

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm Protection Plan Cost Recovery
Clause.

DOCKET NO. 20210010-EI

FILED: July 12, 2021

PRE-HEARING STATEMENT OF THE OFFICE OF PUBLIC COUNSEL

The Citizens of the State of Florida, through the Office of Public Counsel (“OPC”), pursuant to the Order Establishing Procedure in this docket, Order No. PSC-2021-0083-PCO-EI, issued February 17, 2021, hereby submit this Prehearing Statement.

APPEARANCES:

Richard Gentry
Public Counsel

Charles Rehwinkel
Deputy Public Counsel

Patricia A. Christensen
Associate Public Counsel

Stephanie Morse
Associate Public Counsel

Anastacia Pirrello
Associate Public Counsel

Mary A. Wessling
Associate Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

On behalf of the Citizens of the State of Florida

1. **WITNESSES:**

None.

2. EXHIBITS:

None.

3. STATEMENT OF BASIC POSITION

The OPC's basic position in this case is that the Commission's determinations regarding the Storm Protection Plans (SPP) that have been filed must be consistent with the provisions and the public policy contained in Section 366.96, Florida Statutes, Rule 25-6.030 and Rule 25-6.031, F.A.C. The OPC supports the goal of the legislature in encouraging cost-effective measures to enhance the resiliency and reliability of investor-owned electric utilities' (IOUs) existing infrastructure for the benefits of customers and the state as a whole.

The utilities have the burden of proof to justify and support the recovery of costs and their proposal(s) seeking the Commission's adoption of policy statements (whether new or changed) or other affirmative relief sought, regardless of whether the Interveners provide evidence to the contrary. Regardless of whether the Commission has previously approved a program as meeting the Commission's requirements, the utilities must still meet their burden of demonstrating that the costs submitted for final recovery meet the statutory test(s) and are reasonable in amount and prudently incurred.

4. STATEMENT OF FACTUAL ISSUES AND POSITIONS

ISSUE 1: What are the final Storm Protection Plan Cost Recovery Clause jurisdictional cost recovery true-up amounts for the period January 2020 through December 2020?

OPC: No position at this time.

ISSUE 2: What are the actual/estimated Storm Protection Plan Cost Recovery Clause jurisdictional cost recovery true-up amounts for the period January 2021 through December 2021?

OPC: No position at this time.

ISSUE 3: What are the projected Storm Protection Plan Cost Recovery Clause jurisdictional cost recovery amounts for the period January 2022 through December 2022??

OPC: No position at this time.

ISSUE 4: What are the Storm Protection Plan Cost Recovery Clause total jurisdictional cost recovery amounts, including true-ups, to be included in establishing Storm Protection Plan Cost Recovery factors for the period January 2022 through December 2022?

OPC: No position at this time.

ISSUE 5: What depreciation rates should be used to develop the depreciation expense included in the total Storm Protection Plan Cost Recovery Clause amounts for the period January 2022 through December 2022?

OPC: No position at this time.

ISSUE 6: What are the appropriate jurisdictional separation factors for the projected period January 2022 through December 2022?

OPC: No position at this time.

ISSUE 7: What are the appropriate Storm Protection Plan Cost Recovery Clause factors for the period January 2022 through December 2022 for each rate group?

OPC: No position at this time.

ISSUE 8: What should be the effective date of the new Storm Protection Plan Cost Recovery Clause factors for billing purposes?

OPC: No position at this time.

ISSUE 9: Should the Commission approve revised tariffs reflecting the new Storm Protection Plan Cost Recovery Clause factors determined to be appropriate in this proceeding?

OPC: No position at this time.

COMPANY SPECIFIC STORM PROTECTION PLAN COST RECOVERY ISSUES

Florida Power & Light Company

ISSUE 10: In the event that the Commission declines to approve FPL's pending request for unified rates in Docket No. 20210015-EI, what are the appropriate Storm Protection Plan Cost Recovery Clause factors for the period January 2022 through December 2022?

OPC: Should the Commission deny FPL's request to unify rates in Docket No. 20210015-EI, the Commission should use the standalone FPL and Gulf SPPCRC Factors provided with the May 3, 2021, filing subject to modification by the Commission, if any.

ISSUE 11: How should the assumptions used to develop FPL's 2022 Storm Protection Plan Cost Recovery Clause factors approved in this proceeding be revised to

reflect any changes or modifications adopted by the Commission in the 2021 Rate Case pending in Docket No. 20210015-EI?

