

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Review of 2020-2029 Storm Protection Plan)
pursuant to Rule 25-6.030, F.A.C., Duke Energy) Docket No. 20200069-EI
Florida, LLC) Filed: July 20, 2020
_____)

**PREHEARING STATEMENT OF
WHITE SPRINGS AGRICULTURAL CHEMICALS, INC.
d/b/a PCS PHOSPHATE – WHITE SPRINGS**

Pursuant to the Florida Public Service Commission’s *Order Establishing Procedure*, Order No. PSC-2020-0073-PCO-EI, issued March 11, 2020, as modified by *First Order Modifying Order Establishing Procedure*, Order No. PSC-2020-0122-PCO-EI, issued April 22, 2020, and *Second Order Modifying Order Establishing Procedure*, Order No. PSC-2020-0209-PCO-EI, issued June 25, 2020, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (“PCS Phosphate”), through its undersigned attorneys, files its Prehearing Statement in the above matter.

A. APPEARANCES

James W. Brew
Laura Wynn Baker
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, D.C. 20007
(202) 342-0800
(202) 342-0807 (fax)
Email: jbrew@smxblaw.com
lwb@smxblaw.com

B. WITNESSES

PCS Phosphate does not plan to call any witnesses at this time.

C. EXHIBITS

PCS Phosphate does not plan to offer any exhibits at this time, but may introduce exhibits during the course of cross-examination.

D. STATEMENT OF BASIC POSITION

PCS Phosphate is a signatory to the proposed 2020 SPP/SPPCRC Agreement filed by Duke Energy Florida, LLC (“Duke” or “DEF”) on July 17, 2020, concerning DEF’s initial Storm Protection Plan (“SPP”). PCS supports Duke’s petition for approval of its SPP to the extent that it conforms with this stipulation and the requirements of the Storm Protection Plan Recovery statute, 366.96, F.S.

The proposed stipulation recognizes the need to address the proper allocation of SPP costs for clause purposes in DEF’s next base rate case. As required by Section 366.96(8), F.S., the stipulation aims to mitigate potentially duplicative recovery of Duke storm hardening program costs that were addressed in DEF’s 2017 Second Revised and Restated Settlement Agreement (“Settlement Agreement”) approved by the Commission in Order No. PSC-2017-0451-AS-EU. That Settlement Agreement, and specifically the general allocation of costs adopted in that Agreement, did not contemplate the subsequent enactment of Section 366.96, F.S. Accordingly, in the utility’s next base rate it shall be necessary to both apportion SPP costs between base rate and clause recovery and reasonably allocate the recovery of such costs in accordance with accepted cost causation principles.

E. STATEMENT ON SPECIFIC ISSUES

ISSUE 1 – ELEMENTS OF RULE 25-6.030, F.A.C.

ISSUE 1A: Does TECO’s 2020-2029 Storm Protection Plan contain all of the elements required by Rule 25-6.030, Florida Administrative Code?

PCS Phosphate: No position.

ISSUE 1B: Does DEF’s 2020-2029 Storm Protection Plan contain all of the elements required by Rule 25-6.030, Florida Administrative Code?

PCS Phosphate: Agree with OPC to the extent consistent with the proposed stipulation filed on July 17, 2020

ISSUE 1C: Does Gulf’s 2020-2029 Storm Protection Plan contain all of the elements required by Rule 25-6.030, Florida Administrative Code?

PCS Phosphate: No position.

ISSUE 1D: Does FPL’s 2020-2029 Storm Protection Plan contain all of the elements required by Rule 25-6.030, Florida Administrative Code?

PCS Phosphate: No position.

ISSUE 2 – CONSIDERATION OF 366.96(4)(a), F.S. – PART 1

ISSUE 2A: To what extent is TECO’s 2020-2029 Storm Protection Plan expected to reduce restoration costs and outage times associated with extreme weather events and enhance reliability?

PCS Phosphate: No position.

ISSUE 2B: To what extent is DEF’s 2020-2029 Storm Protection Plan expected to reduce restoration costs and outage times associated with extreme weather events and enhance reliability?

PCS Phosphate: Agree with OPC to the extent consistent with the proposed stipulation filed on July 17, 2020.

