

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Duke
Energy Florida, LLC.

DOCKET NO. 20240025-EI

FILED: April 16, 2024

CITIZENS' MOTION FOR ADDITIONAL CUSTOMER SERVICE HEARINGS

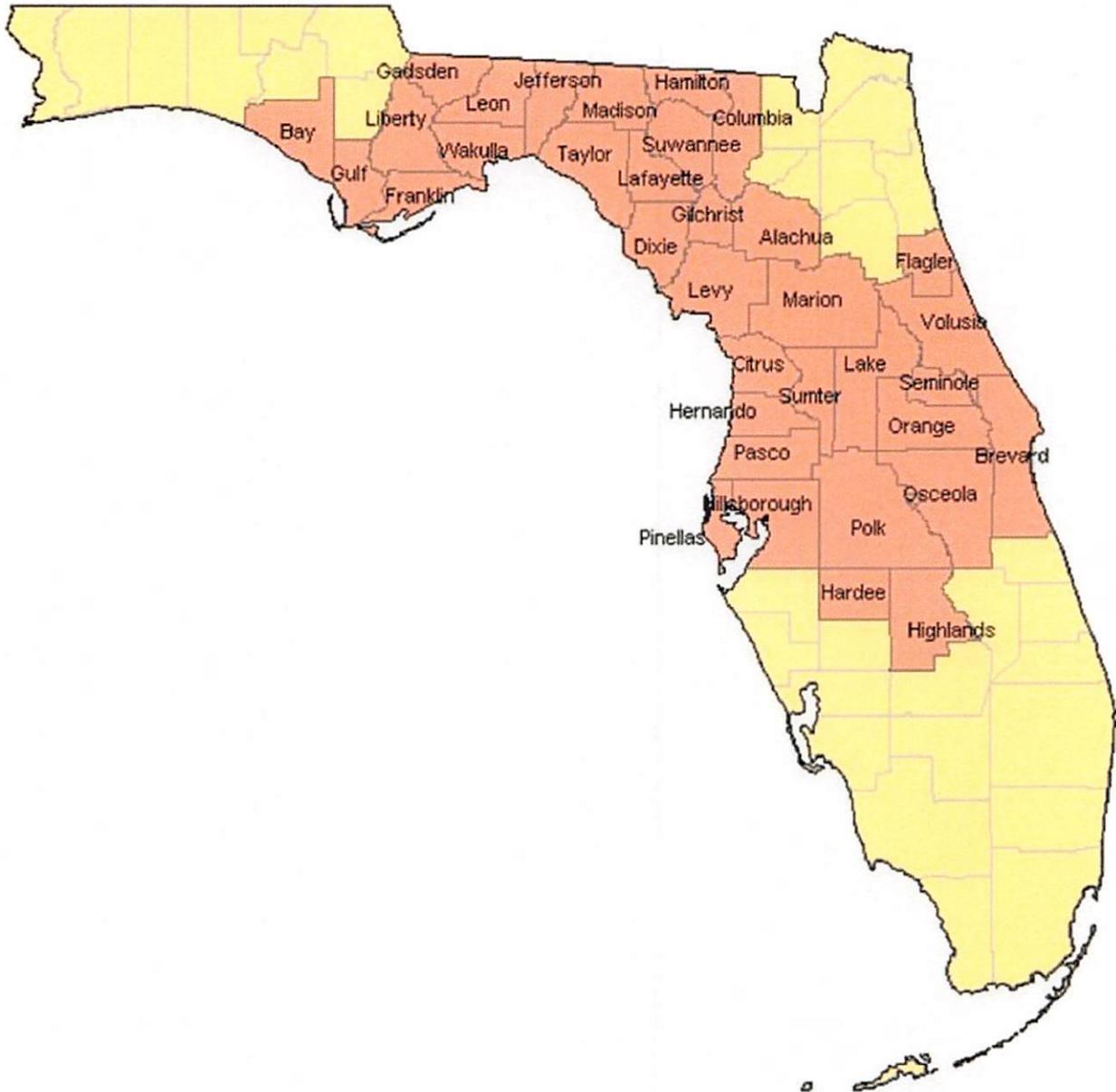
The Citizens of the State of Florida, by and through the Office of Public Counsel (OPC), pursuant to Rule 28-106.204, Florida Administrative Code (F.A.C.), hereby file this Motion for Additional Customer Service Hearings in this docket. OPC requests that this Motion be granted and in support of the motion states:

