

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 20200002-EG
ORDER NO. PSC-2020-0413-PHO-EG
ISSUED: October 29, 2020

PREHEARING ORDER

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (F.A.C.), a Prehearing Conference was held on October 26, 2020, in Tallahassee, Florida, before Commissioner Andrew Giles Fay, as Prehearing Officer.

APPEARANCES:

MARIA JOSE MONCADA, WADE LITCHFIELD, and JOEL BAKER,
ESQUIRES, 700 Universe Boulevard, Juno Beach, Florida 33408
On behalf of FLORIDA POWER & LIGHT COMPANY (FPL).

RUSSELL A. BADDERS, ESQUIRE, One Energy Place, Pensacola, Florida
32520-0100, and STEVEN R. GRIFFIN, ESQUIRE, P.O. Box 12950, Pensacola,
Florida 32591-2950
On behalf of GULF POWER COMPANY (GULF).

DIANNE M. TRIPLETT, ESQUIRE, 299 First Avenue North, St. Petersburg,
Florida 33701, and MATTHEW R. BERNIER, ESQUIRE, 106 East College
Avenue, Suite 800, Tallahassee, Florida 32301
On behalf of DUKE ENERGY FLORIDA, LLC (DEF).

BETH KEATING, ESQUIRE, 215 South Monroe St., Suite 601, Tallahassee,
Florida 32301
On behalf of FLORIDA PUBLIC UTILITIES COMPANY (FPUC).

JAMES D. BEASLEY, J. JEFFRY WAHLEN, and MALCOLM N. MEANS,
ESQUIRES, Post Office Box 391, Tallahassee, Florida 32302
On behalf of TAMPA ELECTRIC COMPANY (TECO).

PATRICIA A. CHRISTENSEN, CHARLES REHWINKEL, A. MIREILLE
FALL-FRY, and THOMAS A. (TAD) DAVID, ESQUIRES, 111 West Madison
Street, Room 812, Tallahassee, Florida 32399-1400
On behalf of OFFICE OF PUBLIC COUNSEL (OPC).

JAMES W. BREW, and LAURA WYNN BAKER, ESQUIRES, 1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower, Washington, D.C. 20007
On behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (PCS).

JON C. MOYLE, JR., and, KAREN PUTNAL, ESQUIRES, 118 North Gadsden Street, Tallahassee, Florida 32312
On behalf of FLORIDA INDUSTRIAL POWER USERS GROUP (FIPUG).

ASHLEY J. WEISENFELD, ESQUIRE, 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 Energy Conservation Cost Recovery Clause allows public utilities to seek recovery of costs for energy conservation programs on an annual basis, pursuant to Sections 366.80-366.83, Florida Statutes (F.S.), and Chapter 25-17, Florida Administrative Code (F.A.C.). As part of the Commission's continuing energy conservation cost recovery proceedings, an administrative hearing in this docket is set for November 3-5, 2020. The Office of Public Counsel (OPC), Florida Industrial Power Users Group (FIPUG), and White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (PCS) have been granted intervention.

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.

State buildings are currently closed to the public and other restrictions on gathering remain in place due to COVID-19. Accordingly, the hearing will be conducted remotely, and all parties and witnesses shall be prepared to present argument and testimony by communications media technology. The Commission shall act as the host of the hearing and will use a combination of technologies to ensure full participation. The Commission will employ

GoToMeeting as an audio and video platform for the hearing, which will include a telephone number for audio-only participation.

A GoToMeeting invitation shall be provided to counsel for each party. It shall be the responsibility of counsel to provide their clients, client representatives, and witnesses with the invitation, which will allow them to access the hearing, as necessary. Counsel for each party will also be provided the call-in number for audio participation.

Any member of the public who wants to observe or listen to the proceedings may do so by accessing the live video broadcast on each day of the hearing, which is available from the Commission website. Upon completion of the hearing, the archived video will also be available.

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 said Chapter and Chapters 25-6, 25-22, and 28-106, and 28-109, 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., 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. 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., 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., 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 follow the procedures for providing confidential electronic exhibits to the Commission Clerk prior to the hearing.

- (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 electronic exhibit.

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.

All witnesses have been excused with testimony and exhibits to be included in the record.

