriate jurisdictional separation factors are as follows:

FPSC Jurisdictional Factor: 93.5213%  
FERC Jurisdictional Factor: 6.4787%

Issue 7B: The appropriate January 2025 through December 2025 cost recovery clause factors utilizing the appropriate recognition of Federal Energy Regulatory Commission transmission jurisdictional separation, revenue tax factors and the rate design and cost allocation as put forth in Docket No. 20210034-EI are as follows:

<u>Rate Schedule</u>	<u>Cost Recovery Factors</u> <u>(cents per kWh)</u>
RS	0.838
GS and CS	1.040
GSD Optional – Secondary	0.188
GSD Optional – Primary	0.186
GSD Optional – Subtransmission	0.184
LS-1, LS-2	5.246

<u>Rate Schedule</u>	<u>Cost Recovery Factors</u> <u>(dollars per kW)</u>
GSD – Secondary	0.77
GSD – Primary	0.76
GSD – Subtransmission	0.76
SBD – Secondary	0.77
SBD – Primary	0.76
SBD – Subtransmission	0.76
GSLD - Primary	0.64
GSLD - Subtransmission	0.15

Tampa Electric has certain proposals pending in its current base rate case in Docket No. 20240026-EI that may affect the company’s storm protection plan cost recovery charges and associated tariffs. The above cost recovery clause factors may be amended to reflect revisions ordered by the Commission in that docket.

Issue 8B: The effective date of the new Storm Protection Plan Cost Recovery Clause factors should be January 1, 2025.

Issue 9B: Yes, the Commission should approve revised tariffs reflecting the new Storm Protection Plan Cost Recovery factors determined to be appropriate in this proceeding.

The Commission should also grant Staff administrative authority to approve revised tariffs reflecting amended cost recovery clause factors that incorporate any revisions that are necessary as a result of the Commission's decision in Tampa Electric's current base rate case in Docket No. 20240026-EI.

Issue 10: No. The storm protection plan cost recovery clause is a continuing docket and should remain open until a new docket number is assigned next year.

6. The Parties stipulate and agree that the issue resolutions set out above address all issues in Docket No. 20240010-EI and accordingly, are ripe for approval by the Commission.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

In Witness Whereof, Tampa Electric and OPC evidence their acceptance and agreement with the aforesaid stipulations and proposed resolutions by their signature.

**Tampa Electric Company**

Name: Malcolm N. Means

Title: Attorney for Tampa Electric Company

Signature: Malcolm N. Means

Date: 9/09/24

**Office of Public Counsel**

Name: Walt Trierweiler, Esquire

Title: Public Counsel

Signature: Walt Trierweiler

Date: 9/9/2024

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Joint Notice of Stipulations, filed on behalf of Tampa Electric Company, has been furnished by electronic mail on this 9th day of September 2024 to the following:

Daniel Dose  
Jennifer Crawford  
Shaw Stiller  
Office of General Counsel  
Florida Public Service Commission  
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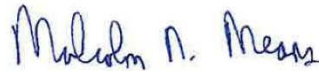
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ATTORNEY



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bkeating@gunster.com

September 9, 2024

**BY E-PORTAL**

Mr. Adam Teitzman  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Docket No. 20240010-EI: Storm protection plan cost recovery clause.**

Dear Mr. Teitzman:

On behalf of Florida Public Utilities Company ("FPUC") and the Office of Public Counsel (OPC), enclosed for filing in the above-referenced matter are Stipulations and Proposed Resolutions. Therein, FPUC and OPC stipulate and agree that the stipulations and issue resolutions address all issues in Docket No. 202400 IO-EI with respect to FPUC and accordingly, are ripe to be approved by the Florida Public Service Commission. Additionally, FPUC and OPC agree to waive cross-examination of all FPUC and Staff witnesses and, upon Florida Public Service Commission approval, have no objection to such witnesses being excused from appearing at the hearing. Counsel for Florida Industrial Power Users Group ("FIPUG") has indicated that FIPUG takes no position with regard to the proposed Stipulations and Proposed Resolutions.

