

FLORIDA PUBLIC SERVICE COMMISSION

Item 6

VOTE SHEET

March 5, 2024

FILED 3/5/2024
DOCUMENT NO. 01034-2024
FPSC - COMMISSION CLERK

Docket No. 20210015-EI – Petition for rate increase by Florida Power & Light Company.

Issue 1: Should Floridians Against Increased Rates, Inc.’s Motion to Reopen the Evidentiary Record be granted?

Recommendation: No. FAIR seeks to reopen the record for the purpose of submitting evidence that was not in existence at the time the Commission voted and issued the 2021 Final Order. Because the Commission could not have relied on this evidence when the original decision was made, staff believes it would be improper to do so now and admit the FEECA Report. Moreover, staff believes that granting the Motion would create numerous fundamental procedural issues.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in blue ink on the majority side.

REMARKS/DISSENTING COMMENTS:

(Continued from previous page)

Issue 2: Should Florida Rising’s, League of United Latin American Citizens’, and Environmental Confederation of Southwest Florida’s Motion for Evidentiary Hearing be granted?

Recommendation: No. Florida Rising’s request that the Commission conduct a limited hearing specifically on FEECA is beyond the scope of this remand. As to the request to submit additional documentary evidence, virtually all of the evidence Florida Rising seeks to submit for Commission consideration was not in existence at the time the Commission issued the 2021 Final Order. Because the Commission could not have relied on this evidence when the original decision was made, staff believes it would be improper to now admit the various reports cited by Florida Rising (or have an evidentiary hearing on them). Moreover, staff believes that granting the Motion would create numerous fundamental procedural issues. These same procedural concerns apply to the materials proffered by Florida Rising that were in existence when the Commission made its prior decision. Reopening the record for purposes of admitting these materials would result in, essentially, a new hearing, when these materials could have been but were not admitted in the original rate case.

APPROVED

Issue 3: How should the Commission respond to the Florida Supreme Court’s decision in Floridians Against Increased Rates, Inc. v. Clark, 371 So. 3d 905 (Fla. 2023)?

Recommendation: Staff recommends that the Commission approve and enter the attached Supplemental Order. This Order affirms the Commission’s prior approval of the 2021 Settlement and provides the additional explanation requested by the Florida Supreme Court.

APPROVED

Issue 4: Should this docket be closed?

Recommendation: Yes. After the Supplemental Order on Remand is issued, this docket should be closed.

APPROVED