VI. ORDER OF WITNESSES

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
R.B. Deaton	FPL	1-3, 5-7, 10
Anita Sharma	FPL	4
John N. Floyd ¹	GULF	1-7
Lori J. Cross	DEF	1-7, 10
Curtis D. Young	FPUC	1, 10
G. Scott Ranck	FPUC	2-7
Mark R. Roche	TECO	1-10

VII. BASIC POSITIONS

FPL: FPL's proposed Conservation Cost Recovery Factors for the January 2021 through December 2021 recovery period and true-up amounts for the prior periods are reasonable and should be approved.

GULF: It is the basic position of Gulf Power Company that the proposed ECCR factors present the best estimate of Gulf's Conservation expense at this time for the period January 2021 through December 2021, including the true-up calculations and other adjustments allowed by the Commission.

DEF: The Commission should determine that DEF has properly calculated its conservation cost recovery true-up and projection costs and should approve the conservation cost recovery factors for the period January 2021 through December 2021 set forth in the testimony and exhibits of witness Lori J. Cross.

FPUC: The Commission should approve Florida Public Utilities Company's final net true-up for the period January through December 2019, the estimated true-up for the period January through December, 2020, and the projected conservation program expenses for the period January through December, 2021.

¹ Testimony of John N. Floyd includes errata filed on August 6, 2020.

TECO: The Commission should determine that Tampa Electric has properly calculated its conservation cost recovery true-up and projections and the conservation cost recovery factors set forth in the testimony and exhibits of witness Mark R. Roche during the period January 2021 through December 2021.

The Commission should approve the Contracted Credit Value in accordance with Order No. PSC-2017-0456-FOF-EI, issued November 27, 2017 in Docket No. 20170210 for the GSLM-2 and GSLM-3 rate riders for use during the period January 2021 through December 2021.

The Commission should also approve the Residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2021 through December 2021 as set forth in witness Roche's testimony and exhibits.

OPC: The utilities bear the burden of proof to justify the recovery of costs they request in this docket. The utilities must carry this burden regardless of whether or not the Interveners provide evidence to the contrary. Further, the utilities bear the burden of proof to support their proposal(s) seeking the Commission's adoption of policy statements (whether new or changed) or other affirmative relief sought. Even if the Commission has previously approved a program, recovery of a cost, factor, or adjustment as meeting the Commission's *own* requirements, the utilities still bear the burden of demonstrating that the costs submitted for final recovery meet any statutory test(s) and are reasonable in amount and prudently incurred. Further, recovery of even prudently incurred costs is constrained by the Commission's obligation to set fair, just, and reasonable rates. Further, pursuant to Section 366.01, Florida Statutes, the provisions of Chapter 366 must be liberally construed to protect the public welfare.

PCS: PCS Phosphate generally adopts the positions taken by the Florida Office of Public Counsel ("OPC") unless a differing position is specifically stated.

FIPUG: FIPUG maintains that the respective utilities must satisfy their burden of proof for any and all monies or other relief sought in this proceeding.

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.

VIII. ISSUES AND POSITIONS

The parties' positions on the issues are set forth below; however, as detailed in Section X of this Order, stipulations have been proposed for each issue.

GENERIC CONSERVATION COST RECOVERY ISSUES

ISSUE 1: What are the final conservation cost recovery adjustment true-up amounts for the period January 2019 through December 2019?

FPL: \$2,036,766 over-recovery. (Deaton)

GULF: \$981,017 over-recovery. (Floyd)

DEF: The adjusted net true-up for the period January 2019 through December 2019 is an under-recovery of \$762,858. (Cross)

FPUC: The final end of period adjustment true-up amount is an under-recovery of \$115,200, reflecting the difference between the Company's actual under-recovery of \$200,048 and its previously anticipated under-recovery of \$84,848.

TECO: An adjusted net true-up over-recovery of \$8,189,031 including interest. (Witness: Roche)

OPC: The OPC is not in agreement that the Companies have demonstrated that they have met their burden to demonstrate that costs are reasonable and prudent. A significant percentage of the costs on a customer's bill is based on clause recovery in this docket and others. The Commission has not held a contested proceeding where testimony from witnesses was heard and discussed in open hearing. The OPC does not accept that, given these circumstances, that the costs proposed for final true-up can necessarily be deemed prudent.

