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# **Public Service Commission**

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-0850

# -M-E-M-O-R-A-N-D-U-M-

DATE: November 21, 2024 TO: Office of Commission Clerk (Teitzman) Division of Accounting and Finance (York, Sewards) ALM FROM: Office of the General Counsel (Dose) JSC RE: Docket No. 20240005-WS – Annual reestablishment of price increase or decrease index of major categories of operating costs incurred by water and wastewater utilities pursuant to Section 367.081(4)(a), F.S. **AGENDA:** 12/03/24 – Regular Agenda – Proposed Agency Action - Interested Persons May Participate **COMMISSIONERS ASSIGNED:** All Commissioners PREHEARING OFFICER: Administrative CRITICAL DATES: 03/31/25 (Statutory Reestablishment Deadline) SPECIAL INSTRUCTIONS: None

# Case Background

Since March 31, 1981, pursuant to the guidelines established by Section 367.081(4)(a), Florida Statutes (F.S.), and Rule 25-30.420, Florida Administrative Code (F.A.C.), the Commission has established a price increase or decrease index for major categories of operating costs on or before March 31 of each year. This process allows water and wastewater utilities to adjust rates based on current specific expenses without applying for a rate case.

Staff calculated its proposed 2025 price index by comparing the Gross Domestic Product Implicit Price Deflator Index for the fiscal year ended September 30, 2024. This same procedure has been used each year since 1995 to calculate the price index. The U.S. Department of Commerce, Bureau of Economic Analysis, released its most recent third quarter figures on October 30, 2024.

Docket No. 20240005-WS Date: November 21, 2024

Since March 31, 1981, the Commission has received and processed approximately 4,073 index and pass through applications. The Commission has jurisdiction over this matter pursuant to Section 367.081, F.S.

# Discussion of Issues

**Issue 1:** Which index should be used to determine price level adjustments?

**Recommendation:** The Gross Domestic Product Implicit Price Deflator Index is recommended for use in calculating price level adjustments. Staff recommends calculating the 2025 Price Index by using a fiscal year, four quarter comparison of the Implicit Price Deflator Index ending with the third quarter of 2024. (York)

**Staff Analysis:** In 1993, the Gross Domestic Product Implicit Price Deflator Index (GDPDEF) was established as the appropriate measure for determining the water and wastewater price index. At the same time, the convention of using a four quarter fiscal year comparison was also established and this practice has been used every year since then.<sup>1</sup> The GDPDEF is prepared by the U.S. Department of Commerce. Prior to that time, the Gross National Product Implicit Price Deflator Index (GNPDEF) was used as the indexing factor for water and wastewater utilities. The Department of Commerce switched its emphasis from the GNPDEF to the GDPDEF as the primary measure of U.S. production.

Pursuant to Section 367.081(4)(a), F.S., the Commission, by order, shall establish a price increase or decrease index for major categories of operating costs incurred by utilities subject to its jurisdiction reflecting the percentage of increase or decrease in such costs from the most recent 12-month historical data available. Since 1995, the price index adjustment has been determined by comparing the change in the average GDPDEF for the year ending September 30, instead of the original December 31, in order to more easily meet the statutory deadline.

By Order No. PSC-2023-0383-PAA-WS, issued December 21, 2023, in Docket No. 20230005-WS, the Commission, in keeping with the practice started in 1993, reiterated the alternatives which could be used to calculate the indexing of utility revenues. Past concerns expressed by utilities, as summarized from utility input in previous hearings, are:

- 1) Inflation should be a major factor in determining the index;
- 2) Nationally published indices should be vital to this determination;
- 3) Major categories of expenses are labor, chemicals, materials and supplies, maintenance, transportation, and treatment expense;
- 4) An area wage survey, Dodge Building Cost Index, Consumer Price Index, and the GDP should be considered;
- 5) A broad measure index should be used; and
- 6) The index procedure should be easy to administer.

<sup>&</sup>lt;sup>1</sup>Order No. PSC-1993-0195-FOF-WS, issued February 9, 1993, in Docket No. 19930005-WS, In re: Annual reestablishment of price increase or decrease index of major categories of operating costs incurred by water and wastewater utilities pursuant to Section 367.081(4)(a), F.S.

Based upon these concerns, the Commission has previously explored the following alternatives:

- 1) Survey of Regulated Water and Wastewater Utilities;
- 2) Consumer Price Index;
- 3) Florida Price Level Index;
- 4) Producer Price Index previously the Wholesale Price Index; and
- 5) GDPDEF (replacing the GNPDEF).

