

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm Protection Plan Cost Recovery)
Clause) Docket No. 20240010-EI
) Filed: July 31, 2024

FLORIDA INDUSTRIAL POWER USERS GROUP’S PRE-HEARING STATEMENT

The Florida Industrial Power Users Group (FIPUG), by and through undersigned counsel, provides this Prehearing Statement.

APPEARANCES:

Jon C. Moyle, Jr.
Karen A. Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
Telephone: (850)681-3828
Facsimile: (850)681-8788
jmoyle@moylelaw.com
kputnal@moylelaw.com

1. WITNESSES:

FIPUG reserves the right to question and call witnesses listed by other parties, but has not put forward any witnesses to specifically testify on FIPUG’s behalf.

2. EXHIBITS:

FIPUG does not intend to introduce exhibits, but reserves the right to use exhibits offered by other parties or staff.

3. STATEMENT OF BASIC POSITION

The petitioners have the burden of proof to establish that expenditures for which cost recovery is sought are prudent. The Commission should reduce the monies sought by the utilities by the amounts for which it finds insufficient proof or for costs not properly within the scope of the state’s storm protection plan statute, section 366.96, Florida Statutes, or the Commission’s rule, Rule 25-6.030, Florida Administrative Code.

4. STATEMENT OF FACTUAL ISSUES AND POSITIONS

STORM PROTECTION PLAN COST RECOVERY ISSUES

ISSUE 1A: What jurisdictional amounts should the Commission approve as FPL’s final 2023 prudently incurred costs and final true-up revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?

FIPUG: Adopt the position of OPC.

ISSUE 1B: What jurisdictional amounts should the Commission approve as TECO’s final 2023 prudently incurred costs and final true-up revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?

FIPUG: Adopt the position of OPC.

ISSUE 1C: What jurisdictional amounts should the Commission approve as the FPUC’s final 2023 prudently incurred costs and final true-up revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?

FIPUG: Adopt the position of OPC.

ISSUE 1D: What jurisdictional amounts should the Commission approve as the DEF’s final 2023 prudently incurred costs and final true-up revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?

FIPUG: Adopt the position of OPC.

ISSUE 2A: What jurisdictional amounts should the Commission approve as the FPL’s reasonably estimated 2024 costs and estimated true-up revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?

FIPUG: Adopt the position of OPC.

ISSUE 2B: What jurisdictional amounts should the Commission approve as TECO’s reasonably estimated 2024 costs and estimated true-up revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?

FIPUG: Adopt the position of OPC.

ISSUE 2C: What jurisdictional amounts should the Commission approve as FPUC’s reasonably estimated 2024 costs and estimated true-up revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?

FIPUG: Adopt the position of OPC.

ISSUE 2D: What jurisdictional amounts should the Commission approve as DEF’s reasonably estimated 2024 costs and estimated true-up revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?

FIPUG: Adopt the position of OPC.

ISSUE 3A: What jurisdictional amounts should the Commission approve as FPL’s reasonably projected 2025 costs and projected revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?

FIPUG: Adopt the position of OPC.

ISSUE 3B: What jurisdictional amounts should the Commission approve as TECO’s reasonably projected 2025 costs and projected revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?

FIPUG: Adopt the position of OPC.

ISSUE 3C: What jurisdictional amounts should the Commission approve as FPUC’s reasonably projected 2025 costs and projected revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?

FIPUG: Adopt the position of OPC.

ISSUE 3D: What jurisdictional amounts should the Commission approve as DEF’s reasonably projected 2025 costs and projected revenue requirement amounts for the Storm Protection Plan Cost Recovery Clause?

FIPUG: Adopt the position of OPC.

ISSUE 4A: What are the Storm Protection Plan Cost Recovery Clause total jurisdictional cost recovery amounts, including true-ups, to be included in establishing 2025 Storm Protection Plan Cost Recovery factors for FPL?

FIPUG: Adopt the position of OPC.

ISSUE 4B: What are the Storm Protection Plan Cost Recovery Clause total jurisdictional cost recovery amounts, including true-ups, to be included in establishing 2025 Storm Protection Plan Cost Recovery factors for TECO?