OPC: Any modifications or changes made by the Commission in the 2021 Rate Case in Docket No. 20210015-EI that impact the assumptions used to develop the 2022 SPPCRC factors should be implemented as soon as is practicable. If due to timing of the Commission's decision, modifications, or changes, if any, cannot be made with sufficient time to implement prior to January 1, 2022, then the rate impacts of those modifications and/or changes, if any, should be trued up in the following year's factors.

CLOSE THE DOCKET ISSUE

ISSUE 12: Should this docket be closed?

OPC: No position at this time.

5. STIPULATED ISSUES

None at this time.

6. PENDING MOTIONS

None at this time.

7. STATEMENT OF PARTY'S PENDING REQUESTS OR CLAIMS FOR CONFIDENTIALITY

There are no pending requests or claims for confidentiality filed by OPC.

8. OBJECTIONS TO QUALIFICATION OF WITNESSES AS AN EXPERT

OPC has no objections to the qualification of any witnesses as an expert in the field in which they pre-filed testimony as of the present date.

9. SEQUESTRATION OF WITNESSES

OPC does not request the sequestration of any witnesses at this time.

10. STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE

There are no requirements of the Order Establishing Procedure with which the Office of Public Counsel cannot comply.

Dated this 12th of July, 2021.

Respectfully submitted,

Richard Gentry
Public Counsel

/s/ Mary A. Wessling
Mary A. Wessling
Associate Public Counsel

Charles Rehwinkel
Deputy Public Counsel

Patricia A. Christensen
Associate Public Counsel

Stephanie Morse
Associate Public Counsel

Anastacia Pirrello
Associate Public Counsel

c/o The Florida Legislature
Office of Public Counsel
111 W. Madison Street
Room 812
Tallahassee, FL 32399-1400

Attorney for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE
DOCKET NO. 20210010-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Prehearing Statement has been furnished by electronic mail on this 12th day of July, 2021, to the following:

Mr. James D. Beasley
Mr. J. Jeffry Wahlen
Mr. Malcolm N. Means
Ausley McMullen
Post Office Box 391
Tallahassee, FL 32302
jbeasley@ausley.com
jwahlen@ausley.com
mmeans@ausley.com

Kenneth A. Hoffman
Vice President, Regulatory Affairs
Florida Power & Light Company
134 W. Jefferson Street
Tallahassee, Florida 32301
ken.hoffman@fpl.com

Russell A. Badders
Vice President & Associated General
Counsel
Gulf Power Company
One Energy Place
Pensacola, FL 32520
russell.badders@nexteraenergy.com

Florida Public Utilities Company
Mr. Mike Cassel
208 Wildlight Ave.
Yulee FL 32097
mcassel@fpuc.com

Jason A. Higginbotham/Christopher T.
Wright
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
jason.higginbotham@fpl.com
christopher.wright@fpl.com

James W. Brew
Laura Wynn Baker
Stone Mattheis Xenopoulos & Brew,
P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, D.C. 20007
jbrew@smxblaw.com
lwb@smxblaw.com

Jon C. Moyle, Jr.
Karen Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 681-3828
Facsimile: (850) 681-8788
jmoyle@moylelaw.com
kputnal@moylelaw.com
mqualls@moylelaw.com

Ms. Paula K. Brown
Manager, Regulatory Coordination
Tampa Electric Company
Post Office Box 111
Tampa, FL 33601
regdept@tecoenergy.com

Stephanie U. Eaton
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
seaton@spilmanlaw.com

Barry A. Naum
Spilman Thomas & Battle, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
bnaum@spilmanlaw.com

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

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

Gulf Power Company
Mark Bubriski
134 West Jefferson Street
Tallahassee FL 32301
mark.bubriski@nexteraenergy.com

Florida Public Service Commission
Jennifer Crawford/Margo DuVal/Shaw
Stiller/Stefanie-Jo Osborn
2540 Shumard Oak Blvd.
Tallahassee, FL32399
jcrawfor@psc.state.fl.us
mduval@psc.state.fl.us
sstiller@psc.state.fl.us
sosborn@psc.state.fl.us

Peter J. Mattheis
Michael K. Lavanga
1025 Thomas Jefferson St., NW, Ste.
800 West
Washington DC 20007-5201
mkl@smxblaw.com
pjm@smxblaw.com

/s/ **Mary A. Wessling**
Mary A. Wessling
Associate Public Counsel
Florida Bar No. 0093590