

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Storm protection plan cost recovery) Docket No. 20230010-EI
clause) Filed: October 13, 2023
_____)

**POST-HEARING STATEMENT OF ISSUES AND POSITIONS OF WHITE SPRINGS
AGRICULTURAL CHEMICALS, INC. D/B/A PCS PHOSPHATE – WHITE SPRINGS**

Pursuant to Rule 28-106.215, F.A.C., and the Prehearing Order, Order No. PSC-2023-0281-PHO-EI, issued in this proceeding on September 8, 2023, White Springs Agricultural Chemicals Inc., d/b/a PCS Phosphate – White Springs (“PCS”) hereby submits its Post-Hearing Statement of Issues and Positions.

I. STATEMENT OF BASIC POSITION

DEF has filed for recovery of costs of its Storm Protection Plan (“SPP”), which was approved in 2022. According to DEF’s approved Storm Protection Plan, the utility’s 2023 SPP investments are supposed to begin generating substantial system benefits in the form of reduced outage times and restoration costs.¹ The Commission should begin requiring DEF to include in its annual SPPCRC filings an assessment of system benefits realized by each SPP program.

The Office of Public Counsel is challenging several issues in this proceeding, even though OPC and other intervenors, including PCS, have facilitated Type 2 stipulations on those issues for this specific proceeding. Specifically, OPC contends, and PCS agrees, that the Storm Protection Plan and Storm Protection Plan Cost Recovery Clause processes to date have not afforded intervenors, and accordingly the Commission, an opportunity to evaluate the prudence of investments made pursuant to the utilities’ Storm Protection Plans. At the same time, expenditures made pursuant to the Storm Protection Plans are precipitously rising and represent serious ongoing

¹ Docket 20220050-EI, Amended Final Order Approving, With Modifications, Duke Energy Florida’s Storm Protection Plan, Order No. PSC-2022-0388A-FOF-EI (Nov. 14, 2022) (“2022 SPP Approval Order”).

cost concerns for Florida citizens. For example, DEF's approved SPPCRC revenue requirement for 2023 was \$148,089,5372, and its proposed SPPCRC revenue requirement for 2024 is \$201,270,792, which is a 36% overall revenue requirement increase.² The Commission has an obligation under Sections 366.06 and 366.96, Florida Statutes, to ensure that costs were prudently incurred and that rates charged through the SPPCRC are fair, just, and reasonable, and in the public interest. Without a meaningful prudence review, the Commission cannot ensure that the rates charged through the SPPCRC in fact meet these standards. To remedy this procedural deficiency, the Commission should make explicit in its order here that approval of the DEF Storm Protection Plan and its constituent programs does not constitute prudence approval of program spending, and that the burden of proof remains with the utility to demonstrate the prudence of its program costs in the SPPCRC dockets. By extension, the Commission must also allow sufficient time in these dockets for that prudence review process to occur.

II. POST HEARING STATEMENT OF ISSUES AND POSITIONS

PCS, among other intervenors, facilitated a Type 2 stipulation on Issues 1-4 and 7 in this proceeding. Consistent with the discussion at the Prehearing Conference and the Hearing held August 24, 2023, and September 12, 2023, therefore, this Post-Hearing Statement of Issues and Positions addresses the remaining issues in this proceeding as follows.

ISSUE 5: What depreciation rates should be used to develop the depreciation expense included in the total Storm Protection Plan Cost Recovery Clause amounts for 2024?

PCS Phosphate: **Agree with OPC.**

ISSUE 6: What are the appropriate jurisdictional separation factors for 2024?

PCS Phosphate: **Agree with OPC.**

² See Docket No. 20220010-EI, Final Order Approving Storm Cost Recovery Amounts and Related Tariffs for the Period January 2023 Through December 2023, Order No. PSC-2022-0418-FOF-EI (Dec. 12, 2022) at 7.

ISSUE 8: What should be the effective date of the new Storm Protection Plan Cost Recovery Clause factors for billing purposes?

PCS Phosphate: **Agree with OPC.**

ISSUE 9: Should the Commission approve revised tariffs reflecting the new Storm Protection Plan Cost Recovery Clause factors determined to be appropriate in this proceeding?

PCS Phosphate: **Agree with OPC.**

ISSUE 10: Should this docket be closed?

PCS Phosphate: **No position.**

III. CONCLUSION

For the reasons set forth above, PCS urges the Commission to issue an order consistent with PCS Phosphate's positions in this post-hearing statement of issues and positions.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Post-Hearing Statement of Issues and Positions has been furnished by electronic mail and/or U.S. Mail this 13th day of October, 2023, to the following:

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