

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of revisions to underground residential tariff, underground commercial differential tariff, and overhead to underground conversion tariff, by Florida Power & Light Company.

DOCKET NO. 20230045-EI
ORDER NO. PSC-2023-0159-PCO-EI
ISSUED: May 15, 2023

The following Commissioners participated in the disposition of this matter:

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

ORDER SUSPENDING TARIFF

BY THE COMMISSION:

Background

On March 31, 2023, Florida Power & Light Company (FPL) filed a petition for approval of revisions to its underground residential and commercial differential tariffs (URD and UCD, respectively). These tariffs represent the additional costs, if any, FPL incurs to provide underground service in place of overhead service. The petition was filed pursuant to Rule 25-6.078(3), Florida Administrative Code (F.A.C.), which states, in part, “If the cost differential as calculated in Form PSC 1031 (08/20) varies from the Commission-approved differential by plus or minus 10 percent or more, the utility shall file a written policy and supporting data and analyses as prescribed in subsections (1), (4), and (5) of this rule on or before April 1 of the following year.” FPL’s last URD tariff filing was required in 2022; however, by Order No. PSC-2022-0191-FOF-EI issued in Docket No. 20220012-EI, FPL was granted a temporary waiver to defer filing its next revised URD tariff until April 1, 2023.¹

In its petition, FPL is seeking approval to update the cost differential for residential and commercial underground service and their respective associated tariff sheets. Additionally, FPL is requesting approval of revisions to its overhead to underground conversion tariff and associated underground facilities conversion agreement. Specifically, FPL is proposing to revise the conversion tariff to exclude the existing facilities cost for all non-hardened overhead distribution facilities (i.e., both feeders and laterals) from the contribution-in-aid-of-construction calculation. This Order is to suspend the proposed tariffs. We have jurisdiction over this matter pursuant to Sections 366.03, 366.04, 366.05, and 366.06, Florida Statutes (F.S.).

¹ Order No. PSC-2022-0062-PAA-EI, issued Feb. 17, 2022, in Docket No. 20220012-EI, *In re: Petition for temporary waiver of Rule 25-6.078(3), F.A.C., by Florida Power & Light Company.*

Decision

The proposed tariff modifications are hereby suspended to allow staff sufficient time to review the petition and gather all pertinent information in order to present us with an informed recommendation on the tariff proposals.

Pursuant to Section 366.06(3), F.S., we may withhold consent to the operation of all or any portion of a new rate schedule, delivering to the utility requesting such a change a reason or written statement of good cause for doing so within 60 days. We find that the reason stated above is a good cause consistent with the requirement of Section 366.06(3), F.S.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Power & Light Company's proposed modifications to the underground residential and underground commercial differential tariffs are suspended to allow Commission staff sufficient time to review the petition and gather all pertinent information in order to present us with an informed recommendation on the tariff proposal. It is further

ORDERED that this docket shall remain open pending our decision on the proposed tariff.

By ORDER of the Florida Public Service Commission this 15th day of May, 2023.


ADAM J. TEITZMAN
Commission Clerk
Florida Public Service Commission
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Tallahassee, Florida 32399
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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.