Over the years, the Commission found that the Survey of Regulated Water and Wastewater Utilities should be rejected because using the results of a survey would allow utilities to pass on to customers all cost increases, thereby reducing the incentives of promoting efficiency and productivity. The Commission also found that the Consumer Price Index and the Florida Price Level Index should be rejected because of their limited degree of applicability to the water and wastewater industry. Both of these price indices are based upon comparing the advance in prices of a limited number of general goods and, therefore, appear to have limited application to water and wastewater utilities.

The Commission further found that the Producer Price Index (PPI) is a family of indices that measure the average change over time in selling prices received by domestic producers of goods and services. PPI measures price change from the perspective of the seller, not the purchaser, and therefore should be rejected. The bases for these indices have not changed, and staff believes that the conclusions reached in Order No. PSC-2023-0383-PAA-WS should continue to apply in this case. Since 1993, the Commission has found that the GDPDEF has a greater degree of applicability to the water and wastewater industry. Therefore, staff recommends that the Commission continue to use the GDPDEF to calculate water and wastewater price level adjustments. Staff recommends calculating the 2025 Price Index by using a fiscal year, four quarter comparison of the GDPDEF ending with the third quarter of 2024.

The following information provides a historical perspective of the annual price index.

A	Analysis of the Annual Price Index for Water and Wastewa												
	Year	Commission	Year	Commission									
		<b>Approved Index</b>		<b>Approved Index</b>									
	2014	1.41%	2020	1.79%									
	2015	1.57%	2021	1.17%									
	2016	1.29%	2022	4.53%									
	2017	1.51%	2023	7.07%									
	2018	1.79%	2024	3.24%									
	2019	2.36%	2025	2.23%									

Table 1-1
Historical Analysis of the Annual Price Index for Water and Wastewater Utilities

The table below shows the historical participation in the index and/or pass-through programs:

# Table 1-2Percentage of Jurisdictional Water and Wastewater Utilities Filing for Indexes andPass-Throughs

Fass-Iniougns											
Year	Percentage	Year	Percentage								
2013	41%	2019	60%								
2014	39%	2020	43%								
2015	49%	2021	52%								
2016	38%	2022	57%								
2017	37%	2023	53%								
2018	42%	2024	36%								

*Issue 2:* What rate should be used by water and wastewater utilities for the 2025 Price Index?

**Recommendation:** The 2025 Price Index for water and wastewater utilities should be 2.23 percent. (York)

**Staff Analysis:** The U.S. Department of Commerce, Bureau of Economic Analysis, released the most recent third quarter 2024 figures on October 30, 2024. Consistent with the Commission's establishment of the 2024 Price Index last year, staff is using the third quarter amounts to calculate staff's recommended 2025 Price Index. Using the third quarter amounts allows time for the Commission to establish the 2025 Price Index by March 2025, in accordance with Section 367.081(4)(a), F.S. The percentage change in the GDPDEF using the fiscal year comparison ending with the third quarter is 2.23 percent. This number was calculated as follows.

GDPDEF Index for the fiscal year ended 10/30/24	125.501
GDPDEF Index for the fiscal year ended 10/30/23	122.768
Difference	2.733
Divided by 10/30/2023 GDPDEF Index	122.768
2025 Price Index	2.23%

*Issue 3:* How should water and wastewater utilities be informed of the indexing requirements?

**Recommendation:** After the expiration of the Proposed Agency Action (PAA) protest period, the Division of Accounting and Finance should send each regulated water and wastewater utility a copy of the PAA Order establishing the index containing the information presented in Attachment 1. A cover letter from the Director of the Division of Accounting and Finance should be included with the order (Attachment 2). The entire package should also be made available on the Commission's website. (York)

**Staff Analysis:** Staff recommends that the package presented in Attachment 1 be sent to every regulated water and wastewater utility after the expiration of the PAA protest period, along with a copy of the PAA Order once final. The entire package should also be made available on the Commission's website

In an effort to increase the number of water and wastewater utilities taking advantage of the annual price index and pass-through programs, staff is recommending that the attached cover letter (Attachment 2) from the Director of the Division of Accounting and Finance be included with the PAA Order in order to explain the purpose of the index and pass-through applications and to communicate that Commission staff is available to assist them.