Thank you for your assistance with this filing. As always, please don't hesitate to let me know if you have any questions whatsoever.

Sincerely,

Beth Keating  
Gunster, Yoakley & Stewart, P.A.  
215 South Monroe St., Suite 601  
Tallahassee, FL 32301  
(850) 521-1706

MEK  
cc://(Service List)



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Storm Protection Plan Cost Recovery Clause	DOCKET NO. 20240010-EI
	DATED: September 9, 2024

STIPULATIONS AND PROPOSED RESOLUTIONS

Florida Public Utilities Company (“FPUC,” or “Company”) and the Office of Public Counsel (“OPC”) (hereinafter collectively referred to as “Parties”) hereby agree to submit for approval by the Florida Public Service Commission (“Commission”) the following Stipulations and Proposed Resolutions for the issues to be addressed with respect to FPUC in Docket No. 20240010-EI on the following conditions:

- The Parties stipulate to having all pre-filed testimony and exhibits filed in this docket entered into the record, specifically the following:

<u>Witness - Direct</u>	<u>Subject</u>	<u>Exhibits</u>
Phuong T. Nguyen, filed April 1, 2024 (adopted by Michelle Napier)	2023 Final True Up	PTN-1 <sup>1</sup> : SPPCRC Schedules 1A-9A
P. Mark Cutshaw, filed April 1, 2024	SPP work performed in May – December 2023 Final True Up Period	Co-sponsor of Schedule 8A in Exhibit PTN-1
Michelle Napier, revised direct, filed August 2, 2024	2024 Estimated and 2025 Projection; Calculation of Factors	<i>Revised</i> MDN-2 <sup>2</sup> : SPPCRC Schedules E and P
P. Mark Cutshaw, May 1, 2024	SPP work to be performed in projection period	
Donna D. Brown, Commission Staff, filed July 1, 2023	Staff Audit of FPUC	Exhibit DDB-2

<sup>1</sup> Direct Exhibit PTN-1 of Phuong Nguyen adopted by Witness Napier, substituting for Ms. Nguyen consistent with Notice filed June 20, 2024.

<sup>2</sup> Revised MDN-2 filed August 2, 2024

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Page 2

- .2. The Parties agree to waive cross-examination of all FPUC and Staff witnesses in Docket No. 20240010-EI and, upon Commission approval, have no objection to such witnesses being excused from appearing at the hearing.
3. The Parties stipulation to having all of FPUC's responses to Staff's discovery requests entered into the record.
4. To the extent there are proposed Type 2 stipulations<sup>3</sup> for Issue Nos. 1C, 2C, 3C, 4C, 5C, 6C, 7C, 8C, 9C, and 10, FPUC supports the proposed stipulations and OPC will take no position on each issue, thereby facilitating a Type 2 stipulation on each of these issues as follows:

OPC takes no position on FPUC's proposed Storm Protection Plan Cost Recovery Clause (SPPCRC) Factors, nor does it have the burden of proof related to them. As such, OPC further represents that it takes no position on, and thus will not contest or oppose the Commission taking action approving a proposed stipulation between the Company and another party of Staff as to a final resolution of Issue Nos. 1C, 2C, 3C, 4C, 5C, 6C, 7C, 8C, 9C, and 10. No person is authorized to state that the OPC is a participant in, or a party to, a stipulation on these issues, either in this docket, in an order of the Commission or in a representation to a Court.

5. FPUC's positions subject to the Type 2 stipulations described above, if approved, are as follows:

**ISSUE 1C:** The final, end of period true up amount to be included in the calculation of the 2023 cost recovery factors for FPUC is an under-recovery of \$388,983, which reflects the difference between the actual, end of period revenue requirement of \$246,889 based on actual expenditures, and the projected 2023 over-recovery of \$142,094.

**ISSUE 2C:** FPUC projects an end of period 2024 under-recovery of \$1,120,304, based on a revised 2024 revenue requirement of \$3,481,578, which is net of \$975,504 already recovered through base rates.

