

STATE OF FLORIDA

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



OFFICE OF COMMISSION CLERK
ADAM J. TEITZMAN
COMMISSION CLERK
(850) 413-6770

Public Service Commission

August 27, 2020

John A. Tomasino, Clerk
Florida Supreme Court
500 South Duval Street
Tallahassee, Florida, 32399

Re: Citizens of the State of Florida, through the Florida Office of Public Counsel vs. Florida Public Service Commission, PSC Docket No. 20200151-EI.

Dear Mr. Tomasino:

Enclosed please find a certified copy of a Notice of Administrative Appeal, which was filed with the Florida Public Service Commission on August 26, 2020, along with its attachment, Order No. PSC-2020-0262-PCO-EI. This appeal was filed on behalf of the Office of Public Counsel.

Sincerely,

A handwritten signature in blue ink, appearing to read "AJT", written over a horizontal line.

Adam J. Teitzman
Commission Clerk

AJT:cdr
Enclosure

cc:

J.R. Kelly
Stephanie Morse
Joel T. Baker
Kenneth A. Hoffman
Russell A. Badders

Shaw Stiller
Jennifer Crawford
Samantha Cibula
Hong Wang

CITIZENS OF THE STATE OF)
FLORIDA, THROUGH THE)
FLORIDA OFFICE OF PUBLIC)
COUNSEL,)

Appellants,)

v.)

FLORIDA PUBLIC SERVICE)
COMMISSION,)

Appellee.)
_____)

IN THE FLORIDA PUBLIC
SERVICE COMMISSION

DOCKET NO. 20200151-EI

NOTICE OF
ADMINISTRATIVE
APPEAL

NOTICE IS GIVEN that the Citizens of the State of Florida, Appellants, through the Office of Public Counsel, appeal to the Supreme Court of the State of Florida the order of the Florida Public Service Commission, Order No. PSC-2020-0262-PCO-EI, rendered on July 27, 2020. A copy of Order No. PSC-2020-0262-PCO-EI is attached to this NOTICE OF ADMINISTRATIVE APPEAL as Exhibit "A."



I CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE ORIGINAL
DOCUMENT THAT WAS FILED WITH THE
FLORIDA PUBLIC SERVICE COMMISSION
BY: Adam J. Teitzman
ADAM J. TEITZMAN, COMMISSION CLERK
(or Office of Commission Clerk designee)

The nature of the order is the Order Granting Petition for Approval of a Regulatory Asset to Record Costs Incurred Due to COVID-19 for Gulf Power Company.

J.R. Kelly
Public Counsel
Florida Bar No. 0768359
kelly.jr@leg.state.fl.us

/s/ Stephanie A. Morse
Stephanie A. Morse
Associate Public Counsel
Florida Bar No. 0068713
morse.stephanie@leg.state.fl.us

c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
(850) 488-9330

Attorneys for Citizens of
the State of Florida

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing **NOTICE OF ADMINISTRATIVE APPEAL** has been furnished by electronic mail on this 26th day of August, 2020 to the following:

Florida Power & Light Company
Joel T. Baker
700 Universe Boulevard
Juno Beach, FL 33408
joel.baker@fpl.com

Florida Power & Light Company
Kenneth A. Hoffman
134 W. Jefferson Street
Tallahassee FL 32301
ken.hoffman@fpl.com

Gulf Power Company
Russell A. Badders
One Energy Place
Pensacola, FL 32520
Russell.Badders@nexteraenergy.com

Florida Public Service
Commission
Office of General Counsel
Jennifer Crawford
Shaw Stiller
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
jcrawfor@psc.state.fl.us
sstiller@psc.state.fl.us

/s/ Stephanie A. Morse
Stephanie A. Morse
Associate Public Counsel
Florida Bar No. 0068713

CITIZENS OF THE STATE OF)
FLORIDA, THROUGH THE)
FLORIDA OFFICE OF PUBLIC)
COUNSEL,)

Appellants,)

v.)

FLORIDA PUBLIC SERVICE)
COMMISSION)

Appellee.)
_____)

IN THE FLORIDA PUBLIC
SERVICE COMMISSION

DOCKET NO. 20200151-EI

NOTICE OF
ADMINISTRATIVE
APPEAL

EXHIBIT "A"

**FLORIDA PUBLIC SERVICE COMMISSION
ORDER NO. PSC-2020-0262-PCO-EI, ISSUED JULY 26, 2020**

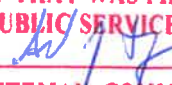
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of a regulatory asset
to record costs incurred due to COVID-19, by
Gulf Power Company.

