

I. Meeting Packet



State of Florida
Public Service Commission
INTERNAL AFFAIRS AGENDA

Wednesday – October 25, 2023

9:30 AM

Room 148 - Betty Easley Conference Center

1. Draft 2023 Status Report on Storm Protection Plan Activities of Florida Investor-Owned Utilities (Attachment 1)
2. Draft 2023 Report on the Status of the Telecommunication Access System Act of 1991 (Attachment 2)
3. Draft 2023 Regulatory Assessment Fee Report (Attachment 3)
4. General Counsel's Report
5. Executive Director's report
6. Other Matters

BB/aml

OUTSIDE PERSONS WISHING TO ADDRESS THE COMMISSION ON
ANY OF THE AGENDAED ITEMS SHOULD CONTACT THE
OFFICE OF THE EXECUTIVE DIRECTOR AT (850) 413-6463.

State of Florida



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: October 17, 2023

TO: Braulio L. Baez, Executive Director

FROM: Penelope Buys, Engineering Specialist IV, Division of Engineering *PB LK MR TB*

RE: Annual Status Report on Storm Protection Plan Activities of Florida Investor-Owned Utilities

CRITICAL INFORMATION: Place on October 25, 2023 Internal Affairs Agenda. Commission approval is sought, due to the Governor and Legislature by December 1, 2023.

Pursuant to Section 366.96(10), F.S., the Commission is required to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a status report of the utilities' storm protection activities. The attached draft satisfies the requirement of the Statute and its approval by the Commission is sought. The report is due by December 1, 2023.

Please let me or Marissa Ramos know if you have any questions or need additional information in reference to the attached document.

PB:pz

Attachment

cc: Keith Hetrick, General Counsel
Apyl Lynn, Deputy Executive Director, Administrative
Mark Futrell, Deputy Executive Director, Technical

DRAFT 10-17-2023



Annual Status Report on Storm Protection Plan Activities of Florida Investor-Owned Utilities

As Required by Section 366.96(10), Florida Statutes



NOVEMBER 2023

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Acronyms

DEF	Duke Energy Florida, LLC
EWL	Extreme Wind Loading
F.A.C.	Florida Administrative Code
FPL	Florida Power & Light Company
FPUC	Florida Public Utilities Company
F.S.	Florida Statutes
GULF	Gulf Power Company
IOU	Investor-Owned Electric Utility
NESC	National Electric Safety Code
OPC	Office of Public Counsel
SPP	Storm Protection Plan
SPPCRC	Storm Protection Plan Cost Recovery Clause
TECO	Tampa Electric Company

Executive Summary

In 2019, the Florida Legislature passed Senate Bill 796 to enact Section 366.96, Florida Statutes (F.S.), entitled “Storm Protection Plan Cost Recovery” Section 366.96, F.S., requires each investor-owned electric utility (IOU) to file a transmission and distribution Storm Protection Plan (SPP) that covers the immediate 10-year planning period. The plans are required to be filed with the Florida Public Service Commission (the Commission or FPSC) at least every three years and must explain the systematic approach the utility will follow to achieve the objectives of reducing restoration costs and outage times associated with extreme weather events and enhancing reliability. Pursuant to Section 366.96(7), F.S., the Commission shall conduct an annual proceeding to determine the utility’s prudently incurred SPP costs. In addition, Section 366.96(10), F.S., requires that the Commission submit an annual report to the Governor, President of the Senate, and Speaker of the House, on the status of the utilities’ storm protection activities and costs, which is the purpose of this report. The Commission’s rules implementing this new statute became effective on February 18, 2020.

This report is a summary of information provided pursuant to Rule 25-6.030(4), Florida Administrative Code (F.A.C.), which includes:

- Planned and completed SPP programs and projects in the previous year.
- Actual costs and rate impacts associated with completed SPP programs compared to the estimated costs and rate impacts for the same activities.
- Estimated costs and rate impacts associated with SPP programs planned for the next year.

Sections 3 through 6 of this report summarize the information required pursuant to Section 366.96(10) F.S., for Duke Energy Florida, LLC (DEF), Florida Power & Light Company (FPL), Florida Public Utilities Company (FPUC), and Tampa Electric Company (TECO). A majority of these SPP programs are a continuation of the utility’s previously approved Storm Hardening Plan¹ and SPP.²

Section 366.96(7), F.S., requires the FPSC to conduct an annual proceeding to determine the utility’s prudently incurred transmission and distribution storm protection plan costs and allow the utility to recover such costs through a charge separate and apart from its base rates, to be referred to as the storm protection plan cost recovery clause (SPPCRC). Prior to enactment of Section 366.96, F.S., costs to strengthen or harden an IOU’s transmission and distribution infrastructure to withstand extreme wind events were recovered through base rates. The FPSC changes base rates infrequently but conducts an evidentiary proceeding or rate case, upon petition by an IOU or if the earnings of the IOU indicate that existing base rates may no longer be fair, just, reasonable or compensatory. Examples of costs recovered by base rates include new power plants such as solar facilities, modifications to existing power plants, transmission and distribution facilities, and other costs to maintain these facilities and operate the utility.

Beginning in 2020, the FPSC holds an annual evidentiary hearing for the SPPCRC that features a review of projected costs and a true-up of actual costs to establish SPPCRC factors or rates charged to

¹ Docket No. 20180144-EI (FPL), Docket No. 2018045-EI (TECO), Docket No. 20180146-EI (DEF), Docket No. 20180147-EI (Gulf) and Docket No. 20180148-EI (FPUC), *In re: Review of 2019-2021 storm hardening plan.*

² Docket No. 20220048-EI (TECO), Docket No. 20220049-EI (FPUC), Docket No. 20220050-EI (DEF), and Docket No. 20220051-EI (FPL), *In re: Review of Storm Protection Plan pursuant to Rule 25-6.030, F.A.C.*

customers. This recurring, self-correcting process balances cost over-recoveries and under-recoveries to more closely reflect actual costs in any given period.

The majority of costs associated with an IOU’s SPP activities are being recovered through the SPPCRC; however, some legacy costs continue to be recovered through an IOU’s base rates. Section 366.96(8), F.S., requires that costs recovered through the SPPCRC may not include costs recovered through an IOU’s base rates. As part of its implementation of the SPPCRC for each IOU, the FPSC ensured that the SPPCRC rates or factors did not include costs recovered through base rates.

Table A provides a summary of each IOU’s reported estimated and actual total storm protection plan expenditures (base rates and SPPCRC). Table B is a summary of each utility’s reported estimated and actual total bill impacts for a typical residential customer. The bill impacts shown in this report are based on expenses of completing SPP projects in a single year and are the result of dividing these costs by electricity sales. These bill impacts are a metric to assess trends in SPP expenditures and are not intended to match SPPCRC rates.

Section 7 includes summary tables of the actual SPP costs and bill impacts for each company for 2020–2022 or since inception of the SPPs.

Table A
Summary of SPP Costs

Utility	2020* Actual (Millions)	2022 Estimated (Millions)	2022 Actual (Millions)	2023 Estimated (Millions)
Duke Energy Florida, LLC	\$239.3	\$651.2	\$493.5	\$669.9
Florida Power & Light/ Gulf Power Company	\$1,037.2 \$36.6	\$1,360.0	\$1,501.3	\$1,479.1
Florida Public Utilities Company**		\$2.5	\$1.7	\$10.4
Tampa Electric Company	\$36.9	\$201.1	\$219.7	\$199.6
Totals	\$1,350.0	\$2,214.8	\$2,216.2	\$2,359.0

*Note: The 2020 Actual amounts are from the Companies’ 2020 SPP Annual reports.

**Note: The Commission granted a motion to defer FPUC’s 2020 SPP filing and refrain from participating in the SPPCRC proceeding due to circumstances affecting the utility as a result of Hurricane Michael in 2020. FPUC’s first SPP was approved, with modifications, at the October 4, 2022 Commission Conference.

Table B
Summary of Total SPP Bill Impacts (in dollars)

Utility	2020* Actual Residential Bill Impact (\$/1,000 kWh)	2022 Estimated Residential Bill Impact (\$/1,000 kWh)	2022 Actual Residential Bill Impact (\$/1,000 kWh)	2023 Estimated Residential Bill Impact (\$/1,000 kWh)
Duke Energy Florida, LLC	\$2.05	\$3.15	\$2.65	\$3.08
Florida Power & Light/ Gulf Power Company	\$1.29	\$1.48	\$1.64	\$1.79
	\$0.98			
Florida Public Utilities Company**		\$0.57	\$0.84	\$2.72
Tampa Electric Company	\$1.03	\$3.26	\$3.26	\$4.96

*Note: The 2020 Actual amounts are from the Companies' 2020 SPP Annual reports.

**Note: The Commission granted a motion to defer FPUC's 2020 SPP filing and refrain from participating in the SPPCRC proceeding due to circumstances affecting the utility as a result of Hurricane Michael in 2020. FPUC's first SPP was approved, with modifications, at the October 4, 2022 Commission Conference.

Section 1 – Background

In order to implement the new statute, the Commission staff held two rule development workshops, on June 25, 2019, and August 20, 2019, to obtain stakeholder comments on the draft rules. Representatives from each IOU, Florida Retail Federation, Florida Industrial Power Users Group, and the Office of Public Counsel (OPC) participated at the workshops and submitted post-workshop comments. Additionally, representatives from Florida Electric Cooperatives Association, Inc., and Florida Municipal Electric Association submitted post-workshop comments.

The Commission proposed the adoption of Rules 25-6.030, F.A.C, Storm Protection Plan, and 25-6.031, F.A.C., Storm Protection Plan Cost Recovery Clause, at its October 3, 2019 Commission Conference.³ However, the rules were challenged and an administrative hearing was held on December 20, 2019, at the Department of Administrative Hearings.⁴ The Administrative Law Judge issued a final order on January 21, 2020, deeming the rules as valid and the rules became effective on February 18, 2020.

On April 11, 2022, DEF, FPL, and TECO each filed their second SPP for Commission approval.⁵ These plans are largely a continuation of the IOUs' initial Commission-approved SPPs with the addition of some newly proposed programs.⁶ The initial SPPs were approved by the Commission through individual settlement agreements. In addition, FPUC filed its first SPP for Commission approval on April 11, 2022.⁷

The Commission held a technical hearing on August 2-4, 2022, to address all four dockets. On October 4, 2022, the Commission voted to approve the plans with modifications. The utilities filed their modified SPPs on November 14 and 15, 2022, as required. However, the Commission's Orders approving the plans with modifications were appealed. The appeal is still pending at the Florida Supreme Court.⁸

Pursuant to Section 366.96(8), F.S., and Rule 25-6.031, F.A.C., SPP costs that are being recovered through the SPPCRC cannot be recovered through base rates or any other cost recovery method. SPP costs that are being recovered through the SPPCRC are evaluated by the Commission on an annual basis via the SPPCRC docket. The most recent SPPCRC docket was opened on January 3, 2023, and the Commission is scheduled to make a final decision on this docket by the end of the year.⁹

³ Docket No. 20190131-EU, *In re: Proposed adoption of Rule 25-6.030, F.A.C., Storm Protection Plan and Rule 25-6.031, F.A.C., Storm Protection Plan Cost Recovery Clause*.

⁴ Case No. 19-006137RP, *In re: Petitioner and Intervenor had standing to challenge the proposed rules, but the evidence showed that the proposed rules are not invalid exercises of delegated legislative authority*.

⁵ Docket No. 20220048-EI (TECO), Docket No. 20220050-EI (DEF), and Docket No. 20220051-EI (FPL), *In re: Review of Storm Protection Plan pursuant to Rule 25-6.030, F.A.C.*

⁶ TECO and FPUC's SPPs are for 2022 through 2031. DEF and FPL's SPPs are for 2023 through 2032.

⁷ Docket No. 20220049-EI (FPUC), *In re: Review of Storm Protection Plan pursuant to Rule 25-6.030, F.A.C.*

⁸ Case No. SC2022-1733, filed December 15, 2022, *In re: Notice of Appeal*

⁹ Docket No. 20230010-EI, *In re: Storm Protection Plan Cost Recovery Clause*.

Section 2 - Summary of Filings

On June 1, 2023, DEF, FPL, FPUC, and TECO filed their annual status reports regarding their SPP programs.¹⁰ As required by Section 366.96(10), F.S., these status reports include:

- A description of all planned and completed SPP programs and projects in 2022.
- Actual costs and rate impacts associated with completed SPP programs compared to the estimated costs and rate impacts for the same activities.
- Estimated costs and rate impacts associated with SPP programs planned for 2023.

Each section below contains a brief description of each utility's SPP programs. A majority of these programs are a continuation of the utility's SPP previously approved by the Commission. The tables contained within each section summarize the information required pursuant to Section 366.96(10), F.S. Additional details of the programs are also contained in each utility's annual status report and its filings in the annual SPPCRC proceeding.

¹⁰ <https://www.psc.state.fl.us/storm-protection-plans>.