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<sup>3</sup> A Type 2 stipulation occurs on an issue when the utility and the Commission staff, or the utility and at least one party adversarial to the utility, agree on the resolution of an issue and the remaining parties (including staff if they do not join in the agreement do not object to the Commission relying on the agreed language to resolve that issue in a final order.

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Page 3

**ISSUE 3C:** FPUC projects total expenditures of \$20.44 million, with a revenue requirement of \$4,153,106, which is net of \$975,504 already recovered through base rates.

**ISSUE 4C:** The total amount upon which FPUC's proposed factors are calculated is \$5,667,195, which is adjusted for taxes.

**ISSUE 5C:** The appropriate depreciation rates are those approved in, Order No. PSC-2023-0384-PAA-EI, issued December 21, 2023, in Docket No. 20230079-EI.

**ISSUE 6C:** There is no jurisdictional separation applicable to FPUC.

**ISSUE 7C:** As reflected on Revised Exhibit MDN-2, page 13 of 36, SPPCRC Form 5P, the appropriate Storm Protection Plan Cost Recovery Clause factors for 2025 for each rate class for FPUC are as follows:

Rate Schedule	SPPCRC FACTORS PER KWH
Residential	\$0.00997
General Service	\$0.01100
General Service Demand	\$0.00594
General Service Large Demand	\$0.00508
Industrial/Standby	\$0.01402
Lighting Service	\$0.06177

**ISSUE 8C:** The effective date for FPUC's cost recovery factors should be the first billing cycle for January 1, 2025, which could include some consumption from the prior

Docket No. 20240010-EI  
Page 4

month. Thereafter, customers should be billed the approved factors for a full 12 months, unless the factors are otherwise modified by the Commission.

**ISSUE 9C:** The Company will submit, and the Commission should authorize its staff to approve administratively, revised tariffs reflecting the SPPCRC factors determined to be appropriate in this proceeding. The Commission should direct staff to verify that the revised tariffs are consistent with the Commission's decision.

**ISSUE 10:** This is a continuing docket and should remain open.

In Witness Whereof, FPUC and OPC evidence their acceptance and agreement with the aforesaid stipulations and proposed resolutions by their signature.

**Florida Public Utilities Company**

BY:  Date: 7/1/2024

Beth Keating  
Gunster, Yoakley & Stewart, P.A.  
215 South Monroe St., Suite 601  
Tallahassee, FL 32301  
(850) 521-1706  
*Attorney for Florida Public Utilities Company*

Office of Public Counsel  
BY:  Date: 9/9/2024

Walt Trierweiler  
Public Counsel  
Office of Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

Docket No. 20240010-EI  
Page 5

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing discovery responses has been furnished by Electronic Mail to the following parties of record this 9<sup>th</sup> day of September, 2024:

Daniel Dose Shaw Stiller Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 <a href="mailto:Ddose@psc.state.fl.us">Ddose@psc.state.fl.us</a> <a href="mailto:ssiller@psc.state.fl.us">ssiller@psc.state.fl.us</a> <a href="mailto:discovery-gcl@psc.state.fl.us">discovery-gcl@psc.state.fl.us</a>	J. Jeffry Wahlen/Malcolm Means/Virginia Ponder Ausley Law Firm Post Office Box 391 Tallahassee, FL 32302 <a href="mailto:jwahlen@ausley.com">jwahlen@ausley.com</a> <a href="mailto:mmeans@ausley.com">mmeans@ausley.com</a> <a href="mailto:yponder@ausley.com">yponder@ausley.com</a>
Walt Trierweiler/P. Christensen / Charles Rehwinkel/Mary Wessling/Octavio Ponce/Austin Watrous Office of Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400 <a href="mailto:Trierweiler.Walt@leg.state.fl.us">Trierweiler.Walt@leg.state.fl.us</a> <a href="mailto:Wessling.Mary@leg.state.fl.us">Wessling.Mary@leg.state.fl.us</a> <a href="mailto:Rehwinkel.Charles@leg.state.fl.us">Rehwinkel.Charles@leg.state.fl.us</a> <a href="mailto:Christensen.patty@leg.state.fl.us">Christensen.patty@leg.state.fl.us</a> <a href="mailto:Ponce.octavio@leg.state.fl.us">Ponce.octavio@leg.state.fl.us</a> <a href="mailto:Watrous.austin@leg.state.fl.us">Watrous.austin@leg.state.fl.us</a>	James W. Brew/Laura Baker Stone Matheis Xenopoulos & Brew, PC Eighth Floor, West Tower 1025 Thomas Jefferson Street, NW Washington, DC 20007 <a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a> <a href="mailto:lwb@smxblaw.com">lwb@smxblaw.com</a> <a href="mailto:sbn@smxblaw.com">sbn@smxblaw.com</a>
Christopher T. Wright David Lee Florida Power & Light Company 700 Universe Boulevard Juno Beach, FL 33408-0420 <a href="mailto:Christopher.Wright@fpl.com">Christopher.Wright@fpl.com</a> <a href="mailto:David.Lee@fpl.com">David.Lee@fpl.com</a>	Kenneth Hoffman Florida Power & Light Company 215 South Monroe Street, Suite 810 Tallahassee, FL 32301 <a href="mailto:Ken.Hoffman@fpl.com">Ken.Hoffman@fpl.com</a>
Ms. Paula K. Brown Tampa Electric Company Regulatory Affairs P.O. Box 111 Tampa, FL 33601-0111 <a href="mailto:Regdept@tecoenergy.com">Regdept@tecoenergy.com</a>	Florida Industrial Users Power Group Jon C. Moyle, Jr. Moyle Law Firm 118 North Gadsden Street Tallahassee, FL 32301 <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a>

Docket No. 20240010-EI  
Page 6

Michelle Napier Florida Public Utilities Company 1635 Meathe Drive West Palm Beach FL 33411 <a href="mailto:mnapier@fpuc.com">mnapier@fpuc.com</a>	Matthew Bernier Robert Pickels Stephanie Cuello Duke Energy 106 East College Avenue, Suite 800 Tallahassee, FL 32301 <a href="mailto:Matthew.Bernier@duke-energy.com">Matthew.Bernier@duke-energy.com</a> <a href="mailto:Robert.Pickels@duke-energy.com">Robert.Pickels@duke-energy.com</a> <a href="mailto:Stephanie.Cuello@duke-energy.com">Stephanie.Cuello@duke-energy.com</a>
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By: 

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FILED 9/6/2024  
DOCUMENT NO. 08914-2024  
FPSC - COMMISSION CLERK



Matthew R. Bernier  
Associate General Counsel

September 6, 2024

**VIA ELECTRONIC FILING**

Adam J. Teitzman, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: *Storm Protection Plan Cost Recovery Clause*; Docket No. 20240010-EI

Dear Mr. Teitzman:

On behalf of Duke Energy Florida, LLC ("DEF") and the Office of Public Counsel ("OPC"), please find enclosed for electronic filing in the above-referenced docket are Stipulations and Proposed Resolutions. Therein, DEF and OPC stipulate and agree that the stipulations and issue resolutions address all issues in Docket No. 20240010-EI with respect to DEF and accordingly, are ripe to be approved by the Florida Public Service Commission. Additionally, DEF and OPC agree to waive cross examination of all DEF and Staff witnesses and, upon Florida Public Service Commission approval, have no objection to such witnesses being excused from appearing at the hearing. DEF contacted counsel for Nucor Steel, Inc., PCS Phosphate-White Springs, and Florida Industrial Power Users Group and is awaiting their positions, if any, on the enclosed Stipulations and Proposed Resolutions.

Thank you for your assistance in this matter. Please feel free to call me at (850) 521-1428 should you have any questions concerning this filing.

Respectfully,

*/s/ Matthew R. Bernier*

Matthew R. Bernier

MRB/mh  
Enclosures

**CERTIFICATE OF SERVICE**

*Docket No. 20240010-EI*

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 6<sup>th</sup> day of September, 2024.

