

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of the tax impacts
associated with Tax Cuts and Jobs Act of 2017
for Florida Division of Chesapeake Utilities
Corporation.

DOCKET NO. 20180054-GU

DATED: October 22, 2018

COMMISSION STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-2018-0216-PCO-GU, filed April 25, 2018, as modified by Order Nos. PSC-2018-0277-PCO-GU and PSC-2018-0412-PCO-GU, the Staff of the Florida Public Service Commission files its Prehearing Statement.

1. All Known Witnesses

There are no known witnesses at this time.

2. All Known Exhibits

There are no known exhibits at this time.

3. Staff's Statement of Basic Position

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 stated herein.

4. Staff's Position on the Issues

ISSUE 1: Is the methodology and process Florida Public Utilities Company (FPUC) Chesapeake Division d/b/a Central Florida Gas (CFG) used to calculate the impact of the Tax Cuts and Jobs Act of 2017 (TCJA) appropriate?

POSITION: Staff has no position at this time.

ISSUE 2: Were Accumulated Deferred Income Taxes (ADIT) appropriately calculated?

POSITION: Staff has no position at this time.

ISSUE 3: Are CFG's classifications of the excess ADIT between "protected" and "unprotected" appropriate?

POSITION: Staff has no position at this time.

ISSUE 4A: Were "protected excess deferred taxes" for 2018 using a 21 percent corporate tax rate appropriately calculated?

POSITION: Staff has no position at this time.

ISSUE 4B: What is the appropriate disposition of the protected excess deferred taxes?

POSITION: Staff has no position at this time.

ISSUE 5A: Were “unprotected excess deferred taxes” for 2018 using a 21 percent corporate tax rate appropriately calculated?

POSITION: Staff has no position at this time.

ISSUE 5B: What is the appropriate disposition of the unprotected excess deferred taxes?

POSITION: Staff has no position at this time.

ISSUE 6: Should CFG seek a private letter ruling from the IRS regarding its classification of the excess ADIT relating to cost of removal/negative net salvage as “unprotected”?

POSITION: Staff has no position at this time.

ISSUE 7: If CFG seeks a private letter ruling and the IRS rules therein (or in another private letter ruling) that the excess ADIT relating to cost of removal/negative net salvage is to be treated as “protected,” what process should be followed for the reclassification?

POSITION: Staff has no position at this time.

ISSUE 8: What mechanism should be utilized to avoid the negative impact to CFG of the cost of seeking a Private Letter Ruling?

POSITION: Staff has no position at this time.

ISSUE 9: Were appropriate adjustments made to CFG’s Gas Reliability Infrastructure Program “GRIP” for the impact of the TCJA for the tax year 2018?

POSITION: Staff has no position at this time.

ISSUE 10: What is the forecasted tax expense for CFG for the tax year 2018 at a 21 percent corporate tax rate?

POSITION: Staff has no position at this time.

ISSUE 11: What is the forecasted tax expense for CFG for the tax year 2018 at a 35 percent corporate tax rate?

POSITION: Staff has no position at this time.

ISSUE 12: What is the forecasted NOI for the tax year 2018 at a 21 percent corporate tax rate?

POSITION: Staff has no position at this time.

ISSUE 13: What is the forecasted NOI for the tax year 2018 at a 35 percent corporate tax rate?

POSITION: Staff has no position at this time.

ISSUE 14: What is the forecasted capital structure for the tax year 2018 at a 21 percent corporate tax rate?

POSITION: Staff has no position at this time.

ISSUE 15: What is the annual forecasted capital structure for the tax year 2018 at a 35 percent corporate tax rate?

POSITION: Staff has no position at this time.

ISSUE 16: What is the forecasted annual revenue requirement for CFG for the tax year 2018 using a 21 percent corporate tax rate?

POSITION: Staff has no position at this time.

ISSUE 17: What is the forecasted annual revenue requirement for CFG for the tax year 2018 using a 35 percent corporate tax rate?

POSITION: Staff has no position at this time.

ISSUE 18: Should CFG be allowed to retain any of the tax benefit associated with the tax rate change implemented by the TCJA and if so, how much?

POSITION: Staff has no position at this time.

ISSUE 19: Should CFG be allowed to retain the total net benefit associated with the Protected Deferred Tax Liability and the Unprotected Deferred Tax Asset, and should CFG be allowed to amortize the Protected Deferred Tax Liability over 26 years and the Unprotected Deferred Tax Asset over 10 years?

POSITION: Staff has no position at this time.

ISSUE 20: Should the tax benefit arising from the TCJA rate reduction, excluding the 2018 GRIP savings, be retained by CFG?

POSITION: Staff has no position at this time.

ISSUE 21: Should CFG pass-on to customers all tax benefits directly associated with the GRIP program through future GRIP surcharges?

POSITION: Staff has no position at this time.

ISSUE 22: **Should CFG update the estimated tax benefits for any adjustments to those estimates through December 22, 2018? If so, how should it be handled?**

POSITION: Staff has no position at this time.

ISSUE 23: **Should this docket be closed?**

POSITION: Staff has no position at this time.

5. Stipulated Issues

Staff is not aware of any stipulated issues at this time.

6. Pending Motions

Staff has no pending motions at this time.

7. Pending Confidentiality Claims or Requests

Staff has no pending confidentiality claim or request at this time.

8. Objections to Witness Qualifications as an Expert

Staff has no objections to witness qualifications as an expert at this time.

9. Compliance with Order No. PSC-2018-0216-PCO-GU

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 22nd day of October, 2018.

/s/Rachael Dziechciarz

RACHAEL DZIECHCIARZ

STAFF COUNSEL

FLORIDA PUBLIC SERVICE COMMISSION

Gerald L. Gunter Building

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399-0850

Telephone: (850) 413-6212

rdziehc@psc.state.fl.us

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of the tax impacts
associated with Tax Cuts and Jobs Act of 2017
for Florida Division of Chesapeake Utilities
Corporation.

DOCKET NO. 20180054-GU

DATED: October 22, 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that STAFF'S PREHEARING STATEMENT has been filed with
the Office of Commission Clerk and that a true copy has been furnished to the following by
electronic mail this 22nd day of October, 2018:

Beth Keating, Gregory Munson, Lila Jaber
Gunster Law Firm
2015 South Monroe Street, Suite 601
Tallahassee, Florida 32301
bkeating@gunster.com
gmunson@gunster.com
ljaber@gunster.com

Mike Cassel
Florida Public Utilities Company – Fort Meade
Division
1750 S.W. 14th Street, Suite 200
Fernandina Beach, Florida 32304
mcassel@fpuc.com

J.R. Kelly, Virginia Ponder
Office of the Public Counsel
111 W. Madison Street, Rm 812
Tallahassee, Florida 32399
Kelly.jr@leg.state.fl.us
Ponder.virginia@leg.state.fl.us

/s/Rachael Dziechciarz

RACHAEL DZIECHCIARZ
STAFF COUNSEL
FLORIDA PUBLIC SERVICE COMMISSION
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
Telephone: (850) 413-6212
rdziehc@psc.state.fl.us