Section 3 - Duke Energy Florida, LLC

Program Descriptions

Below are the programs that DEF implemented in 2022 or will implement in 2023. Further details of the programs are in DEF's SPP¹¹ or its annual SPP report.¹²

Distribution Self-Optimizing Grid

This program utilizes automated switching which allows most circuits to be restored from alternate sources. The program has connectivity projects that create tie points between circuits and adds segmentation such that the distribution circuits have much smaller line segments, thus reducing the number of customers that are affected by outages.

Distribution Targeted Underground

Existing overhead distribution lines are converted to underground in accessible locations to reduce tree and debris-related outages in heavily vegetated neighborhoods. DEF selects and prioritizes locations based on a 10-year reliability assessment of protective devices and outage history.

Distribution Deteriorated Conductor

The primary purpose of this program is to replace over-dutied overhead conductors that are prone to outages due to brittle composition, small load capacity, and reduced connection quality. The selected areas will have all of the copper and smaller aluminum conductors brought up to the current aluminum equivalent. In addition, poles, transformers, other primary equipment, and vegetation will be brought up to DEF's current standards.

Distribution Pole Replacements and Inspections

DEF inspects distribution wood poles on an average eight-year cycle to determine the extent of pole decay and any associated loss of strength. The information gathered from the inspections is used to determine if the pole needs to be replaced or if treatment and reinforcement will extend the life of the pole. DEF completes a loading analysis on poles with joint-use attachments on its system on an average eight-year cycle.

Distribution Feeder Hardening

This program will enable the feeder backbone to better withstand extreme weather events. This includes strengthening or replacing structures, updating basic insulation levels and conductors to current standards, relocating difficult to access facilities, and incorporates the Company's pole inspection and replacement activities. All new structures will meet the National Electric Safety Code (NESC) 250C extreme wind load (EWL) standard.

¹¹ Docket No. 20220050-EI, *In re: Review of Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Duke Energy Florida, LLC.*

¹²<https://www.floridapsc.com/pscfiles/website-files/PDF/Utilities/Electricgas/StormProtectionPlans/2022/2022%20Duke%20Energy%20Florida,%20Inc.%20SPP%20Annual%20Status%20Report.pdf>

Distribution Lateral Hardening

This program will enable branch lines to better withstand extreme weather events. The Lateral Hardening Program includes undergrounding of the laterals that are most prone to damage during extreme weather events and are in inaccessible locations, and overhead hardening of those laterals less prone to damage. Laterals will also be relocated to accessible locations, where practical.

Distribution Underground Flood Mitigation

This program will harden existing underground facilities in locations that are prone to storm surge during extreme weather events. This involves the installation of specialized stainless-steel equipment, submersible connections, and concrete pads with increased mass.

Distribution Vegetation Management

The program consists of routine maintenance trimming, hazard tree removal, herbicide applications, vine removal, customer requested work, and right-of-way brush mowing where applicable. DEF trims its feeders on an average three-year cycle and trims its laterals on an average five-year cycle.

Transmission Structure and Drone Inspections

The transmission system's inspection activities include all types of structures, line hardware, guying, and anchoring systems. Ground-line inspections determine the extent of pole decay and any associated loss of strength. The transmission wood poles are inspected on a four-year cycle and the transmission non-wooden poles and towers are inspected on a six-year cycle. Drone inspections provide high-resolution imagery for structure, hardware and insulation vulnerabilities that otherwise would be difficult to see.

Transmission Pole Replacements

This program's activities are based on the results of the inspections of transmission wood poles. This activity upgrades wood poles to non-wood material such as steel or concrete. Other related hardware upgrades will occur simultaneously, such as insulators, crossarms, switches, and guys.

Transmission Tower Upgrades

This program focuses on the replacement of tower types that failed during extreme weather events as well as lattice towers identified during inspection results and cathodic protection data. It will prioritize towers based on inspection data and enhanced weather modeling.

Transmission Overhead Ground Wire

This program targets lines to improve lightning protection. The program prioritizes the replacement of deteriorated overhead ground wires by targeting lines with frequent lightning events, outage histories, structure design types, overhead ground wire materials, and inspection results.

Transmission GOAB Automation

The Gang Operated Air Break (GOAB) line switch automation project is a 20-year initiative that will upgrade 160 switch locations with modern switches enabled with remote-control capabilities. The GOAB upgrades increase the number of remote-control switches to support faster isolation of trouble spots on the transmission system and more rapid restoration following line faults.

Transmission Cathodic Protection

This program mitigates active ground level corrosion on the steel lattice tower system. The Cathodic Protection program includes the installation of passive cathodic protection systems comprised of anodes on each leg of the lattice towers. The anodes serve as sacrificial assets that corrode in place of the structural steel, preventing loss of structure strength due to corrosion.

Transmission Substation Flood Mitigation

The Substation Flood Mitigation program builds, using flood plain and storm surge data, includes a systematic review and prioritization of substations at risk of flooding to determine the proper mitigation solution. The mitigation solutions may include elevating or modifying equipment or relocating substations altogether.

Transmission Substation Hardening

The replacement of oil circuit breakers with state-of-the-art breakers will result in the transmission system being able to more effectively and consistently isolate faults, reclose after momentary interruptions, and improve the customer experience through fewer interruptions. The replacement of electro-mechanical relays with electronic relays is designed to provide rapid communication capabilities and microprocessor technology, which enables a quicker recovery from events. Relay upgrades will be matched with breaker replacements.

Transmission Vegetation Management

DEF's Transmission vegetation management program focuses on ensuring the safe and reliable operation of the transmission system by minimizing vegetation-related interruptions and adequate conductor-to-vegetation clearances. The program consists of planned threat and condition-based work, hazard tree mitigation, and floor management (herbicide, mowing, and hand cutting).

Tables 3-1 and 3-2 provide a list of the projects and activities planned and completed for 2022 and the projects and activities planned for 2023. In addition, the tables include a comparison of the estimated and actual costs of the projects and activities for 2022 and the estimated costs for 2023. The tables separately identify the costs recovered through the SPPCRC and base rates. As shown in Table 3-2, there are SPP projects or activities being recovered through base rates for 2022-2023, which includes costs associated with the retirement of older non-hardened assets.

**Table 3-1
DEF's SPP Projects Planned & Completed for 2022–2023
(SPPCRC Only)**

Program name	Projects/ Activities Planned for 2022	Estimated Cost for 2022 (Millions)	Projects/ Activities Completed in 2022	Actual Cost for 2022 (Millions)	Projects/ Activities Planned for 2023	Estimated Cost for 2023 (Millions)
Dist. Self-Optimizing Grid	632	\$ 73.8	238	\$ 43.8	746	\$ 84.1
Dist. Targeted Underground	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Dist. Deteriorated Conductor	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Dist. Pole Replacements	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Dist. Feeder Hardening	42	\$ 79.4	85	\$ 57.1	78	\$ 145.5
Dist. Feeder Hardening Pole Replacements (poles)	1,826	\$14.5	457	\$ 4.9	1,730	\$17.3
Dist. Feeder Hardening Pole Inspections (poles)	31,857	\$ 1.5	24,961	\$ 0.9	24,501	\$ 0.9
Dist. Lateral Hardening-Overhead	28	\$64.0	71	\$ 38.2	82	\$87.4
Dist. Lateral Hardening Pole Replacements (poles)	5,143	\$40.7	2,113	\$ 18.1	7,058	\$70.6
Dist. Lateral Hardening Pole Inspections (poles)	90,567	\$ 4.2	71,039	\$ 2.7	77,591	\$ 2.8
Dist. Lateral Hardening-Underground	25	\$99.5	53	\$ 56.4	27	\$40
Dist. Underground Flood Mitigation	3	\$ 0.8	3	\$ 0.3	3	\$ 0.5
Dist. Vegetation Management (miles)	4,227	\$ 46.2	4,126	\$ 45.8	4,413	\$ 47.5
Trans. Pole/Tower Inspections/Drone Inspections	12,747	\$ 0.5	12,404	\$ 0.6	12,459	\$ 0.6
Trans. Pole Replacements (poles)	2,180	\$111.5	1,987	\$116.5	1,909	\$ 121.7
Trans. Tower Upgrades	2	\$ 4.3	4	\$ 1.6	4	\$ 5.1
Trans. Overhead Ground Wire	4	\$ 4.2	3	\$ 1.6	6	\$ 7.5
Trans. GOAB Automation	2	\$ 1.0	7	\$ 0.3	4	\$ 5.0
Trans. Cathodic Protection	2	\$ 0.9	13	\$ 0.8	3	\$ 2.6
Trans. Substation Hardening	9	\$ 7.8	11	\$ 3.3	8	\$ 9.5
Trans. Vegetation Management (miles)	426	\$ 23.0	501	\$ 23.6	519	\$ 21.3
Totals		\$577.8		\$416.5		\$ 669.9

Source: DEF's 2022 SPP Annual Report and responses to staff's data requests.

Note: Trans. = Transmission, Dist. = Distribution.

Table 3-2
DEF's SPP Projects Planned & Completed for 2022–2023
(Base Rates Only)

Program name	Projects/ Activities Planned for 2022	Estimated Cost for 2022 (Millions)	Projects/ Activities Completed in 2022	Actual Cost for 2022 (Millions)	Projects/ Activities Planned for 2023	Estimated Cost for 2023 (Millions)
Dist. Self-Optimizing Grid	83	\$ 5.8	73	\$ 5.6	0	\$ 0.0
Dist. Targeted Underground	157	\$ 36.6	203	\$ 44.8	0	\$ 0.0
Dist. Deteriorated Conductor	21	\$ 7.5	19	\$ 2.4	0	\$ 0.0
Dist. Pole Replacements	2,651	\$ 23.5	2,571	\$ 24.2	0	\$ 0.0
Dist. Feeder Hardening	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Dist. Feeder Hardening Pole Replacements (poles)	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Dist. Feeder Hardening Pole Inspections (poles)	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Dist. Lateral Hardening-Overhead	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Dist. Lateral Hardening Pole Replacements (poles)	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Dist. Lateral Hardening Pole Inspections (poles)	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Dist. Lateral Hardening-Underground	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Dist. Underground Flood Mitigation	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Dist. Vegetation Management (miles)	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Trans. Pole/Tower Inspections/Drone Inspections	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Trans. Pole Replacements (poles)	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Trans. Tower Upgrades	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Trans. Overhead Ground Wire	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Trans. GOAB Automation	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Trans. Cathodic Protection	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Trans. Substation Hardening	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Trans. Vegetation Management (miles)	0	\$ 0.0	0	\$ 0.0	0	\$ 0.0
Totals		\$ 73.4		\$ 77.0		\$ 0.0

Source: DEF's 2022 SPP Annual Report and responses to staff's data requests.

Note: Trans. = Transmission, Dist. = Distribution.

Table 3-3 provides the typical residential customer’s bill impact for the implementation of DEF’s SPP programs. These values represent the total costs of DEF’s SPP activities, some of which are recovered through base rates and others through the SPPCRC. For reference purposes, DEF’s 2023 SPPCRC factor results in a residential bill impact of approximately \$4.14 for similar usage.

**Table 3-3
DEF’s Actual and Projected Bill Impacts (in dollars)**

2020* Actual		2022 Estimated		2022 Actual		2023 Estimated	
Total Costs (Millions)	Residential Bill Impact (\$/1,000 kWh)	Total Costs (Millions)	Residential Bill Impact (\$/1,000 kWh)	Total Costs (Millions)	Residential Bill Impact (\$/1,000 kWh)	Total Costs (Millions)	Residential Bill Impact (\$/1,000 kWh)
\$239.3	\$2.05	\$651.2	\$3.15	\$493.5	\$2.65	\$669.9	\$3.08

Source: DEF’s 2022 SPP Annual Report and responses to staff’s data requests.

*Note: The 2020 Actual amounts are from the Company’s 2020 SPP Annual Report.

Section 4 - Florida Power & Light

Program Descriptions

Gulf Power Company (Gulf) was merged with FPL in 2021 and 2022; the utilities were consolidated for ratemaking purposes as FPL. Below are the programs that FPL implemented in 2022. Further details of the programs are in FPL's SPP¹³ or in its annual SPP report.¹⁴

Distribution Inspection Program

This program includes an eight-year pole inspection cycle for all distribution poles throughout its service area. In addition, joint use poles are inspected as part of the Distribution Inspection Program.

Transmission Inspection Program

This program ensures that transmission wood, steel, and concrete structures are visually inspected on an annual basis. Transmission circuits and substations will be inspected on a six-year cycle. Climbing or bucket truck inspections on wood structures will be on a six-year cycle and climbing or bucket truck inspections on steel and concrete structures will be on a ten-year cycle.

Distribution Feeder Hardening Program

FPL hardens feeder throughout its service area, considering historical reliability performance, restoration difficulties, ongoing/upcoming projects, and geographic locations. This includes FPL's initiative of design and construction practices to meet the NESC EWL criteria.

Distribution Lateral Hardening Program

FPL originally started this program as a pilot program in 2018 and has continued the program as part of its SPP. This program targets certain overhead laterals, which were impacted by recent storms and have a history of vegetation-related outages and other reliability issues, for conversion from overhead to underground.

