

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm protection plan cost recovery
clause.

DOCKET NO. 20220010-EI
ORDER NO. PSC-2022-0418-FOF-EI
ISSUED: December 12, 2022

The following Commissioners participated in the disposition of this matter:

ANDREW GILES FAY, Chairman
ART GRAHAM
GARY F. CLARK
MIKE LA ROSA
GABRIELLA PASSIDOMO

FINAL ORDER APPROVING STORM COST RECOVERY
AMOUNTS AND RELATED TARIFFS AND ESTABLISHING
STORM COST RECOVERY FACTORS FOR THE PERIOD
JANUARY 2023 THROUGH DECEMBER 2023

APPEARANCES:

J. JEFFREY WAHLEN, ESQUIRE, MALCOLM N. MEANS, ESQUIRE, and
VIRGINIA PONDER, ESQUIRE, Ausley Law Firm, Post Office Box 391,
Tallahassee, Florida 32302
On behalf of Tampa Electric Company (TECO).

BETH KEATING, ESQUIRE, Gunster Law Firm, 215 South Monroe Street,
Suite 601, Tallahassee, Florida 32301
On behalf of Florida Public Utilities Company (FPUC).

CHRISTOPHER T. WRIGHT, ESQUIRE, 700 Universe Blvd., Juno Beach,
Florida 33408-0420
On behalf of Florida Power & Light Company (FPL).

MATTHEW R. BERNIER, ESQUIRE, and STEPHANIE A. CUELLO,
ESQUIRE, 106 East College Avenue, Suite 800, Tallahassee, Florida 32301
On behalf of Duke Energy Florida, LLC (DEF).

RICHARD GENTRY, ESQUIRE, CHARLES REHWINKEL, ESQUIRE, MARY
A. WESSLING, ESQUIRE, and PATRICIA A. CHRISTENSEN, ESQUIRE,
Office of Public Counsel, c/o The Florida Legislature, 111 W. Madison Street,
Room 812, Tallahassee, Florida 32399
On behalf of Office of Public Counsel (OPC).

JON C. MOYLE, JR., ESQUIRE, and KAREN PUTNAL, ESQUIRE, Moyle Law Firm, 118 North Gadsden Street, Tallahassee, Florida 32301
On behalf of Florida Industrial Power Users Group (FIPUG).

PETER J. MATTHEIS, ESQUIRE, MICHAEL K. LAVANGA, ESQUIRE, and JOSEPH R. BRISCAR, ESQUIRE, Stone Mattheis Xenopoulos & Brew, PC, 1025 Thomas Jefferson Street, NW, Suite 800 West, Washington, DC 20007
On behalf of Nucor Steel Florida, Inc. (Nucor).

JAMES W. BREW, ESQUIRE, and LAURA WYNN BAKER, ESQUIRE, Stone Mattheis Xenopoulos & Brew, PC, 1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower, Washington, DC 20007
On behalf of PCS Phosphate – White Springs (PCS).

STEPHANIE U. EATON, ESQUIRE, Spilman Thomas & Battle, PLLC, 110 Oakwood Drive, Suite 500, Winston-Salem, North Carolina 27103
DERRICK PRICE WILLIAMSON, ESQUIRE, and BARRY A. NAUM, ESQUIRE, Spilman Thomas & Battle, PLLC, 1100 Bent Creek Blvd., Suite 101, Mechanicsburg, Pennsylvania 17050
On behalf of Walmart, Inc. (Walmart).

SHAW STILLER, 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

BY THE COMMISSION:

BACKGROUND

The 2019 Florida Legislature enacted Section 366.96, Florida Statutes (F.S.), entitled “Storm protection plan cost recovery.” Section 366.96(3), F.S., established a new requirement that each public utility file a transmission and distribution storm protection plan (SPP) covering the immediate 10-year planning period, and explaining the systematic approach the utility will follow to achieve the objectives of reducing restoration costs and outage times associated with extreme weather events and enhancing reliability. Pursuant to Sections 366.96(5) and 366.96(6),

F.S., we are required at least every three years to determine whether it is in the public interest to approve, approve with modification, or deny each utility's SPP.

