

Writer's E-Mail Address: bkeating@gunster.com

March 17, 2020

VIA E-PORTAL

Mr. Adam Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 20200068-EI - Review of 2020-2029 Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Florida Public Utilities Company

Dear Mr. Teitzman:

Attached for electronic filing, please find FPUC's Motion to Suspend or Close Docket.

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

Sincerely,



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: Review of 2020-2029 Storm) Docket No. 20200068-EI
Protection Plan pursuant to Rule 25-6.030,)
F.A.C., Florida Public Utilities Company.)
) March 17, 2020

**FLORIDA PUBLIC UTILITIES COMPANY'S MOTION TO
SUSPEND OR CLOSE DOCKET**

Florida Public Utilities Company, (herein "FPUC" or "Company"), by and through its undersigned counsel, hereby files this Motion to Suspend or Close Docket, pursuant to Sections 366.04 and 366.05, Florida Statutes ("F.S."), and in accordance with Rule 28-106.204, F.A.C., requesting that the Florida Public Service Commission ("Commission") asking the Commission to defer these proceedings that would otherwise necessitate that FPUC file a storm protection plan pursuant to Section 366.96, Florida Statutes, and participate in what can be expected to be a heavily litigated proceedings. FPUC asks that it be allowed to defer filing a storm protection plan for a period of one year. In support of this motion, the Company states:

1. In 2019, the Florida Legislature passed SB 796, the "Storm protection plan cost recovery." Codified at Section 366.96, F.S., the new law requires each investor-owned electric utility ("IOU") to file a transmission and distribution storm protection plan ("Storm Protection Plan") for the Commission's review and directs the Commission to hold an annual proceeding to determine each IOU's prudently incurred costs to implement its plan and allow recovery of those costs through a Storm Protection Plan Cost Recovery Clause ("SPPCRC").
2. Section 366.96(3), F.S., also required the Commission to adopt rules to specify the elements that must be included in an IOU's filing for the Commission's review of its storm protection plan. Consistent with that directive, the

Commission issued a Notice of Development of Rulemaking on June 7, 2019. The notice included two new rules: Rule 25-6.030, Florida Administrative Code (F.A.C.), which would specify the elements that must be included in an IOU's storm protection plan, and Rule 25-6.031, F.A.C., which would establish the SPPCRC. On January 29, 2020, Final Order PSC-2020-0038-FOF-EU noticing adoption of Rule 25-6.030, FAC and Rule 25-6.031, FAC; rule was filed with the Department of State, and the new rules became effective on February 18, 2020.

3. Pursuant to new Rule 25-6.030, F.A.C., each utility must file a petition with the Commission for approval of a Storm Protection Plan that covers the utility's immediate 10-year planning period. Each utility must file, for Commission approval, an updated Storm Protection Plan at least every 3 years.
4. To facilitate the filing of the Storm Protection Plans, the Commission opened dockets for each IOU, including this Docket for FPUC, on March 3, 2020. On March 11, 2020, the Prehearing Officer issued Order No. PSC-2020-0073-PCO-EI, establishing procedure and consolidating Dockets No. 20200067-EI, 20200068-EI, 20200069-EI, 20200070-EI and 20200071-EI for purposes of hearing ("OEP"). Pursuant to the OEP, the IOUs' Storm Protection Plans, as well as supporting testimony and exhibits, must be filed with the Commission on or before April 10, 2020.
5. As the Commission is, however, aware, prior to the 2019 Legislative session, in October 2018, Hurricane Michael battered FPUC's Northwest Division, which serves 47% of FPUC's Electric customers. FPUC suffered 100% customer outages immediately following the storm and incurred extraordinary and

significant costs associated with the removal of debris and damaged equipment on its system, as well as the added expense of extensive capital projects necessary to rebuild its system serving the Northwest Division. As such, the Company has requested relief from the Commission, which is currently being considered in ongoing proceedings in consolidated Dockets No. 20190155-EI and 20190156-EI.

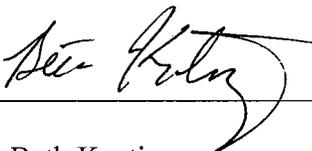
6. The rebuilding process, as well as the regulatory proceedings necessary to recoup its losses and allow it to continue to provide safe and reliable service to its customers, have required that the Company dedicate the full capacity of its limited resources to both the planning and regulatory efforts associated with its recovery. As such, the Company has been unable to dedicate any resources to the development of a Storm Protection Plan that would meet the criteria of Rule 25-6.030, F.A.C. The Company would not only be unable to meet the April 10, 2020, filing deadline, but is in no position to develop and file a plan before the end of the year.
7. The Company asks, therefore, that the Commission either suspend or close this Docket with instructions that FPUC file its Storm Protection Plan for the Commission's consideration on or before April 10, 2021.
8. It is worth noting that neither Section 366.96, F.S., nor Rule 25-6.030, F.A.C., provide a specific time frame within which an IOU must file its first plan. Thus, the Company does not believe that a waiver of the Rule would be necessary in order to grant the Company's request, nor does the Company believe its request is contrary to the underlying statute.

9. If the Commission grants this request, FPUC commits that it would not seek to participate in the Commission's Storm Protection Plan Cost Recovery Clause, Docket No. 20200092-EI, in 2020. Furthermore, the Company would commit to filing its updated Storm Protection Plan two years after its initial filing, in 2023, in order to re-align itself from a timing perspective with the other Florida IOUs.
10. The Company emphasizes that it will continue to ensure the safety, reliability, and storm resiliency of its transmission and distribution facilities pending the deferred filing of its Storm Protection Plan. To that end, the Company notes that its current Storm Hardening Plan, approved in Docket No. 20180148-EI, runs through 2021.
11. FPUC states that it has consulted with the Office of Public Counsel regarding this request and is authorized to represent that the Office of Public Counsel takes no position on FPUC's request.

WHEREFORE, Florida Public Utilities Company respectfully requests that the Commission either suspend or close this docket, Docket No. 20200068-EI, and allow the Company until April 10, 2021, to file its Storm Protection Plan for the Commission's consideration.

RESPECTFULLY SUBMITTED this 17th day of March, 2020.

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

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing has been served by Electronic Mail this 17th day of March, 2020, upon the following:

<p>Florida Public Utilities Company Mike Cassel 208 Wildlight Ave., Yulee, FL 32097 mcassel@fpuc.com</p>	<p>Charles Murphy Rachael Dziechciarz Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399 rdziechc@psc.state.fl.us cmurphy@psc.state.fl.us</p>
	<p>Office of Public Counsel J.R. Kelly/Stephanie Morse c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400 Kelly.jr@leg.state.fl.us Morse.stephanie@leg.state.fl.us</p>

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