PCS: Agree with OPC.

FIPUG: Adopt position of OPC.

STAFF: Staff has no position at this time.

ISSUE 2: What are the appropriate conservation adjustment actual/estimated true-up amounts for the period January 2020 through December 2020?

FPL: \$2,239,751 over-recovery. (Deaton)

GULF: \$910,075 over-recovery. (Floyd)

DEF: \$725,880 Under-recovery (Cross)

FPUC: The estimated conservation true-up amount for the period January 2020 to December 2020 is an under-recovery of \$109,241.

TECO: An over-recovery of \$9,103,069 including interest. (Witness: Roche)

OPC: The OPC is not in agreement that the Companies have demonstrated that they have met their burden to demonstrate that costs are reasonable and prudent. A significant percentage of the costs on a customer's bill is based on clause recovery in this docket and others. The Commission has not held a contested proceeding where testimony from witnesses was heard and discussed in open hearing. The OPC does not accept that, given these circumstances, that the estimated/actual costs proposed for recovery can necessarily be deemed reasonable.

PCS: Agree with OPC.

FIPUG: Adopt position of OPC.

STAFF: Staff has no position at this time.

ISSUE 3: What are the appropriate total conservation adjustment true-up amounts to be collected/refunded from January 2020 through December 2020?

FPL: The total conservation cost recovery adjustment true-up amount to be refunded from January 2021 through December 2021 is \$4,276,518. (Deaton)

GULF: \$1,891,091 over-recovery. (Floyd)

DEF: \$1,488,738 Under-recovery (Cross)

FPUC: The estimated conservation true-up amount to be refunded during the period January 2021 to December 2021 is an under-recovery of \$224,441.

TECO: A refund of \$17,292,100 including interest. (Witness: Roche)

OPC: The OPC is not in agreement that the Companies have demonstrated that they have met their burden to demonstrate that costs are reasonable and prudent. A significant percentage of the costs on a customer's bill is based on clause recovery in this docket and others. The Commission has not held a contested proceeding where testimony from witnesses was heard and discussed in open hearing. The OPC does not accept that, given these circumstances, that the costs proposed for final true-up can necessarily be deemed prudent and thus collected.

PCS: Agree with OPC.

FIPUG: Adopt position of OPC.

STAFF: Staff has no position at this time.

ISSUE 4: What are the total conservation cost recovery amounts to be collected during the period January 2021 through December 2021?

FPL: The total conservation cost recovery amount including prior true-up amounts and revenues taxes is \$158,665,512. (Sharma)

GULF: \$9,269,790 (including prior true-up amounts and revenue taxes). (Floyd)

DEF: \$120,561,022 (Cross)

FPUC: FPUC seeks to recover \$959,441 over the period January 2021 through December 2021.

TECO: \$29,497,711 (including current period estimated true-up). (Witness: Roche)

OPC: The OPC is not in agreement that the Companies have demonstrated that they have met their burden to demonstrate that costs are reasonable and prudent. A significant percentage of the costs on a customer's bill is based on clause recovery in this docket and others. The Commission has not held a contested proceeding where testimony from witnesses was heard and discussed in open hearing. The OPC does not accept that, given these circumstances, that the costs proposed for recovery can necessarily be deemed reasonable or prudent and thus collected.

FIPUG: Adopt position of OPC.

PCS: Agree with OPC.

STAFF: Staff has no position at this time.

ISSUE 5: What are the conservation cost recovery factors for the period January 2021 through December 2021?