The initial SPPs under Section 366.96, F.S., were filed by FPL/Gulf Power Company, TECO, and DEF in 2020. All of the utilities reached settlement agreements with various intervenors regarding the SPPs prior to final hearing. We approved these settlement agreements on August 28, 2020.¹

On March 9, 2022, pursuant to Sections 366.96(5) and 366.96(6), F.S., and consistent with the terms of the above-referenced settlement agreements,² FPL, TECO, and DEF filed their first updated SPPs for our review.³ On that same date, FPUC submitted its initial SPP⁴ for review. Those four dockets were consolidated for purposes of hearing only and proceeded to final hearing August 2, 2022. We voted to approve the four SPPs, with modifications, on October 4, 2022. Final Orders memorializing those approvals were entered in each of the four dockets on November 10, 2022.

In addition to reviewing SPPs at least every three years, we must conduct an annual proceeding pursuant to Section 366.96(7), F.S., to determine a utility's prudently incurred transmission and distribution storm protection plan costs and allow the utility to recover such costs through a charge separate and apart from its base rates, to be referred to as the storm protection plan cost recovery clause (SPPCRC). The annual SPPCRC proceeding is a rolling three-year review that includes a true-up of costs for the prior year, the calculation of actual/estimated costs for the year of the filing, and projected factors for the following year.

This 2022 annual SPPCRC docket was opened January 3, 2022, by Order No. PSC-2022-0010-PCO-EI. Tampa Electric Company, Duke Energy Florida, Florida Industrial Power Users Group, Florida Power & Light, PCS Phosphate – White Springs, Nucor Steel Florida, Inc., Office of Public Counsel, Florida Public Utilities Company, and Walmart each filed a Notice of Intent to Retain Party Status. No additional parties filed for intervention.

¹ Order No. PSC-2020-0293-AS-EI, issued August 28, 2020, in Docket Nos. 20200067-EI, *In re: Review of 2020-2029 Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Tampa Electric Company*; 20200069-EI, *In re: Review of 2020-2029 Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Duke Energy Florida, LLC*; 20200070-EI, *In re: Review of 2020-2029 Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Gulf Power Company*; 20200071-EI, *In re: Review of 2020-2029 Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Florida Power & Light Company*; and 20200092-EI, *In re: Storm Protection Plan cost recovery clause*.

² The settlement agreements required these utilities to file updates plans in 2022, consistent with the requirement in section 366.96(6), F.S., that the Commission conduct its review “[a]t least every 3 years.”

³ Docket Nos. 20220051-EI (FPL), 20220050-EI (DEF) & 20220048-EI (TECO).

⁴ On March 17, 2020, FPUC requested that it be allowed to defer the filing of its initial SPP for a period of one year, from April 10, 2020, to April 10, 2021. By Order No. PSC-2020-0097-PCO-EI, issued on April 6, 2020, the Prehearing Officer granted FPUC's request to file its initial SPP in 2021, and further instructed FPUC to submit its updated SPP in 2023. FPUC requested and was allowed by Order PSC-2021-0026-CO-EI entered January 10, 2021, to defer the filing of its initial SPP from April 12, 2021, to April 2022, so that it could remain in alignment with the overall plan update schedule for the other utilities. See Docket No. 20200228-EI, *In re: Request to modify filing dates set forth in Order PSC-2020-0097-PCO-EI for storm protection plan and first plan update, by Florida Public Utilities Company*.

On April 1, 2022, FPL and DEF filed their petitions for approval of SPPCRC true-up for January through December 2021. On that same date, TECO filed direct testimony and exhibits in the SPPCRC docket, including “Schedules Supporting Storm Protection Cost Recovery Factor, Actual for the period January 2021- December 2021.”

On May 2, 2022, FPL and DEF filed their petitions for approval of 2022 actual/estimated true-up and projected 2023 SPPCRC factors. On that same date, TECO filed a petition for approval of storm protection cost recovery factors for the period 1/23 through 12/23. TECO filed a revised petition on August 9, 2022, which replaced the May filing in its entirety. On May 4, 2022, FPUC filed a petition for approval of storm protection plan costs recovery factors. FPUC filed a revised petition on August 18, 2022, which replaced the original filing in its entirety.