FIPUG: Adopt the position of OPC.

ISSUE 4C: What are the Storm Protection Plan Cost Recovery Clause total jurisdictional cost recovery amounts, including true-ups, to be included in establishing 2025 Storm Protection Plan Cost Recovery factors for FPUC?

FIPUG: Adopt the position of OPC.

ISSUE 4D: What are the Storm Protection Plan Cost Recovery Clause total jurisdictional cost recovery amounts, including true-ups, to be included in establishing 2025 Storm Protection Plan Cost Recovery factors for DEF?

FIPUG: Adopt the position of OPC.

ISSUE 5A: What depreciation rates should be used to develop the depreciation expense included in the total 2025 Storm Protection Plan Cost Recovery Clause amounts for FPL?

FIPUG: Adopt the position of OPC.

ISSUE 5B: What depreciation rates should be used to develop the depreciation expense included in the total 2025 Storm Protection Plan Cost Recovery Clause amounts for TECO?

FIPUG: Adopt the position of OPC.

ISSUE 5C: What depreciation rates should be used to develop the depreciation expense included in the total 2025 Storm Protection Plan Cost Recovery Clause amounts for FPUC?

FIPUG: Adopt the position of OPC.

ISSUE 5D: What depreciation rates should be used to develop the depreciation expense included in the total 2025 Storm Protection Plan Cost Recovery Clause amounts for DEF?

FIPUG: Adopt the position of OPC.

ISSUE 6A: What are the appropriate 2025 jurisdictional separation factors for FPL?

FIPUG: Adopt the position of OPC.

ISSUE 6B: What are the appropriate 2025 jurisdictional separation factors for TECO?

FIPUG: Adopt the position of OPC.

ISSUE 6C: What are the appropriate 2025 jurisdictional separation factors for FPUC?

FIPUG: Adopt the position of OPC.

ISSUE 6D: What are the appropriate 2025 jurisdictional separation factors for DEF?

FIPUG: Adopt the position of OPC.

ISSUE 7A: What are the appropriate 2025 Storm Protection Plan Cost Recovery Clause factors for each rate class for FPL?

FIPUG: Adopt the position of OPC.

ISSUE 7B: What are the appropriate 2025 Storm Protection Plan Cost Recovery Clause factors for each rate class for TECO?

FIPUG: Adopt the position of OPC.

ISSUE 7C: What are the appropriate 2025 Storm Protection Plan Cost Recovery Clause factors for each rate class for FPUC?

FIPUG: Adopt the position of OPC.

ISSUE 7D: What are the appropriate 2025 Storm Protection Plan Cost Recovery Clause factors for each rate class for DEF?

FIPUG: Adopt the position of OPC.

ISSUE 8A: What should be the effective date of the 2025 Storm Protection Plan Cost Recovery Clause factors for billing purposes for FPL?

FIPUG: Adopt the position of OPC.

ISSUE 8B: What should be the effective date of the 2025 Storm Protection Plan Cost Recovery Clause factors for billing purposes for TECO?

FIPUG: Adopt the position of OPC.

ISSUE 8C: What should be the effective date of the 2025 Storm Protection Plan Cost Recovery Clause factors for billing purposes for FPUC?

FIPUG: Adopt the position of OPC.

ISSUE 8D: What should be the effective date of the 2025 Storm Protection Plan Cost Recovery Clause factors for billing purposes for DEF?

FIPUG: Adopt the position of OPC.

ISSUE 9A: Should the Commission approve revised tariffs reflecting the 2025 Storm Protection Plan Cost Recovery Clause factors determined to be appropriate in this proceeding for FPL?

FIPUG: Adopt the position of OPC.

ISSUE 9B: Should the Commission approve revised tariffs reflecting the 2025 Storm Protection Plan Cost Recovery Clause factors determined to be appropriate in this proceeding for TECO?

FIPUG: Adopt the position of OPC.

ISSUE 9C: Should the Commission approve revised tariffs reflecting the 2025 Storm Protection Plan Cost Recovery Clause factors determined to be appropriate in this proceeding for FPUC?

FIPUG: Adopt the position of OPC.

