

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase by Tampa Electric Company.

DOCKET NO. 20240026-EI

In re: Petition for approval of 2023 depreciation and dismantlement study, by Tampa Electric Company.

DOCKET NO. 20230139-EI

In re: Petition to implement 2024 generation base rate adjustment provisions in paragraph 4 of the 2021 stipulation and settlement agreement, by Tampa Electric Company.

DOCKET NO. 20230090-EI

FILED: August 9th, 2024

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COMMISSION CLERK

MOTION AND NOTICE OF INTENT TO SEEK OFFICIAL RECOGNITION

Pursuant to Section 120.569(2)(i), Fla. Stat., Section 90.202, Fla. Stat., as provided for in Rule 28-106-213(6), Florida Administrative Code (F.A.C.), and Paragraph VII(h) of Order No. PSC- 2024-0096-PCO-EI, the Citizens of the State of Florida, by and through the Office of Public Counsel (OPC), respectfully request the Florida Public Service Commission (Commission) take official recognition of the following:

Exhibit A - Written customer comments submitted in Docket No. 20240026-EI.

Exhibit B - Tampa Electric Company customer complaints submitted to the Commission since January 1, 2022.

- 1) Pursuant to Section 120.57(1)(j), Fla. Stat., “[f]indings of fact...shall be based exclusively on the evidence of record and on matters officially recognized.”
- 2) Pursuant to Section 120.569(2)(i), Fla. Stat., and Rule 28-106.213(6), F.A.C., a party may seek official recognition of matters set forth in Sec. 90.202, Fla. Stat.

COM _____
 AFD _____
 APA _____
 ECO _____
 ENG _____
 GCL _____
 IDM _____
 CLK _____

1 USB Drive with Exhs "A" & "B"

- 3) Section 90.202(6), Fla. Stat., provides that the court may take judicial notice of “[r]ecords of any court of this state or of any court of record of the United States or of any state, territory, or jurisdiction of the United States.”
- 4) The written customer comments submitted in Docket No. 20240026-EI and contained in Exhibit A are records of the Commission which the Commission may take official recognition of pursuant to Section 90.202(6), F.S., as provided for in Rule 28-106.213(6), F.A.C.
- 5) Additionally, the Commission encouraged customers at the customer service hearings to submit written comments for the Commission’s consideration, stating, “whether your comments are made verbally today or received in writing, be assured that [your] comments will be reviewed and considered in the evaluation of this case,”¹ and that the written comments “are just as valuable”² to the Commission as the in-person testimony provided at the customer service hearings.
- 6) Since the Commission can only base findings of fact upon evidence in the record or on matters officially recognized, the only way to fulfill the Commission’s promise to Tampa Electric’s customers that their written comments will be considered by the Commission is to either enter them into evidence or officially recognize the written comments.

¹ Document No. 06912-2024, PSC Docket No. 20240026-EI, p. 11, *In re: Petition for Rate Increase by Tampa Electric Company; In re: Petition for approval of 2023 depreciation and dismantlement study, by Tampa Electric Company; In re: Petition to implement 2024 generation base rate adjustment provisions in paragraph 4 of the 2021 stipulation and settlement agreement, by Tampa Electric Company.*

² Document No. 07426-2024, PSC Docket No. 20240026-EI, p. 8, *In re: Petition for Rate Increase by Tampa Electric Company; In re: Petition for approval of 2023 depreciation and dismantlement study, by Tampa Electric Company; In re: Petition to implement 2024 generation base rate adjustment provisions in paragraph 4 of the 2021 stipulation and settlement agreement, by Tampa Electric Company.*

- 7) The Tampa Electric customer complaints submitted to the Commission since January 1, 2022 (Exhibit B) are also records of the Commission which the Commission may take official recognition of pursuant to Section 90.202(6), F.S., as provided for in Rule 28-106.213(6), F.A.C.
- 8) The records contained in Exhibit A and Exhibit B are relevant to several issues in this case for which the Commission will have to make findings of fact, including, but not limited to, Issues 4 and 119.
- 9) OPC requests that the Commission officially recognize these Commission records so that all Tampa Electric customer comments submitted to the Commission can be considered when the Commission adjudicates this case, not just the comments of the Tampa Electric customers who attended a customer service hearing.
- 10) OPC intends to include, in both Exhibit A and Exhibit B respectively, all written customer comments filed in the docket and all Tampa Electric customer complaints received by the Commission subsequent to the filing of this motion until the hearing begins.
- 11) This Motion also serves as timely notice to the Commission and all parties of OPC's intent to request official recognition of the records contained in Exhibit A and Exhibit B, in accordance with Paragraph VII(h) of Order No. PSC-2024-0096-PCO-EI.
- 12) OPC consulted with counsel for Tampa Electric and all other intervenors regarding this motion. The Florida Retail Federation, Florida Rising, and the League of United Latin American Citizens support the motion. The Federal Executive Agencies, Americans for Affordable Clean Energy, Circle K Stores, Inc., RaceTrac, Inc., and Wawa, Inc. do not object to the motion. Sierra Club and the Florida Industrial Power Users Group take no position on this motion. As of the time of filing this motion, Walmart has not provided a

position on this motion. Tampa Electric is unable to take a position on the motion at this time and reserves the right to file a written response in opposition within the time allowed by rule.

WHEREFORE, OPC requests that the Commission grant this Motion for Official Recognition of the Commission records contained in Exhibit A and Exhibit B.

Respectfully submitted this 9th day of August, 2024.

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