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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20200011-EI

PETITION FOR APPROVAL OF
WAIVER OF CIAC RULE NO.
25-6.064, F.A.C, FOR NEW
LINE EXTENSIONS SERVING
ELECTRIC VEHICLE FAST
CHARGING STATIONS, BY
TAMPA ELECTRIC COMPANY.

_____ /

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 4

COMMISSIONERS
PARTICIPATING: CHAIRMAN GARY F. CLARK
COMMISSIONER ART GRAHAM
COMMISSIONER JULIE I. BROWN
COMMISSIONER DONALD J. POLMANN
COMMISSIONER ANDREW GILES FAY

DATE: Tuesday, March 31, 2020

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: DEBRA R. KRICK
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
114 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
(850) 894-0828

1 P R O C E E D I N G S

2 CHAIRMAN CLARK: Next is Item No. 4. Ms.

3 Helton, you are still up.

4 MS. HELTON: This is the last time get to hear
5 from me, maybe.

6 COMMISSIONER BROWN: Maybe.

7 MS. HELTON: Item No. 4 is staff's
8 recommendation to grant Tampa Electric Company's
9 petition for temporary waiver of or variance from
10 the CIAC -- CIAC rule, Rule 25-6.064, subject to
11 the condition that TECO make the annual reporting
12 requirements set forth in staff's recommendation.

13 In addition, staff recommends that the
14 Commission approve TECO's revised tariff sheet to
15 reflect the temporary rule waiver.

16 The purpose of the temporary rule waiver is to
17 allow TECO to implement a five-year pilot program
18 that the company believes will encourage the
19 development of electric vehicle fast charging
20 stations.

21 J.R. Kelly and Mireille Fall-Fry from the
22 Office of Public Counsel wish to address the
23 Commission.

24 Malcolm Means, Bill Ashburn and Kenneth
25 Hernandez representing TECO are available to answer

1 questions.

2 And finally, Samantha Cibula, Curt Mouring,
3 Lee Smith and Bill McNulty from staff are also on
4 the telephone.

5 CHAIRMAN CLARK: Great. Thank you, Ms.
6 Helton.

7 Mr. Kelly or Ms. Fall-Fry.

8 MS. FALL-FRY: Good morning, Commission. This
9 is Mireille Fall-Fry.

10 I, along with J.R. Kelly on behalf of the
11 Office of Public Counsel, just wish to support
12 Tampa Electric's petition, along with the caveat
13 provided by staff.

14 Specifically OPC agrees with staff that the
15 petition should be treated as a petition for a
16 variance, not a waiver, since Tampa Electric is
17 asking for a modification in the term -- to
18 calculate CIAC --

19 CHAIRMAN CLARK: Ms. Fall-Fry, I believe we
20 may be picking up some background noise. Would
21 you -- would you check that?

22 MS. FALL-FRY: Yes. I am not watching it on
23 the video so I am not sure where it's coming from,
24 but I was hearing the -- I stopped talking because
25 I thought someone else was speaking.

1 CHAIRMAN CLARK: Okay. That sounds better
2 now. Try it again please.

3 MS. FALL-FRY: Did you hear anything, or did I
4 need to start over?

5 CHAIRMAN CLARK: Start over, if you would.

6 MS. FALL-FRY: Okay. Well, this is Mireille
7 Fall-Fry, and I, along with J.R. Kelly on behalf of
8 the Office of Public Counsel, support Tampa
9 Electric's petition with the caveat provided by
10 staff.

11 Specifically we agree with staff that the
12 petition should be treated as a petition for a
13 variance, not a waiver since Tampa Electric is
14 asking for a modification in the term of years
15 considered the calculation for CIAC.

16 Additionally, OPC agrees with the annual
17 reporting requirements so that all the interested
18 parties may monitor the efficacy of the pilot and
19 its impact on rates.