1. On April 2, 2024, Duke Energy Florida, LLC (DEF) filed its Petition for a Rate Increase (Petition), Minimum Filing Requirements, and testimony in support of its requested rate increase.
2. Pursuant to section 366.041, Florida Statutes, which requires the Commission “to hear service complaints, if any, that may be presented by subscribers and the public during any proceedings involving such rates, charges, fares, tolls, or rentals....” the Commission routinely schedules customer service hearings in rate case proceedings.
3. The Commission has previously held that, “[c]ustomer service hearings play a critical role in the Commission’s statutory duty to hear service complaints, and they are a vital component in setting fair, just, and reasonable rates for a regulated utility.”¹
4. DEF’s last contested rate case proceeding was held in 2009, which means that it has been fifteen years since the Commission last conducted DEF customer service hearings related to a base rate increase.²

¹ *In re: Petition for Rate Increase by Florida City Gas*, PSC Order No. PSC-2022-0276-PCO-GU, Docket No. 20220069-GU, p. 3.

² *In re: Petition for increase in rates by Progress Energy Florida, Inc.; In re: Petition for limited proceeding to include Bartow repowering project in base rates, by Progress Energy Florida, Inc.; In re: Petition for expedited approval of deferral of pension expenses, authorization to charge storm hardening expenses to the storm damage reserve, and*

5. DEF's service territory is located in "thirty-five of Florida's sixty-seven counties,"³ as reflected in DEF's Ten-Year Site Plan, filed April 1, 2024:



variance from or waiver of Rule 25-6.0143(1)(c), (d), and (f), F.A.C., by Progress Energy Florida, Inc., Docket 20090079-EI.

³ *In re: Petition for Rate Increase by Duke Energy Florida, LLC, Document No. 01442-2024, p. 3.*

6. In DEF's 2009 rate case proceeding, when DEF served approximately 1.6 million customers,⁴ the Commission travelled to and held ten customer service hearings at the following locations evenly distributed throughout DEF's service territory: Lake Wales (Polk County), New Port Richey (Pasco County), Live Oak (Suwannee County), Lake Mary (Seminole County), St. Petersburg (Pinellas County), Clearwater (Pinellas County), Inverness (Citrus County), Ocala (Marion County), Apalachicola (Franklin County), and Tallahassee (Leon County). **(Exhibit A).**

7. In this case, DEF asserts that, by the time new rates are expected to be in effect, it will have approximately 25% more customers than the company had in 2009. More specifically, DEF asserts that it will serve "over 2 million customers in 2025 and over 2.1 million customers by 2027."⁵

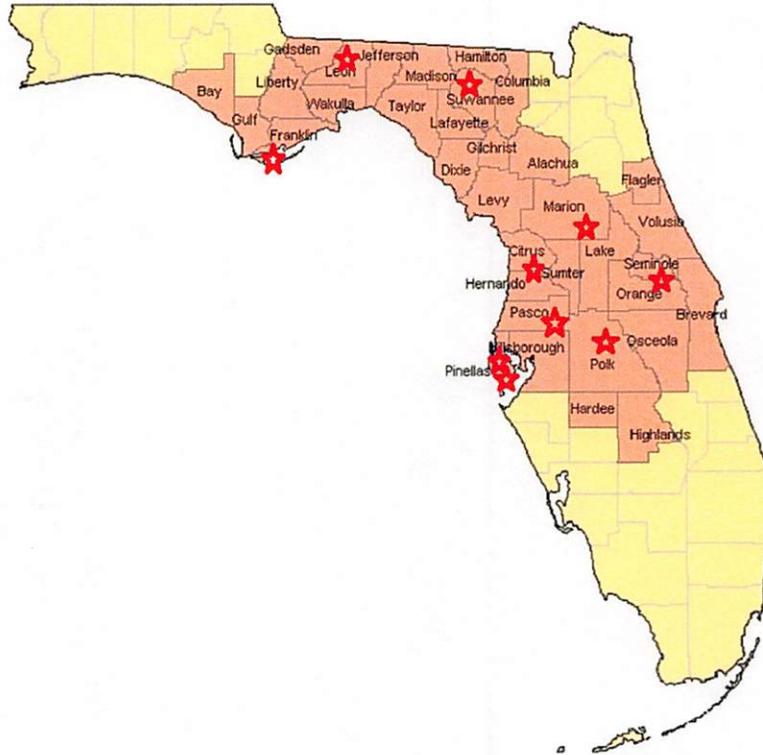
8. The publicly-available Commission calendar indicates only four total DEF customer service hearings are scheduled in this matter: two virtual hearings are scheduled for June 11th and June 18th, in Tallahassee, and two in-person hearings are scheduled for June 12th, one in Inverness, FL, and the other in Largo, FL. **(Exhibit B).**