#### Issue 4: Should this docket be closed?

**Recommendation:** No. Upon expiration of the 14-day protest period, if a timely protest is not received, the decision should become final and effective upon the issuance of a Consummating Order. Any party filing a protest should be required to prefile testimony with the protest. However, this docket should remain open through the end of the year and be closed upon the establishment of the new docket in January 2025. (Dose)

**Staff Analysis:** Rule 25-22.029(1), F.A.C., contains an exception to the procedural requirements set forth in Uniform Rule 28-106.111, F.A.C., providing that "[t]he time for requesting a Section 120.569 or 120.57 hearing shall be 14 days from issuance of the notice for PAA orders establishing a price index pursuant to Section 367.081(4)(a), F.S." Staff therefore recommends that the Commission require any protest to the PAA Order in this docket be filed within 14 days of the issuance of the PAA Order, and that any party filing the protest should be required to prefile testimony with the protest. Upon expiration of the protest period, if a timely protest is not received, the decision should become final and effective upon the issuance of a Consummating Order. However, this docket should remain open through the end of the year and be closed upon the establishment of the new docket in January 2025.

#### FLORIDA PUBLIC SERVICE COMMISSION PRICE INDEX APPLICATION APPLICABLE TEST YEAR \_\_\_\_\_

	WATER	WASTEWATER
Operation & Maintenance Expenses <sup>1</sup>	\$	\$
LESS:		
(a) Pass-through Items:		
(1) Purchased Power		
(2) Purchased Water		
(3) Purchased Wastewater Treatment		
(4) Sludge Removal		
(5) $Other^2$		
(b) Rate Case Expense Included in Expenses		
(c) Adjustments to Operation & Maintenance Expenses from last rate case, if applicable: <sup>3</sup>		
(1)		
(2)		
Costs to be Indexed	\$	\$
Multiply by Annual Commission-Approved Price Index	<u>2.23</u> %	<u>2.23</u> %
Total Indexed Costs	\$	\$
Add Change in Pass-Through Items: <sup>4</sup>		
(1)		
(2)		
Divide Index and Pass-Through Sum by Expansion Factor for Regulatory Assessment Fees	.955	.955
Increase in Revenue		
Divide by Applicable Test Year Revenue <sup>5</sup>	\$	\$
Percentage Increase in Rates	°⁄	<u> </u>

### FOOTNOTES APPEAR ON THE FOLLOWING PAGE

# PAGE 1 FOOTNOTES

<sup>1</sup>This amount must match last year's annual report.

<sup>2</sup>Other expense items may include increases in required Department of Environmental Protection testing, ad valorem taxes, permit fees charged by the Department of Environmental Protection or a local government authority, National Pollutant Discharge Elimination System fees, and regulatory assessment fees. These items should not be currently embedded in the utility's rates.

<sup>3</sup>This may include adjustments that follow a methodology referenced in the Order from a utility's last rate case (i.e. averaged bad debt expense or excessive unaccounted for water percentage applied to chemicals expense).

<sup>4</sup>This may include an increase in purchased power, purchased water, purchased wastewater treatment, sludge hauling, required Department of Environmental Protection testing, ad valorem taxes, and permit fees charged by the Department of Environmental Protection or a local government authority providing that those increases have been incurred within the 12-month period prior to the submission of the pass-through application. Pass-through National Pollutant Discharge Elimination System fees and increases in regulatory assessment fees are eligible as pass-through costs but not subject to the twelve month rule. All pass-through items require invoices. See Rule 25-30.425, F.A.C. for more information.

<sup>5</sup>If rates changed after January 1 of the applicable test year, the book revenues must be adjusted to show the changes and an explanation of the calculation should be attached to this form. See Annualized Revenue Worksheet for instructions and a sample format.

#### ANNUALIZED REVENUE WORKSHEET

Have the rates charged for customer services changed since January 1, of the applicable test year?

- () If no, the utility should use actual revenues. This form may be disregarded.
- () If yes, the utility must annualize its revenues. Read the remainder of this form.

Annualizing calculates the revenues the utility would have earned based upon the previous year's customer consumption at the most current rates in effect. To complete this calculation, the utility will need consumption data for the previous year to apply to the existing rate schedule. Below is a sample format which may be used.

#### <u>CALCULATION OF ANNUALIZED REVENUES\*</u> Consumption Data for Applicable Test Year

Residential Service:	Number of Bill/Gal. Sold	Х	Current Rates	Annualized Revenues
Bills:				
5/8"x3/4" meters				
1" meters				
1 2" meters 2" meters		_		·
Gallons Sold				
General Service:				
Bills:				
5/8"x3/4" meters				
1" meters				
1 2" meters				
2" meters				
3" meters 4" meters				
6" meters				
Gallons Sold				
<b>T</b> . 1				

Total Annualized Revenues for the Applicable Test Year \$\_\_\_\_\_

\*Annualized revenues must be calculated separately if the utility consists of both a water system and a wastewater system. This form is designed specifically for utilities using a base facility charge rate structure. If annualized revenues must be calculated and further assistance is needed, contact the Commission Staff at (850) 413-6900.

of

#### **AFFIRMATION**

I,							, h	ereby a	affii	rm 1	that	the	figur	es	and	calcu	lations
upon	which	the	change	in	rates	is		accura the ran						0			
	(name	e of uti	lity)				 		0								
equity	y, which	is															

I, the undersigned/officer of the above-named utility, have read the foregoing and declare that, to the best of my knowledge and belief, the information contained in this application is true and correct.