FPL:

RATE CLASS SUMMARY	Conservation Recovery Factor (\$/kw)	Conservation Recovery Factor (\$/kwh)	RDC (\$/KW)	SDD (\$/KW)
RS1/RTR1		0.00149		
GS1/GST1		0.00150		
GSD1/GSDT1/HLFT1/GSD1-EV	0.51			
OS2		0.00082		
GSLD1/GSLDT1/CS1/CST1/HLFT2/GSLD1-				
EV	0.57			
GSLD2/GSLDT2/CS2/CST2/HLFT3	0.57			
GSLD3/GSLDT3/CS3/CST3	0.59			
SST1T			\$0.07	\$0.03
SST1D1/SST1D2/SST1D3			\$0.07	\$0.03
CILC D/CILC G	0.61			
CILC T	0.60			
MET	0.51			
OL1/SL1/SL1M/PL1		0.00042		
SL2/SL2M/GSCU1		0.00110		

(Deaton)

GULF: The Company's proposed conservation cost recovery factors by customer class for the period January 2021 through December 2021 are as follows: (Floyd)

RATE CLASS	CONSERVATION COST RECOVERY FACTORS ¢/kWh
RS	0.090
RSVP Tier 1	(2.700)
RSVP Tier 2	(0.830)
RSVP Tier 3	6.757
RSVP Tier 4	51.020
GS	0.091
GSD, GSDT, GSTOU	0.085
LP, LPT	0.081
PX, PXT, RTP, SBS	0.079
OSI, OSII	0.065
OSIII	0.079
CL	(\$5.57) per kW

DEF:	<u>Customer Class</u>	<u>ECCR Factor</u>
	Residential	0.338 cents/kWh
	General Service Non-Demand	0.326 cents/kWh
	@ Primary Voltage	0.323 cents/kWh
	@ Transmission Voltage	0.319 cents/kWh
	General Service 100% Load Factor	0.223 cents/kWh
	General Service Demand	1.08 \$/kW
	@ Primary Voltage	1.07 \$/kW
	@ Transmission Voltage	1.06 \$/kW
	Curtaillable	0.35 \$/kW
	@ Primary Voltage	0.35 \$/kW
	@ Transmission Voltage	0.34 \$/kW
	Interruptible	0.94 \$/kW
	@ Primary Voltage	0.93 \$/kW
	@ Transmission Voltage	0.92 \$/kW
	Standby Monthly	0.104 \$/kW
	@ Primary Voltage	0.103 \$/kW
	@ Transmission Voltage	0.102 \$/kW
	Standby Daily	0.050 \$/kW
	@ Primary Voltage	0.050 \$/kW
	@ Transmission Voltage	0.049 \$/kW
	Lighting	0.098 cents/kWh
	(Cross)	

FPUC: The Company asks for approval of a consolidated levelized conservation cost recovery factor for this period of \$.00150 per KWH.

TECO: For the period January 2021 through December 2021 the cost recovery factors are as follows:

Cost Recovery Factors

<u>Rate Schedule</u>	<u>(cents per kWh)</u>
RS	0.166
GS and CS	0.161
GSD Optional – Secondary	0.138
GSD Optional – Primary	0.137
GSD Optional – Subtransmission	0.135
LS-1, LS-2	0.081

Cost Recovery Factors

<u>Rate Schedule</u>	<u>(dollars per kWh)</u>
GSD - Secondary	0.60
GSD - Primary	0.59
GSD - Subtransmission	0.58
SBF - Secondary	0.60
SBF - Primary	0.59
SBF – Subtransmission	0.58
IS – Primary	0.47
IS – Subtransmission	0.47

(Witness: Roche)

OPC: No position at this time; however, the factors should be based on costs deemed reasonable and or prudent after a hearing.

PCS: Agree with OPC.

FIPUG: Adopt position of OPC.

STAFF: Staff has no position at this time.

ISSUE 6: **What should be the effective date of the new conservation cost recovery factors for billing purposes?**

FPL: The factors shall be effective for meter readings that occur on or after January 1, 2021. These charges shall continue in effect until modified by subsequent order of this Commission. (Deaton)

GULF: The factors shall be effective for meter readings commencing January 1, 2021. These charges shall continue in effect until modified by subsequent order of this Commission. (Floyd)

DEF: The factors shall be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2021 through December 2021. Billing cycles may start before January 1, 2021 and the last cycle may be read after December 31, 2021, 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. (Cross)

FPUC: The factor should be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2021 through December 2021. Billing cycles may start before January 1, 2021 and the last cycle may be read after December 31, 2021, so that each customer is billed for twelve months regardless of when the adjustment factor became effective.

TECO: The factors should be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2021 through December 2021. Billing cycles may start before January 1, 2021, and the last cycle may be read after December 31, 2021, so long as each customer is billed for 12 months regardless of when the factors became effective. (Witness: Roche)

OPC: No position.