9. The following maps indicate where the 2009 customer service hearings took place and where customers service hearing in DEF's pending rate case are scheduled to take place:

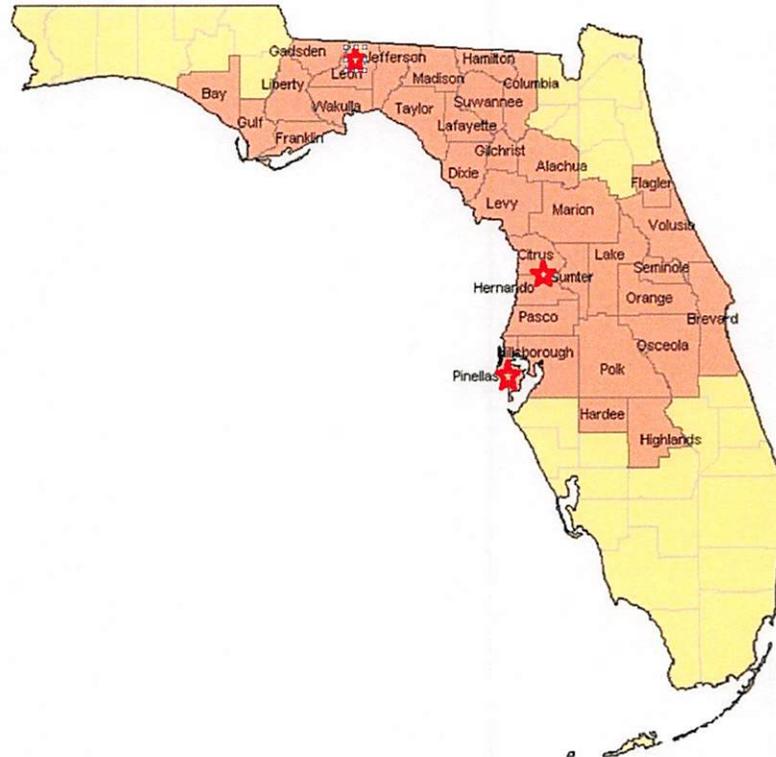
⁴ *In re: Petition for increase in rates by Progress Energy Florida, Inc.; In re: Petition for limited proceeding to include Bartow repowering project in base rates, by Progress Energy Florida, Inc.; In re: Petition for expedited approval of deferral of pension expenses, authorization to charge storm hardening expenses to the storm damage reserve, and variance from or waiver of Rule 25-6.0143(1)(c), (d), and (f), F.A.C., by Progress Energy Florida, Inc., Docket 20090079-EI, Document No. 02412, p. 3.*

⁵ *In re: Petition for Rate Increase by Duke Energy Florida, LLC, Document No. 01442-2024, p. 3; Document No. 00435-2024, p. 5.*

2009 DEF Customer Service Hearing Locations



2024 DEF Customer Service Hearing Locations



10. OPC is greatly concerned that the Commission’s current calendar indicates only two in-person customer service hearings and two possible hybrid hearings (Tallahassee could theoretically be set up to support in-person hearings for in-region customers willing and able to drive up to a hundred miles in either direction, which would then reflect only 3 total in-person hearing locations) despite DEF’s service territory being located in “thirty-five out of the state’s sixty-seven counties.”

11. OPC is also greatly concerned that although the number of DEF customers in 2025 will have grown by approximately 400,000 since 2009, it appears that the Commission intends to provide DEF customers six fewer customer service hearings than in 2009.

12. Out of approximately 2 million DEF customers, the only reasonable and effective way to capture their legally-required customer service input is to provide a mix of hybrid or in-person customer service hearing locations within a reasonable distance from their home or business where they take electric service. The suggestion that these towns, cities, and counties lack the ability to meet the livestreaming requirement of the statute is without merit.