This affirmation is made pursuant to my request for a price index and/or pass-through rate increase, in conformance with Section 367.081(4), Florida Statutes.

Further, I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

					:	Jumber:	
Sworn	to	and	subscribed	before	this	·	day

My Commission expires:

(SEAL)

Notary Public State of Florida

#### STATEMENT OF QUALITY OF SERVICE

Pursuant to paragraphs 25-30.420(2)(h) and (i), Florida Administrative Code,

(name of utility)

[] does not have any active written complaints, corrective orders, consent orders, or outstanding citations with the Department of Environmental Protection (DEP) or the County Health Departments.

[] does have the attached active written complaint(s), corrective order(s), consent order(s), or outstanding citation(s) with the DEP or the County Health Department(s). The attachment(s) includes the specific system(s) involved with DEP permit number and the nature of the active complaint, corrective order, consent order, or outstanding citation.

This statement is intended such that the Florida Public Service Commission can make a determination of quality of service pursuant to Section 367.081(4)(a), Florida Statutes, and Rule 25-30.420(4)(a), Florida Administrative Code.

Name:	
Title:	
<b>Telephone Number:</b>	
Fax Number:	
Date:	

# **Exception**

hereby waives the right to implement

(name of utility)

a pass-through rate increase within 45 days of filing, as provided by Section 367.081(4)(b), Florida Statutes, in order that the pass-through and index rate increase may both be implemented together 60 days after the official filing date of this notice of intention.

 Signature:
 \_\_\_\_\_\_

 Title:
 \_\_\_\_\_\_\_

(To be used if an index and pass-through rate increase are requested jointly.)

#### **NOTICE TO CUSTOMERS**

Pursuant to Section 367.081(4)(a), Florida Statutes, water and wastewater utilities are permitted to adjust the rates and charges to its customers without those customers bearing the additional expense of a public hearing. These adjustments in rates would depend on increases or decreases in non-controllable expenses subject to inflationary pressures such as chemicals, and other general operation and maintenance costs.

On		,						file	d its	notice	of	
intention with 1	<sup>ate)</sup> he Florida	Public Se	ervice C	(	e of utilit on to i	5)	e wate	r and	wast	ewater	<sup>r</sup> rate	s in
	_ County	pursuant	to this	s Statute.	The	filing	is su	bject	to 1	review	by	the
Commission St	aff for ac	curacy and	d comp	leteness.	Water	rates v	will ir	crease	e by	approx	xima	tely
% and v	vastewater	rates by _	9	6. These r	ates sl	hould b	e refle	ected f	or se	ervice 1	rende	ered
on or after			·									

#### **NOTICE TO CUSTOMERS**

Pursuant to Section 367.081(4)(b), Florida Statutes, water and wastewater utilities are permitted to pass through, without a public hearing, a change in rates resulting from: an increase or decrease in rates charged for utility services received from a governmental agency or another regulated utility and which services were redistributed by the utility to its customers; an increase or decrease in the rates that it is charged for electric power, the amount of ad valorem taxes assessed against its used and useful property, the fees charged by the Department of Environmental Protection in connection with the National Pollutant Discharge Elimination System Program, or the regulatory assessment fees imposed upon it by the Commission; costs incurred for water quality or wastewater quality testing required by the Department of Environmental Protection; the fees charged for wastewater bio solids disposal; costs incurred for any tank inspection required by the Department of Environmental Protection or a local governmental authority; treatment plant and water distribution system operator license fees required by the Department of Environmental Protection or a local governmental authority; water or wastewater operating permit fees charged by the Department of Environmental Protection or a local governmental authority; and consumptive or water use permit fees charged by a water management district.

On	,,			_ filed its notice of	
(date)		(name of utility)			
intention with the Flo	rida Public Service Com	mission to in	crease wa	ter and wastewater	rates in
Co	unty pursuant to this S	Statute. The	filing is	subject to review	by the
Commission Staff for	r accuracy and complete	ness. Water 1	rates will	increase by approx	kimately
% and wastev	vater rates by%.	These rates	should be	reflected on your	bill for
service rendered on or	after	·			
	(d	late)			

If you should have any questions, please contact your local utility office. Be sure to have account number handy for quick reference.