*/s/ Matthew R. Bernier*

Attorney

<p>Shaw Stiller / Daniel Dose / Jennifer Crawford Office of General Counsel FL Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:sstiller@psc.state.fl.us">sstiller@psc.state.fl.us</a> <a href="mailto:ddose@psc.state.fl.us">ddose@psc.state.fl.us</a> <a href="mailto:jcrowfor@psc.state.fl.us">jcrowfor@psc.state.fl.us</a></p> <p>Kenneth Hoffman Florida Power &amp; Light 134 West Jefferson St. Tallahassee, FL 32301-1713 <a href="mailto:ken.hoffman@fpl.com">ken.hoffman@fpl.com</a></p> <p>Christopher T. Wright / Davide Lee Florida Power &amp; Light 700 Universe Boulevard (JB/LAW) Juno Beach FL 33408-0420 <a href="mailto:christopher.wright@fpl.com">christopher.wright@fpl.com</a> <a href="mailto:david.lee@fpl.com">david.lee@fpl.com</a></p> <p>Peter J. Mattheis / Michael K. Lavanga / Joseph R. Briscar Stone Mattheis Xenopoulos &amp; Brew, PC NUCOR 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007 <a href="mailto:pjm@smxblaw.com">pjm@smxblaw.com</a> <a href="mailto:mkl@smxblaw.com">mkl@smxblaw.com</a> <a href="mailto:jrb@smxblaw.com">jrb@smxblaw.com</a></p>	<p>Beth Keating Gunster, Yoakley, &amp; Stewart, P.A. FPUC 215 South Monroe Street, Suite 601 Tallahassee, FL 32301 <a href="mailto:bkeating@gunster.com">bkeating@gunster.com</a></p> <p>Michelle Napier / Phuong Nguyen Florida Public Utilities Company 1635 Meathe Drive West Palm Beach, Florida 33411 <a href="mailto:mnapiet@fpuc.com">mnapiet@fpuc.com</a> <a href="mailto:pnguyenv@chpk.com">pnguyenv@chpk.com</a></p> <p>Jon C. Moyle Jr. Moyle Law Firm FIPUG 118 North Gadsden St. Tallahassee, FL 32301 <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a> <a href="mailto:mqualls@moylelaw.com">mqualls@moylelaw.com</a></p> <p>James W. Brew / Laura Wynn Baker / Sarah B. Newman Stone Mattheis Xenopoulos &amp; Brew, P.C. PCS Phosphate –White Springs 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007 <a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a> <a href="mailto:lwb@smxblaw.com">lwb@smxblaw.com</a> <a href="mailto:sbn@smxblaw.com">sbn@smxblaw.com</a></p>	<p>W. Trierweiler / P. Christensen / C. Rehwinkel / M. Wessling / O. Ponce/ A. Watrous Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 <a href="mailto:trierweiler.walt@leg.state.fl.us">trierweiler.walt@leg.state.fl.us</a> <a href="mailto:christensen.patty@leg.state.fl.us">christensen.patty@leg.state.fl.us</a> <a href="mailto:rehwinkel.charles@leg.state.fl.us">rehwinkel.charles@leg.state.fl.us</a> <a href="mailto:wessling.mary@leg.state.fl.us">wessling.mary@leg.state.fl.us</a> <a href="mailto:ponce.octavio@leg.state.fl.us">ponce.octavio@leg.state.fl.us</a> <a href="mailto:watrous.austin@leg.state.fl.us">watrous.austin@leg.state.fl.us</a></p> <p>Paula K. Brown Tampa Electric Company Regulatory Affairs P.O. Box 11 Tampa, FL 33601-0111 <a href="mailto:regdcpt@tccoenergy.com">regdcpt@tccoenergy.com</a></p> <p>J. Wahlen / M. Means / V. Ponder Ausley McMullen Tampa Electric Company P.O. Box 391 Tallahassee, FL 32302 <a href="mailto:jwahlen@ausley.com">jwahlen@ausley.com</a> <a href="mailto:mmeans@ausley.com">mmeans@ausley.com</a> <a href="mailto:vponder@ausley.com">vponder@ausley.com</a></p>
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Storm Protection Plan Cost Recovery  
Clause