13. There are no apparent financial constraints, process efficiencies, or customer service issues to support the decision to reduce the number of customer service hearings by 60% since 2009, when the number of customers has increased by approximately 25% and when DEF’s number of customer complaints exceed those of their peer utilities on an absolute and *per capita* basis:

Electric Companies
Complaint Activity - December 2023

Company Name	Service*	Billing*	Total	Y-T-D
Duke Energy	12	17	29	540
Florida Power & Light Company	6	13	19	175
Florida Public Utilities Company	1	1	2	30
Tampa Electric Company	2	2	4	141
TOTALS**	21	33	54	886

*Please see Definitions.
**Does not include non-certificated complaints logged, complaints transferred via the telephone transfer-connect or e-transfer process, or complaints logged and resolved under the three-day rule.

(Source for 2023 consumer complaints:

<https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/CAR/February%202024.pdf>)

14. Florida Power & Light (FPL), by contrast, reports 5.9 million customer accounts in 2024 or 2.95 times that of DEF by customer count.⁶ This indicates that on a *per capita* basis, DEF's customer complaints are effectively 9.1 times the level of FPL's.⁷ This fact is a strong indicator that DEF's customer service throughout its service territory is a matter of great public interest and begs for serious Commission inquiry as required by section 366.041, Florida Statutes.

15. OPC respectfully requests the Commission provide DEF customers at least as many customer service hearings as they were provided in 2009, and that the in-person service hearings be distributed more evenly throughout DEF's service territory so that the most DEF customers as possible will have the opportunity to be heard.

⁶ FPL Ten-Year Power Plant Site Plan 2024-2033, filed April 2024, page 19.

⁷ $2.95 * 540 / 175 = 9.1$.

16. Specifically, the OPC requests that the Commission establish additional in-person hearings in the Orlando, Live Oak, and Port St. Joe/Apalachicola vicinity. In addition to the two fully in-person hearings already set, this would mean that there would be at least five in-person hearings. The OPC further requests that the Commission conduct these hearings at times that are accessible to working Floridians. The Commission has a long history of holding customer service hearings beginning after 6 PM (e.g., 6:30 or 7:00 PM) when a significantly larger number of working customers have the ability to reasonably participate after working hours. Additionally, for at least the Orlando-area customer service hearing, the Commission should at least accommodate the large Spanish-speaking population in that region by providing a Spanish language interpreter at that hearing.

17. With regard to the virtual customer service hearings, the OPC urges the Commission to strongly consider coupling them with in-person hearings in the areas where customers reside. This would involve a hearing location and a telephone line with a speaker for in-bound calls to be broadcast and transcribed.

18. To the extent that such a hybrid approach is rejected by the Commission, the OPC requests that the Commission provide a virtual service hearing that is on par with any in-person hearing it supplants. This would mean that there should be no restriction on the number of participants and that, as for customers who travel to an in-person hearing, there would be no advance sign up testimony qualification requirement (e.g., 72 hours as has been required in past dockets, which is a vestige of remote hearing procedures created during the pandemic, which needlessly places additional hurdles for customers to overcome in order to participate). In an in-person hearing, a customer need only show up and speak. Even customers who do not initially sign up outside the physical hearing room are permitted to testify when the Commission polls the audience to see if

there are others who might want to testify. The 72-hour advance sign up testimony qualification requirement serves as a barrier for customers to participate virtually and does not place the virtual hearing on par with the in-person hearing.

19. In sum, OPC requests at least three additional in-person customer service hearings located in the Orlando, Live Oak, and Port St. Joe/Apalachicola regions, and at least three additional hybrid in-person/virtual hearings or strictly virtual hearings, all at times that reflect the Commission's consideration of the busy schedules of DEF's working customers, so that DEF customers today have at least the same number of opportunities to be heard as DEF's customers had in 2009. Granting this motion would reassure customers that customer service hearings are a "vital component in setting fair, just, and reasonable rates for a regulated utility."

20. OPC has conferred with the other parties in this matter regarding their position on this motion. DEF opposes the motion, and all parties who have petitioned to intervene have indicated their support for the motion.

WHEREFORE, the OPC hereby requests that the Commission grant the Motion for Additional Customer Service Hearings for the reasons outlined in the body of this motion above.