PCS: Agree with OPC.

FIPUG: Adopt position of OPC.

STAFF: Staff has no position at this time.

ISSUE 7: Should the Commission approve revised tariffs reflecting the energy conservation cost recovery amounts and energy conservation cost recovery factors determined to be appropriate in this proceeding?

FPL: Yes. The Commission should approve revised tariffs reflecting the energy conservation cost recovery amounts and establishing energy conservation cost recovery 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. (Deaton)

GULF: Yes. The Commission should approve revised tariffs reflecting the energy conservation cost recovery amounts and energy conservation cost recovery 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. (Floyd)

DEF: Yes. The Commission should approve DEF's revised tariffs reflecting the energy conservation cost recovery 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. (Cross)

FPUC: Yes. The Commission should approve revised tariffs reflecting the energy conservation cost recovery amounts and establishing energy conservation cost recovery 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.

TECO: Yes, the Commission should approve revised tariffs reflecting the energy conservation cost recovery amounts and energy conservation cost recovery factors determined to be appropriate in this proceeding. (Witness: Roche)

OPC: No position at this time; however, the factors contained in the tariff(s) should be based on costs deemed reasonable and or prudent after a hearing.

PCS: Agree with OPC.

FIPUG: Adopt position of OPC.

STAFF: Staff has no position at this time.

COMPANY-SPECIFIC CONSERVATION COST RECOVERY ISSUES

ISSUE 8: What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2021 through December 2021?

DEF: No position.

FPUC: No position.

TECO: In accordance with Order No. PSC-2017-0456-FOF-EI, issued November 27, 2017 in Docket No. 20170210, the Contracted Credit Value by Voltage Level for the forthcoming cost recovery period, January 2021 through December 2021, for the GSLM-2 and GSLM-3 rate riders will be:

<u>Voltage Level</u>	<u>Contracted Credit Value (dollars per kW)</u>
Secondary	10.23
Primary	10.13
Subtransmission	10.03

(Witness: Roche)

OPC: No position at this time; however, the Contracted Credit Value should be based on costs deemed reasonable and or prudent after a hearing.

PCS: No position.

FIPUG: Adopt position of OPC.

STAFF: Staff has no position at this time.

ISSUE 9: What are the residential Price Responsive Load Management (RSVP -1) rate tiers for Tampa Electric Company for the period January 2021 through December 2021?

DEF: No position.

FPUC: No position.

TECO: For the period January 2021 through December 2021 the Residential Price Responsive Load Management (RSVP-1) rates are as follows:

<u>Rate Tier</u>	<u>Cents per kWh</u>
P4	43.914
P3	7.564
P2	(0.882)
P1	(3.026)

(Witness: Roche)

OPC: No position.

PCS: No position.

FIPUG: Adopt position of OPC.

STAFF: Staff has no position at this time.

CLOSE THE DOCKET ISSUE

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

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

GULF: No. While a separate docket number is assigned each year for administrative convenience, this is a continuing docket and should remain open. (Floyd)

DEF: No. While a separate docket number is assigned each year for administrative convenience, this is a continuing docket and should remain open. (Cross)

FPUC: Yes.

TECO: Yes, Docket No. 20200002-EG should be closed once the Commission's decisions on all of the issues in the docket have become final and the Commission has concluded that the docket has otherwise met the requirements for closure.
(Witness: Roche)

OPC: No position at this time.
PCS: No position
FIPUG: Adopt position of OPC.
STAFF: Staff has no position at this time.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
<u>Direct</u>			
R.B. Deaton	FPL	AS-1	Schedules CT-1 and CT-4
R.B. Deaton A. Sharma	FPL	AS-1	Schedules CT-2 and CT-3
A. Sharma	FPL	AS-1	Schedules CT-5 and CT-6, Appendix A
R.B. Deaton	FPL	AS-2	Schedule C-1 and C-4
R.B. Deaton A. Sharma	FPL	AS-2	Schedule C-2 and C-3
A. Sharma	FPL	AS-2	Schedule C-5
John. N. Floyd	GULF	JNF-1	Schedules CT-1 through CT-6
John N. Floyd	GULF	JNF-2	Schedules C-1 through C-6
Lori J. Cross	DEF	LJC-1T	ECCR Adjusted Net True-Up for January-December 2019, Schedules CT1 – CT6
Lori J. Cross	DEF	LJC-1P	Estimated/Actual True-UP, January – December 2020 and ECCR Factors for Billings in January – December 2021, Schedules C1 – C6