ISSUE 2C: To what extent is Gulf’s 2020-2029 Storm Protection Plan expected to reduce restoration costs and outage times associated with extreme weather events and enhance reliability?

PCS Phosphate: No position.

ISSUE 2D: To what extent is FPL’s 2020-2029 Storm Protection Plan expected to reduce restoration costs and outage times associated with extreme weather events and enhance reliability?

PCS Phosphate: No position

ISSUE 3 – CONSIDERATION OF 366.96(4)(a), F.S. – PART 2

ISSUE 3A: To what extent does TECO’s 2020-2029 Storm Protection Plan prioritize areas of lower reliability performance?

PCS Phosphate: No position

ISSUE 3B: To what extent does DEF’s 2020-2029 Storm Protection Plan prioritize areas of lower reliability performance?

PCS Phosphate: Agree with OPC to the extent consistent with the proposed stipulation filed on July 17, 2020.

ISSUE 3C: To what extent does Gulf’s 2020-2029 Storm Protection Plan prioritize areas of lower reliability performance?

PCS Phosphate: No position.

ISSUE 3D: To what extent does FPL’s 2020-2029 Storm Protection Plan prioritize areas of lower reliability performance?

PCS Phosphate: No position.

ISSUE 4 – CONSIDERATION OF 366.96(4)(b), F.S.

ISSUE 4A: To what extent is TECO’s 2020-2029 Storm Protection Plan regarding transmission and distribution infrastructure feasible, reasonable, or practical in certain areas of TECO’s service territory, including, but not limited to, flood zones and rural areas?

PCS Phosphate: No position.

ISSUE 4B: To what extent is DEF’s 2020-2029 Storm Protection Plan regarding transmission and distribution infrastructure feasible, reasonable, or practical in certain areas of DEF’s service territory, including, but not limited to, flood zones and rural areas?

PCS Phosphate: Agree with OPC to the extent consistent with the proposed stipulation filed on July 17, 2020.

ISSUE 4C: To what extent is Gulf’s 2020-2029 Storm Protection Plan regarding transmission and distribution infrastructure feasible, reasonable, or practical in certain areas of Gulf’s service territory, including, but not limited to, flood zones and rural areas?

PCS Phosphate: No position.

ISSUE 4D: To what extent is FPL’s 2020-2029 Storm Protection Plan regarding transmission and distribution infrastructure feasible, reasonable, or practical in certain areas of FPL’s service territory, including, but not limited to, flood zones and rural areas?

PCS Phosphate: No position.

ISSUE 5 – CONSIDERATION OF 366.96(4)(c), F.S.

ISSUE 5A: What are the estimated costs and benefits to TECO and its customers of making the improvements proposed in the 2020-2029 Storm Protection Plan?

PCS Phosphate: No position.

ISSUE 5B: What are the estimated costs and benefits to DEF and its customers of making the improvements proposed in the 2020-2029 Storm Protection Plan?

PCS Phosphate: Agree with OPC to the extent consistent with the proposed stipulation filed on July 17, 2020.

ISSUE 5C: What are the estimated costs and benefits to Gulf and its customers of making the improvements proposed in the 2020-2029 Storm Protection Plan?

PCS Phosphate: No position.

ISSUE 5D: What are the estimated costs and benefits to FPL and its customers of making the improvements proposed in the 2020-2029 Storm Protection Plan?

PCS Phosphate: No position.

ISSUE 6 – CONSIDERATION OF 366.96(4)(d), F.S.

ISSUE 6A: What is the estimated annual rate impact resulting from implementation of TECO’s 2020-2029 Storm Protection Plan during the first 3 years addressed in the plan?

PCS Phosphate: No position.

ISSUE 6B: What is the estimated annual rate impact resulting from implementation of DEF’s 2020-2029 Storm Protection Plan during the first 3 years addressed in the plan?

PCS Phosphate: Agree with OPC.

ISSUE 6C: What is the estimated annual rate impact resulting from implementation of Gulf’s 2020-2029 Storm Protection Plan during the first 3 years addressed in the plan?

PCS Phosphate: No position.

ISSUE 6D: What is the estimated annual rate impact resulting from implementation of FPL's 2020-2029 Storm Protection Plan during the first 3 years addressed in the plan?