Respectfully submitted,

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*Attorneys for the Citizens of the
State of Florida*

CERTIFICATE OF SERVICE
DOCKET NO. 20240025-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 16th day of April, 2024, to the following:

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/s/ Mary A. Wessling
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Exhibit A

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF CUSTOMER SERVICE HEARINGS

TO

PROGRESS ENERGY FLORIDA, INC.

DEPARTMENT OF THE NAVY

FEDERAL EXECUTIVE AGENCIES

FLORIDA INDUSTRIAL POWER USERS GROUP

FLORIDA RETAIL FEDERATION

OFFICE OF PUBLIC COUNSEL

OFFICE OF THE ATTORNEY GENERAL

WHITE SPRINGS AGRICULTURAL CHEMICALS, INC.

AND

ALL OTHER INTERESTED PERSONS

DOCKET NO. 090079-EI

PETITION FOR INCREASE IN RATES BY PROGRESS ENERGY FLORIDA, INC.

ISSUED: June 19, 2009

NOTICE is hereby given that the Florida Public Service Commission will hold service hearings in the above docket on the rates and charges of Progress Energy Florida, Inc. (PEF). The hearings will commence at the times and locations shown below and will continue until all witnesses have been heard. CUSTOMERS WHO WISH TO PRESENT TESTIMONY ARE URGED TO APPEAR PROMPTLY AT EACH SCHEDULED HEARING TIME SINCE THE HEARING MAY BE ADJOURNED EARLY IF NO WITNESSES ARE PRESENT TO TESTIFY.

DOCUMENT NUMBER-DATE

06091 JUN 19 8

FPSC-COMMISSION CLERK

**NOTICE OF CUSTOMER SERVICE HEARINGS
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Tuesday, July 7, 2009

6:00 p.m.
Lake Wales Art Center
Updike Hall
1099 State Road 60 East
Lake Wales, FL 33859

Wednesday, July 8, 2009

2:00 p.m.
Spartan Manor
6121 Massachusetts Avenue
New Port Richey, FL 34653

Thursday, July 9, 2009

10:00 a.m.
Live Oak City Hall
Council Chambers
101 White Ave. S.E.
Live Oak, FL 32064

Wednesday, July 15, 2009

2:00 p.m.
Lake Mary Events Center
Ballroom A
260 North Country Club Road
Lake Mary, FL 32746

Thursday, July 16, 2009

9:00 a.m.
City Council Chambers
City Hall
175 5th Street North
St. Petersburg, FL 33701

Thursday, July 16, 2009

6:00 p.m.
Commissioners Assembly Room
Pinellas County Board of Commissioners
315 Court Street, 5th Floor
Clearwater, FL 34616

Friday, July 17, 2009

9:00 a.m.
Citrus County Auditorium
3610 S. Florida Ave.
Inverness, FL 34450

Friday, July 17, 2009

2:00 p.m.
Ocala City Council Chambers
City Hall, 2nd Floor
151 SE Osceola Avenue
Ocala, FL 34478

Thursday, July 30, 2009

1:00 p.m.
Apalachicola Community Center
1 Bay Drive
Apalachicola, FL 32320

Monday, September 21, 2009

9:30 a.m.
Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, FL 32399

PURPOSE AND PROCEDURE

The purpose of these customer service hearings is to take testimony from the public on the quality and adequacy of PEF's service and other matters related to PEF's petition for a rate

**NOTICE OF CUSTOMER SERVICE HEARINGS
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increase. The procedure at these service hearings shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in a customer service hearing is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk at (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service at 1(800) 955-8771 (TDD) or 1(800) 955-8770 (Voice). For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

EMERGENCY CANCELLATION OF MEETING

If a named storm or other disaster requires cancellation of a hearing, Commission staff will attempt to give timely, direct notice to parties. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850) 413-6199.

JURISDICTION

Jurisdiction over this utility is vested in the Commission by Chapter 366, Florida Statutes; authority to approve any changes in rates is governed by Sections 366.04 through 366.076, Florida Statutes. The provisions of Chapters 25-6 and 25-9, Florida Administrative Code, are also applicable.

NOTICE OF CUSTOMER SERVICE HEARINGS
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By DIRECTION of the Florida Public Service Commission this 19th day of June, 2009.