Docket No. 20240010-EI

Dated: September 6, 2024

**STIPULATIONS AND PROPOSED RESOLUTION**

Duke Energy Florida, LLC (“DEF” or the “Company”) and the Office of Public Counsel (“OPC”) (hereinafter collectively referred to as “Parties”) herby agree to submit for approval by the Florida Public Service Commission (“Commission”) the following Stipulations and Proposed Resolution of the issues to be addressed in Docket No. 20240010-EI on the following terms and conditions:

1. The Parties stipulate to having all pre-filed testimony and exhibits filed in this docket entered into the record, specifically the following:
  - a. The Direct Testimony of DEF witnesses Christopher A. Menendez filed on April 1, 2024, along with Exhibits CAM-1;
  - b. The Direct Testimony of DEF witnesses Robert E. McCabe filed on April 1, 2024;
  - c. The Direct Testimony of DEF witnesses Robert E. Brong filed on April 1, 2024;
  - d. The Direct Testimony of DEF witnesses Christopher A. Menendez filed on May 1, 2024, along with Exhibits CAM-2 and CAM-3;
  - e. The updated Direct Testimony of DEF witnesses Christopher A. Menendez filed on July 31, 2024, along with updated Exhibit CAM-3 to reflect the updated information based on the effects of DEF’s 2024 Settlement Agreement in Docket No. 20240025-EI;

- f. The Direct Testimony of DEF witnesses Robert E. McCabe filed on May 1, 2024;
  - g. The Direct Testimony of DEF witnesses Robert E. Brong filed on May 1, 2024;  
and
  - h. The Direct Testimony of Staff witness Donna D. Brown filed on July 1, 2024,  
along with Exhibit DDB-1.
- 2. The Parties agree to waive cross-examination of all DEF and Staff witnesses in Docket No. 20240010-EI and, upon Commission approval, have no objection to such witnesses being excused from appearing at the hearing.
  - 3. The Parties stipulate to having all of DEF's responses to Staff's discovery requests entered into the record.
  - 4. To the extent there are proposed Type 2 stipulations<sup>1</sup> for Issue Nos. 1D, 2D, 3D, 4D, 5D, 6D, 7D, 8D, 9D, and 10, DEF supports the proposed stipulations and OPC will take no position on each issue and thereby will facilitate a Type 2 stipulation on each of these issues as follows:

OPC takes no position on DEF's proposed Storm Protection Plan Cost Recovery Clause (SPPCRC) Factors, nor does it have the burden of proof related to them. As such, OPC further represents that it takes no position on, and thus will not contest or oppose the Commission taking action approving a proposed stipulation between the Company and another party or Staff as to a final resolution of, Issue Nos. 1D, 2D, 3D, 4D, 5D, 6D, 7D, 8D, 9D, and 10. No person is authorized to state that the OPC is a participant in, or party to, a stipulation on these issues, either in this docket, in an order of the Commission or in a representation to a Court.

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<sup>1</sup> A Type 2 stipulation occurs on an issue when the utility and the staff, or the utility and at least one party adversarial to the utility, agree on the resolution of the issue and the remaining parties (including staff if they do not join in the agreement) do not object to the Commission relying on the agreed language to resolve that issue in a final order.

5. DEF's positions subject to the Type 2 stipulations described above, if approved, are as follows:

Issue 1D: DEF's final total SPPCRC investments for 2023 is \$684,389,980.<sup>2</sup> DEF's SPPCRC final jurisdictional revenue requirement true-up for the period January 2023 through December 2023, including interest, is an over-recovery of \$5,364,450.

Issue 2D: DEF's total SPPCRC investments for 2024 is \$771,943,413.<sup>3</sup> DEF's SPPCRC actual/estimated jurisdictional revenue requirement true-up for the period January 2024 through December 2024, including interest, is an over-recovery of \$10,259,107.