Transmission Hardening Program

This program replaces all wood transmission structures with steel or concrete structures. As of year-end 2022, 100 percent of former FPL's transmission structures are steel or concrete and 67 percent of the former Gulf's transmission structures are steel or concrete with 33 percent (approximately 4,100 structures) wood transmission structures remaining.

Distribution Vegetation Management Program

To maintain current cycles, FPL plans to inspect and maintain, on average, approximately 17,000 miles of feeders and laterals, which is consistent with historically recorded miles. This program includes a three-year average vegetation maintenance cycle for feeders, mid-cycle targeted

¹³ Docket No. 20220051-EI, *In re: Review of Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Florida Power & Light Company*.

¹⁴<https://www.floridapsc.com/pscfiles/website-files/PDF/Utilities/Electricgas/StormProtectionPlans/2022/2022%20Florida%20Power%20and%20Light%20Company%20SPP%20Annual%20Status%20Report.pdf>

vegetation maintenance cycle for certain feeders, six-year average vegetation maintenance cycle for laterals, and continued customer education through FPL's "Right Tree, Right Place" initiative.

Transmission Vegetation Management Program

FPL plans to inspect and maintain, on average, approximately 9,000 miles of its transmission lines annually, which is comparable to the historically maintained miles. This program includes inspecting the rights-of-way of transmission infrastructure, documenting vegetation inspection results and findings, and prescribing and executing a work plan.

Substation Storm Surge/Flood Mitigation Program

The Substation Storm Surge/Flood Mitigation program is a continuing program, first established in FPL's 2020 SPP. Damage to substations that are susceptible to storm surge and flooding during extreme weather events can be prevented and/or mitigated by raising the equipment at certain substations above flood level and constructing flood protection walls around other substations.

Tables 4-1 and 4-2 provide a list of the projects and activities planned and completed by FPL for 2022 and the projects and activities planned for 2023. In addition, the tables include a comparison of the estimated and actual costs of the projects and activities for 2022 and the estimated costs for 2023. The tables separately identify the costs recovered through the SPPCRC and base rates. As shown in Table 4-2, there are no SPP projects or activities being recovered through base rates for 2022-2023. However, costs associated with the retirement of non-hardened assets that were part of FPL’s system prior to 2021 are recovered through base rates.

**Table 4-1
FPL’s SPP Projects Planned & Completed for 2022–2023
(SPPCRC Only)**

Program Name	Projects/ Activities Planned for 2022	Estimated Cost for 2022 (Millions)	Projects/ Activities Completed in 2022	Actual Cost for 2022 (Millions)	Projects/ Activities Planned for 2023	Estimated Cost for 2023 (Millions)
Dist. Inspection (poles)	180,000	\$ 39.3	190,275	\$ 39.4	180,000	\$ 40.4
Trans. Inspections	81,000	\$ 30.1	82,768	\$ 43.3	84,000	\$ 62.6
Dist. Feeder Hardening	347	\$ 629.2	324	\$ 706.5	447	\$ 594.5
Dist. Lateral Hardening	630	\$ 342.1	608	\$ 355.2	746	\$ 486.5
Trans. Hardening	1,271	\$ 70.2	900	\$ 56.5	469	\$ 30.2
Dist. Vegetation Management (miles)	16,690	\$ 67.0	19,283	\$ 71.0	16,690	\$ 73.0
Trans. Vegetation Management (miles)	9,062	\$ 11.8	9,303	\$ 15.8	9,350	\$ 11.8
Substation Storm Surge/Flood Mitigation	3	\$ 9.6	0	\$ 4.7	3	\$ 8.0
Totals		\$1,199.3		\$1,292.4		\$1,307.1

Source: FPL’s 2022 SPP Annual Report and responses to staff’s data requests.

Note: Trans. = Transmission, Dist. = Distribution.

Table 4-2
FPL's Retirements of Assets Planned & Completed for 2022–2023
(Base Rates Only)

Program Name	Projects/ Activities Planned for 2022	Estimated Cost for 2022 (Millions)	Projects/ Activities Completed in 2022	Actual Cost for 2022 (Millions)	Projects/ Activities Planned for 2023	Estimated Cost for 2023 (Millions)
Dist. Inspection (poles)		\$ 21.6		\$ 23.7		\$ 22.3
Trans. Inspections		\$ 2.8		\$ 12.3		\$ 13.3
Dist. Feeder Hardening		\$ 98.9		\$ 139.5		\$ 94.5
Dist. Lateral Hardening		\$ 26.1		\$ 21.8		\$ 36.6
Trans. Hardening		\$ 10.9		\$ 12.0		\$ 5.4
Dist. Vegetation Management (miles)		\$ 0.0		\$ 0.0		\$ 0.0
Trans. Vegetation Management (miles)		\$ 0.0		\$ 0.0		\$ 0.0
Substation Storm Surge/Flood Mitigation		\$ 0.4		\$ (0.1)		\$ 0.0
Totals		\$160.7		\$209.2		\$172.0

Source: FPL's 2022 SPP Annual Report and responses to staff's data requests.

Note: Trans. = Transmission, Dist. = Distribution.

Table 4-3 provides the typical residential customer’s bill impact for the implementation of FPL’s SPP programs. These values represent the total costs of FPL’s SPP activities, which are recovered through the SPPCRC and base rates. For reference purposes, FPL’s 2023 SPPCRC factor results in a residential bill impact of approximately \$3.82 for similar usage.

**Table 4-3
FPL’s Actual and Projected Bill Impacts (in dollars)**

	2020* Actual		2022 Estimated		2022 Actual		2023 Estimated	
	Total Costs (Millions)	Residential Bill Impact (\$/1,000 kWh)	Total Costs (Millions)	Residential Bill Impact (\$/1,000 kWh)	Total Costs (Millions)	Residential Bill Impact (\$/1,000 kWh)	Total Costs (Millions)	Residential Bill Impact (\$/1,000 kWh)
FPL	\$1,037.2	\$1.29	\$1,360.0	\$1.48	\$1,501.6	\$1.64	\$1,479.1	\$1.79
Gulf	\$36.6	\$0.98						

Source: FPL’s 2022 SPP Annual Report and responses to staff’s data requests.

*Note: The 2020 Actual amounts are from the Companies’ 2020 SPP Annual Reports.

Section 5 - Florida Public Utilities Company

Program Descriptions

Below are the programs that FPUC implemented in 2022 or will implement in 2023. Further details of the programs are in FPUC's SPP¹⁵ or its annual SPP report.¹⁶

Distribution Overhead Feeder Hardening Program

FPUC will analyze its feeders, leveraging specialized software, to ensure the feeder is adhering to NESC 250C EWL standards. If applicable, upgrades could include upgrading the class of the pole or adding intermediate poles.

Distribution Overhead Lateral Hardening Program

FPUC will analyze its overhead laterals, leveraging specialized software, to ensure the feeder is adhering to NESC 250C EWL standards. If applicable, upgrades could include upgrading the class of the pole or adding intermediate poles.

Distribution Overhead Lateral Undergrounding Program

This program addresses the systematic undergrounding or relocation and undergrounding of the single-phase overhead laterals. Many of these laterals are located in heavily vegetated areas, environmentally sensitive areas, or in areas where upgrading the overhead laterals to NESC EWL standards is not practical or consistent with industry design standards.

Distribution Pole Inspection and Replacement Program

All of FPUC's distribution poles are on an eight-year inspection cycle. Distribution poles are inspected by visual inspection techniques, sound and bores, and excavations with treatments. The poles are replaced using the NESC EWL standards.

Transmission and Distribution Vegetation Management Program

This program includes a new four-year cycle on the feeders and laterals, increased participation with local governments to address overall reliability due to tree related outages, and information made available to customers regarding the maintenance and placement of trees. The transmission lines have been on a three-year cycle. In 2022, FPUC continued its prior three-year feeder/six-year lateral cycle for its vegetation management as FPUC transitions to the new four-year cycle.

Transmission Inspection and Hardening Program

FPUC's transmission structures are on a six-year detailed inspection cycle. The next inspection is scheduled for 2024. FPUC's substation equipment is inspected annually. FPUC's 138kV transmission system includes concrete poles, steel poles, and steel towers. Its 69kV transmission system consists of 122 concrete poles and 95 wooden poles. As necessary, wood poles will be replaced with concrete poles that meet NESC standards.

¹⁵ Docket No. 20220049-EI, *In re: Review of Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Florida Public Utilities Company.*

¹⁶<https://www.floridapsc.com/pscfiles/website-files/PDF/Utilities/Electricgas/StormProtectionPlans/2022/2022%20Florida%20Public%20Utilities%20Company%20SPP%20Annual%20Status%20Report.pdf>

Tables 5-1 and 5-2 provide a list of the projects and activities planned and completed by FPUC for 2022 and the projects and activities planned for 2023. In addition, the tables include a comparison of the estimated and actual costs of the projects and activities for 2022 and the estimated costs for 2023. The tables separately identify the costs recovered through the SPPCRC and base rates. As shown in Table 5-2, there are SPP projects or activities being recovered through base rates for 2022-2023, which includes costs associated with the retirement of older non-hardened assets.

**Table 5-1
FPUC’s SPP Projects Planned & Completed for 2022–2023
(SPPCRC Only)**

Program Name	Projects/ Activities Planned for 2022	Estimated Cost for 2022 (Millions)	Projects/ Activities Completed in 2022	Actual Cost for 2022 (Millions)	Projects/ Activities Planned for 2023	Estimated Cost for 2023 (Millions)
Dist. OH Feeder Hardening	3	\$0.3	0	\$0.2	10	\$3.5
Dist. OH Lateral Hardening	4	\$0.1	0	\$0.1	9	\$0.5
Dist. OH Lateral Hardening UG	3	\$0.1	0	\$0.1	16	\$2.1
Dist. Pole Inspection & Replacement (poles)	N/A	\$0.7	3,248	\$0.0	3,810	\$2.0
Trans & Dist. Vegetation Management (miles)	77	\$0.2	116	\$0.5	183	\$0.4
Trans. Inspection & Hardening	6	\$0.4	0	\$0.0	12	\$0.9
SPP Program Management	N/A	\$0.0	N/A	\$0.1	N/A	\$0.0
Totals		\$1.8		\$1.0		\$9.4

Source: FPUC’s 2022 SPP Annual Report and responses to staff’s data requests.

Note: Trans. = Transmission, Dist. = Distribution, OH = Overhead, UG = Undergrounding.

**Table 5-2
FPUC's SPP Projects Planned & Completed for 2022–2023
(Base Rates Only)**

Program Name	Projects/ Activities Planned for 2022	Estimated Cost for 2022 (Millions)	Projects/ Activities Completed in 2022	Actual Cost for 2022 (Millions)	Projects/ Activities Planned for 2023	Estimated Cost for 2023 (Millions)
Dist. OH Feeder Hardening	0	\$0.0	0	\$0.0	0	\$0.0
Dist. OH Lateral Hardening	0	\$0.0	0	\$0.0	0	\$0.0
Dist. OH Lateral Hardening UG	0	\$0.0	0	\$0.0	0	\$0.0
Dist. Pole Inspection & Replacement (poles)	N/A	\$0.1	N/A	\$0.1	N/A	\$0.1
Trans & Dist. Vegetation Management (miles)	N/A	\$0.6	N/A	\$0.6	N/A	\$0.9
Trans. Inspection & Hardening	0	\$0.0	0	\$0.0	0	\$0.0
SPP Program Management	N/A	\$0.0	N/A	\$0.0	N/A	\$0.0
Totals		\$0.7		\$0.7		\$1.0

Source: FPUC's 2022 SPP Annual Report and responses to staff's data requests.

Note: Trans. = Transmission, Dist. = Distribution, OH = Overhead, UG = Undergrounding.

Table 5-3 provides the typical residential customer’s bill impact for the implementation of FPUC’s SPP programs. These values represent the total costs of FPUC’s SPP activities, some of which are recovered through base rates and others through the SPPCRC. For reference purposes, FPUC’s 2023 SPPCRC factor results in a residential bill impact of approximately \$2.50 for similar usage.

**Table 5-3
FPUC’s Actual and Projected Bill Impacts (in dollars)**

	2020* Actual		2022 Estimated		2022 Actual		2023 Estimated	
	Total Costs (Millions)	Residential Bill Impact (\$/1,000 kWh)	Total Costs (Millions)	Residential Bill Impact (\$/1,000 kWh)	Total Costs (Millions)	Residential Bill Impact (\$/1,000 kWh)	Total Costs (Millions)	Residential Bill Impact (\$/1,000 kWh)
FPUC			\$2.5	\$0.57	\$1.5	\$0.84	\$10.3	\$2.72

Source: FPUC’s 2022 SPP Annual Report and responses to staff’s data requests.

*Note: The Commission granted a motion to defer FPUC’s 2020 SPP filing and refrain from participating in the SPPCRC proceeding due to circumstances affecting the utility as a result of Hurricane Michael in 2020. FPUC’s first SPP was approved, with modifications, at the October 4, 2022 Commission Conference.

