

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Energy Conservation Cost Recovery
Clause.

DOCKET NO. 20210002-EG

FILED: October 14, 2021

AMENDED PREHEARING STATEMENT OF THE OFFICE OF PUBLIC COUNSEL

The Citizens of the State of Florida, through the Office of Public Counsel, pursuant to the Order Establishing Procedure in this docket, Order No. PSC-2021-0075-PCO-EG issued February 10, 2021, modifying Order No. PSC-2021-0208-PCO-EG issued June 7, 2021, and second modifying Order No. PSC-2021-0344-PCO-EG issued September 15, 2021, submit this Amended Prehearing Statement.

APPEARANCES:

Richard Gentry
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On behalf of the Citizens of the State of Florida.

A. **WITNESSES:**

None.

B. **EXHIBITS:**

None.

C. STATEMENT OF BASIC POSITION

The utilities bear the burden of proof to justify the recovery of costs they request in this docket. The utilities must carry this burden regardless of whether or not the Interveners provide evidence to the contrary. Further, the utilities bear the burden of proof to support their proposal(s) seeking the Commission's adoption of policy statements (whether new or changed) or other affirmative relief sought. Even if the Commission has previously approved a program, recovery of a cost, factor, or adjustment as meeting the Commission's *own* requirements, the utilities still bear the burden of demonstrating that the costs submitted for final recovery meet any statutory test(s) and are reasonable in amount and prudently incurred. Further, recovery of even prudently incurred costs is constrained by the Commission's obligation to set fair, just, and reasonable rates. Further, pursuant to Section 366.01, Florida Statutes, the provisions of Chapter 366 must be liberally construed to protect the public welfare.

D. STATEMENT OF FACTUAL ISSUES AND POSITIONS

Note: As to all issues in which OPC has indicated below it is willing to facilitate a Type 2 stipulation (Issues 1-8, and 10), the OPC position on each Type 2 stipulation is as follows:

OPC takes no position on these issues, nor does it have the burden of proof related to them. As such, the OPC represents that it will not contest or oppose the Commission taking action approving a proposed stipulation between the Company and another party or staff as a final resolution of the issue. No person is authorized to state that the OPC is a participant in, or party to, a stipulation on these issues, either in this docket, in an order of the Commission or in a representation to a Court.

A Type 2 stipulation occurs on an issue when the utility and the staff, or the utility and at least one party adversarial to the utility, agree on the resolution of the issue and the remaining parties (including staff if they do not join in the agreement) do not object to the Commission relying on the agreed language to resolve that issue in a final order. See Docket No. 20210010, Prehearing Order, p. 17, fn. 5.

GENERIC ISSUE

ISSUE 1: **What are the final conservation cost recovery adjustment true-up amounts for the January 2020 through December 2020?**

OPC: OPC is willing to facilitate a Type 2 stipulation.

ISSUE 2: **What are the appropriate conservation adjustment actual/estimated true-up amounts for the period January 2021 through December 2021?**

OPC: OPC is willing to facilitate a Type 2 stipulation.

ISSUE 3: **What are the appropriate total conservation adjustment true-up amounts to be collected/refunded from January 2022 through December 2022?**

OPC: OPC is willing to facilitate a Type 2 stipulation.

ISSUE 4: **What is the total conservation cost recovery amount to be collected during the period January 2022 through December 2022?**

OPC: OPC is willing to facilitate a Type 2 stipulation.

ISSUE 5: **What are the conservation cost recovery factors for the period January 2022 through December 2022?**

OPC: OPC is willing to facilitate a Type 2 stipulation.

ISSUE 6: **Should the Commission approve revised tariffs reflecting the conservation cost recovery amounts and establishing conservation cost recovery factors determined to be appropriate in this proceeding?**

OPC: Yes, with the understanding that the tariffs should be based on costs deemed reasonable and prudent after a hearing.

ISSUE 7: **What should be the effective date of the new conservation cost recovery factors for billing purposes?**

OPC: OPC is willing to enter into a Type 1 stipulation.

COMPANY SPECIFIC CONSERVATION COST RECOVERY ISSUES
Tampa Electric Company

ISSUE 8: **What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2022 through December 2022?**

OPC: OPC is willing to enter into a Type 1 stipulation.

ISSUE 9: **What are the residential Price Responsive Load Management (RSVP -1) rate tiers for Tampa Electric Company for the period January 2022 through December 2022?**

OPC: OPC is willing to enter into a Type 1 stipulation.

ISSUE 10: Should this docket be closed?

OPC: No position.

E. STIPULATED ISSUES:

None at this time.

F. PENDING MOTIONS:

None.

G. REQUESTS FOR CONFIDENTIALITY

Citizens have no pending requests for claims for confidentiality.

H. OBJECTIONS TO WITNESS QUALIFICATIONS AS AN EXPERT

OPC has no objections to any witness' qualifications as an expert in this proceeding.

I. REQUIREMENTS OF ORDER

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

Dated this 14th day of October, 2021.

Respectfully submitted,

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CERTIFICATE OF SERVICE
Docket No. 20210002-EG

I **HEREBY CERTIFY** that a true and correct copy of the Office of Public Counsel's Amended Prehearing Statement has been furnished by electronic mail on this 14th day of October, 2021, to the following:

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