On October 14, 2022, TECO and FPL each filed an amended petition and supplemental testimony addressing the modifications to their updated SPPs made by the Commission in the Orders entered November 10, 2022.⁵ Those Orders did not include modifications that required DEF and FPUC to further amend or supplement their petitions in this docket.

We conducted an administrative hearing in this matter November 17, 2022. The parties waived cross examination and stipulated to the admission of all prefiled testimony of the following witnesses: Mark R. Roche and Richard Latta (TECO); Michelle D. Napier and Robert C. Waruszewski (FPUC); Renae B. Deaton and Liz Fuentes (FPL); Robert E. Brong, Ron Adams, and Christopher Menendez (DEF); Lane Kollen and Kevin Mara (OPC); and Lisa V. Perry (Walmart). The testimony of these witnesses was entered into the record as though read. Witnesses David L. Plusquellic (TECO), Mark Cutshaw (FPUC), Michael Jarro (FPL), and Brian M. Lloyd (DEF) appeared, testified, and were subject to cross examination at the hearing. Exhibits 1-54 as identified on the Comprehensive Exhibit List were admitted into evidence without objection.

The parties elected to present closing arguments in lieu of briefs. At the conclusion of the parties’ closing arguments, staff presented a recommendation on each of the issues.

We have jurisdiction over this matter pursuant to Sections 366.04, 366.05, 366.06, and 366.96, F.S.

DECISION

Based on the record evidence and the testimony and argument presented at the November 17, 2022, final hearing, we make the following findings and conclusions.

⁵ “If the Commission approves the utility’s Storm Protection Plan with modifications, the utility shall, within 15 business days, file an amended cost recovery petition and supporting testimony reflecting the modifications.” Rule 25-6.031(2). F.A.C.

1. Jurisdictional Cost Recovery Amounts

The annual SPPCRC proceeding is a rolling three-year review that includes a final true-up of costs for the previous year, an actual/estimated true-up of costs for the current year, and a projection of costs for the subsequent year. *See* Rule 25-6.031(7)(a)-(c), Florida Administrative Code (F.A.C.). Applying that template to this docket, we are to consider the utilities' final true-up of 2021 costs, actual/estimated true-up for 2022, and projected costs for 2023.

As to the 2021 and 2022 true-ups and 2023 projections, OPC raised only one, blanket argument: "OPC is not in agreement that the Companies have demonstrated that they have met their burden to demonstrate that costs are reasonable and prudent." The other intervenors adopted this argument with respect to the same issues. No intervenor raised additional concerns or independent arguments.

We agree with OPC that the utilities bear the burden to demonstrate that the costs for which they seek recovery were prudently incurred and that all projections they submitted are reasonable. *See Espinoza v. Dep't of Bus. & Prof. Reg.*, 739 So. 2d 1250, 1251 (Fla. 3d DCA 1999) ("The general rule is that, apart from statute, the burden of proof is on the party asserting the affirmative of an issue before an administrative tribunal."). However, as explained below, we do not agree with OPC or the other intervenors that the utilities failed to carry this burden.

Prudence and reasonableness are standards of conduct. *See Vogel v. Allen*, 443 So. 2d 368, 369 (Fla. 5th DCA 1983). Our well-established standard for determining prudence is "what a reasonable utility manager would have done, in light of the conditions and circumstances which were known, or should have been known, at the time the decision was made." Order No. PSC-11-0547-FOF-EI, issued November 23, 2011, in Docket No. 20110009-EI, *In re: Nuclear cost recovery clause*.

"[D]eviation from a standard of conduct is essentially an ultimate finding of fact clearly within the realm of the hearing officer's fact-finding discretion." *Holmes v. Turlington*, 480 So. 2d 150, 153 (Fla. 1st DCA 1985); *see Safeway Ins. Co. v. Godoy*, 584 So. 2d 1136, 1136 (Fla. 3d DCA 1991) (whether hours claimed by counsel were "reasonably, necessarily, and prudently expended" is a factual finding); *Nest v. Dep't of Prof. Reg.*, 490 So. 2d 987, 989 (Fla. 1st DCA 1986) ("the ability to practice with reasonable skill and safety is essentially an ultimate finding of fact"). The questions for us, then, are whether there is competent, substantial evidence in the record to demonstrate that the utilities (1) acted prudently in incurring the actual costs for which they now seek recovery, and (2) made reasonable estimates and projections of future costs.