ISSUE 9D: Should the Commission approve revised tariffs reflecting the 2025 Storm Protection Plan Cost Recovery Clause factors determined to be appropriate in this proceeding for DEF?

FIPUG: Adopt the position of OPC.

ISSUE 10: Should this docket be closed?

FIPUG: Adopt the position of OPC.

5. STIPULATED ISSUES

FIPUG has not stipulated to any matters in this matter.

6. PENDING MOTIONS

FIPUG has no pending motions at this time.

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

FIPUG has no pending requests or claims for confidentiality at this time.

8. OBJECTIONS TO QUALIFICATION OF WITNESSES AS AN EXPERT

FIPUG does not object to the qualification of any witnesses as an expert in the field in which they pre-filed testimony as of the present date.

9. SEQUESTRATION OF WITNESSES

FIPUG does not intend to seek the sequestration of any witness at this time.

10. **STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING
PROCEDURE**

There are no requirements of the Order Establishing Procedure with which FIPUG cannot comply.

/s/ Jon C. Moyle _____
Jon C. Moyle, Jr.
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 681-3828
Facsimile: (850) 681-8788
jmoyle@moylelaw.com

Attorneys for Florida Industrial Power Users Group

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail this 31st day of July 2024 to the following:

Daniel Dose
Jennifer Crawford
Shaw Stiller
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
SStiller@psc.stat.fl.us
ddose@psc.state.fl.us
jrcrawford@psc.state.fl.us

Patricia A. Christensen
Walt Trierweiler
Mary Wessling
Octavio Ponce
Austin Watrous
Charles J. Rehwinkel
Office of Public Counsel
111 West Madison Street – Room 812
Tallahassee, FL 32399-1400
christensen.patty@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
Trierweiler.walt@leg.state.fl.us
wessling.mary@leg.state.fl.us
ponce.octavio@leg.state.fl.us
watrous.austin@leg.state.fl.us

Dianne M. Triplett
Duke Energy Florida, LLC
299 First Avenue North
St. Petersburg, FL 33701
Dianne.triplett@duke-energy.com
FLRegulatoryLegal@duke-energy.com

Matthew R. Bernier
Stephanie Cuello
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
robert.pickles@duke-energy.com
matthew.bernier@duke-energy.com
stephanie.cuello@duke-energy.com

Ms. Paula K. Brown
Tampa Electric Company
Post Office Box 111
Tampa, Florida 33601
regdept@tecoenergy.com

Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 South Monroe Street, Suite 601
Tallahassee, Florida 32301-1804
bkeating@gunster.com

Michelle D. Napier
Phuong Nguyen
Gunster Law Firm
1635 Meathe Drive
West Palm Beach FL 33411
mnapier@fpuc.com
pnguyen@chpk.com

Christopher T. Wright
Joel Baker
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
christopher.wright@fpl.com
joel.baker@fpl.com

Kenneth Hoffman
Florida Power & Light Company
134 West Jefferson Street
Tallahassee, FL 32301
ken.hoffman@fpl.com

J. Jeffry Wahlen
Malcolm Means
V. Ponder
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302
jwahlen@ausley.com
mmeans@ausley.com
vponder@ausley.com

Corey Allain Nucor Steel Florida, Inc.
22 Nucor Drive
Frostproof, FL 33843
corey.allain@nucor.com

James W. Brew
Laura Wynn Baker
Peter J. Mattheis
Michael K. Lavanga
Stone Mattheis Xenopoulos & Brew, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007
jbrew@smxblaw.com
lwb@smxblaw.com
pjm@smxblaw.com
mkl@smxblaw.com

Mr. Mike Cassel
Florida Public Utilities Company
208 Wildlight Ave.
Yulee FL 32097
mcassel@fpuc.com

Stephanie U. Eaton
Spilman Law Firm
110 Oakwood Drive, Suite 500
Winston-Salem NC 27103
seaton@spilmanlaw.com

Barry A. Naum
Derrick Price Williamson
Spilman Law Firm
1100 Bent Creek Boulevard, Suite 101
Berrysburg PA 17005
bnaum@spilmanlaw.com
dwilliamson@spilmanlaw.com

/s/ Jon C. Moyle, Jr.
Jon C. Moyle, Jr