Section 6 - Tampa Electric Company

Program Descriptions

Below are the programs that TECO implemented in 2022 or will implement in 2023. Further details of the programs are in TECO's SPP¹⁷ or in its annual SPP report.¹⁸

Distribution Lateral Undergrounding

TECO's Distribution Lateral Undergrounding program is a program that strategically undergrounds existing overhead laterals. The primary factor in prioritizing laterals to be underground is based on reliability performance during extreme weather events.

Vegetation Management

TECO's distribution and transmission vegetation management activities are both addressed in this program. TECO's distribution tree trimming program includes circuit tree trimming activities, mid-cycle trimming activities, customer requested work, and work orders associated with circuit improvement processes. TECO's distribution system is on a four-year cycle and the transmission system is on a two- or three-year cycle depending on voltage level.

Transmission Asset Upgrades

TECO plans to replace its remaining transmission wood poles with non-wood material by the end of its initial 2020-2029 SPP. This is a continuation of TECO's existing storm hardening pole replacement program, which includes replacing poles based on preventative, corrective or project-driven assessments.

Substation Extreme Weather Hardening

Hardening existing substations to minimize outages, reduce restoration times and enhance emergency response during extreme weather events is a new program included in TECO's SPP. No projects were planned or completed for 2022 under this program as TECO finished its studies on the substations. TECO identified nine substations to be hardened, of which, one project will start in 2023.

Distribution Overhead Feeder Hardening

TECO's distribution system will be hardened to withstand increased wind-loading and harsh environmental conditions associated with extreme weather events by increasing the resiliency and sectionalizing capabilities of the system.

Transmission Access Enhancements

In order to have continuous access to its transmission facilities for restoration, TECO implemented this program in its SPP to maintain the access roads and bridges leading to its facilities. TECO

¹⁷ Docket No. 20220048-EI, *In re: Review of Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Tampa Electric Company.*

¹⁸<https://www.floridapsc.com/pscfiles/website-files/PDF/Utilities/Electricgas/StormProtectionPlans/2022/2022%20Tampa%20Electric%20Company%20SPP%20Annual%20Status%20Report.pdf>

completed four projects in 2022. The Commission voted to eliminate this program from TECO's 2023 SPP and as a result, this program ended December 31, 2022.

Infrastructure Inspections

TECO's distribution wood pole inspections and transmission structure inspections, and the joint use pole attachment audit are combined into one program. The distribution wood pole inspections are on an eight-year cycle program consisting of visual inspections, sound and bore inspections, and excavations at least 18 inches below ground line. The transmission structure inspections include a range of inspections from ground to aerial infrared patrols with a range of cycles from annual to eight years. The joint use pole attachment audit is a comprehensive loading analysis to ensure TECO's poles with joint use attachments are not overloaded and meet the NESC standards. This audit will be performed every four to five years.

Tables 6-1 and 6-2 provide a list of the projects and activities planned and completed for 2022 and the projects and activities planned for 2023. In addition, the table includes a comparison of the estimated and actual costs of the projects and activities for 2022 and the estimated costs for 2023. The tables separately identify the costs recovered through the SPPCRC and base rates. As shown in Table 6-2, there are SPP projects or activities being recovered through base rates for 2022-2023, which includes costs associated with the retirement of older non-hardened assets.

**Table 6-1
TECO's SPP Projects Planned & Completed for 2022–2023
(SPPCRC Only)**

Program name	Projects/ Activities Planned for 2022	Estimated Cost for 2022 (Millions)	Projects/ Activities Completed in 2022	Actual Cost for 2022 (Millions)	Projects/ Activities Planned for 2023	Estimated Cost for 2023 (Millions)
Dist. Lateral Undergrounding	698	\$106.1	120	\$127.4	399	\$104.7
Dist. Vegetation Management (miles)	2,448	\$ 21.2	2,536	\$ 19.8	3,279	\$ 24.0
Trans. Vegetation Management (miles)	557	\$ 3.6	532	\$ 3.4	557	\$ 3.7
Trans. Asset Upgrades (poles)	474	\$ 17.0	526	\$ 20.9	463	\$ 18.0
Substation Extreme Weather Hardening	0	\$ 0.0	0	\$ 0.0	1	\$ 0.7
Dist. Overhead Feeder Hardening	47	\$ 33.4	1,654	\$ 26.0	31	\$ 30.7
Trans. Access Enhancements	26	\$ 2.4	4	\$ 2.2	0	\$ 0.0
Dist. Infrastructure Inspections (pole and structures)	35,625	\$ 1.0	35,779	\$ 1.2	35,625	\$ 1.0
Trans. Infrastructure Inspections (poles and structures)	4,049	\$ 0.6	3,784	\$ 0.6	3,120	\$ 0.5
SPP Planning & Common	N/A	\$ 0.8	N/A	\$ 0.9	N/A	\$ 0.9
Totals		\$186.1		\$202.4		\$184.2

Source: TECO's 2022 SPP Annual Report and responses to staff's data requests.

Note: Trans. = Transmission, Dist. = Distribution.

Table 6-2
TECO's SPP Projects Planned & Completed for 2022–2023
(Base Rates Only)

Program name	Projects/ Activities Planned for 2022	Estimated Cost for 2022 (Millions)	Projects/ Activities Completed in 2022	Actual Cost for 2022 (Millions)	Projects/ Activities Planned for 2023	Estimated Cost for 2023 (Millions)
Dist. Lateral Undergrounding	0	\$0.0	0	\$0.0	0	\$0.0
Dist. Vegetation Management (miles)-unplanned	3,700	\$1.4	3,398	\$1.7	3,700	\$1.4
Trans. Vegetation Management (miles)-unplanned	0	\$0.0	0	\$0.0	0	\$0.0
Trans. Asset Upgrades (poles)	0	\$0.0	0	\$0.0	0	\$0.0
Substation Extreme Weather Hardening	0	\$0.0	0	\$0.0	0	\$0.0
Dist. Overhead Feeder Hardening	0	\$0.0	0	\$0.0	0	\$0.0
Trans. Access Enhancements	0	\$0.0	0	\$0.0	0	\$0.0
Dist. Infrastructure Inspections (pole and structures)	0	\$0.0	0	\$0.0	0	\$0.0
Trans. Infrastructure Inspections (poles and structures)	0	\$0.0	0	\$0.0	0	\$0.0
SPP Planning & Common	N/A	\$0.0	N/A	\$0.0	N/A	\$0.0
Dist. Pole Replacements	2,690	\$13.3	459	\$14.9	450	\$13.7
Legacy Storm Hardening	0	\$0.3	4	\$0.7	0	\$0.3
Totals		\$15.0		\$17.3		\$15.4

Source: TECO's 2022 SPP Annual Report and responses to staff's data requests.

Note: Trans. = Transmission, Dist. = Distribution.

Table 6-3 provides the typical residential customer’s bill impact for the implementation of TECO’s SPP programs. These values represent the total costs of TECO’s SPP activities, some of which are recovered through base rates and others through the SPPCRC. For reference purposes, TECO’s 2023 SPPCRC factor results in a residential bill impact of approximately \$3.73 for similar usage.

**Table 6-3
TECO’s Actual and Projected Bill Impacts (in dollars)**

2020* Actual		2022 Estimated		2022 Actual		2023 Estimated	
Total Costs (Millions)	Residential Bill Impact (\$/1,000 kWh)	Total Costs (Millions)	Residential Bill Impact (\$/1,000 kWh)	Total Costs (Millions)	Residential Bill Impact (\$/1,000 kWh)	Total Costs (Millions)	Residential Bill Impact (\$/1,000 kWh)
\$36.9	\$1.03	\$201.1	\$3.26	\$219.7	\$3.26	\$199.6	\$4.96

Source: TECO’s 2022 SPP Annual Report and responses to staff’s data requests.

*Note: The 2020 Actual amounts are from the Company’s 2020 SPP Annual Reports.

Section 7 - Appendix

Table 7-1 provides the actual costs for each company's SPP for 2020-2022. Table 7-2 provides the typical residential customer's bill impact for the implementation of each company's SPP programs for 2020-2022.

Table 7-1
Actual Total SPP Costs (Millions)

	DEF	FPL	FPUC*	Gulf**	TECO	Total
2020	\$239.3	\$1,037.2		\$36.6	\$36.9	\$1,350.0
2021	\$343.7	\$1,149.5		\$96.3	\$115.2	\$1,704.7
2022	\$493.5	\$1,501.3	\$1.7		\$219.7	\$2,216.2

Source: The Company's 2020-2022 SPP Annual Reports.

*Note: The Commission granted a motion to defer FPUC's 2020 SPP filing and refrain from participating in the SPPCRC proceeding due to circumstances affecting the utility as a result of Hurricane Michael in 2020. FPUC's first SPP was approved, with modifications, at the October 4, 2022 Commission Conference.

**Note: Gulf was merged with FPL in 2021 and 2022; the utilities were consolidated for ratemaking purposes into FPL.

Table 7-2
Actual SPP Bill Impacts (Residential \$/1,000 kWh)

	DEF	FPL	FPUC*	Gulf**	TECO
2020	\$2.05	\$1.29		\$0.98	\$1.03
2021	\$2.40	\$1.39		\$1.38	\$2.09
2022	\$2.65	\$1.64	\$0.84		\$3.26

Source: The Company's 2020-2022 SPP Annual Reports.

*Note: The Commission granted a motion to defer FPUC's 2020 SPP filing and refrain from participating in the SPPCRC proceeding due to circumstances affecting the utility as a result of Hurricane Michael in 2020. FPUC's first SPP was approved, with modifications, at the October 4, 2022 Commission Conference.

**Note: Gulf was merged with FPL in 2021 and in 2022; the utilities were consolidated for ratemaking purposes.



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: October 11, 2023

TO: Braulio L. Baez, Executive Director

FROM: Gregory D. Fogleman, Public Utilities Supervisor, Office of Industry Development and Market Analysis *GF*
Curtis J. Williams, Senior Analyst, Office of Industry Development and Market Analysis *CJW*
Sakina Deas, Public Utility Analyst III, Office of Industry Development and Market Analysis *SD*

RE: Draft 2023 Report on The Status of the Telecommunications Access System Act of 1991.

CRITICAL INFORMATION: ACTION IS NEEDED – Please place on the October 25, 2023 Internal Affairs. **Commission approval of the Draft Report is sought.** The Report must be available on the Commission’s website by December 31, 2023.

SPECIAL INSTRUCTIONS: Staff anticipates the need for sign language interpreters. Please place near the beginning of the agenda to reduce interpreter costs.

Section 427.704(9), F.S., requires the Commission to prepare an annual report on the operation of the telecommunications access system (Relay Report), which shall be available on the Commission’s website. The report is to also provide any proposals for improvements or changes to the telecommunications access system. Staff seeks Commission approval of the Draft 2023 Relay Report. More specifically, staff seeks Commission approval of the following proposed recommendations to the Legislature intended to align TASA with the present day communications and Relay marketplace:

- Funding for equipment that uses other technologies (i.e. wireless and VoIP) beyond that used to provide basic telecommunications services.
- Authorize the Commission to select different statewide vendors for TRS and CTS.
- Expand the TASA assessment to wireless providers and interconnected VoIP providers to fund relay services.
- Remove the participating organization requirements from the TASA Advisory Committee qualifications.

Attachment

cc: Mark Futrell, Deputy Executive Director, Technical
Apryl Lynn, Deputy Executive Director, Administrative

Keith Hetrick, General Counsel



*The Status of the
Telecommunications Access System Act of 1991*



December 2023

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I. Florida Relay Background and Executive Summary

Chapter 427, Florida Statutes (F.S.), established the Telecommunications Access System Act of 1991 (TASA). Section 427.702, F.S., requires the Florida telecommunications access system to be compliant with regulations adopted by the Federal Communications Commission (FCC) to implement Title IV of the Americans with Disabilities Act (ADA). The ADA required the establishment of services to enable an individual with a hearing or speech disability to communicate by telephone or other device through the telecommunications system.

Section 427.704, F.S., charges the Florida Public Service Commission (FPSC or Commission) with overseeing the administration of the statewide telecommunications access system. The Commission fulfills its duty by selecting a provider of basic telecommunications relay service (TRS or relay service) and captioned telephone service (CTS) through a competitive bidding process. The Commission was also charged with designating an administrator of the relay system that is responsible for the distribution of specialized equipment and outreach. In May 1991, the FPSC directed the local exchange companies to form a not-for-profit corporation, as required by TASA, to serve as administrator. Florida Telecommunications Relay, Inc. (FTRI) was thus created to administer the distribution of specialized equipment in Florida.¹ On an annual basis, the Commission approves a budget for FTRI and sets the amount of the TASA surcharge, which is collected by landline telecommunications service providers and remitted to FTRI.

Section 427.704(9), F.S., requires the Commission to prepare an annual report on the operation of the telecommunications access system and make it available on the Commission's website. The report must, at a minimum, briefly outline the status of developments in the telecommunications access system, the number of persons served, the call volume, revenues and expenditures, the allocation of the revenues and expenditures between provision of specialized telecommunications devices to individuals and operation of statewide relay service, other major policy or operational issues, and proposals for improvements or changes to the telecommunications access system.

