

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida Power)
& Light Company.) Docket No. 20210015-EI
_____)

**FLORIDA INTERNET AND TELEVISION ASSOCIATION, INC.’S
POST HEARING BRIEF**

Pursuant to the Fifth Order Revising Order Establishing Procedure, issued August 20, 2021, Florida Internet and Television Association, Inc. (“FIT”), hereby submits its Post Hearing Brief on those issues identified therein for briefing at this time. Because FIT does not take a substantive position on the legal issues presented for this phase of the hearing or on whether the Settlement Agreement should be approved or denied, FIT has no legal argument on these issues.

Issues and Positions on Identified Issues

ISSUE 1: Does the Commission have the statutory authority to grant FPL’s requested storm cost recovery mechanism as part of the Stipulation and Settlement Agreement?

FIT’s Position: FIT takes no position on whether such statutory authority exists or does not exist.

ISSUE 2: Does the Commission have the statutory authority to approve FPL’s requested Reserve Surplus Amortization Mechanism (RSAM) as part of the Stipulation and Settlement Agreement?

FIT’s Position: FIT takes no position on whether such statutory authority exists or does not exist.

ISSUE 3: Does the Commission have the statutory authority to approve FPL’s requested Solar Base Rate Adjustment mechanism for 2024 and 2025 as part of the Stipulation and Settlement Agreement?

FIT’s Position: FIT takes no position on whether such statutory authority exists or does not exist.

ISSUE 4: Does the Commission have the statutory authority to adjust FPL’s authorized return on equity based on FPL’s performance as part of the Stipulation and Settlement Agreement?

FIT’s Position: FIT takes no position on whether such statutory authority exists or does not exist.

ISSUE 5: Does the Commission have the statutory authority to include non-electric transactions in an asset optimization incentive mechanism as part of the Stipulation and Settlement Agreement?

FIT's Position: FIT takes no position on whether such statutory authority exists or does not exist.

ISSUE 5(a): Does the Commission have the authority to approve FPL's requested proposal for a federal corporate income tax adjustment that addresses a change in tax if any occurs during or after the pendency of this proceeding as part of the Stipulation and Settlement Agreement?

FIT's Position: FIT takes no position on whether such statutory authority exists or does not exist.

ISSUE 6: Does the Commission have the statutory authority to grant FPL's requested four year plan as part of the Stipulation and Settlement Agreement?

FIT's Position: FIT takes no position on whether such statutory authority exists or does not exist.

ISSUE 9: Has Floridians Against Increased Rates, Inc. demonstrated individual and/or associational standing to intervene in this proceeding?

FIT's Position: FIT takes no position on whether this party has standing to participate in this case.

ISSUE A: Should the Stipulation and Settlement Agreement dated August 9, 2021, be approved?

FIT's Position: FIT takes no position on the approval or denial of the settlement.

[continued next page]

Dated October 8, 2021.

Respectfully submitted,

/s/ Floyd R. Self

Floyd R. Self, B.C.S. (Fla. Bar No. 608025)
Berger Singerman LLP
313 North Monroe Street, Suite 301
Tallahassee, Florida 32301
Direct Telephone: (850) 521-6727
Email: fself@bergersingerman.com

and

T. Scott Thompson, Esq.
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
701 Pennsylvania Avenue NW, Suite 900
Washington, DC 20004
Telephone: (202) 434-7440
Email: SThompson@mintz.com

*Attorneys for Florida Internet and Television
Association, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of foregoing has been served by electronic mail to the following on this 8th day of October, 2021:

Bradley Marshall
Jordan Luebke
111 S. Martin Luther King Jr. Blvd.
Tallahassee, Florida 32301
On behalf of Florida Rising, Inc.,
League of Latin American Citizens of
Florida and Environmental Confederation
of Southwest Florida
bmarshall@earthjustice.org
jluebke@earthjustice.org

Kenneth A. Hoffman
Florida Power & Light Company
134 W. Jefferson Street
Tallahassee, Florida 32301
kenneth.hoffman@fpl.com

Thomas Jernigan
Major Holly Buchanan
Captain Robert Friedman
TSgt. Arnold Braxton
Ebony Payton
Scott Kirk
Federal Executive Agencies

Wade Litchfield
John Burnett
Maria Moncada
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 3408-0420
wade.litchfield@fpl.com

139 Barnes Drive, Suite 1
Tyndall AFB, Florida 32403
thomas.jernigan.3@us.af.mil
holly.buchanan.1@us.af.mil
robert.friedman.5@us.af.mil
arnold.braxton@us.af.mil
ebony.payton.ctr@us.af.mil
ULFSC.Tyndall@us.af.mil
scott.kirk.2@us.af.mil

john.t.burnett@fpl.com
maria.moncada@fpl.com

Richard Gentry
Patricia A. Christensen
Anastacia Pirrello
Office of Public Counsel
111 W. Madison Street, Room 812
Tallahassee, Florida 32399
Gentry.richard@leg.state.fl.us
Christensen.patty@leg.state.fl.us
pirrello.anastacia@leg.state.fl.us

Jon C. Moyle, Jr.
Karen A. Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, FL 32301
On behalf of Florida Industrial Users Group
jmoyle@moylelaw.com
kputnal@moylelaw.com
mqualls@moylelaw.com

George Cavros
Southern Alliance of Clean Energy
120 E. Oakland Park Blvd.
Suite 105
Fort Lauderdale, Florida 33334
george@cavros-law.com

Russell A. Badders
Gulf Power Company
One Energy Place, Bin 100
Pensacola, FL 32520
Russell.badders@nexteraenergy.com

James W. Brew
Laura W. Baker
Joseph Briscar
Stone Law Firm
1025 Thomas Jefferson Street
NW Suite 800 West
Washington, DC 20007
On behalf of Florida Retail Federation
jbrew@smxblaw.com
lwb@smxblaw.com
jrb@smxblaw.com

William C. Garner
Law Office of William C. Garner, PLLC
3425 Bannerman Road
Unit 105, #414
On behalf of The Cleo Institute Inc.
Tallahassee, FL 32312
bgarner@wcglawoffice.com

Katie Chiles Ottenweller
Vote Solar
838 Barton Woods Road
Atlanta, GA 30307
katie@votesolar.org

Nathan A. Skop
420 NW 50th Blvd.
Gainesville, Florida 32607
On behalf of Daniel R. and Alexandria Larson
n_skop@hotmail.com

Stephanie U Eaton
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
seaton@spilmanlaw.com

Robert Scheffel Wright
John T. Lavia, III
Gardner Law Firm
1300 Thomaswood Dr.
Tallahassee, FL 32308
On behalf of Floridians Against Increased Rates,
Inc.
schef@gbwlegal.com
jlavia@gbwlegal.com

Barry A. Naum
Spilman Thomas & Battle, PLLC
1100 Bent Creek Blvd.
Suite 101
Mechanicsburg, PA 17050
On behalf of Walmart, Inc.
bnaum@spilmanlaw.com

Christina I. Reichert
Earth justice
4500 Biscayne Blvd., Ste. 201
Miami, FL 33137
On behalf of League of United Latin
Citizens of Florida
Environmental Confederation of Southwest
Florida
Florida Rising
creichert@earthjustice.org
flcaseupdates@earthjustice.org

Bianca Yva Faustin Lherisson
Shaw Philip Stiller
Suzanne Smith Brownless
Special Counsel, Office of the General
Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
blheriss@psc.state.fl.us
sstiller@psc.state.fl.us
sbrownle@psc.state.fl.us

/s/ Floyd R. Self
Floyd R. Self