20 We appreciate Tampa Electric for taking
21 efforts to make electric vehicle charging, and
22 therefore, electric vehicles more accessible, and
23 we appreciate staff's detailed analysis of the
24 issues in both staff's and Tampa Electric's
25 cooperation moving forward.

1 Thank you.

2 CHAIRMAN CLARK: Thank you very much.

3 Any representative from TECO have any comments
4 at this time?

5 MR. MEANS: Good morning, Commissioners. This
6 is Malcolm Means of Ausley McMullen appearing on
7 behalf of Tampa Electric. And as staff mentioned,
8 we also have Bill Ashburn and Kenneth Hernandez of
9 Tampa Electric on the line.

10 We would like to start just by thanking your
11 start staff for their hard work on this docket.
12 And we don't really have any comments other than to
13 say we support staff's recommendation, and we are
14 available to answer any questions.

15 Thank you.

16 CHAIRMAN CLARK: All right. Any of other
17 interested parties on the line that have a comment
18 to make?

19 Okay, I will move to Commissioners.

20 Commissioner Graham passes.

21 Commissioner Brown?

22 COMMISSIONER BROWN: Well, I have a question
23 for TECO.

24 I do want to say this is a very creative
25 approach to helping encourage more EVs in Florida,

1 so I am pleased to see a request.

2 I am curious, Mr. Ashburn, or Mr. Hernandez,
3 any projection that you have for growth for the
4 line extension for the EV fast chargers?

5 MR. ASHBURN: Commissioner, this is Bill
6 Ashburn.

7 We -- we really don't -- we don't know what
8 this is going to do, to be honest with you.
9 Frankly, right now we are all sitting in houses
10 with the Corona thing. I don't know if anybody is
11 going to feel the pressure for another six months,
12 but we have heard --

13 UNIDENTIFIED SPEAKER: Talk into the mic on
14 WFSU. So if you -- if you come look --

15 CHAIRMAN CLARK: Bobby -- if somebody can find
16 Bobby, he is over -- talking over us here.

17 Give us one second, Mr. Ashburn. We have a
18 little technical difficulty going on here.

19 MR. ASHBURN: Sure.

20 CHAIRMAN CLARK: I hear his phone ringing,
21 though.

22 Okay. Let's try it again. Mr. Ashburn.

23 MR. ASHBURN: Sure. So we are -- we are not
24 sure how much this is going to open up more
25 chargers. We've got -- and Kenneth can answer

1 better than me, but he has been in contact
2 regularly with charging companies and people who
3 are investing in these kind of thing things. And
4 they have indicated that this -- this kind of a
5 benefit could help some more chargers being
6 developed. It's a cost that they are incurred up
7 front, and so it might encourage more to occur.
8 But we don't expect, you know, an avalanche of
9 these things. We just hope that this is going to
10 encourage more.

11 And so that's part of the pilot to see if this
12 kind of a benefit is going to encourage more and
13 how many more. So we don't have a really good
14 estimate of how many more could come.

15 CHAIRMAN CLARK: Thank you.

16 COMMISSIONER BROWN: Thank you. I think
17 that's a great response. I just wanted to gauge
18 what you thought, but I appreciate you coming
19 forward with this. I think it will be interesting
20 to see the data as we move forward.

21 CHAIRMAN CLARK: Thank you, Commissioner
22 Brown.

23 MR. ASHBURN: Yea. that's why we are -- we are
24 happy to provide these annual reports, which we
25 will give everybody, including your staff and us, a

1 view of how this is working.

2 COMMISSIONER BROWN: Well, it's glad to hear
3 that you guys are home and staying healthy and
4 safe.

5 CHAIRMAN CLARK: All right. Thank you very
6 much.

7 Commissioner Brown, any other questions?

8 COMMISSIONER BROWN: No, sir.

9 CHAIRMAN CLARK: Commissioner Polmann?

10 COMMISSIONER POLMANN: Thank you, Mr.
11 Chairman.

12 As I noted in my briefing with staff, I
13 appreciate the effort. I just wanted to recognize
14 staff for a job well done here. I found the item
15 documentation well done. The case background
16 analysis and discussion I thought was very thorough
17 and very clear, in my opinion.