When enacted in 1991, TASA was intended to provide individuals, with a hearing or speech disability, with a means of accessing communications services using the predominant medium at the time, the landline network. Technological advances and customer choice have significantly changed the communications options available to individuals with a hearing or speech disability. As described in this report, TRS minutes of use declined 26 percent from last year and CTS minutes of use declined by 29 percent. Distribution of relay equipment declined by 9 percent from last year. In addition, the number of landlines in Florida, which the telecommunications access system was designed to provide access to, and upon which the TASA surcharge is assessed, has decreased by 11 million from its peak in 2001.² At this time, the FPSC believes a modernization of TASA is necessary to reflect changes in technology, consumer preferences, and the present day communications market. To that end, Chapter VII of this report contains the FPSC's recommendations for improvements and changes to the telecommunications access system pursuant to Section 427.704(9), F.S.

¹ Docket No 19910496-TP, Telecommunications Access System Act of 1991, Order No. 24462, issued on May 1, 1991, <http://www.floridapsc.com/library/filings/1991/04253-1991/04253-1991.pdf>, accessed on October 9, 2023.

² The total number of access lines in 12/2001 was 12,030,592, whereas the total number of access lines in 12/2022 was 927,661.

II. Equipment Distribution and Outreach

Under the FPSC’s oversight, FTRI distributes specialized equipment required for telecommunications services to the deaf, hard of hearing, deaf-blind, or speech impaired. FTRI also performs outreach to increase consumer awareness of both FTRI’s programs and the telecommunications access system. FTRI and its 18 regional distribution centers conducted 347 outreach events during the last fiscal year. FTRI’s operations are funded through the collection of the TASA surcharge.

A. FTRI

The tables below provide a summary of FTRI’s administration of the Florida telecommunications access system. Table 1 shows FTRI’s revenues and expenses for Fiscal Year 2022-2023. FTRI’s largest expense component, which accounted for approximately 39 percent of all expenses, were payments made to T-Mobile USA, Inc. (T-Mobile) as the relay services provider. These relay services are discussed further in Chapter III. Any funding surpluses are deposited in a reserve account.

**Table 1
FTRI Financial Report**

Account	Amount
Surcharge Revenue	3,642,904
Interest Income	240,816
Total Revenue	\$3,883,720
Relay Services Expense	1,324,033
Equipment and Repair Expense	414,359
Equipment Distribution Expense	249,146
Outreach Expense	540,356
Administrative Expense	857,219
Total Expense	\$3,385,113
Revenue Less Expenses	\$498,607

Source: Florida Telecommunications Relay Inc.’s 2022-2023 Financial Statements.

B. Equipment Distribution

Section 427.704(7), F.S., requires the relay administrator to file quarterly financial statements for the distribution of specialized telecommunications devices and the telecommunications relay service. FTRI also files an annual report with the Commission, detailing equipment distribution, clients served, and outreach efforts. In its 2023 annual report, FTRI stated that it distributed

approximately 4,990 pieces of relay equipment for Fiscal Year 2022-2023. The equipment predominantly distributed by FTRI is the volume control telephone for the hard of hearing.

FTRI, along with its regional distribution centers, provides equipment to qualified deaf, hard of hearing, deaf-blind, or speech impaired individuals at no charge for as long as they need it. To receive equipment, individuals must complete an FTRI application, have it signed by an approved certifier, and either mail it to FTRI or visit a regional distribution center in their area. As part of the application process, consumers are informed of their responsibility to return equipment when it is no longer being used.

Table 2 compares equipment distributed for the last two fiscal years. As indicated in the Table, the total number of units distributed by FTRI declined by 9 percent during the last fiscal year.

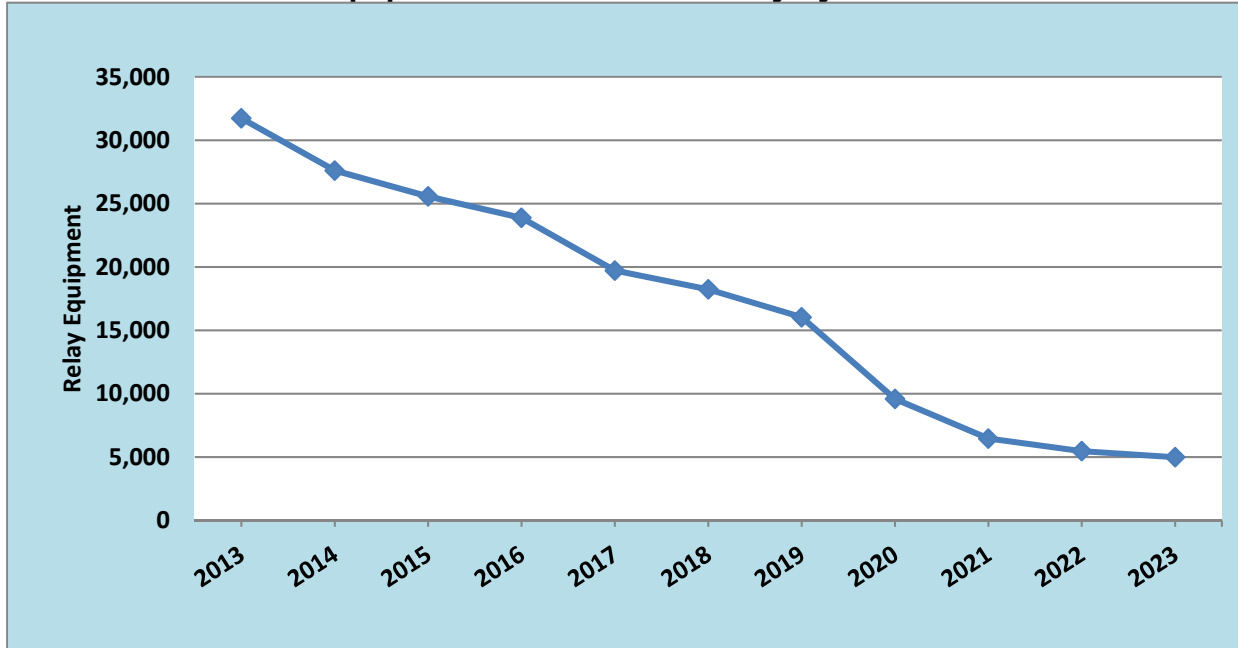
Table 2
Equipment Distributed by FTRI

Equipment Type	Units 7/1/21 – 6/30/22	Units 7/1/22 – 6/30/23	Percentage Change
Volume Control Telephone for Hearing Impaired (VCP)	4,061	3,812	-6%
Audible Ring Signaler (ARS) and Visual Ring Signaler (VRS)	63	31	-51%
Telecommunications Device for the Deaf (TDD)	11	8	-27%
Captioned Telephone	52	34	-35%
In-Line Amplifier	1,233	1,075	-13%
Other – Includes hearing carry-over telephone, voice-carry-over telephone, TeliTalk telephone, and speech challenged telephone	51	30	-41%
Total	5,471	4,990	-9%

Source: Florida Telecommunications Relay, Inc.'s 2021-2022 Annual Report through 2022-2023 Annual Report and Data Request Response.

Figure 1 shows the total units of relay equipment distributed from 2013 through 2023. As indicated in this Figure, the decline in equipment distribution during Fiscal Year 2022-2023 is consistent with the steady decline in distribution experienced over the past decade.

**Figure 1
FTRI Equipment Distribution History by Fiscal Year**



Source: Florida Telecommunications Relay, Inc.'s 2012-2013 Annual Report through 2022-2023 Annual Report.

Table 3 reflects the number of new recipients receiving equipment and training for Fiscal Year 2022-2023. Approximately 99 percent of new recipients are hard of hearing. The number of new recipients is lower than the distributed equipment referenced in Table 2 because a significant number of recipients received more than one piece of equipment.

**Table 3
New Recipients of Equipment and Training
(For Fiscal Year 2022-2023)**

Type of Recipient	New Recipients
Deaf	0
Hard of Hearing	2,556
Speech Challenged	28
Total	2,584

Source: Florida Telecommunications Relay, Inc.'s 2022-2023 Annual Report.

Table 4 provides a listing of professionals involved with the certification of client applications for Fiscal Year 2022-2023. Most applications received by FTRI were approved at Deaf Service Centers.

Table 4
Applications Approved by Certifier Type
(For Fiscal Year 2022-2023)

Category of Certifier	Approved Applications
Deaf Service Center Director	1,621
Hearing Aid Specialist	761
Physician, Audiologist, Speech Pathologist	201
Federal or State Agency	1
Total	2,584

Source: Florida Telecommunications Relay, Inc.'s 2022-2023 Annual Report.

Table 5 reflects the number of persons served by FTRI between Fiscal Years 2013-2014 and 2022-2023. New clients served and customer calls are two of the key categories monitored to evaluate participation in the relay program. As presented, there has been an eighty-one percent decline in new clients served and a seventy-six percent decline in customer calls over the past ten years.

Table 5
FTRI Clients Served

Fiscal Year	New	Modified	Exchange	Return	Follow-Up	Calls
2013-2014	13,671	486	12,787	5,315	963	29,467
2014-2015	13,408	309	11,133	5,102	958	28,347
2015-2016	12,620	231	10,700	4,685	665	27,751
2016-2017	11,024	192	8,110	3,911	768	24,933
2017-2018	10,378	442	6,765	3,670	862	29,224
2018-2019	9,874	139	5,798	3,245	732	18,452
2019-2020	5,658	94	3,694	1,986	380	3,634
2020-2021	2,432	667	2,663	1,424	226	3,634
2021-2022	2,290	349	2,075	1,254	150	11,892
2022-2023	2,584	260	1,669	1,111	166	6,910

Source: Florida Telecommunications Relay, Inc.'s 2013-2014- Annual Report through 2022-2023 Annual Report.

C. Outreach

FTRI uses email, print, and digital marketing to inform Floridians about relay service and equipment. FTRI also coordinates with the RDCs to conduct outreach. Based on coordinated efforts with the RDCs, FTRI estimates that its outreach efforts reach 3,748,403 residents per month.

D. FTRI's Proposed Expansion

As part of FTRI's proposed budget for Fiscal Year 2023/2024, FTRI requested Commission approval to implement a Tablet Pilot program. In its proposal, FTRI explained that equipment distribution and client servicing has been declining because clients and potential clients are transitioning to newer advanced technologies. FTRI further explained that the purpose of the Tablet Pilot was to address this issue by offering more advanced technologies as part of its equipment distribution program.

FTRI also noted that some other state relay programs have legal authority to distribute more advanced types of equipment. Specifically, FTRI shared results from a state relay program survey it conducted in November 2022, which showed at least 14 states have distribution programs providing various types of iPad and/or Android devices. FTRI stated that two states reported that they use a state relay surcharge on landlines to cover the cost of iPad and Android devices. Further, of the 21 states that responded to FTRI's survey, 14 have both landline and wireless surcharges, while 3 states responded that they rely on public funding instead of a surcharge to pay for the wireless services.

The Commission denied FTRI's proposal based on the lack of statutory authority in Florida. The TASA statute provides that the specialized telecommunications devices and the relay service should utilize "state-of-the-art" technologies and encourages the incorporation of new beneficial technologies as they are developed.³ However, the question is whether tablets, and other non-basic equipment fall within that category in the context of TASA, which also provides in relevant part:

'Specialized telecommunications device' means a TDD, a volume control handset, a ring signaling device, or any other customer premises **telecommunications equipment specifically designed or used to provide basic access to telecommunications services** for a hearing impaired, speech impaired, or dual sensory impaired person.⁴

Furthermore, TDD is defined as:

'Telecommunications device for the deaf' or 'TDD' means a mechanism **which is connected to a standard telephone line**, operated by means of a keyboard, and used to transmit or receive signals through telephone lines.⁵

³ Section 427.702(g), F.S. and Section 427.702(3)(c), F.S.

⁴ Section 427.703(14), F.S.

⁵ Section 427.703(11), F.S.

TASA does provide guidance that the specialized telecommunications devices and relay service should utilize state-of-the-art technologies and encourages the incorporation of new beneficial technologies as they are developed; however, the Commission decided that taking TASA as a whole, this guidance should be interpreted within the context of landlines and basic telecommunications service.⁶ While the Commission denied FTRI's proposal, the Commission acknowledged that Section 427.704(9), F.S., requires in part that the Commission in its annual report include proposals for improvements or changes to the telecommunications access system, and directed staff to include recommendations in this year's Relay Report. The FPSC is offering recommendations for the modernization of TASA in Chapter VII.

⁶ Section 427.702(g), F.S. and Section 427.702(3)(c), F.S.

