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PAUL RENNER
*Speaker of the House of
Representatives*

April 11, 2024

Elisabeth Draper
Director, Division of Economics
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 20240025-EI; Public Counsel's Identification of Deficiencies in the Minimum Filing Requirements submitted by Duke Energy Florida, LLC.

Dear Ms. Draper:

The Office of the Public Counsel ("OPC") submits its observations about the completeness of the Minimum Filing Requirements ("MRFs") submitted by Duke Energy Florida, LLC ("DEF"). We are sending these observations to you since, pursuant to provision (2) of Rule 25-6.043, F.A.C., "[t]he Director of the division that has been assigned primary responsibility for the filing is the Commission designee for purposes of determining whether the utility has met the minimum filing requirements imposed by this rule."

Rule 25-6.043(1)(a)1., Florida Administrative Code (F.A.C.), requires that a petition under Sections 366.06 and 366.071, Florida Statutes, for adjustment of rates must include the information required by Commission Form PSC 1026 (12/20), entitled "Minimum Filing Requirements for Investor-Owned Electric Utilities," which is incorporated into this rule by reference, and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-12642>. Rule 25-6.043(1)(g), F.A.C., requires all schedules for investment data must be reflected on a 13-month average basis, unless a specific schedule directs otherwise.

Pursuant to provision (1)(i) of Rule 25-6.043, F.A.C., the following is required:

Any proposed corrections, updates or other changes to the original filing must be e-filed by the utility with the Office of Commission Clerk. Ten paper copies of the proposed corrections, updates or other changes, clearly labeled "COPY," and any schedules in Commission Form PSC 1026 (12/20) that have been changed must be provided to the Office of Commission Clerk within seven calendar days of the

electronic filing. Any schedules in Commission Form PSC 1026 (12/20) that have been changed must be provided in Microsoft Excel format with formulas intact and unlocked. Excel files may be provided in media such as a USB flash drive, CD, or DVD, but may not be submitted by e-mail. On the same day as the e-filing, the utility must serve an electronic copy of the filing on each party.

(Emphasis added.)

Rule 25-6.014(4), F.A.C., requires that “[f]or each utility providing data to the Commission, all data shall be consistent with and reconcilable with the utility’s Annual Report to the Commission.” (Emphasis added.) Based on the OPC’s review of DEF’s minimum filing requirement schedules, there are several numbers that do not match the Company’s 2019, 2020, 2021 and 2022 Annual Reports on file with the Commission. The OPC cannot locate anywhere in the Company’s filing a reconciliation explaining the differences in amounts of certain accounts between the MFR Schedules and DEF’s annual reports.

More specifically:

- On MFR Schedule B-3, Pages 13 through 15 of 15, there are seven amounts that do not match the Company’s 2022 Annual Report.
- On MFR Schedule B-7, Page 39 of 39, the total plant balance for 2022 does not match the Company’s 2022 Annual Report balance.
- On MFR Schedule B-8, Page 39 of 39, the total plant balance for 2022 does not match the Company’s 2022 Annual Report balance.
- On MFR Schedule B-10, Page 45 of 45, the 2022 balance for accounts 108, 111, 115, and 119 do not match the Company’s 2022 Annual Report balance.
- On MFR Schedule C-6, Page 4 of 5, the actual O&M expenses for 2019, 2020, 2021, and 2022 do not match DEF’s respective annual reports filed with the Commission.
- On MFR Schedule D-2, the long-term amounts for 2021 and 2022 do not match the Company’s respective annual reports filed with the Commission.
- On MFR Schedule D-6, Page 5 of 5, the 2022 customer deposits balance does not match DEF’s 2022 Annual Report.

Furthermore, on MFR Schedule C-9, it appears the total operating expenses for 2019, 2020, 2021, and 2022 do not match DEF’s respective annual reports filed with the Commission.

The Commission has previously deemed this company’s MFRs to be deficient. In a 2009 case, the twelve-month clock applicable to the company’s petition was not started until identified deficiencies were corrected. See attached Document No. 04064-2009 filed in Docket No. 090079-EI (Petition for increase in rates by Progress Energy Florida, Inc.). Prior to filing its MFRs in

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Docket No. 20240025-EI, DEF did not request a rule waiver for the requirement under provision (4) of Rule 25-6.014, F.A.C

These current observations do not involve a determination of whether correction of such deficiencies would require corresponding changes to any other MFR schedules. In such circumstances, any such corrected schedules are also required to be submitted. Because it has not been filed with the Commission to date, the OPC could not evaluate whether Rule 25-6.014(4), F.A.C., requiring consistency and reconciliation with the 2023 Annual Report was met. We commend these for your consideration.

The OPC submits these circumstances and facts for your consideration in determining the sufficiency of the MFRs and the completeness of the filing as well as the impact on any docket schedule that is ultimately set in this matter.

Respectfully,



Charles J. Rehwinkel
Deputy Public Counsel

cc: Parties of record

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
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STATE OF FLORIDA



TIMOTHY DEVLIN, DIRECTOR
DIVISION OF ECONOMIC REGULATION
(850) 413-6900

Public Service Commission

April 30, 2009

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COMMISSION
CLERK

Mr. R. Alexander Glenn
Progress Energy Service Company, LLC
Post Office Box 14042
St. Petersburg, Florida 33733

Re: Docket No. 090079-EI – Petition for Increase in Rates by Progress Energy Florida, Inc.

Dear Mr. Glenn:

On March 20, 2009, Progress Energy Florida, Inc. (PEF or Company) filed its Petition requesting authority to increase its rates and charges for electric service pursuant to Section 366, Florida Statutes (F.S.), and Rules 25-6.043 and 25-6.0435, Florida Administrative Code (F.A.C.).

In accordance with Rule 25-6.043, F.A.C., staff reviewed the Company's filing and determined that the Company had not met the minimum filing requirements imposed by this rule. PEF was notified of the identified deficiencies by letter dated April 10, 2009. In response, PEF submitted revised minimum filing requirement schedules on April 17, 2009. Staff has reviewed these revised schedules and has determined that the deficiencies have been corrected.

Pursuant to Section 366.06(3), F.S., therefore, April 17, 2009, is designated as the commencement date for the Commission's 12-month final agency action deadline.

If you should have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Devlin".

Tim Devlin
Director

TD/JS:slc

cc: John T. Burnett (PEF)
Paul Lewis, Jr. (PEF)
Office of Commission Clerk
Office of the General Counsel (Fleming)
Division of Economic Regulation (Slemkewicz)

DOCUMENT NUMBER - DATE
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