



**KATHLEEN PASSIDOMO**  
*President of the Senate*

**STATE OF FLORIDA  
OFFICE OF PUBLIC COUNSEL**

c/o THE FLORIDA LEGISLATURE  
111 WEST MADISON ST.  
ROOM 812  
TALLAHASSEE, FLORIDA 32399-1400  
850-488-9330

EMAIL: [OPC\\_WEBSITE@LEG.STATE.FL.US](mailto:OPC_WEBSITE@LEG.STATE.FL.US)  
[WWW.FLORIDAOPC.GOV](http://WWW.FLORIDAOPC.GOV)



**PAUL RENNER**  
*Speaker of the House of  
Representatives*

February 24, 2023

Keith Hetrick  
General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Docket No. 20220069-GU, Florida City Gas Company deferral request.

Dear Mr. Hetrick:

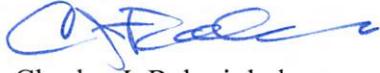
I am responding to your procedural inquiry as to the Office of Public Counsel's (OPC) position on the four-month deferral request contained in the February 23, 2023 letter from Florida City Gas filed in Docket No. 20220069-GU. Our answer is set out below.

The OPC has reviewed the letter and our observation is that to the extent that the basis for deferral is to provide opportunity to explore options for alternative rate relief through settlement with parties including the OPC, the post oral argument posture of the pending appeal in Florida Supreme Court Case Nos. SC21-1761 and SC22-12 (Consolidated), renders the availability of a negotiated resolution -- after the filing of a fully formed Staff recommendation -- an impossibility, absent clear unambiguous guidance from the Court.

The OPC would further observe that there is an impending rate case in Docket No. 20230023-GU for Peoples Gas System, Inc. (PGSI), the state's largest gas company. There is also a yet-to-be-issued final order pending in the second largest natural gas utility (FPUC) rate case. Significant precedential rulings are pending in this Docket 20220069-GU. A 6-7 month delay (assuming a subsequent rate design recommendation and agenda plus time for reconsideration and tariff preparation) in the issuance of the final order and implementation of customer rates could render the 2023 test year stale or inapplicable and could negatively impact the timely and efficient resolution of the PGSI case as well as the natural gas utility ratemaking policy statewide.

Accordingly the OPC does not believe that delay of this unprecedented nature has a basis or will be productive. I trust this answers your procedural inquiry.

Sincerely,



Charles J. Rehwinkel  
Deputy Public Counsel

Cc: Parties of record (per Certificate of Service)

Adam Teitzman

Docket No. 20220069-EI

**CERTIFICATE OF SERVICE**  
**DOCKET NOS. 20220069-GU**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 24th day of January 2023, to the following:

T. Jernigan/H. Buchanan/E. Payton/R.  
Franjul/M. Duffy  
Federal Executive Agencies  
139 Barnes Drive, Suite 1  
Tyndall AFB FL 32403  
thomas.jernigan.3@us.af.mil  
holly.buchanan.1@us.af.mil  
ebony.payton.ctr@us.af.mil  
rafael.franjul@us.af.mil  
ULFSC.Tyndall@us.af.mil  
marcus.duffy.3@us.af.mil

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

Jon C. Moyle, Jr./Karen A. Putnal  
Florida Industrial Power Users Group  
c/o Moyle Law Firm  
118 North Gadsden Street  
Tallahassee FL 32301  
jmoyle@moylelaw.com  
kputnal@moylelaw.com  
mqalls@moylelaw.com

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

Florida Power & Light Company  
Kenneth A. Hoffman  
134 W. Jefferson Street  
Tallahassee FL 32301-1859  
ken.hoffman@fpl.com

Christopher T. Wright/Joel Baker  
Florida City Gas  
700 Universe Boulevard  
Juno Beach FL 33408  
christopher.wright@fpl.com  
joel.baker@fpl.com

Robert Scheffel Wright/John T.  
LaVia, III  
Gardner Law Firm  
1300 Thomaswood Drive  
Tallahassee FL 32308  
(850) 385-0070  
(850) 385-5416  
jlavia@gbwlegal.com  
schef@gbwlegal.com

**/s/ Charles J. Rehwinkel**

Charles J. Rehwinkel  
Deputy Public Counsel  
Rehwinkel.charles@leg.state.fl.us