DOCKET NO. 20200151-EI
ORDER NO. PSC-2020-0262-PCO-EI
ISSUED: July 27, 2020

The following Commissioners participated in the disposition of this matter:

GARY F. CLARK, Chairman
ART GRAHAM
JULIE I. BROWN
DONALD J. POLMANN
ANDREW GILES FAY

I CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE ORIGINAL
DOCUMENT THAT WAS FILED WITH THE
FLORIDA PUBLIC SERVICE COMMISSION
BY: 
ADAM J. TEITZMAN, COMMISSION CLERK
(or Office of Commission Clerk designee)

ORDER GRANTING PETITION FOR APPROVAL OF A
REGULATORY ASSET TO RECORD COSTS INCURRED
DUE TO COVID-19 FOR GULF POWER COMPANY

BY THE COMMISSION:

Background

On May 22, 2020, Gulf Power Company (Gulf or Company) filed a petition for approval to establish a regulatory asset to record costs incurred due to Coronavirus Disease 2019 (COVID-19). Gulf has requested deferral of incremental bad debt expense and safety-related costs attributable to COVID-19. Given the ongoing nature of the COVID-19 pandemic, the total extent of Gulf's COVID-19-related costs are not known at this time. Our consideration of the potential recovery of the regulatory asset will be addressed in a future proceeding.

We have jurisdiction over this matter pursuant to Sections 366.04 and 366.06, Florida Statutes (F.S.).

Discussion

We are charged with the duty of ensuring that utilities provide safe, adequate, and reliable utility service at reasonable rates. By law, such rates must allow utilities the opportunity to recover the prudently incurred costs and a fair rate of return on capital invested by utilities for the purpose of providing such service. In turn, utilities have a responsibility, and are expected, to manage their business in a manner that addresses changes in costs and variability in sales.

On May 22, 2020, Gulf filed a petition for approval to establish a regulatory asset to defer certain costs incurred due to COVID-19. Gulf has requested approval to record incremental bad debt expense and safety-related costs attributable to COVID-19 in the requested regulatory asset.



Gulf has calculated bad debt expense of approximately \$2.1 million for April 2020, while the historic monthly average for April is approximately \$0.3 million. Gulf anticipates that COVID-19-related bad debt expense will continue to increase in future months. An allowance for bad debt expense is included in base rates. This allowance is typically based on the three-year average of bad debt expense experienced by the utility.

Gulf currently estimates that safety-related costs for its employees, contractors, and customers will exceed \$4.0 million for 2020, of which approximately \$2.0 million will be recorded as operating expenses. We note that Gulf's total COVID-related safety costs remain subject to change.

The concept of deferral accounting allows companies to defer costs due to events beyond their control and seek recovery through rates at a later time. The alternative would be for a company to seek a rate case each time it experiences an exogenous event. The costs in the instant docket are attributed to the COVID-19 pandemic. Due to the uncertainty of this situation, Gulf states that it is not possible to fully anticipate the scope or timeframe of the financial impact on the Company and its customers related to COVID-19.

Because of the unique circumstances resulting from the global pandemic, we approve Gulf's request to establish a regulatory asset for recording costs incurred due to COVID-19 and defer our consideration of the potential recovery of the amounts recorded in the regulatory asset to a future proceeding. This approval to establish a regulatory asset, for accounting purposes, does not limit our ability to review the amounts, recovery method, recovery period, and other related matters for reasonableness in a future proceeding in which the regulatory asset is included. A substantially affected party's point of entry to request an evidentiary hearing before this Commission will be afforded in such a future proceeding addressing cost recovery of the regulatory asset.

In addition, we direct that Gulf track any assistance or benefits received by the Company in connection with COVID-19, regardless of form, that would offset any COVID-19-related expenses. This includes, but is not limited to, any cost savings directly attributable to the suspension of disconnections or other activities during the emergency declaration. The regulatory asset costs and offsets shall be recorded and maintained in a detailed manner that will allow incremental costs and any benefits and savings to be readily identifiable in a future proceeding. Gulf shall also be prepared to explain what actions and efforts it has undertaken to reduce or minimize these costs and to maximize the receipt of any available COVID-19 assistance or benefits. Finally, Gulf shall file monthly reports identifying the amounts of the costs incurred, any assistance or benefits received, and any cost savings realized which have been recorded in the regulatory asset. The first COVID-19 regulatory asset report shall be filed on August 17, 2020 along with Gulf's 2020 ESR and every month thereafter until the Company presents the regulatory asset for our consideration.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition for approval of a regulatory asset to record costs incurred due to COVID-19, by Gulf Power Company, is granted. It is further

ORDERED that Gulf shall file monthly reports identifying the amounts of the costs incurred, any assistance or benefits received, and any cost savings realized, which have been recorded in the regulatory asset.

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 27th day of July, 2020.



ADAM J. TEITZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

SPS

Commissioner Art Graham dissents without further opinion.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.