18 As to the item specifics following up on
19 Commissioner Brown's question, I appreciate that
20 you brought that up. And the response from
21 Mr. Ashburn, I think the -- that topic is addressed
22 in Issue 1. That was one of my primary questions
23 as well, and I think we will get information that
24 the Commission needs in the annual report.

25 As I read through the material, that was a

1 primary concern that I had, is how this was -- the
2 data were going to be collected on, you know, the
3 progress is very good. So the annual reporting I
4 think is a key, and I appreciate the utility
5 recognizing that and developing that information.

6 The fact that this program is a pilot I think
7 will be very informative to us, and I will be
8 curious to see the progress that's being made and
9 ability of the utility to make forecasts as this
10 develops, and then looking ahead into future years.

11 So this will be very informative and I really
12 appreciate the approach that the utility is taking
13 on this. I really look forward to this developing
14 over the coming years.

15 And I am just going to reflect on Commissioner
16 Brown's comment. I think this is an excellent
17 approach. I appreciate the pilot nature of this,
18 and this is a great example of the use of a pilot
19 as we can look forward to collecting this
20 information. I think it will be very informative
21 to, perhaps, how this kind of thing can be used in
22 other communities and other systems. So thank you
23 at that for that.

24 Thank you, Mr. Chairman, for the opportunity
25 to comment here. That's all I have.

1 CHAIRMAN CLARK: Thank you, Commissioner
2 Polmann.

3 Commissioner Fay?

4 COMMISSIONER FAY: Thank you, Mr. Chairman. I
5 don't have a question, but just a comment on the
6 item.

7 When I read through this I thought it was a
8 very good, creative way of approaching and
9 enhancing the opportunities for these charging
10 stations to be filled, and I think it's also
11 timely, when you look at the DEP, the Governor
12 instructed DEP to go out and implement these Level
13 3 charging stations.

14 The Legislature just passed 7018, which
15 essential directed the State to look at the
16 electric infrastructure, which includes our agency
17 working with the Department of Transportation and
18 the Office of Energy.

19 And so I think it's good to see these items in
20 front of us that also allow the Commission to move
21 forward with these other agencies at the same time
22 to encourage this type of EV development.

23 The other part of it I will just speak as a
24 driver. When I originally looked at these EV
25 stations, Level 2 charging seemed to be a very

1 common sense approach to these -- encouraging the
2 ownership of these vehicles because essentially you
3 get a certain amount during the day that you can
4 charge up a full vehicle.

5 Well, I think what you are seeing is you put a
6 Level 2 charging station at work, that allows one
7 person to charge that day; whereas, a Level 3
8 charging station allows multiple, if not more than
9 five vehicles to charge in that same day. So I
10 think the infrastructure build-out is highly
11 encouraged. It makes a lot of sense. And I do
12 think we should give some time to look at some of
13 this data that comes back.

14 And this may be a bit premature, but I am
15 inclined to put our great Executive Director,
16 Braulio, on the spot; because I think when you look
17 at this variance, I think, to me, because of the
18 common sense application and the approach that I
19 believe the Commission should take, I think we
20 should really be looking at changing this rule, not
21 just temporary, but permanently, because I think it
22 makes a lot of sense when you look over a 10-year
23 distribution and the estimate that the number of
24 EVs we'll have that charge growth in our state.

25 So that may also be a motion for approval at

1 the same time, because I do support this item, but
2 I will let you transition, Mr. Chairman.

3 Thank you.

4 CHAIRMAN CLARK: Thank you, Commissioner Fay.

5 I do want to make a couple of comments before
6 we -- before we take a motion up.

7 This item has, I guess, caused me a little bit
8 more concern. I want to go on record as fully
9 supporting the concepts of expanding the electric
10 vehicle charging station, charging points. I do,
11 however, have a little more concern in regards to
12 how we are going to implement this pilot program.

