

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Re: Proposed amendment to Rule 25-6.0143, FAC, Use of Accumulated Provision Accounts 228.1, 228.2, and 228.4, and proposed adoption of Rule 25-7.0143, FAC, Use of Accumulated Provision Accounts 228.1, 228.2, and 228.4.

DOCKET NO. 20200000

FILED: September 30, 2020

Comments of the Office of the Public Counsel

The Citizens of the State of Florida, through the Office of Public Counsel (“OPC”), hereby file their additional comments on the draft proposed amendment to rule 25-6.0143 and proposed new rule 25-7.0143.

OPC appreciates the efforts of staff and the companies and remains committed to participating constructively in the rulemaking process. These additional comments solely address the proposed revisions to rule 25-6.0143(e)8 and 25-7.0143(e)8., which strike the word “overtime” from the beginning of each subsection:

8. ~~Payroll~~~~Overtime payroll~~ and payroll-related costs for utility personnel included in storm restoration activities incurred in any month in which storm damage restoration activities are conducted, that are greater than the actual monthly average of overtime payroll and payroll-related costs charged to operation and maintenance expense for the same month in the previous three calendar years. The utility may adjust historical monthly payroll and payroll-related costs charged to operation and maintenance expense from calculated monthly average. Each adjustment shall be accompanied by a detailed explanation of the nature and derivation of the adjustment

This proposed revision, without revising the language in the subsection or providing a new subsection relating to overtime, obfuscates the delineation between total payroll and overtime payroll. OPC recommends either leaving the word “overtime” at the beginning or revising the language of the subsection to remove the word “overtime” and creating an additional subsection that relates to overtime payroll, with the averages likewise separated.

Option A:

8. Payroll Overtime payroll and payroll-related costs for utility personnel included in storm restoration activities incurred in any month in which storm damage restoration activities are conducted, that are greater than the actual monthly average of overtime payroll and payroll-related costs charged to operation and maintenance expense for the same month in the previous three calendar years. The utility may adjust historical monthly payroll and payroll-related costs charged to operation and maintenance expense from calculated monthly average. Each adjustment shall be accompanied by a detailed explanation of the nature and derivation of the adjustment.

Option B:

8. Payroll Overtime payroll and payroll-related costs for utility personnel included in storm restoration activities incurred in any month in which storm damage restoration activities are conducted, that are greater than the actual monthly average of overtime payroll and payroll-related costs charged to operation and maintenance expense for the same month in the previous three calendar years. The utility may adjust historical monthly payroll and payroll-related costs charged to operation and maintenance expense from calculated monthly average. Each adjustment shall be accompanied by a detailed explanation of the nature and derivation of the adjustment;

9. Overtime payroll and payroll-related costs for utility personnel included in storm restoration activities incurred in any month in which storm damage restoration activities are conducted, that are greater than the actual monthly average of overtime payroll and payroll-related costs charged to operation and maintenance expense for the same month in the previous three calendar years. The utility may adjust historical monthly overtime payroll and payroll-related costs charged to operation and maintenance expense from calculated monthly average. Each adjustment shall be accompanied by a detailed explanation of the nature and derivation of the adjustment;

OPC looks forward to continuing cooperation in the rulemaking process.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 30th day of September, 2020, to the following:

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