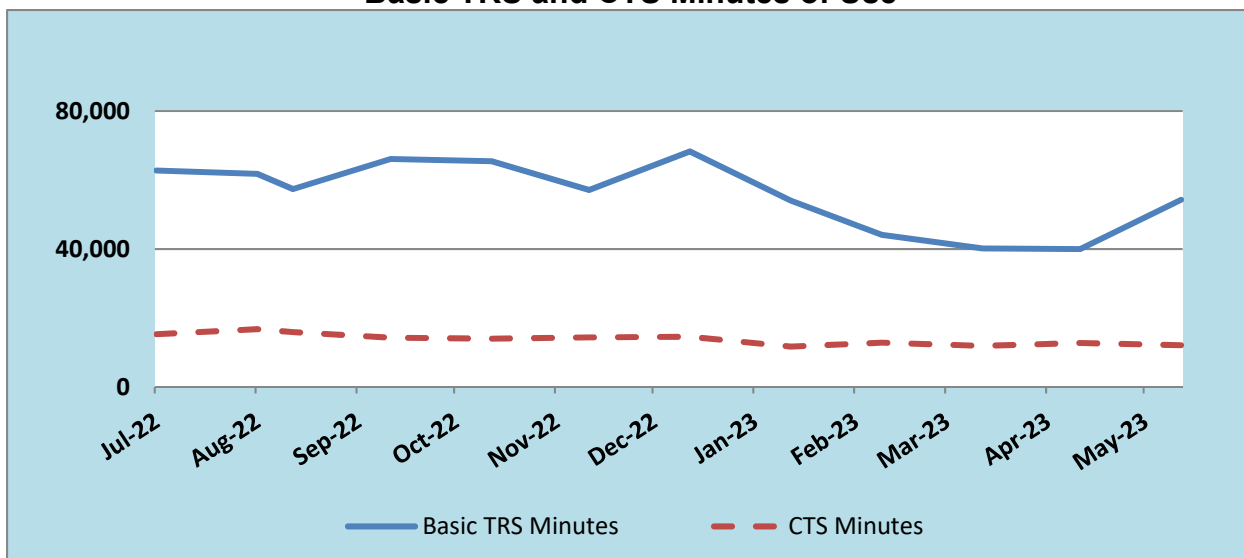
III. Relay Services and Minutes of Use

Relay service provides deaf or hard of hearing persons access to basic telecommunications services by using a specialized Communications Assistant (CA) who relays information between the deaf or hard of hearing person and the other party to the call. The deaf or hard of hearing person uses a Telecommunications Device for the Deaf (TDD) to communicate with the CA. The person using the TDD types a message to the CA who in turn voices the message to the other party.

Captioned telephone service (CTS) allows users to dial the number they wish to call and be connected automatically to a captioned telephone relay operator at the CTS service facility. Specialized captioned telephone equipment, in turn, automatically connects the user’s line to a second outgoing line from the CTS facility to the called party. The relay operator repeats what the called party says into a computer and voice recognition technology automatically transcribes it into text, which is then transmitted directly to the user. The use of voice recognition technology allows the captions to appear on the captioned telephone nearly simultaneously with the called party’s spoken words. The Commission selects a single company to provide both TRS and CTS services statewide through a competitive bidding process. The current contract with T-Mobile is set to expire February 29, 2024, absent the execution of an annual extension.

Figure 2 reflects the minutes of use for basic TRS and CTS from July 2022 to June 2023. During this period, the total number of billable minutes of use for basic TRS calls was 662,684, which is a decrease of 26 percent from the previous year. The total number of CTS minutes of use from July 2022 to June 2023 was 166,908, which represents a 29 percent decrease from the prior year. Basic TRS and CTS minutes of use are tracked separately due to the cost differential between the two services. Basic TRS currently has a cost of \$1.60 per minute, while CTS has a cost of \$1.67 per minute due to its specialized service.

Figure 2
Basic TRS and CTS Minutes of Use



Source: T-Mobile Monthly Traffic Report - July 2022-June 2023.

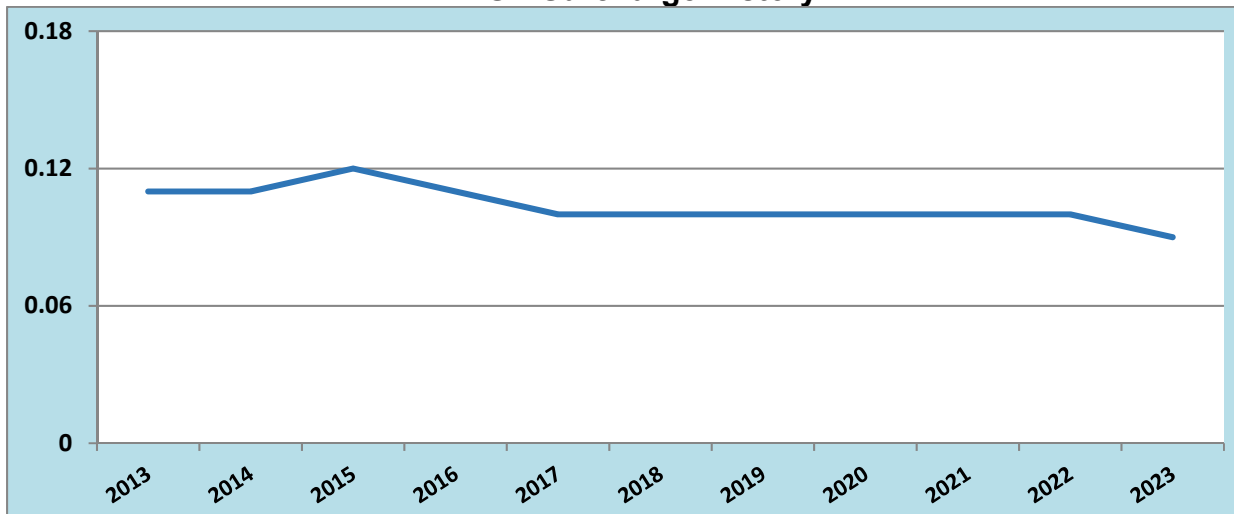
Overall, the TRS market is being impacted by the development of technology. The definitions of equipment and service supported by TASA have not changed since it was enacted over 30 years ago, which limits the types of new technology the Florida program can support. Consumers that once may have used Florida's TRS are transitioning to more advanced technologies such as smart phones, wireless computing, Internet Protocol (IP) Relay, IP CTS, and Video Relay, which are not part of Florida's telecommunications access system.⁷ The shift away from basic TRS and CTS equipment to other technologies contributes to the decline in the minutes of use as presented in Figure 2. Based on continued advancements in technology, along with the expansion of consumer choice, it appears that these trends will continue. Appendix A through Appendix C contain usage information on the various relay services compiled from T-Mobile's monthly reports.

⁷ IP Relay, VRS, and IP CTS are funded by the federal relay program.

IV. Funding

The Florida telecommunications access system is funded through a monthly surcharge on basic telecommunications access lines (landlines), up to 25 lines per customer. FTRI's revenues continue to decline due to the steady fall in the number of landlines. From its peak in 2001, the number of landlines has declined by 92 percent, as consumers switch to other technologies such as wireless and Voice over Internet Protocol (VoIP). In 2022, there were only 927,661 landlines, but 24 million wireless and 3 million interconnected VoIP customers in Florida. These services are not required by TASA to contribute to the Florida telecommunications access system. The TASA surcharge for Fiscal Year 2023-2024 was \$0.09 per access line each month. Figure 3 provides a historical view of the monthly TASA surcharge since 2012.

Figure 3
TASA Surcharge History



Source: FPSC Orders establishing budget and setting monthly surcharge, 2012 through 2023.

On March 30, 2023, FTRI filed its proposed Fiscal Year 2023-2024 budget for FPSC consideration. At the July 11, 2023 Agenda Conference, the Commission approved a total FTRI budget expense of \$3,672,962 and reduced the monthly TASA surcharge from \$0.10 to \$0.09 per month.⁸ Appendix D provides FTRI's approved budget and actual expenses for Fiscal Year 2022-2023, and the approved budget for Fiscal Year 2023-2024.

⁸ Docket No. 20230047-TP, Notice of Proposed Agency Action Order Approving Florida Telecommunications Relay, Inc.'s Budget, PAA Order PSC-2023-0200-PAA-TP, issued on July 18, 2023, <https://www.floridapsc.com/pscfiles/library/filings/2023/04123-2023/04123-2023.pdf>, accessed on September 21, 2023.

V. Activity by Jurisdiction

A. State Activity

On March 4, 2021, FPSC staff opened a docket to initiate a Request for Proposals (RFP) to provide relay service in Florida after the conclusion of the contract scheduled to expire in early 2022.⁹ At the May 4, 2021 Agenda Conference, the Commission issued an RFP for a new contract beginning March 1, 2022. In response, Hamilton Relay and T-Mobile (formally Sprint Communications Company, L.P.) filed proposals. On October 12, 2021, the Commission approved staff's recommendation to select T-Mobile's proposal, based on staff's evaluation of technical, financial, and price elements.

T-Mobile began providing service in Florida under the new contract on March 1, 2022. The current contract is for a period of three years, with options to extend for four additional one-year periods.

B. Federal Activity

The FCC certifies each state program and mandates the minimum requirements for services a state must provide. The FCC also periodically proposes changes in those services. To remain compliant, the FPSC monitors the FCC's minimum service standards, state relay program requirements, and policy changes.

On September 26, 2022, the FCC released a Public Notice stating that states wishing to operate their own TRS programs under Section 225 of the Communications Act of 1934, as amended, must be certified by the FCC.¹⁰ TRS certifications will expire on July 25, 2023. The FCC also requested that renewal applications be filed no later than December 1, 2022, to give it sufficient time to review and rule on the applications prior to expiration of the existing certifications. Florida filed its renewal application with the FCC on December 1, 2022. Florida's TRS certification was approved by the FCC in 2023.

⁹ Docket No. 20210049-TP, Request for submission of proposals for relay service for the deaf, hard of hearing, deaf/blind, or speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991, <https://www.floridapsc.com/clerks-office-dockets-level2?DocketNo=20210049>, accessed on October 9, 2023.

¹⁰ FCC, Public Notice, CG Docket No. 03-123, DA 22-1007, released on September 26, 2022, <https://docs.fcc.gov/public/attachments/DA-22-1007A1.pdf>, accessed on October 9, 2023.

VI. TASA Advisory Committee

Pursuant to Section 427.706, F.S., the FPSC established a committee to provide advice regarding the operation of TRS in Florida. The advisory committee provides the expertise, experience, and perspective of people who are deaf, hard of hearing, deaf-blind, or speech impaired. The committee advises on any matter relating to the quality and cost-effectiveness of TRS and the specialized telecommunications device distribution system. Members of the committee are not compensated for their service, but are entitled to per diem and travel expenses for committee meetings. The advisory committee can consist of up to ten individuals. While Section 427.706(1), F.S. specifies the organizations from which the committee should be comprised, not every organization continues to be active in Florida. In Chapter VII, the Commission is offering recommendations to address this issue. Table 6 lists the current members of the TASA advisory committee.

Table 6
TASA Advisory Committee Members

Recommending Organization	Name of Member
Florida Association of Centers for Independent Living	Jane E. Johnson
Center for Hearing and Communication	Margaret (Peggy) Brown
Florida Association of the Deaf, Inc.	Tom D'Angelo
Florida Council on Aging	Margaret Lynn Duggar
Florida Coordinating Council for the Deaf and Hard of Hearing	Debbe Hagner

Source: [TASA ADVISORY COMMITTEE - Florida Public Service Commission \(floridapsc.com\)](https://www.floridapsc.com/tasa-advisory-committee)

The committee meets twice a year in formal meetings organized and conducted by FPSC staff. In May 2023, FTRI presented details of its Fiscal Year 2023-2024 budget request, consumer outreach, and educational marketing efforts. T-Mobile presented details on its Florida relay traffic trends, service quality testing, and its COVID-19 pandemic response.

VII. Recommendations

Section 427.704(9), F.S., requires the Commission to include proposals for improvements or changes to the telecommunications access system as part of the Commission's Annual Relay Report. As noted in previous chapters, the relay program is facing a number of challenges in terms of changing technology that affects both the demand for equipment and the viability of the program's long-term funding. The Commission believes that statutory modernization is needed for the program to meet the evolving needs and preferences of consumers served by the program.

Technology and the market have changed significantly since the passage of TASA in 1991. There are currently only 927,661 landlines in Florida, which is a decrease of 11 million lines since the peak. Over that period, wireless subscriptions in Florida have grown to 24 million today. Furthermore, VoIP, which was not invented until 1995, currently has 3 million subscribers in Florida. Wireless and VoIP technologies comprise the majority of the communications marketplace connecting consumers to the public switched network, yet they are not contemplated in TASA.

TASA provides guidance that the specialized telecommunications devices and the relay service should utilize state-of-the-art technologies and encourages the incorporation of new beneficial technologies as they are developed.¹¹ However as mentioned in Chapter II, these directives include constraints based on how equipment is defined in the statute. Specifically, Section 427.703(11), F.S., defines specialized telecommunications devices as equipment that is "specifically designed or used to provide *basic* access to telecommunications services." In addition, "Telecommunications device for the deaf" or "TDD," is defined as "a mechanism which is connected to a standard telephone line" and "used to transmit or receive signals through telephone lines."¹² Thus, equipment that uses wireless or broadband technologies is not currently supported by TASA. The FPSC believes TASA should evolve to support funding for equipment that uses technologies beyond basic landline telecommunications services.