13 My biggest concern is that first of all we
14 don't even have a cap on the amount that could be
15 invested. This a CIAC charge, and when we began to
16 play with this number, this is one of those that
17 gives me a little bit more heartburn. Basically we
18 are going to be shifting the cost of users to
19 nonusers, and substan -- could be a substantial
20 number.

21 I realize that this is a pilot. I believe
22 Mr. Ashburn himself said they have no idea what
23 kind of demand they are going to get. The only cap
24 is on the per installation cost of \$20,000, but if
25 you had 10 of these per year at this particular

1 cost, you would be looking at 200,000 a year. Over
2 a five-year period we have just invested \$1
3 million, not in charging stations, but simply in
4 the infrastructure to get the power to those
5 charging stations, and that cost is going to be
6 borne 100 percent by all of the ratepayers whether
7 they have an electric vehicle, have the benefit of
8 an electric vehicle.

9 Now, if we could -- and we probably can. We
10 haven't been able to identify all of the social
11 reasoning and social logic behind some of the
12 things we do. However, there is -- there are other
13 costs that have to be considered when CIAC is
14 calculated, and that is the demand that this is
15 going to put back on the system.

16 I realize that is part of the pilot program to
17 come up with that data. However, you get this
18 data, and five years of it and \$1 million worth of
19 investment and it's bad. Let's assume that it has
20 a negative impact on the system, which it very well
21 could, just from the dynamics of the load and the
22 timing of the load could have some verse affects on
23 the system.

24 I believe that waiving the CIAC is the wrong
25 methodology. I think that investment needs to be

1 made in the infrastructure to serve the Type 3
2 charging systems, but I think that source of funds
3 needs to come from some other sources, not from the
4 general body of ratepayers. So I am going to be a
5 opposed to approving this particular item.

6 So I will entertain any comments or questions
7 or other concerns from any of the commissioners.

8 Any questions?

9 Commissioner Graham.

10 COMMISSIONER GRAHAM: I got a question of
11 staff.

12 Since this is a pilot, can we anywhere along
13 this 10-year continuum put a halt to this if we
14 feel like it's going out of control?

15 MS. CIBULA: This is Samantha Cibula.

16 It's a five-year pilot program, so it will be
17 over a five-year period, not a 10-year period. And
18 I -- right now, there is nothing in the rule waiver
19 that says that after, like, two years or three
20 years we could come back and revisit the rule
21 waiver. The way the recommendation is written is
22 that we would waive the rule for five years and
23 collect the information.

24 COMMISSIONER GRAHAM: Thank you.

25 MS. CIBULA: And just to let you -- they

1 are -- they are going to be collecting some amount
2 of CIAC. It will just be less than what they would
3 have under the rule.

4 CHAIRMAN CLARK: Commissioner Polmann.

5 COMMISSIONER POLMANN: Thank you, Mr.
6 Chairman.

7 I recognize and appreciate your comments and
8 concerns, Mr. Chairman. As I indicated in my
9 comments, I think the pilot nature of this is the
10 perfect approach, and I think your comments balance
11 Commissioner Fay's comments.

12 I also want to recognize and appreciate
13 Commissioner Fay's enthusiasm, and I think he has
14 demonstrated that by his personal investment in his
15 own transportation choices.

16 I think there is importance in electric
17 vehicle investment -- infrastructure investment.
18 And as I mentioned in my comments, I am
19 particularly concerned about the Commission
20 supporting the collection of data. And this is one
21 way for us to gather the data that's necessary in
22 order to pursue the public interest that I think is
23 key to the long-term decision-making as to how the
24 general body of ratepayers may benefit from -- from
25 supporting the EV infrastructure.