The jurisdictional cost recovery amounts set forth by the utilities in the 2021 true-up consist entirely of costs incurred to implement Commission-approved storm protection plans and programs.⁶ Each utility supported its petition for recovery with testimony providing details

⁶ On October 14, 2022, TECO and FPL each filed an amended petition and supplemental testimony addressing the modifications to their approved SPPs ordered by the Commission. With those modifications, the recovery requests in this docket match the most recent, Commission-approved utility SPPs.

regarding SPP implementation activities and costs, and how those costs are consistent with the SPP, as required by Rule 25-6.031(2), F.A.C. We find that the record contains competent, substantial evidence demonstrating that all actual 2021 costs were prudently incurred. We further find that the record contains competent, substantial evidence demonstrating that the utilities' actual/estimated 2022 costs and projected jurisdictional cost recovery amounts for the period January 2023 to December 2023 are reasonable. Based on our approval of the utilities' requested jurisdictional cost recovery amounts, we approve the total amounts to be included in establishing SPP cost recovery factors for the period January 2023 through December 2023.

The specific jurisdictional cost recovery amounts we approve by period and utility are set forth below.

**Final SPPCRC true-up amounts:
January 2021 through December 2021**

The final Storm Protection Plan Cost Recovery Clause jurisdictional cost recovery true-up amount for the period January 2021 through December 2021 for TECO is an over-recovery of \$4,939,848 including interest.

FPUC did not have a Commission-approved SPP during the period January 2021 through December 2021. Therefore, there is no final true-up for this period for FPUC.

FPL's SPPCRC final true-up for the period January 2021 through December 2021, including interest, in an over-recovery of \$2,245,935. Former Gulf's SPPCRC final true-up for the period January 2021 through December 2021, including interest, in an over-recovery of \$1,183,699.

DEF's SPPCRC final true-up for the period January 2021 through December 2021 is an over-recovery of \$2,492,172.

**Actual/estimated SPPCRC true-up amounts:
January 2022 to December 2022**

The actual/estimated Storm Protection Plan Cost Recovery Clause jurisdictional cost recover true-up amounts for the period January through December 2022 for TECO is an over-recovery of \$5,264,627 including interest.

FPUC projects total expenditures of \$2,493,780, with a revenue requirement of \$333,155, which is net of \$650,336 already recovered through base rates.

FPL's SPPCRC actual/estimated true-up for the period January 2022 through December 2022, including interest, in an under-recovery of \$4,681,232.

DEF's SPPCRC actual/estimated true-up for the period January 2022 through December 2022 is an over-recovery of \$5,124,373.

**Projected SPPCRC cost recovery amounts:
January 2023 through December 2023**

The projected Storm Protection Plan Cost Recovery Clause jurisdictional cost recovery amount for TECO is \$64,422,723 for the period January 2023 through December 2023.

FPUC projects total expenditures of \$8,257,657, with a revenue requirement of \$1,137,415, which is net of \$975,504 already recovered through base rates.

The total jurisdictional 2023 SPPCRC revenue requirement for the period January 2023 through December 2023 for FPL is \$366,315,710.

The total jurisdictional 2023 SPPCRC revenue requirement for the period January 2023 through December 2023 for DEF is \$148,089,537.

**SPPCRC amounts to be included in establishing SPP Cost Recovery factors:
January 2023 through December 2023**

The Storm Protection Plan Cost Recovery Clause total jurisdictional cost recovery amounts, including true-ups, to be included in establishing Storm Protection Plan Cost Recovery factors for TECO for the period January 2023 through December 2023 is \$54,218,248.

The total amount upon which FPUC's proposed factors are calculated is \$1,470,570, which when adjusted for taxes is \$1,471,629.

FPL's total jurisdictional 2023 SPPCRC revenue requirement for the period January 2023 through December 2023, including true-up amounts, is \$367,567,308.

DEF's total jurisdictional 2023 SPPCRC revenue requirement for the period January 2023 through December 2023, including true-up amounts, is \$140,472,993.