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Curtis D. Young	FPUC	CDY-1	Schedules CT-1, CT-2, CT-3, CT-4, CT-5 and CT-6
G. Scott Ranck	FPUC	GSR-1	Schedules C-1, C-2, C-3, C-4, and C-5
Mark R. Roche	TECO	MRR-1	Schedules supporting cost recovery factor, actual January 2019 – December 2019
Mark R. Roche	TECO	MRR-2	Reporting and final update of refund “Final Tax Savings Credit”
Mark R. Roche	TECO	MRR-3	Schedules supporting conservation costs projected for the period January 2021 – December 2021

Parties and staff reserve the right to identify additional exhibits for the purpose of cross-examination.

X. PROPOSED STIPULATIONS

There are proposed Type 2 stipulations² as stated below. FPL, Gulf, DEF, FPUC, TECO, and Commission staff support the proposed stipulations. OPC’s position on each Type 2 stipulation stated below is as follows:

OPC takes no position on these issues nor does it have the burden of proof related to them. As such, the OPC represents that it will not contest or oppose the Commission taking action approving a proposed stipulation between the Company and another party or staff as a final resolution of the issue. 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 and PCS Phosphate have adopted the position of OPC on each Type 2 stipulation. All witnesses are excused. Testimony and hearing exhibits are included in the record.

² 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.

ISSUE 1: What are the final conservation cost recovery adjustment true-up amounts for the period January 2019 through December 2019?

The final conservation cost recovery adjustment true-up amounts for the period January 2019 through December 2019 are as follows:

Duke Energy Florida	\$762,858	Under-recovery
Florida Power & Light Company	\$2,036,766	Over-recovery
Florida Public Utilities Company	\$115,200	Under-recovery
Gulf Power Company	\$981,017	Over-recovery
Tampa Electric Company	\$8,189,031	Over-recovery

ISSUE 2: What are the appropriate conservation adjustment actual/estimated true-up amounts for the period January 2020 through December 2020?

The appropriate conservation adjustment actual/estimated true-up amounts for the period January 2020 through December 2020 are as follows:

Duke Energy Florida	\$725,880	Under-recovery
Florida Power & Light Company	\$2,239,751	Over-recovery
Florida Public Utilities Company	\$109,241	Under-recovery
Gulf Power Company	\$910,075	Over-recovery
Tampa Electric Company	\$9,103,069	Over-recovery

ISSUE 3: What are the appropriate total conservation adjustment true-up amounts to be collected/refunded from January 2020 through December 2020?

The appropriate total conservation adjustment true-up amounts to be collected/refunded from January 2021 through December 2021 are as follows:

Duke Energy Florida	\$1,488,738	Under-recovery
Florida Power & Light Company	\$4,276,518	Over-recovery
Florida Public Utilities Company	\$224,441	Under-recovery
Gulf Power Company	\$1,891,091	Over-recovery
Tampa Electric Company	\$17,292,100	Over-recovery

ISSUE 4: What are the total conservation cost recovery amounts to be collected during the period January 2021 through December 2021?

The total conservation cost recovery amounts to be collected during the period January 2021 through December 2021 are as follows:

Duke Energy Florida	\$120,561,022
Florida Power & Light Company	\$158,665,512
Florida Public Utilities Company	\$959,441
Gulf Power Company	\$9,269,790
Tampa Electric Company	\$29,497,711

ISSUE 5: What are the conservation cost recovery factors for the period January 2021 through December 2021?