This shift in how consumers communicate has potential implications for relay funding as well. Because TASA is designed to support access only to basic telecommunications services, the surcharge is only applied to basic telecommunications access lines (i.e., landlines).¹³ As noted earlier, landlines have been declining significantly as consumers shift to communication technologies such as wireless and VoIP. Given the expected continued decline in access lines, the Commission suggests that a more stable funding mechanism be established that incorporates a broader assessment base. In general, consumers of wireless and VoIP services benefit from Florida relay services by being able to make and receive calls from relay customers. Furthermore, if TASA is modernized to support access to other communications technologies, those providers using such technology should also be required to assess the TASA surcharge on their customers. For these reasons, the FPSC supports expanding the TASA assessment to wireless providers and interconnected VoIP providers to fund relay services.

¹¹ Section 427.702(g), F.S. and Section 427.702(3)(c), F.S.

¹² Section 427.703(14), F.S.

¹³ Section 427.704(4)(a)(1), F.S.

Currently, the FPSC selects a single company to provide both TRS and CTS statewide as required by Section 427.704(3)(a), F.S. The Commission selects a vendor through an RFP process. For the past eight years, only two companies have submitted bids in response. One of those companies may be exiting the CTS market in the near future, which would result in a single bidder if the two services must be provided by the same company. To better capture the current relay provider marketplace and ensure a competitive bidding process, the FPSC believes it is necessary to have the ability to select different statewide vendors for TRS and CTS. This may provide a cost savings and open the market to companies that may wish to participate by offering either TRS or CTS, but not both.

Finally, the Commission proposes removing the listing of specific organizations regarding the TASA advisory committee. Not all of the identified organizations are currently active in Florida, while others have not provided a volunteer for the Committee. The goal of the TASA statute would benefit from the flexibility to approve representatives from other organizations, while maintaining a board that represents the deaf and hard of hearing community.

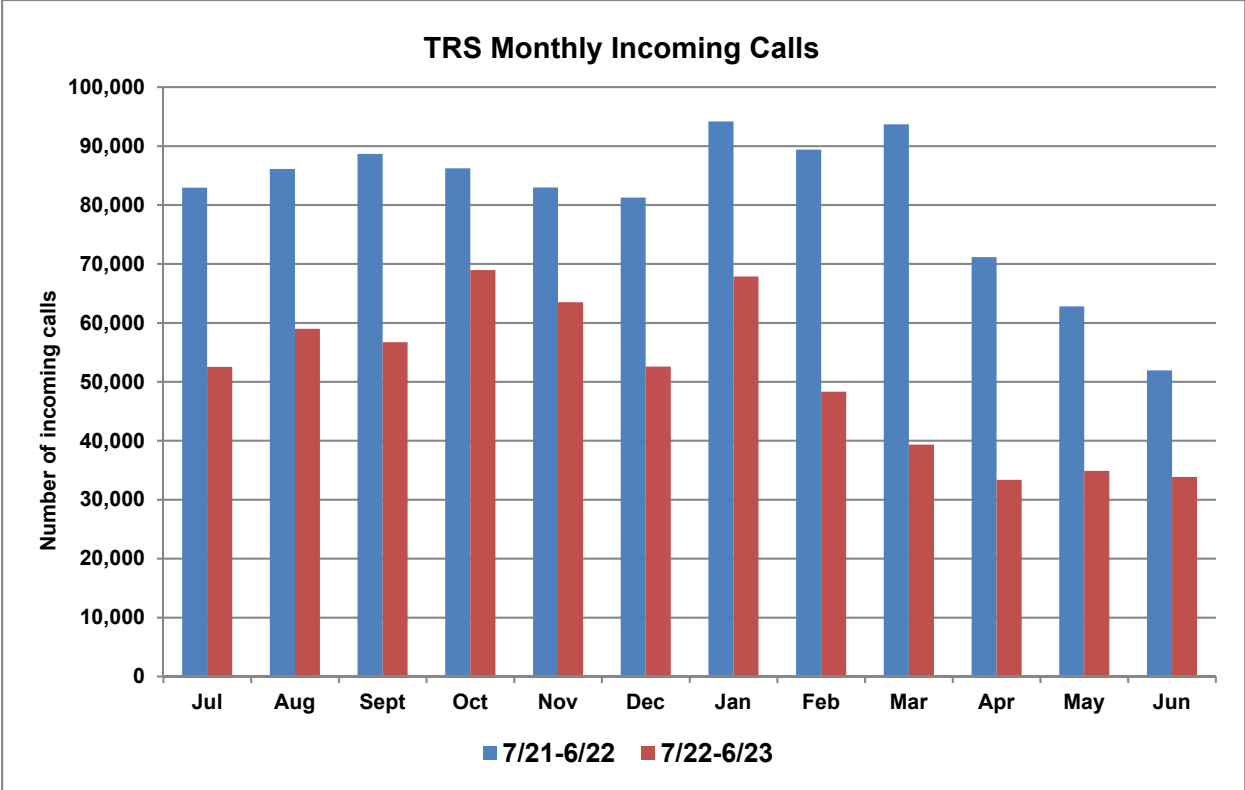
VIII. Conclusion

The FPSC will continue to be responsive to the needs of the deaf, hard of hearing, deaf-blind, and speech-impaired community in Florida. In addition, FTRI continues to distribute equipment and perform outreach activities that increase consumer awareness of both FTRI programs and the telecommunications access system.

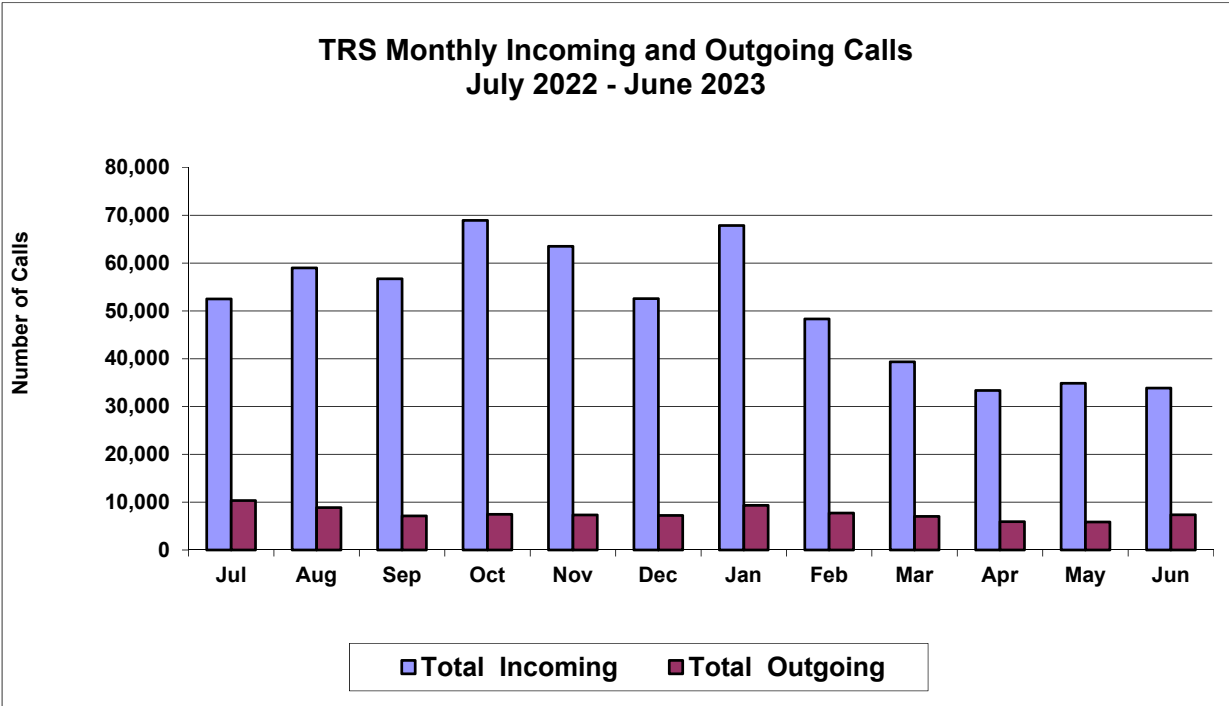
Basic TRS and CTS users are transitioning to IP Relay, VRS, IP CTS, and Wireless Service. In Fiscal Year 2022-2023, basic TRS and CTS minutes of use decreased from the prior fiscal year. Based on continued advancements in technology, along with the expansion of consumer choice, it appears that minutes of use for these services will continue to decline.

Pursuant to Section 427.704(9), F.S., the Commission proposes the following statutory revisions to address changes in technology, consumer preferences, and the present day communications market:

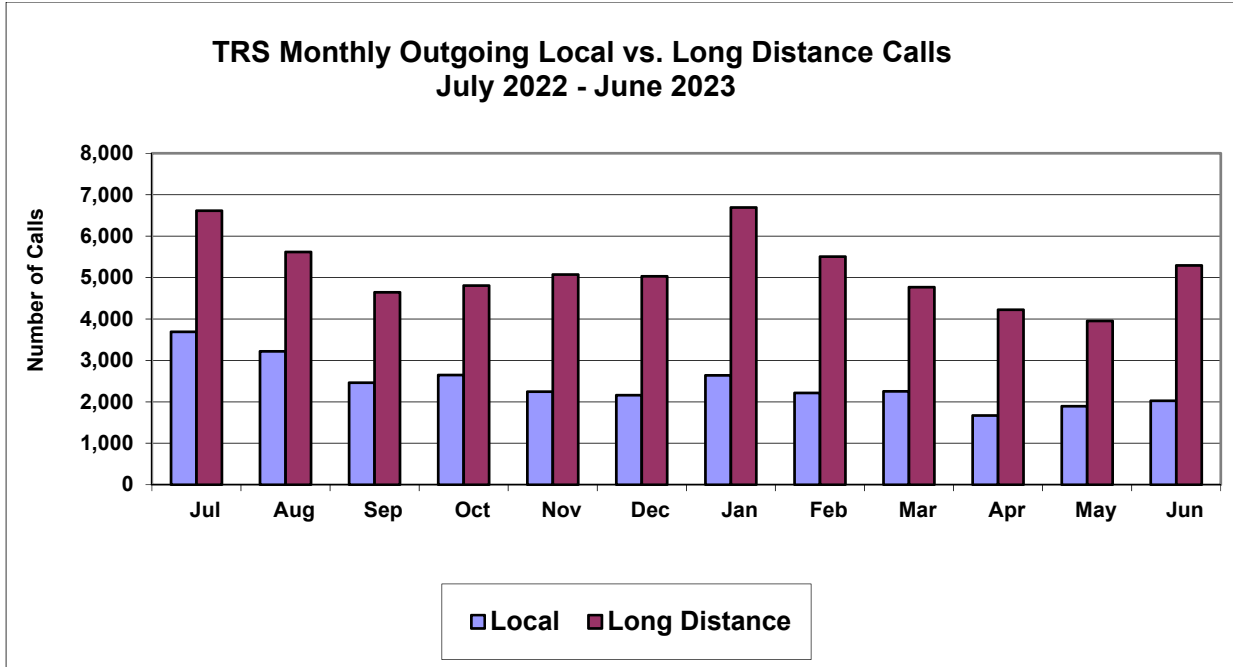
- Funding for equipment that uses other technologies (i.e. wireless and VoIP) beyond that used to provide basic telecommunications services.
- Authorize the Commission to select different statewide vendors for TRS and CTS.
- Expand the TASA assessment to wireless providers and interconnected VoIP providers to fund relay services.
- Remove the participating organization requirements from the TASA Advisory Committee qualifications.



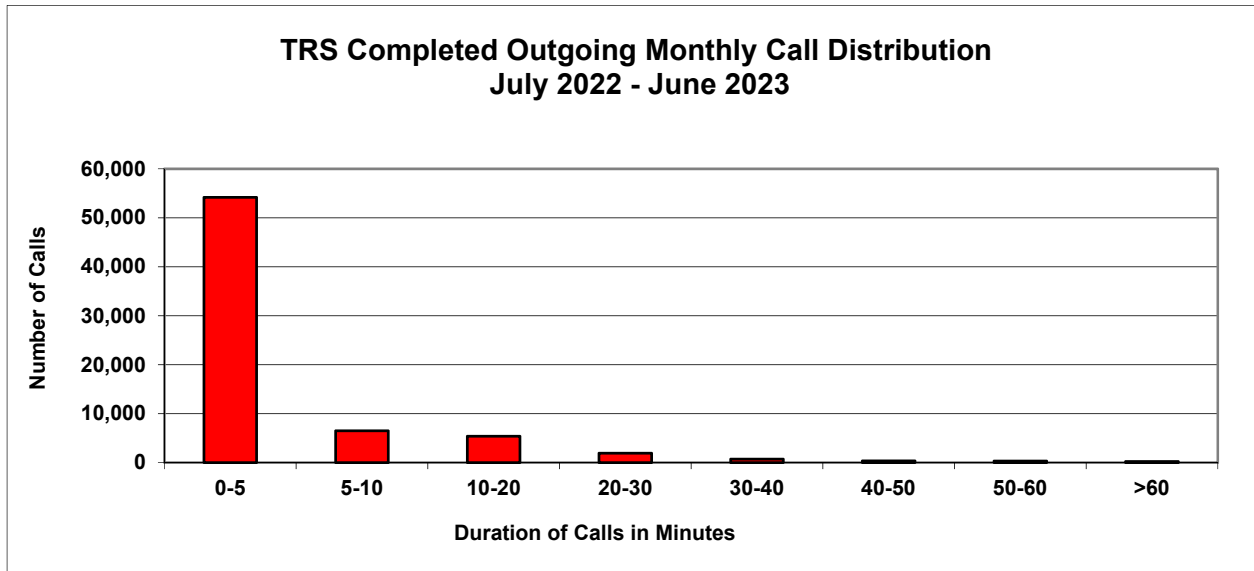
Source: T-Mobile Relay Services Report – Florida Traffic Pattern Statistics – July 2021-June 2023.