2. Depreciation

Rule 25-6.031(6)(c), F.A.C., provides that "[t]he utility may recover the annual depreciation expense on capitalized Storm Protection Plan expenditures using the utility's most recent Commission-approved depreciation rates." Based on the record in this proceeding, we find that the depreciation rates contained in the Orders cited below are each utility's most recent Commission-approved depreciation rates. We approve these rates for use as specified herein for the period January 2023 through December 2023.

TECO shall use the depreciation rates from its most current Depreciation Study, which we approved in Order No. PSC-2021-0423-S-EI, issued November 10, 2021, in Docket No. 20210034-EI, *In re: Petition for rate increase by Tampa Electric Company*.

FPUC shall use the depreciation rates we approved in Order No. PSC-2020-0347-AS-EI, issued October 8, 2020, in Docket Nos. 20190155, 20190156 & 20190174-EI, *In re: Petition for approval of 2019 depreciation study by Florida Public Utilities Company*.

For the period January 2023 through December 2023, FPL shall use the final depreciation rates we approved in Order Nos. PSC-2021-0446-S-EI and PSC-2021-0446A-S-EI, issued December 2 & 9, 2021, respectively, in Docket No. 20210015-EI, *In re: Petition for rate increase by Florida Power & Light Company*.

DEF shall use the depreciation rates we approved in Order No. PSC-2021-0202A-AS-EI, issued June 28, 2021, in Docket Nos. 20190110-EI, 20190222-EI & 20210016-EI, *In re: Petition for limited proceeding to approve 2021 settlement agreement, including general base rate increases, by Duke Energy Florida, LLC*.

3. 2023 Factors

The remaining matters are largely dependent on -- or fall-out issues from -- our findings as set forth above. OPC raised no new arguments in opposition to the utilities proposed 2023 jurisdictional separation standards, factors, or the tariffs reflecting the new factors. Instead, OPC made the same argument as it did with respect to matters addressed above; to wit, that the utilities failed to carry their burden of proof. OPC took no position on the effective date. The other intervenors adopted OPC's arguments. No intervenor raised additional concerns or independent arguments.

The SPPCRC factors and tariffs are calculations from and reflections of the cost and recovery amounts we approved above. Because we approved the amounts proposed by the utilities as reasonable and prudent without adjustment, we approve the factors and tariffs.

SPPCRC jurisdictional separation factors: January 2023 through December 2023

TECO

FPSC Jurisdictional Factor:	93.2509%
FERC Jurisdictional Factor:	6.7491%

FPUC

There is no jurisdictional separation applicable to FPUC.

FPL

Distribution Demand Jurisdictional Factor: 100.0000%
 Transmission Demand Jurisdictional Factor: 89.9282%
 General & Intangible Plan Jurisdictional Factor: 96.7270%

DEF

Distribution: 1.0000000
 Transmission: 0.7204117
 Labor: 0.9677918

**SPPCRC factors for each rate group:
 January 2023 through December 2023**

TECO

<u>Rate Schedule</u>	<u>Cost Recovery Factors (cents per kWh)</u>
RS	0.373
GS and CS	0.400
GSD Optional – Secondary	0.147
GSD Optional – Primary	0.145
GSD Optional – Subtransmission	0.144
LS-1, LS-2	1.466

<u>Rate Schedule</u>	<u>Cost Recovery Factors (dollars per kW)</u>
GSD – Secondary	0.62
GSD – Primary	0.61
GSD – Subtransmission	0.60
SBD – Secondary	0.62
SBD – Primary	0.61
SBD – Subtransmission	0.60
GSLD – Primary	0.50
GSLD – Subtransmission	0.05

FPUC

Rate Schedule	SPP FACTORS PER KWH
Residential	\$0.00250
General Service	\$0.00293
General Service Demand	\$0.00134
General Service Large Demand	\$0.00153
Industrial/Standby	\$0.00172
Lighting Service	\$0.01499