The conservation cost recovery factors for the period January 2021 through December 2021 are as follows:

<u>DEF:</u>	<u>Customer Class</u>	<u>ECCR Factor</u>
	Residential	0.338 cents/kWh
	General Service Non-Demand	0.326 cents/kWh
	@ Primary Voltage	0.323 cents/kWh
	@ Transmission Voltage	0.319 cents/kWh
	General Service 100% Load Factor	0.223 cents/kWh
	General Service Demand	1.08 \$/kW
	@ Primary Voltage	1.07 \$/kW
	@ Transmission Voltage	1.06 \$/kW
	Curtailed	0.35 \$/kW
	@ Primary Voltage	0.35 \$/kW
	@ Transmission Voltage	0.34 \$/kW
	Interruptible	0.94 \$/kW
	@ Primary Voltage	0.93 \$/kW
	@ Transmission Voltage	0.92 \$/kW
	Standby Monthly	0.104 \$/kW
	@ Primary Voltage	0.103 \$/kW
	@ Transmission Voltage	0.102 \$/kW
	Standby Daily	0.050 \$/kW
	@ Primary Voltage	0.050 \$/kW
	@ Transmission Voltage	0.049 \$/kW
	Lighting	0.098 cents/kWh

FPL:

RATE CLASS	Conservation Recovery Factor (\$/kw)⁽ⁱ⁾	Conservation Recovery Factor (\$/kwh)^(j)	RDC (\$/KW)^(k)	SDD (\$/KW)^(l)
RS1/RTR1	-	0.00149	-	-
GS1/GST1	-	0.00150	-	-
GSD1/GSDT1/HLFT1	0.51	-	-	-
OS2	-	0.00082	-	-
GSLD1/GSLDT1/CS1/ CST1/HLFT2	0.57	-	-	-
GSLD2/GSLDT2/CS2/ CST2/HLFT3	0.57	-	-	-
GSLD3/GSLDT3/ CS3/CST3	0.59	-	-	-
SST1T	-	-	\$0.07	\$0.03
SST1D1/SST1D2/ SST1D3	-	-	\$0.07	\$0.03
CILC D/CILC G	0.61	-	-	-
CILC T	0.60	-	-	-
MET	0.51	-	-	-
OL1/SL1/SL1M/PL1	-	0.00042	-	-
SL2/SL2M/GSCU1	-	0.00110	-	-

FPUC: \$.00150 per KWH (consolidated levelized conservation cost recovery factor).

GULF:

RATE CLASS	Conservation Cost Recovery Factors
RS	0.090 cents/kWh
RSVP Tier 1	(2.700) cents/kWh
RSVP Tier 2	(0.830) cents/kWh
RSVP Tier 3	6.757 cents/kWh
RSVP Tier 4	51.020 cents/kWh
GS	0.091 cents/kWh
GSD, GSDT, GSTOU	0.085 cents/kWh
LP, LPT	0.081 cents/kWh
PX, PXT, RTP, SBS	0.079 cents/kWh
OSI, OSII	0.065 cents/kWh
OSIII	0.079 cents/kWh
CL Credit	(\$5.57) per kW

TECO:

<u>Rate Schedule</u>	<u>Cost Recovery Factors (cents per kWh)</u>
RS	0.166
GS and CS	0.161
GSD Optional – Secondary	0.138
GSD Optional – Primary	0.137
GSD Optional – Subtransmission	0.135
LS-1	0.081

<u>Rate Schedule</u>	<u>Cost Recovery Factors (dollars per kW)</u>
GSD – Secondary	0.60
GSD – Primary	0.59
GSD – Subtransmission	0.58
SBF – Secondary	0.60
SBF – Primary	0.59
SBF – Subtransmission	0.58
IS - Primary	0.47
IS - Subtransmission	0.47

ISSUE 6: What should be the effective date of the new conservation cost recovery factors for billing purposes?

The factors shall be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2021 through December 2021. Billing cycles may start before January 1, 2021 and the last cycle may be read after December 31, 2021, 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 7: Should the Commission approve revised tariffs reflecting the energy conservation cost recovery amounts and energy conservation cost recovery factors determined to be appropriate in this proceeding?

Yes. The Commission should approve revised tariffs reflecting the energy conservation cost recovery amounts and establishing energy conservation cost recovery 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.

Company-Specific Issues – Tampa Electric Company

ISSUE 8: What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2021 through December 2021?

