

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Energy Conservation Cost Recovery  
Clause.

DOCKET NO. 20230002-EG

FILED: October 6, 2022

**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-2023-0086-PCO-EG, issued February 15, 2023, submit this Prehearing Statement.

**APPEARANCES:**

Walt Trierweiler  
Public Counsel

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On behalf of the Citizens of the State of Florida.

**1. WITNESSES:**

<b>Witness</b>	<b>Subject Matter</b>	<b>Issue #</b>
<b>Direct</b>		
N/A		

**2. EXHIBITS:**

<b>Witness</b>	<b>Proffered</b>	<b>Exhibit</b>	<b>Description</b>	<b>Issue #</b>
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	<b>by</b>	<b>No.</b>		
<b>Direct</b>				
N/A				

**3. 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.

**4. STATEMENT OF FACTUAL ISSUES AND POSITIONS**

Generic Conservation Cost Recovery Issues

**ISSUE 1: What are the final conservation cost recovery adjustment true-up amounts for the period January 2022 through December 2022?**

OPC: The OPC is not in agreement at this time that the Companies have demonstrated that they have met their burden to demonstrate that costs are reasonable and prudent. A significant percentage of the costs on a customer's bill is based on clause recovery in this docket and others. The Commission has not held a contested proceeding where testimony from witnesses was heard and discussed in open hearing. The OPC is not in a position to agree, given these circumstances, that the estimated/actual costs proposed for recovery can necessarily be deemed reasonable.

**ISSUE 2: What are the appropriate conservation adjustment actual/estimated true-up amounts for the period January 2023 through December 2023?**

OPC: The OPC is not in agreement at this time that the Companies have demonstrated that they have met their burden to demonstrate that costs are reasonable and prudent. A significant percentage of the costs on a customer's bill is based on

clause recovery in this docket and others. The Commission has not held a contested proceeding where testimony from witnesses was heard and discussed in open hearing. The OPC is not in a position to agree, given these circumstances, that the estimated/actual costs proposed for recovery can necessarily be deemed reasonable.

**ISSUE 3: What are the appropriate total conservation adjustment true-up amounts to be collected/refunded in the period January 2024 through December 2024?**

OPC: The OPC is not in agreement at this time that the Companies have demonstrated that they have met their burden to demonstrate that costs are reasonable and prudent. A significant percentage of the costs on a customer's bill is based on clause recovery in this docket and others. The Commission has not held a contested proceeding where testimony from witnesses was heard and discussed in open hearing. The OPC is not in a position to agree, given these circumstances, that the estimated/actual costs proposed for recovery can necessarily be deemed reasonable.

**ISSUE 4: What are the total conservation cost recovery amounts to be collected during the period January 2024 through December 2024?**

OPC: The OPC is not in agreement at this time that the Companies have demonstrated that they have met their burden to demonstrate that costs are reasonable and prudent. A significant percentage of the costs on a customer's bill is based on clause recovery in this docket and others. The Commission has not held a contested proceeding where testimony from witnesses was heard and discussed in open hearing. The OPC is not in a position to agree, given these circumstances, that the estimated/actual costs proposed for recovery can necessarily be deemed reasonable.

**ISSUE 5: What are the conservation cost recovery factors for the period January 2024 through December 2024?**

OPC: No position at this time; however, the factors should be based on costs deemed reasonable and prudent after a hearing.

**ISSUE 6: What should be the effective date of the new conservation cost recovery factors for billing purposes?**

OPC: No position at this time.

**ISSUE 7: Should the Commission approve revised tariffs reflecting the energy conservation cost recovery factors determined to be appropriate in this proceeding?**

OPC: No position at this time; however, the factors contained in the tariff(s) should be

based on costs deemed reasonable and prudent after a hearing.

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 2024 through December 2024?

OPC: No position at this time.

**ISSUE 9:** What are the residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2024 through December 2024?

OPC: No position at this time.

**ISSUE 10:** Should this docket be closed?

OPC: No position at this time.

**5. STIPULATED ISSUES**

None at this time.

**6. PENDING MOTIONS**

None.

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

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

**8. OBJECTIONS TO WITNESS QUALIFICATIONS AS AN EXPERT**

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

**9. 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 6<sup>th</sup> day of October, 2023.

Respectfully Submitted,

Walt Trierweiler  
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*/s/Octavio Simoes-Ponce*

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**CERTIFICATE OF SERVICE**  
**Docket No. 20230002-EG**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 6th day of October 2023, to the following:

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