

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** December 29, 2021

**TO:** Office of Commission Clerk (Teitzman)

**FROM:** Division of Economics (Hampson, Coston) *JGH*  
Office of the General Counsel (Lherisson) *JSC*

**RE:** Docket No. 20210180-EI – Petition for authority to reinstate the non-firm energy program and tariff, Florida Public Utilities Company.

**AGENDA:** 01/11/22 – Regular Agenda – Tariff Suspension – Participation is at the discretion of the Commission

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Administrative

**CRITICAL DATES:** 1/12/22 (60-Day Suspension Date)

**SPECIAL INSTRUCTIONS:** None

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## Case Background

On November 12, 2021, Florida Public Utilities Company (FPUC) filed a petition for approval to reinstate the Non-Firm Energy program and tariff. The Non-Firm Energy program and tariff was initially approved by the Commission as an experimental 15-month pilot program limited to a maximum of three participants.<sup>1</sup> Under the pilot program, FPUC purchased non-firm energy from Florida Power & Light Company (FPL), pursuant to its wholesale purchased power contract with FPL, and resold the non-firm energy to qualifying industrial customers who own self-generation. The pilot program expired December 31, 2020. After evaluating the pilot program's results, FPUC proposes to reinstate the Non-Firm Energy program permanently and to expand the program to all eligible General Service – Large Demand 1 (GSLD1) and Standby customers. The Commission has jurisdiction over this matter pursuant to Sections 366.03, 366.04, 366.05, and 366.06, Florida Statutes (F.S.).

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<sup>1</sup> Order No. PSC-2019-0432-TRF-EI, issued October 22, 2019, in Docket No. 20190132-EI, *In re: Petition for authority for approval of non-firm energy pilot program and tariff by Florida Public Utilities Company.*

### **Discussion of Issues**

**Issue 1:** Should the Commission suspend FPUC's proposed Non-Firm Energy program and tariff?

**Recommendation:** Yes. Staff recommends that FPUC's proposed Non-Firm Energy program and tariff be suspended to allow staff sufficient time to review the petition and gather all pertinent information in order to present the Commission with an informed recommendation on the tariff proposal. (Hampson)

**Staff Analysis:** Staff recommends that FPUC's proposed Non-Firm Energy program and tariff be suspended to allow staff sufficient time to review the petition and gather all pertinent information in order to present the Commission with an informed recommendation on the tariff proposal.

Pursuant to Section 366.06(3), F.S., the Commission may withhold consent to the operation of all or any portion of a new rate schedule, delivering to the utility requesting such a change, a reason, or written statement of good cause for doing so within 60 days. Staff believes that the reason stated above is a good cause consistent with the requirement of Section 366.06(3), F.S.

**Issue 2:** Should this docket be closed?

**Recommendation:** No. This docket should remain open pending the Commission decision on the proposed tariffs. (Lherisson)

**Staff Analysis:** This docket should remain open pending the Commission decision on the proposed tariffs.