TECO: In accordance with Order No. PSC-2017-0456-FOF-EI, issued November 27, 2017, in Docket No. 20170210, the Contracted Credit Value by Voltage Level for the forthcoming cost recovery period, January 2021 through December 2021, for the GSLM-2 and GSLM-3 rate riders will be:

<u>Voltage Level</u>	<u>Contracted Credit Value (dollars per kW)</u>
Secondary	10.23
Primary	10.13
Subtransmission	10.03

ISSUE 9: **What are the residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2021 through December 2021?**

TECO: For the period January 2021 through December 2021 the Residential Price Responsive Load Management (RSVP-1) rates are as follows:

<u>Rate Tier</u>	<u>Cents per kWh</u>
P44	43.914
P3	7.564
P2	-0.882
P1	-3.026

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

While a separate docket number is assigned each year for administrative convenience, this is a continuing docket and shall remain open.

XI. PENDING MOTIONS

There are no pending motions at this time.

XII. PENDING CONFIDENTIALITY MATTERS

There are no pending confidentiality matters at this time.

XIII. 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; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. 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.

XIV. RULINGS

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

Each witness shall be given three minutes for a summary of their testimony.

The parties shall provide cross-examination exhibits, including impeachment exhibits, to the Commission Clerk by the close of business on **October 27, 2020**, following the procedures set forth in Attachment A. The exhibits that are pre-filed and designated as cross-examination or impeachment exhibits will not be viewed by opposing witnesses or opposing counsel or otherwise have their contents or identity communicated to such witnesses or counsel.

It is therefore,

ORDERED by Commissioner Andrew Giles Fay, 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 Andrew Giles Fay, as Prehearing Officer, this 29th day of October, 2020.



ANDREW GILES FAY
Commissioner and Prehearing Officer
Florida Public Service Commission
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Tallahassee, Florida 32399
(850) 413-6770
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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.

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.

ATTACHMENT A

Requirements related to providing Cross-Examination Exhibits prior to Hearing

By October 27, 2020, each party must provide the Commission Clerk an electronic copy of all cross-examination exhibits, including impeachment exhibits, the party plans to use during the hearing. All cross-examination exhibits must be provided to the Clerk's Office on either USB flash drives or CDs. Confidential documents must be placed on one USB flash drive or CD, and non-confidential exhibits must be placed on a different or separate USB flash drive or CD. This is because the Clerk's Office will process the confidential exhibits, and will transmit all non-confidential exhibits to the General Counsel's Office for processing. All USB flash drives or CDs provided to the Clerk's Office must be clearly labeled as confidential or non-confidential, and the label must also include the Docket Number(s) and the name of the party providing the exhibits.

Each party must also provide to the Clerk by October 27, 2020, a table listing the exhibit numbers and short titles of each cross-examination exhibit provided to the Clerk. Pursuant to Rule 25-22.006(3), F.A.C., a notice of intent to request confidential classification must be filed for all confidential information.

Each party must pre-number each exhibit with the following sequential numbering system that clearly denotes confidential exhibits. For example, DEF will pre-identify its cross-examination exhibits DEF-1, DEF-2, DEF-3, etc. All confidential exhibits must include the letter "C" placed after the number. Thus, if DEF's third exhibit is confidential, it will be labeled DEF-3C.

Each exhibit must be saved as a separate electronic file, and each file must be labeled with the exhibit number that reflects the information contained in the exhibit. The exhibit number will serve as the filename in the virtual folder during the hearing. Each exhibit must also include a cover page that includes the exhibit number. In addition, each exhibit must include sequentially numbered pages. The page numbers must be placed in the upper right-hand corner of each page.

The confidential and non-confidential cross-examination exhibits will be made available to the parties in virtual folders the day before the hearing. The cross-examination exhibits will be made available to the parties for the sole purpose of providing the witnesses and their counsel with the opportunity to print the exhibits or download them to their electronic devices for use during the hearing.³ The parties must not view or read the exhibits prior to the hearing. Parties will be provided usernames and passwords by Commission staff that will give them access to the confidential exhibits and any other confidential information that will be used during the hearing. By October 27, 2020, parties must provide the Commission Clerk with the list of names of those persons who should be given a user name and password to access confidential information.

³ Microsoft Chrome is the best internet browser to use to access the virtual folder.