

September 9, 2024

BY E-PORTAL

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

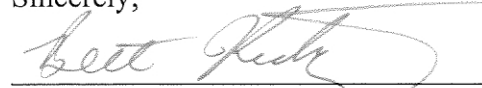
Re: Docket No. 20240010-EI: Storm protection plan cost recovery clause.

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:

1. 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 ¹ : 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 ² : 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

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

² Revised MDN-2 filed August 2, 2024

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 stipulations³ 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.

³ 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.

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


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.

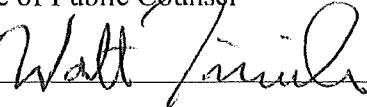
In Witness Whereof, FPUC and OPC evidence their acceptance and agreement with the aforesaid stipulations and proposed resolutions by their signature.

Florida Public Utilities Company

BY:  Date: 8/1/2024

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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
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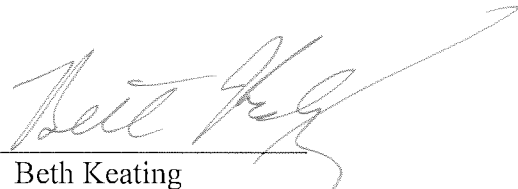
CERTIFICATE OF SERVICE

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 9th day of September, 2024:

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

<p>Michelle Napier Florida Public Utilities Company 1635 Meathe Drive West Palm Beach FL 33411 mnapier@fpuc.com</p>	<p>Matthew Bernier Robert Pickels Stephanie Cuello Duke Energy 106 East College Avenue, Suite 800 Tallahassee, FL 32301 Matthew.Bernier@duke-energy.com Robert.Pickels@duke-energy.com Stephanie.Cuello@duke-energy.com</p>
<p>P. Mattheis/M. Lavanga/J. Briscar 1025 Thomas Jefferson St., NW Eighth Floor, West Tower Washington DC 20007 jrb@smxblaw.com mkl@smxblaw.com pjm@smxblaw.com</p>	<p>Dianne M. Triplett Duke Energy 299 First Avenue North St. Petersburg, FL 33701 Dianne.Triplett@duke-energy.com</p>

By: _____



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