

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida City
Gas

DOCKET NO. 20220069-GU

FILED: June 24, 2022

MOTION TO REQUIRE PUBLIC, IN-PERSON SERVICE HEARINGS

The Citizens of the State of Florida (“Citizens”), by and through the Office of Public Counsel (“OPC”), pursuant to Rule 28-106.204, Florida Administrative Code (F.A.C.), hereby file the Motion To Require Public, In-Person Service Hearings in this docket. OPC requests that this Motion be granted and in support of the motion states:

1. On March 29, 2022, Florida City Gas (hereafter “FCG” or “Company”) filed a Test Year Notification Letter pursuant to Rule 25-7.140, F.A.C., thereby providing the Public Service Commission (“Commission”) with notice that the Company intended to seek general rate relief pursuant to section 366.06(3), Florida Statutes.
2. On May 31, 2022, FCG filed its MFRs, testimonies with exhibits, depreciation study, requests for consolidation and request for interim relief.
3. On June 2, 2022 OPC filed a Notice of Intervention, which the Commission acknowledged on June 8, 2022.
4. FCG has requested a revenue increase of 49.5% (40.2% excluding the transfer of safe investments) for the consolidated system.

5. An Order Establishing Procedure was issued June 22, 2022. Pursuant to the OEP, each party must attend both the Prehearing and the Hearing in person.

6. Pursuant to Rule 28-106.204(1), F.A.C., “All requests for relief shall be by motion. All motions shall be in writing unless made on the record during a hearing, and shall fully state the action requested and the grounds relied upon.”

7. Section 366.06 (2), Florida Statutes, provides that

Whenever the commission finds, upon request made or upon its own motion, that the rates demanded, charged, or collected by any public utility for public utility service, or that the rules, regulations, or practices of any public utility affecting such rates, are unjust, unreasonable, unjustly discriminatory, or in violation of law; that such rates are insufficient to yield reasonable compensation for the services rendered; that such rates yield excessive compensation for services rendered; or that such service is inadequate or cannot be obtained, the commission shall order and hold **a public hearing, giving notice to the public** and to the public utility, . .

(Emphasis added). Further, the Section 366.041, Florida Statutes, states that “and it **shall** be the commission’s duty, to **hear service complaints**, if any, that may be presented by **subscribers** and the **public during any proceedings** involving such rates, charges, fares, tolls, or rentals;” Thus, the Commission has held public, in-person “service hearings” within the utilities’ service territories to meet its statutory obligation to hear service complaints of the ratepayers and public during base rate cases.

8. However, due to the novel coronavirus pandemic that first appeared in the Spring of 2020, the Commission suspended its usual practice of conducting public, in-person service hearing in rate cases. The Orders Establishing Procedures issued at the time contained the following provision:

Special Considerations Due to the COVID-19

Pandemic State buildings are currently closed to the public and other restrictions on gatherings remain in place due to COVID-19. Accordingly, the hearing will be conducted remotely, and all parties and witnesses shall be prepared to present argument and testimony by communications media technology.

Any member of the public who wants to observe or listen to the proceedings may do so by accessing the live video broadcast the day of the hearing, which is available from the Commission website. Upon completion of the hearing, the archived video will also be available.¹

9. The closure of public buildings and other restrictions on gatherings was pursuant to Executive Order 2020-69. This order was extended several times, and the last extension (Order 2020-246, issued September 30, 2020) expired on November 1, 2020.
10. OPC is not aware of any similar-type executive order currently operative that suspends the required quorum or in-person government meetings requirements which would permit the use of telephonic and video-telephonic technology for those meeting requirements.
11. Utility customers are entitled to appear in-person and address regulators face-to-face to provide testimony about service and other issues related to such an enormous, proposed revenue increase. The impersonal video presentation mode was established under emergency conditions and cannot be a permanent substitute for the long, established history of customers fulfilling their rights to speak directly to the Commissioners who are making decisions about their vital utility services.
12. Given that there is no current executive order suspending public, in-person meeting, and the Commission has returned to holding public, in-person meetings and hearings in Tallahassee, Florida, and given the magnitude of the revenue increase requested, the Commission is obligated to hold public, in-person hearings in the service territories of the gas utilities to hear the service complaints of their ratepayers and the public.
13. FCG's counsel has been contacted and defers to the Commission regarding this motion.

¹ See, Order No. PSC-2021-0116-PCO-EI, issued March 24, 2021, in Docket No. 20210015-EI, In Re: Petition for Rate Increase by Florida Power & Light Company.

WHEREFORE, the OPC hereby requests that the Commission grant the Motion to Require Public, In-Service Hearing for the reasons outlined in the body of this motion, above.

Respectfully submitted,

/s/ Mary A. Wessling

Mary A. Wessling

Associate Public Counsel

FL Bar No. 93590

Office of Public Counsel

c/o The Florida Legislature

111 West Madison Street Room 12

Tallahassee, FL 32399-1400

Attorneys for the Citizens of the
State of Florida

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing has been furnished by electronic mail on this 24th day of June 2022, to the following:

Florida City Gas
Kurt Howard
700 Universe Boulevard
Juno Beach FL 33408
kurt.howard@nexteraenergy.com

Gunster Law Firm
Beth Keating
215 South Monroe St., Suite 601
Tallahassee FL 32301
bkeating@gunster.com

Florida Public Service Commission
Mathew Jones
Walter Trierweiler
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
wtrierwe@psc.state.fl.us
majones@psc.state.fl.us

Florida Power & Light Company
Christopher T. Wright/Joel Baker
700 Universe Boulevard
Juno Beach FL 33408
christopher.wright@fpl.com
joel.baker@fpl.com

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