1 Now, I simply don't know of a better way.
2 Now, if there is a better way, I would be happy
3 to -- to discuss that. The utility has brought
4 this forward. I am happy to support this. I think
5 five years is a reasonable period of time.

6 I think it's incumbent upon staff to be very
7 diligent in analyzing the data. I think it's
8 appropriate for us, and necessary for us to put the
9 burden squarely on the utility to be very exacting
10 and detailed in the data that they are collecting.

11 So I am not at all hesitant about the
12 requirement for this process on the utility to make
13 sure that they are working closely with the staff
14 and bringing forth the data in detail so that we
15 have that advantage to fully utilize that, because
16 that is the necessary aspect of this, to make sure
17 that we are addressing the concern that you raised.

18 I absolutely support your concern, but I think
19 it's important for us to move forward to be able to
20 collect the data. I recognize what you are saying
21 about the imposition of this on the general body,
22 but I don't have a better alternative, Mr.

23 Chairman.

24 Thank you.

25 CHAIRMAN CLARK: Thank you, Commissioner

1 Polmann.

2 I would just also like to add, and I would ask
3 any -- maybe Mark to comment on the formula for
4 CIAC, just so everyone is aware.

5 What you are talking about is the cost to add
6 infrastructure to serve a load. And when CIAC is
7 calculated, basically you take the utility's cost
8 to provide that service and you apply the revenue
9 that is estimated to be generated from the load
10 back to that, and that comes out as your cost in
11 aid of construction, how much the actual user has
12 to participate.

13 So just understand that CIAC has already taken
14 into account the revenue that is generated by the
15 load. So that's what the utility's return in their
16 investment is coming back off of.

17 Mark, can you elaborate on the CIAC any better
18 than that? I am sure you can clear that up a lot
19 better than I did.

20 MR. FUTRELL: No, sir. I believe that's a --
21 that's a more than adequate explanation and very
22 clear, unless Judy has a -- would like to add onto
23 that. I feel like that's a very clear statement of
24 what the purpose of the CIAC is and how it's
25 calculated.

1 CHAIRMAN CLARK: And in typical industrial
2 type loads, there is always a request of most
3 companies that are trying to get a service
4 extended. And usually it's a unique type of
5 service. It's a more expensive service. This is
6 possibly three -- I don't know if it's typically
7 three phase for this Level 3 service. I am not
8 sure. But the infrastructure costs, there is going
9 to be -- Judy, do you want to add any comments to
10 that?

11 MS. HARLOW: No, sir, I would just add briefly
12 that it's a four-year revenue estimate, and the
13 change that the utility is requesting is not to
14 change that four years of revenue but simply to
15 move it forward in time because they are expecting
16 that EV revenue will increase overtime.

17 CHAIRMAN CLARK: Correct. Good point.

18 All right. Any other questions from any
19 Commissioners? Give me a hand wave if you have any
20 questions.

21 All right. Seeing none, I will entertain a
22 motion.

23 COMMISSIONER GRAHAM: Mr. Chairman, I move
24 staff recommendation on Item No. 4.

25 COMMISSIONER POLMANN: Second.

1 CHAIRMAN CLARK: I have a motion and a second
2 to approve staff recommendation on Item No. 4.

3 Any discussion?

4 Commissioner Graham?

5 COMMISSIONER GRAHAM: Yes.

6 CHAIRMAN CLARK: Commissioner Brown?

7 COMMISSIONER BROWN: Aye.

8 CHAIRMAN CLARK: Commissioner Polmann?

9 COMMISSIONER POLMANN: Aye.

10 CHAIRMAN CLARK: Commissioner Fay?

11 COMMISSIONER FAY: Aye.

12 CHAIRMAN CLARK: And the Chair votes in the
13 negative.

14 The motion is approved on a four-to-one vote.

15 (Agenda item concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, DEBRA KRICK, Court Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 8th day of April, 2020.



DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #GG015952
EXPIRES JULY 27, 2020