

October 23, 2018

E-PORTAL FILING

Ms. Carlotta Stauffer, Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: [New Filing] - Petition of Florida Public Utilities Company Requesting a Temporary Waiver of Rule 25-6.100, Florida Administrative Code.

Attached for filing in the above-referenced docket, please find Florida Public Utilities Company's Petition for Temporary Waiver of Rule 25-6.100, Florida Administrative Code.

Thank you for your assistance with this filing. As always, please don't hesitate to let me know if you have any questions whatsoever.

Kind regards,



Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 South Monroe St., Suite 601
Tallahassee, FL 32301
(850) 521-1706

MEK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Public Utilities) Docket No.:
Company Requesting a Temporary Waiver of)
Rule 25-6.100, Florida Administrative Code.)
_____) Filed: October 23, 2018

**FLORIDA PUBLIC UTILITIES COMPANY’S PETITION FOR TEMPORARY
WAIVER OF RULE 25-6.100, FLORIDA ADMINISTRATIVE CODE**

Florida Public Utilities Company (“FPUC” or “Company”), pursuant to Rule 28-104.002, Florida Administrative Code, and Section 120.542, Florida Statutes, hereby petitions the Florida Public Service Commission (“Commission”) for a temporary waiver of Rule 25-6.100(1), Florida Administrative Code, (“Rule”) to allow FPUC to suspend billing for those customers in its Northwest service territory impacted by Hurricane Michael. Strict application of the Rule would otherwise result in a substantial hardship for both FPUC and its customers in the Florida Panhandle dealing with the substantial impacts of the hurricane. In support of this request, FPUC states:

1) FPUC is an electric utility subject to the Commission's jurisdiction under Chapter 366, Florida Statutes. Its principal business address is:

Florida Public Utilities Company
1750 S 14th Street, Suite 200
Fernandina Beach FL 32034

2) The name and mailing address of the persons authorized to receive notices are:

Beth Keating, Esq.
Gunster, Yoakley & Stewart, P.A.
215 South Monroe Street, Suite 601
Tallahassee, Florida 32301-1839
(850) 521-1706

Mike Cassel, Director
Regulatory and Governmental Affairs
Florida Public Utilities Company
1750 S 14th Street, Suite 200
Fernandina Beach FL 32034
mcassel@fpuc.com

3) FPUC's electric division serves a total of approximately 32,000 customers, across two entirely separate divisions – one located on Amelia Island (NE Division) and the other serving a largely rural service territory in the north central Panhandle (NW Division). FPUC serves approximately 13,000 in the NW Division in the counties of Jackson, Calhoun, and Liberty Counties, and in the communities of Marianna, Blountstown, Altha, Bristol, Greenwood, Malone, Cottondale, and Alford.

4) On October 10, 2018, Hurricane Michael made landfall in the Florida Panhandle near Mexico Beach at just below Category 5. The storm then proceeded north through the central Panhandle with the eye carving a path of destruction from south to north directly through the inland communities served by FPUC and very little weakening of the storm until it was well into Georgia. As a result of the extensive damage caused by the storm, 100% of FPUC's customers in the NW division experienced power outages. As of the date of this filing, FPUC has made substantial gains in rebuilding its system and restoring service to its customers. The Company continues its efforts to fully restore service to these hard-hit communities with the significant assistance of its many mutual aid partners.

5) Many of the homes and businesses served by FPUC have, however, been so severely damaged that they are either totally destroyed or rendered uninhabitable as a result of the storm. Likewise, access to some locations in FPUC's territory remains limited due to downed trees, other debris, and related hazardous conditions. Even in those areas in which mail service has been reinstated by the US Postal Service, many customers are unable to take delivery due to the condition of their premises. Likewise, many customers' premises are so damaged that even as power lines and facilities are re-energized, these premises cannot receive power due to the damage they have sustained.

Rule 25-6.100

6) In light of the devastation of these communities in FPUC's NW division and the ongoing, substantial efforts to not only restore electric service, but habitable conditions, to these areas, FPUC respectfully seeks a temporary waiver of the requirement set forth in Rule 25-6.100(1), Florida Administrative Code, which requires that, "Bills shall be rendered monthly and as promptly as possible following the reading of meters."