FPL

Rate Class	SPP Factor (\$/kW)	SPP Factor (\$/kWh)	RDC (\$/KW)	SDD (\$/KW)
RS1/RTR1		0.00382		
GS1/GST1		0.00346		
GSD1/GSDT1/HLFT1/GSD1-EV	0.70			
OS2		0.00815		
GSLD1/GSLDT1/CS1/CST1/HLFT2/GSLD1-EV	0.73			
GSLD2/GSLDT2/CS2/CST2/HLFT3	0.66			
GSLD3/GSLDT3/CS3/CST3	0.10			
SST1T			0.01	0.01
SST1D1/SST1D2/SST1D3			0.12	0.05
CILC D/CILC G	0.68			
CILC T	0.11			
MET	0.74			
OL1/SL1/SL1M/PL1/OSI/II		0.00288		
SL2/SL2M/GSCU1		0.00316		

DEF

<u>Customer Class</u>	<u>SPPCRC Factor</u>
Residential	0.414 cents/kWh
General Service Non-Demand	0.401 cents/kWh
@ Primary Voltage	0.397 cents/kWh
@ Transmission Voltage	0.393 cents/kWh
General Service 100% Load Factor	0.188 cents/kWh
General Service Demand	1.05 \$/kW
@ Primary Voltage	1.01 \$/kW
@ Transmission Voltage	0.19 \$/kW
Curtable	0.98 \$/kW
@ Primary Voltage	0.97 \$/kW
@ Transmission Voltage	0.96 \$/kW
Interruptible	0.80 \$/kW
@ Primary Voltage	0.59 \$/kW
@ Transmission Voltage	0.14 \$/kW
Standby Monthly	0.094 \$/kW
@ Primary Voltage	0.093 \$/kW
@ Transmission Voltage	0.092 \$/kW
Standby Daily	0.045 \$/kW
@ Primary Voltage	0.045 \$/kW
@ Transmission Voltage	0.044 \$/kW
Lighting	0.306 cents/kWh

We also approve the following stipulation between Walmart and FPUC:

FPUC and Walmart (the “Parties”) agree to work towards a potential modification to FPUC’s cost allocation in this proceeding consistent with the testimonies of Witnesses Waruszewski and Perry. For purposes of this 2022 proceeding, the Parties agree that, given the current schedule, it may be necessary to implement the SPPCRC Cost Recovery Factors as set forth in Michelle Napier’s Revised Exhibit MDN-1 and that those factors are otherwise appropriate for implementation with the first billing cycle for January 1, 2023. The Parties will nonetheless endeavor to reach an agreement as to a revised cost allocation methodology prior to the hearing in this proceeding, in which case, if approved by the Commission, the Parties’ intent would be that the revised allocation methodology would be reflected in FPUC’s true up filing in 2023, and thereafter, used to calculate subsequent SPPCRC factors for FPUC beginning with the factors developed for 2024 and continuing beyond. The Parties likewise agree that the testimony of the witnesses for both Walmart and FPUC can be entered

into the record and that neither would be subject to cross by the other Party. In the event that the Parties are unable to reach an agreement as to an appropriate revised allocation methodology, Walmart would not be precluded from raising the issue in the 2023 SPPCRC proceeding.

4. Effective date of the new SPPCRC factors for billing purposes

The factors shall be effective beginning with the specified SPPCRC cycle and thereafter for the period January 2023 through December 2023. Billing cycles may start before January 1, 2023, and the last cycle may be read after December 31, 2023, 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.

5. Tariffs

We hereby grant our staff the authority to administratively approve tariff sheets consistent with our decisions as stated in the body of this Order.

6. Continuing Docket

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

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the stipulation, findings, and rulings herein are approved. It is further

ORDERED that each utility that was a party to this docket shall abide by the stipulation, findings, and rulings herein which are applicable to it. It is further

ORDERED that Duke Energy Florida, LLC, Florida Power & Light Company, Gulf Power Company, Tampa Electric Company, and Florida Public Utilities Company are hereby authorized to apply the storm cost recovery factors set forth above during the period January 2023 through December 2023. It is further

ORDERED that the storm protection plan cost recovery clause is a continuing docket and shall remain open until a new docket number is assigned next year.

By ORDER of the Florida Public Service Commission this 12th day of December, 2022.



ADAM J. TEITZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

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

SPS

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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, 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 and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.