ANN COLE
Commission Clerk

(SEAL)

KEF

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	
A P R I L	15	16	17	18	19	A P R I L
	22	23 1:30 20240043-TP Rm 105 * Bidders Conference Telephonic Mtg	24 9:30 Internal Affairs Rm 105 20230019-EI Rm 148 TECO Storm Recovery - PH GH following IA Rm 148	25	26	
	M A Y	29	30	1 9:30 Rm. 148 ← # 20230019-EI - TECO Storm Recovery →	2 9:30 Rm. 148	
6		7 9:30 Agenda Rm 148 20240022-WS # Acquisition Adjustments Rule Hrg following Agenda 20230020-EI Duke Limited Proceeding - PH GH following Hearing	8	9	10	
J U N E	13	14	15	16	17	J U N E
	20	21 9:30 Internal Affairs Rm 105 Undocketed Rm 148 # Hurricane Preparedness - Workshop following IA # 20230020-EI - Duke Energy Limited Proceeding - following Workshop	22 Rm 148 # 20230020-EI - Duke Energy Limited Proceeding	23	24	
	27 Memorial Holiday	28	29	30	31	
	3 SEARUC - Asheville, NC	4 SEARUC - Asheville, NC	5 SEARUC - Asheville, NC	6	7	
J U L Y	10 6:00 20240026-EI Rm 148 # TECO Rate Case - SH Virtual	11 9:30 20240025-EI Rm 148 # Duke Rate Case - SH Virtual 1:00 20230017-EI Rm 148 FPL Storm Restoration Costs - PH GH 2:30 20240026-EI Rm 148 # TECO Rate Case - SH Virtual	12 20240025-EI # Duke Rate Case - SH 10:00 - Inverness / 6:00 - Largo	13 10:00 20240026-EI Tampa # TECO Rate Case - SH	14	J U L Y
	17	18 9:30 Agenda Rm 148 IA following Agenda Rm 105 20230017-EI Rm 148 # FPL Storm Restoration Costs following IA 6:00 20240025-EI Rm 148 # Duke Rate Case - SH Virtual	19 Rm 148 ← # 20230017-EI - FPL Storm Restoration Costs →	20 Rm 148	21	
	24	25	26	27	28	
A U G U S T	1	2	3	4 4 th of July Holiday	5	A U G U S T
	8	9 9:30 Agenda Rm 148	10	11	12	
	15 NARUC - West Palm Beach	16 NARUC - West Palm Beach	17 NARUC - West Palm Beach	18	19	
	22	23 9:30 Internal Affairs Rm 105 20240012/13/14/15/16/17-EG Rm 148 DSM Goals - PH GH following IA	24	25	26	
S E P T	29 Commission Hold - PH PS	30	31	1	2	S E P T
	5 Commission Hold - PH 1:00 20240010-EI Rm 148 Storm Protection CRC - PH PS	6 9:30 Agenda Rm 148 ← following Agenda → # 20240012/13/14/15/16/17-EG - DSM Goals →	7 Rm 148	8 Rm 148	9 Rm 148	
	12 Commission Hold	13 Commission Hold	14 Commission Hold	15 Commission Hold	16 Commission Hold	
	19	20 9:30 Internal Affairs Rm 105 ← # 20240010-EI - Storm Protection Plan Cost Recovery Clause → following IA Rm 148	21 Rm 148	22 Rm 148	23	
S E P T	26 Commission Hold	27 Commission Hold	28 Commission Hold	29 Commission Hold	30 Commission Hold	S E P T
	2 Labor Day Holiday	3 10:00 20230113-SU Rm 148 * Gulfstream - CM Virtual 2:00 20230119-WJ Rm 148 * Water Oak - CM Virtual	4 10:00 20230117-WS Rm 148 * Buttonwood Bay - CM Virtual 2:00 20230120-WS Rm 148 * Sunlake Estates - CM Virtual	5 10:00 20230118-WS Rm 148 * GCP Plantation - CM Virtual	6	
	9	10 9:30 Agenda Rm 148 Undocketed Rm 148 # 10-Year Site Plan - Workshop following Agenda	11	12	13	

= All Commissioners CK = Clark GH = Graham FY = Fay LR = La Rosa PS = Passidomo * = Staff only
IA=Internal Affairs OA=Oral Argument PH=Prehearing RDW=Rule Development Workshop SA=Special Agenda SH=Service Hearing CM=Customer Meeting IM=Informal Meeting