

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for a limited proceeding to approve 2017 amended and restated stipulation and settlement agreement by, Tampa Electric Company.

DOCKET NO. 20170210-EI
ORDER NO. PSC-2017-0384-PCO-EI
ISSUED: October 4, 2017

PROCEDURAL ORDER

On September 27, 2017, Tampa Electric Company (TECO) filed a petition for limited proceeding to approve 2017 amended and restated stipulation and settlement agreement (Petition). In its Petition, TECO has requested that the Florida Public Service Commission (Commission) hold a limited proceeding pursuant to Sections 366.076, 120.57(2) and 366.06(3), Florida Statutes (F.S.), and Rule 28-106.301, Florida Administrative Code (F.A.C.), to allow the Commission to review and approve the 2017 Amended and Restated Stipulation and Settlement Agreement (2017 Agreement) attached as an exhibit to the Petition.

The 2017 Agreement has been signed by TECO and the following: the Office of Public Counsel (OPC); Florida Industrial Power User's Group (FIPUG); Florida Retail Federation (FRF); Federal Executive Agencies (FEA); and West Central Florida Hospital Utility Alliance (HUA). TECO alleges that the 2017 Agreement amends and extends the term of its 2013 Stipulation and Settlement Agreement (2013 Agreement), which resolved all outstanding issues in its last base rate case proceeding, Docket No. 20130040-EI, approved by Order No. PSC-2013-0443-FOF-EI, issued September 30, 2013. TECO states that by extending the base rate freeze through 2021, the 2017 Agreement reduces the risks, time, and costs associated with a traditional base rate proceeding and provides certainty and predictability for its customers for the next four years. Further, TECO argues that the 2017 Agreement, in both its view and that of the signatories, provides a comprehensive resolution of asset optimization, tax, infrastructure, and clean energy issues either currently before, or anticipated in the near future to be filed with, the Commission. In sum, TECO and the signatories agree that the 2017 Agreement is a fair, reasonable, and just resolution of the issues discussed and, therefore, in the best interest of TECO's ratepayers. The provisions of the 2017 Agreement are contingent upon the approval of the Agreement in its entirety by the Commission without modification.

TECO represents that the other parties to the 2017 Agreement agree with TECO that there no disputed issues of material fact that must be resolved for the Commission to grant the Petition and approve the 2017 Settlement Agreement. For this reason TECO has requested that the Commission give public notice of this Petition for the approval of the 2017 Agreement in all dockets affected by the 2017 Agreement and set the matter for final hearing no later than November 15, 2017, which will allow the new and revised rates and tariffs to go into effect with the first billing cycle of January 2018.

Ruling

Based on its Petition and TECO's representation that the signatories to the 2017 Agreement are in support of the requested proceedings, the Final Commission Hearing on this

matter, having no material issues of disputed fact, shall take place at 1:00 p.m. on November 6, 2017, pursuant to Section 120.57(2), F.S. Further, for the purposes of this docket, all signatories to the 2017 Agreement shall be deemed full parties of record in this proceeding with all the rights and duties of same.

Discovery

Commission staff and the parties shall be permitted a limited time to send no more than 150 data requests each. Parties are directed to respond to the data requests in writing so the response is received within 5 days of receipt of the request. Affidavits must accompany all written data request responses. All data request responses must be received by October 30, 2017. Information obtained through data request responses may be used by the parties in their oral arguments, by staff in advising the Commission, and by the Commissioners in consideration of the proposed 2017 Agreement.

Use of Confidential Information at Hearing

While it is the Commission's policy to have all Commission hearings open to the public at all times, the Commission also recognizes its obligation pursuant to Section 366.093, F.S., to protect proprietary confidential business information from disclosure outside the proceeding. Therefore, any party wishing to use at the hearing any proprietary confidential business information, as that term is defined in Section 366.093, F.S., shall adhere to the following:

- (1) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the court reporter, in red envelopes clearly marked with the nature of the contents. 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 information is admitted into the evidentiary record at hearing and is not otherwise subject to a request for confidentiality 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.

Hearing Procedures

Section 120.57(4), F.S., permits the Commission to informally dispose of any proceeding by stipulation, agreed settlement, or consent order. Section 120.57(2), F.S., permits the Commission to proceed with hearings not involving disputed issues of material fact. Pursuant to Rule 28-106.302(2), F.A.C., the purpose of this hearing is for the Commission to take oral evidence or argument regarding TECO's Petition and to consider its request for approval of the 2017 Agreement.

The hearing agenda for November 6, 2017, will include the following:

- Parties present Opening Statements no more than 8 minutes per party
- Public testimony
- Parties present evidence and respond to questions from Commissioners regarding the 2017 Agreement

Upon completion of the Commission's questions, the hearing record will be closed and the Commission may render a bench decision. If a bench decision is not made, the Commission will render a decision during a Special Agenda Conference; date and time to be determined. Briefs, if any, will be due November 16, 2017.

The Commission has jurisdiction in this matter pursuant to Chapters 120, and 366, F.S., and is proceeding under its authority under Sections 366.04, 366.041, 366.05, 366.06, 366.07, 366.076, 366.8255, 366.93, and 120.57, F.S., and Rules 28-106.301 and 28-106.302, F.A.C.

Based on the foregoing, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that the provisions of this Order shall govern this proceeding unless modified by the Commission.

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 4th day
of October, 2017.


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

SBr

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.