COMMISSIONERS: MIKE LA ROSA, CHAIRMAN ART GRAHAM GARY F. CLARK ANDREW GILES FAY GABRIELLA PASSIDOMO

# STATE OF FLORIDA



DIVISION OF ACCOUNTING AND FINANCE ANDREW L. MAUREY DIRECTOR (850) 413-6900

# Public Service Commission

Month Day, 2025

All Florida Public Service Commission Regulated Water & Wastewater Utilities

Re: Docket No. 20240005-WS - 2025 Price Index

Dear Utility Owner:

Since March 31, 1981, pursuant to the guidelines established by Section 367.081(4)(a), Florida Statutes (F.S.), and Rule 25-30.420, Florida Administrative Code (F.A.C.), the Commission has established a price increase or decrease index for major categories of operating costs. This process allows water and wastewater utilities to adjust rates based on current specific expenses without applying for a rate case. The intent of this rule is to ensure that inflationary pressures are not detrimental to utility owners, and that any possible deflationary pressures are not adverse to customers. By keeping up with index and pass-through adjustments, utility operations can be maintained at a level sufficient to ensure quality of service for the customers.

Pursuant to Rule 25-30.420(1)(a), F.A.C., all operation and maintenance expenses shall be indexed with the exception of:

- a) Pass-through items pursuant to Section 367.081(4)(b), F.S.;
- b) Any amortization of rate case expense; and
- c) Disallowances or adjustments made in an applicant's most recent rate proceeding.

Please note that all sludge removal expense should now be removed from operation and maintenance expenses for the purpose of indexing. Incremental increases in this category of expense may now be recovered using a pass-through request.

All Florida Public Service Commission Regulated Water & Wastewater Utilities Page 2 Month Day, 2025

Upon the filing of a request for an index and/or pass-through increase, staff will review the application and modify existing rates accordingly. If for no other reason than to keep up with escalating costs, utilities throughout Florida should file for this rate relief on an annual basis. Utilities may apply for a 2025 Price Index anytime between April 1, 2025, through March 31, 2026 by mail or by emailing Applications@psc.state.fl.us. The attached package will answer questions regarding what the index and pass-through rate adjustments are, how to apply for an adjustment, and what needs to be filed in order to meet the filing requirements. For your convenience, the Commission-approved Price Index is reflected on Form PSC 1022, attached. While the increase for any given year may be minor, (see chart below), the long-run effect of keeping current with rising costs can be substantial.

	Annual		Annual
Year	Commission	Year	Commission
	<b>Approved Index</b>		<b>Approved Index</b>
2000	1.36%	2013	1.63%
2001	2.50%	2014	1.41%
2002	2.33%	2015	1.57%
2003	1.31%	2016	1.29%
2004	1.60%	2017	1.51%
2005	2.17%	2018	1.76%
2006	2.74%	2019	2.36%
2007	3.09%	2020	1.79%
2008	2.39%	2021	1.17%
2009	2.55%	2022	4.53%
2010	0.56%	2023	7.07%
2011	1.18%	2024	3.24%
2012	2.41%	2025	2.23%

Please be aware that pursuant to Section 837.06, F.S., whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree. Our staff is available at (850) 413-6900 should you need assistance with your filing. If you have any questions, please do not hesitate to call.

Moreover, additional rate relief mechanisms are available to water and wastewater utilities as alternatives to full rate cases. Water and wastewater utilities whose total gross annual operating revenues are \$335,000 or less for water service or \$335,000 or less for wastewater service, or \$670,000 or less on a combined basis, may petition the Commission for staff assistance in alternative rate setting. Please refer to Rule 25-30.456, F.A.C., for additional details.

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All Florida Public Service Commission Regulated Water & Wastewater Utilities Page 3 Month Day, 2025

Furthermore, water utilities whose total gross annual operating revenues are \$335,000 or less and wastewater utilities whose total gross annual operating revenues are \$335,000 or less may file an application for a limited alternative rate increase of up to 20 percent applied to metered or flat recurring rates of all classes of service. Please refer to Rule 25-30.457, F.A.C., for additional details.

Finally, the Commission reminds water and wastewater utilities that the Utility Reserve Fund exists to help address concerns over deferred maintenance of critical infrastructure and delays in necessary repairs. The availability of the reserve funds may allow a utility to avoid or defer the need for a future rate case, the expenses of which are ultimately borne by customers. Please refer to Rule 25-30.444, F.A.C., for additional details.

Sincerely,

Andrew L. Maurey Director

Enclosures