PCS Phosphate: No position.

ISSUE 7 – PUBLIC INTEREST DETERMINATION PER 366.96(5), F.S.

ISSUE 7A: Is it in the public interest to approve, approve with modification, or deny TECO's 2020-2029 Storm Protection Plan?

PCS Phosphate: No position.

ISSUE 7B: Is it in the public interest to approve, approve with modification, or deny DEF's 2020-2029 Storm Protection Plan?

PCS Phosphate: Agree with OPC to the extent consistent with the proposed stipulation filed on July 17, 2020.

ISSUE 7C: Is it in the public interest to approve, approve with modification, or deny Gulf's 2020-2029 Storm Protection Plan?

PCS Phosphate: No position.

ISSUE 7D: Is it in the public interest to approve, approve with modification, or deny FPL's 2020-2029 Storm Protection Plan?

PCS Phosphate: No position.

ISSUE 8 – CLOSE THE DOCKET

ISSUE 8A: Should Docket No. 20200067-EI be closed?

PCS Phosphate: No position.

ISSUE 8B: Should Docket No. 20200069-EI be closed?

PCS Phosphate: No position.

ISSUE 8C: Should Docket No. 20200070-EI be closed?

PCS Phosphate: No position.

ISSUE 8D: Should Docket No. 20200071-EI be closed?

PCS Phosphate: No position.

OPC CONTESTED ISSUES

ISSUE A: Are any of the proposed SPP project or program related costs, if approved, and presumably to be requested for recovery by the Company through the SPPCRC, costs recovered through the Company's base rates?

PCS Phosphate: Agree with OPC.

ISSUE B: Should the Commission defer its determination of prudence for any of the Company's proposed programs and projects?

PCS Phosphate: Agree with OPC.

F. PENDING MOTIONS

None.

G. PENDING REQUESTS OR CLAIMS FOR CONFIDENTIALITY

None.

H. OBJECTIONS TO QUALIFICATIONS OF WITNESS AS EXPERT

None at this time.

I. REQUIREMENTS OF ORDER ESTABLISHING PROCEDURE

There are no requirements of the Procedural Orders with which PCS Phosphate cannot comply.

Respectfully submitted,

STONE MATTHEIS XENOPOULOS & BREW, PC

/s/ James W. Brew

James W. Brew

Laura Wynn Baker

1025 Thomas Jefferson Street, NW

Eighth Floor, West Tower

Washington, D.C. 20007

(202) 342-0800

(202) 342-0807 (fax)

E-mail: jbrew@smxblaw.com

laura.baker@smxblaw.com

*Attorneys for White Springs Agricultural Chemicals, Inc.
d/b/a PCS Phosphate – White Springs*

Dated: July 20, 2020

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Prehearing Statement of PCS Phosphate has been furnished by electronic mail this 20th of July 2020, to the following:

Dianne M. Triplett
Duke Energy
299 First Avenue North
St. Petersburg FL 33701
Dianne.triplett@duke-energy.com

Matthew R. Bernier
Duke Energy
106 East College Avenue, Suite 800
Tallahassee FL 32301-7740
matthew.bernier@duke-energy.com

Charles Murphy/Rachael Cziechciarz
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
cmurphy@psc.state.fl.us
RDziehc@psc.state.fl.us

J.R. Kelly/Charles Rehwinkel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399
kelly.jr@leg.state.fl.us
Rehwinkel.charles@leg.state.fl.us

Derrick P. Williamson/Barry A. Naum
Spilman Law Firm on behalf of Walmart Inc.
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg PA 17050
bnaum@spilmanlaw.com
dwilliamson@spilmanlaw.com

Jon Moyle/Karen Putnal
Florida Industrial Power Users Group
c/o Moyle Law Firm, PA
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com
mqualls@moylelaw.com

Stephanie Eaton
Spilman Law Firm on behalf of Walmart Inc.
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
seaton@spilmanlaw.com

Katie Chiles Ottenweller
Vote Solar
151 Estoria Street SE
Atlanta GA 30316
katie@votesolar.org

Zayne Smith
AARP Florida
360 Central Ave., Suite 1750
Saint Petersburg FL 33701
zsmith@aarp.org

/s/ Laura Wynn Baker