Issue 3D: DEF's total SPPCRC projected investments for 2025 is \$845,476,201.<sup>4</sup> DEF's projected SPPCRC jurisdictional revenue requirement for the period January 2025 through December 2025 is \$285,580,616, based on the updated 2025 testimony of Christopher A. Menendez and updated Exhibit CAM-3.

Issue 4D: The projected total SPPCRC jurisdictional revenue requirement for the period January 2025 through December 2025, including true-up amounts, is \$269,957,058, based on the updated 2025 testimony of Christopher A. Menendez and updated Exhibit CAM-3.

Issue 5D: For the period January 2025 through December 2025, DEF should use the depreciation rates that were approved in Final Order No. PSC-2021-0202A-AS-EI, consistent with DEF's settlement agreement filed on July 15, 2024, in Docket No. 20240025-EI and reflected in the updated 2025 testimony of Christopher A. Menendez and updated Exhibit CAM-3.

Issue 6D: As shown in updated Exhibit CAM-3, DEF's retail jurisdictional separation factors for the period January 2025 through December 2025 are:

	<u>DEMAND</u>	
Transmission		0.703692
Distribution		1.000000

Issue 7D: As shown on Form 6P of updated Exhibit CAM-3, the appropriate DEF 2025 SPPCRC factors for each rate class are as follows:

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<sup>2</sup> The jurisdictional separation factors are applied to the revenue requirements and not the costs incurred. Therefore, the total jurisdictional cost incurred for the applicable calendar year is not available.

<sup>3</sup> See Footnote 2.

<sup>4</sup> See Footnote 2.

<b>Customer Class</b>	<b>SPPCRC Factor</b>
Residential	0.801 cents/kWh
General Service Non-Demand	0.694 cents/kWh
@ Primary Voltage	0.687 cents/kWh
@ Transmission Voltage	0.680 cents/kWh
General Service 100% Load Factor	0.355 cents/kWh
General Service Demand	1.92 \$/kW
@ Primary Voltage	1.90 \$/kW
@ Transmission Voltage	0.33 \$/kW
Curtable	1.15 \$/kW
@ Primary Voltage	1.14 \$/kW
@ Transmission Voltage	1.13 \$/kW
Interruptible	1.54 \$/kW
@ Primary Voltage	1.26 \$/kW
@ Transmission Voltage	0.25 \$/kW
Standby Monthly	0.170 \$/kW
@ Primary Voltage	0.168 \$/kW
@ Transmission Voltage	0.167 \$/kW
Standby Daily	0.081 \$/kW
@ Primary Voltage	0.080 \$/kW
@ Transmission Voltage	0.079 \$/kW
Lighting	0.586 cents/kWh

Issue 8D: The factors shall be effective beginning with the specified Storm Protection Plan Cost Recovery Clause cycle and thereafter for the period January 2025 through December 2025. Billing cycles may start before January 1, 2025, and the last cycle may be read after December 31, 2025, so that each customer is billed for twelve months, regardless of when the adjustment factor became effective. These charges shall continue in effect until modified by subsequent order of this Commission.


Issue 9D: Yes. The Commission should approve DEF's revised tariffs reflecting the Storm Protection Plan Cost Recovery Clause factors determined to be appropriate in this proceeding. The Commission should direct Staff to verify that the revised tariffs are consistent with the Commission's decision. The Commission should grant Staff Administrative authority to approve revised tariffs reflecting the new Storm Protection Plan Cost Recovery Clause factors determined to be appropriate in this proceeding.

Issue 10: No, this is an on-going docket and should remain open until a subsequent year's docket is established.

6. The Parties stipulate and agree that the issue resolutions set out above address all issues in Docket No. 20240010-EI and accordingly, are ripe to be approved by the Commission.

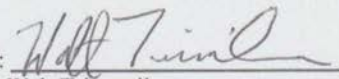
In Witness Whereof, DEF and OPC evidence their acceptance and agreement with the aforesaid stipulations and proposed resolutions by their signature.

*Duke Energy Florida*

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