7) In light of Hurricane Michael, FPUC believes that it will likely need to suspend billing for certain customers, including customers for whom bills for service prior to Hurricane Michael would have been delivered during or shortly after the hurricane but for whom delivery to the mailing address is simply no longer a logistical option.¹

Statutes Implemented

8) As indicated by the rule, Rule 26-6.100, Florida Administrative Code, implements Sections 366.03, 366.04(2), 366.041(10), 366.05(1), 366.051, 366.06(1), 366.8260(4), and 366.95(4), Florida Statutes.

Relief Requested

9) FPUC is requesting a temporary waiver of the requirement in Rule 25-6.100, Florida Administrative Code, to allow it to suspend billing for customers in Jackson, Liberty, and Calhoun counties.

¹ FPUC notes that on October 16, 2018, Duke Energy Florida requested a temporary waiver from the rule due to the severe impacts of Hurricane Michael in its service territory. The circumstances of FPUC's request are substantially similar to Duke's request.

10) FPUC proposes to suspend billing in these three counties until service is restored to all customers in their respective county. FPUC anticipates that billing for Liberty County will likely be the first to be reinstated, with Jackson and Calhoun counties following thereafter. FPUC will not impose late-fee penalties or interest on bills during this period and will work with customers on additional payments arrangements as may be necessary.² Customers will be promptly notified when billing resumes, and FPUC will provide all required information for usage during the suspension period.

11) If the Commission grants FPUC's Petition, the Company will reinstate billing to customers in these counties when restoration is complete. At present, FPUC is unable to identify a firm date upon which this would occur, but will inform the Commission's Staff when it is able to resume billing.

Substantial Hardship

12) In accordance with Section 120.542(2), Florida Statutes, a waiver should be granted when:

... the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or violate the principles of fairness.

13) Unless the Commission temporarily waives the requirements of Rule 25-6.100(1), Florida Administrative Code, FPUC will be unable, due to extraordinary circumstances beyond its control, to satisfy the requirements of the rule.

² FPUC is also returning customer deposits to customers in these areas upon request.

14) FPUC's inability to comply with the Rule will place it in jeopardy of regulatory penalties by the Commission, which would constitute a substantial hardship – particularly given the circumstances.

15) Likewise, given the present situation in these counties, requiring FPUC to comply with the Rule to the letter would impact FPUC very differently than other utilities that were not impacted by Hurricane Michael and necessitate that the FPUC take unprecedented action to effectuate billing that would otherwise detract from its current restoration efforts.

16) In light of the existing circumstances impacting FPUC's ability to comply with Rule 25-6.100(1), Florida Administrative Code, in these counties, FPUC will be subjected to substantial hardship unless the Commission upholds the principles of fairness and grants FPUC's Petition for Temporary Waiver.

Purpose of Underlying Statutes is Served

17) The purpose of Rule 25-6.100, Florida Administrative Code, and the underlying statutes, is to ensure that utilities provide timely, accurate, and fair bills to their customers with specified information regarding the customer's usage and the rates and fees being assessed.

18) If FPUC's request is granted, the underlying purpose of the Rule and the statutes will be served in that FPUC will not impose any interest or penalties on bills during the suspension period, and billing will be reinstated when service is restored. Thus, customers will not experience any negative impact as a result of the waiver.

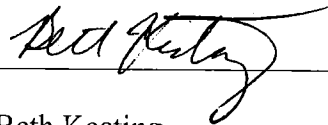
19) Moreover, customers will likely benefit from the waiver by virtue of having additional time to focus their limited resources on recovery as opposed to utility bills.

WHEREFORE, Florida Public Utilities Company respectfully requests that it be granted a temporary waiver, until the completion of restoration efforts, from the requirement contained in

Rule 25-6.100(1), Florida Administrative Code, to render utility bills to customers on a monthly basis.

RESPECTFULLY SUBMITTED this 23rd day of October, 2018.

BY: _____



Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 South Monroe St., Suite 601
Tallahassee, FL 32301
(850) 521-1706

Attorneys for Florida Public Utilities Company