Source: T-Mobile Relay Services Report – Intrastate/Interstate for FL - July 2022-June 2023.



Source: T-Mobile Relay Services Report – Intrastate/Interstate for FL - July 2022-June 2023.



Source: T-Mobile Relay Services Report – Intrastate/Interstate for FL - July 2022-June 2023.

TRS Billable Minutes and Charges July 2022 – June 2023		
Month	TRS Minutes of Use	TRS Charges (\$)
Jul	62,769	\$ 100,430
Aug	61,783	\$ 98,853
Sept	57,404	\$ 91,846
Oct	66,110	\$ 105,776
Nov	65,458	\$ 104,733
Dec	57,143	\$ 91,429
Jan	68,309	\$ 109,294
Feb	54,068	\$ 86,509
Mar	44,158	\$ 70,653
Apr	40,184	\$ 64,294
May	40,001	\$ 64,002
Jun	45,297	\$ 72,475
Total	662,684	\$ 1,060,294

Source: T-Mobile Monthly Traffic Report

CTS Billable Minutes and Charges July 2022 – June 2023		
Month	CTS Minutes of Use	CTS Charges (\$)
Jul	15,326	\$ 25,594
Aug	16,786	\$ 28,033
Sept	15,952	\$ 26,640
Oct	14,327	\$ 23,926
Nov	14,029	\$ 23,428
Dec	14,392	\$ 24,035
Jan	14,613	\$ 24,404
Feb	11,743	\$ 19,611
Mar	12,891	\$ 21,528
Apr	11,948	\$ 19,953
May	12,784	\$ 21,349
Jun	12,117	\$ 20,235
Total	166,908	\$ 278,736

Source: T-Mobile Monthly Traffic Report

FTRI Budget for 2022-2023 and 2023-2024 Fiscal Years

	Commission Approved Budget 2022-2023	Actual Revenue And Expenses 2022-2023	Commission Approved Budget 2023-2024
Operating Revenue			
<i>Surcharges</i>	3,956,784	3,642,904	3,102,955
<i>Interest Income</i>	1,521	240,816	682,040
<i>Miscellaneous Income</i>	0	0	0
<i>Total Revenues</i>	3,958,305	3,883,720	3,784,995
<i>Surplus Account</i>	19,075,296	19,656,394	19,024,958
CATEGORY I. Operating Expenses/ Relay Services			
<i>T-Mobile</i>	1,759,361	1,324,033	1,299,227
CATEGORY II. Equipment & Repair			
<i>VCPH Cordless</i>	0	239,539	0
<i>VCPS-RC200</i>	0	0	0
<i>Large Print TDDs</i>	0	0	0
<i>VCO/HCO – TDD</i>	0	0	0
<i>VCO Telephone</i>	0	0	0
<i>Dual Sensory Equipment</i>	0	0	0
<i>CTS Phone Equipment</i>	0	0	0
<i>VCP Hearing Impaired</i>	225,523	25,785	273,454
<i>VCP Speech Impaired</i>	0	0	0
<i>TeliTalk Speech Aid</i>	39,800	29,850	24,875
<i>Jupiter Speaker Phone</i>	0	0	0
<i>In-Line Amplifier</i>	67,137	86,088	70,370
<i>ARS/VRS Signaling Equipment</i>	5,809	0	4,234
<i>VCPH Accessories</i>	0	0	0
<i>Accessories & Supplies</i>	100	0	100
<i>Telecom Equipment Repair</i>	38,336	33,097	28,425
TOTAL CATEGORY II	376,705	414,359	401,458
CATEGORY III. Equipment Distribution & Training			
<i>Freight-Telecom Equipment</i>	17,806	39,992	41,475
<i>Regional Distribution Centers</i>	202,446	208,686	249,291
<i>Workshop Expense</i>	0	0	0
<i>Training Expense</i>	468	468	25,000
TOTAL CATEGORY III	220,720	249,146	315,766

	Commission Approved Budget 2022-2023	Actual Revenue And Expenses 2022-2023	Commission Approved Budget 2023-2024
CATEGORY IV. Outreach			
<i>Outreach Expense</i>	535,650	540,356	562,433
TOTAL CATEGORY IV	535,650	540,356	562,433
CATEGORY V. General & Administrative			
<i>Advertising</i>	0	0	0
<i>Accounting/Auditing</i>	20,588	25,502	26,697
<i>Legal</i>	30,288	16,343	37,790
<i>Computer Consultation</i>	6,960	5,309	6,210
<i>Computer Software</i>	0	6,158	0
<i>Dues & Subscriptions</i>	1,380	978	1,700
<i>Furniture and Equipment Purchases</i>	21,048	0	15,650
<i>Depreciation</i>	0	3,402	0
<i>Office Equipment Lease</i>	1,713	1,518	1,747
<i>Insurance- Health/ Life/Disability/Other</i>	191,977	118,413	200,584
<i>Office Expense</i>	10,097	20,903	12,762
<i>Postage</i>	2,951	2,341	3,100
<i>Printing</i>	750	412	750
<i>Rent</i>	94,877	94,894	94,950
<i>Utilities</i>	4,356	5,186	5,086
<i>Retirement</i>	89,941	75,412	88,469
<i>Employee Compensation</i>	526,525	421,961	521,992
<i>Salary Survey Fees</i>	0	0	0
<i>Temporary Staff</i>	0	0	0
<i>Taxes-Payroll</i>	39,316	32,612	39,932
<i>Taxes-Unemployment Comp</i>	70	0	70
<i>Taxes-Licenses</i>	61	0	61
<i>Telephone</i>	19,500	16,796	17,178
<i>Travel & Business</i>	4,055	3,303	12,000
<i>Equipment Maintenance</i>	631	1,305	1,350
<i>Employee Training</i>	225	0	500
<i>Meeting & Interpreter</i>	2,000	4,267	5,500
<i>Miscellaneous</i>	0	204	0
TOTAL CATEGORY V	1,069,309	857,219	1,094,078
GRAND TOTAL EXPENSES	3,961,745	3,385,113	3,672,962

State of Florida



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: October 16, 2023

TO: Braulio L. Baez, Executive Director

FROM: Office of Industry Development & Market Analysis (Long) ^{CH}

RE: Draft of the 2023 Regulatory Assessment Fee Report

CRITICAL INFORMATION: ACTION IS NEEDED - Please place on the October 25, 2023, Internal Affairs. Commission approval of draft report is sought. The 2023 Report is due to the Governor, the President of the Senate, and the Speaker of the House of Representatives, by January 15, 2024.

Pursuant to Section 364.336(3), Florida Statutes, "(b)y January 15, 2012, and annually thereafter, the commission must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, providing a detailed description of its efforts to reduce the regulatory assessment fee for telecommunications companies, including a detailed description of the regulatory activities that are no longer required; the commensurate reduction in costs associated with this reduction in regulation; the regulatory activities that continue to be required under this chapter; and the costs associated with those regulatory activities."

The draft report includes a staff-written synopsis of what actions the Commission has taken to comply with the statutory requirements. Staff is requesting approval of the draft report.

Attachment

cc: Mark Futrell, Deputy Executive Director, Technical
Apryl Lynn, Deputy Executive Director, Administrative

DRAFT

**REPORT ON THE EFFORTS OF THE
FLORIDA PUBLIC SERVICE COMMISSION
TO REDUCE THE REGULATORY ASSESSMENT FEE
FOR TELECOMMUNICATIONS COMPANIES**



As of December 2023

**REPORT ON THE EFFORTS OF THE
FLORIDA PUBLIC SERVICE COMMISSION
TO REDUCE THE REGULATORY ASSESSMENT FEE
FOR TELECOMMUNICATIONS COMPANIES**



As of December 2023

Office of Industry Development and Market Analysis

Introduction

During the 2011 Legislative Session, House Bill CS/CS/HB 1231, the “Regulatory Reform Act” (Act), was passed and signed into law by the Governor, effective July 1, 2011. Under the Act, the Legislature eliminated most of the Florida Public Service Commission’s (FPSC’s or Commission’s) retail oversight authority for the telecommunications wireline companies, yet maintained the FPSC’s authority over wholesale intercarrier issues. The FPSC was required to reduce its regulatory assessment fees (RAFs) charged to wireline telecommunications companies to reflect the concurrent reduction in FPSC workload. Section 364.336(3), Florida Statutes, requires:

By January 15, 2012, and annually thereafter, the commission must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, providing a detailed description of its efforts to reduce the regulatory assessment fee for telecommunications companies, including a detailed description of the regulatory activities that are no longer required; the commensurate reduction in costs associated with this reduction in regulation; the regulatory activities that continue to be required under this chapter; and the costs associated with those regulatory activities.

As a result of this Act, the FPSC reduced its RAF rates 20%, from 0.0020 to 0.0016 of companies’ gross operating revenues derived from intrastate business. This change became retroactively effective July 1, 2011. Florida telecommunications statutes have remained essentially unchanged since 2011. The FPSC has introduced numerous measures to streamline its telecommunications-related activities since that time, and continues to look for ways to streamline its remaining responsibilities.

Regulatory Activities That Are No Longer Required

The Act eliminated most of the retail regulation of local exchange telecommunications services by the FPSC, including the elimination of rate caps on all retail telecommunications services, elimination of telecommunications-related consumer protection and assistance duties of the FPSC, and elimination of the FPSC’s remaining oversight of telecommunications service quality. The Act also reformed the FPSC’s certification processes, authority over intercarrier matters, and other general revisions.

Consistent with the reduced authority of the FPSC from the Act, the FPSC ceased the following activities:

- Resolving non-basic retail consumer billing complaints.
- Addressing slamming or cramming complaints from consumers. The FPSC continues to address slamming complaints that are reported by carriers under the Commission’s wholesale authority.

- Publishing and distributing materials informing consumers on billing-related matters or informative materials relating to the competitive telecommunications market.
- Designating wireless eligible telecommunications carriers (ETCs) in Florida for the federal universal service fund. Any wireless carrier seeking ETC status in Florida must petition the Federal Communications Commission (FCC) for that authority.
- Performing service evaluations on carriers or investigating and resolving service-related consumer complaints, except as they may relate to Lifeline service, Telephone Relay Service, and payphones.
- Allowing incumbent local exchange carriers (ILECs) to petition for recovery of storm-damage-related costs and expenses.
- Reviewing non-access service tariff filings for content, form, or format. It is the carrier's choice whether to file its rate schedules with the FPSC or publicly publish the schedules elsewhere, such as the companies' websites.

Regulatory Activities That Continue To Be Required

The FPSC regulates 279 telecommunications companies in some way as of October 6, 2023. The Commission continues to retain authority and responsibility in the following areas for telecommunications companies:

- Resolving intercarrier disputes involving interpretations and implementation of sections of the intercarrier agreements.
- Processing arbitrations of intercarrier agreements when the companies cannot negotiate all the terms of the agreement and request the FPSC to resolve issues the companies define.
- Reviewing interconnection agreements filed with the FPSC in accordance with federal requirements.
- Resolving cases involving area code relief, number conservation plans, number resource reclamation, local number portability, and other numbering issues.
- Analyzing information for and producing several statutorily required reports: the *Annual Report on the Status of the Telecommunications Access System Act of 1991*, the *Annual Report on Lifeline Assistance*, the *Report on the Efforts of the Florida Public Service Commission to Reduce the Regulatory Assessment Fee for Telecommunications Companies*, and the *Report on the Status of Competition in the Telecommunications Industry*.

- Maintaining oversight of the Florida Telecommunications Relay Service.
- Maintaining oversight of the Lifeline Program and monitoring ETCs.
- Issuing certificates of authority for telecommunications companies to operate in Florida, including evaluating the applicant's technical, financial, and managerial capability to provide service.
- Resolving consumer complaints relating to Lifeline, Relay Service, and payphones.
- Publishing network access tariff information for all incumbent local carriers.
- Publishing other tariff/rate schedule information for any certificated company if the company so decides.
- Publishing and distributing informative materials relating to the Lifeline Program and conducting related consumer outreach.
- Monitoring and/or participating in federal proceedings where the state's consumers may be affected and conveying the FPSC's policy positions.

During the 2021 Legislative Session, Senate Bill CS/SB 1944 was passed and signed into law by the Governor, effective July 1, 2021. The bill created Section 366.94(8), F.S., requiring the FPSC to regulate and enforce rates, charges, terms, and conditions for pole attachments, which were regulated by the FCC at the time. Section 366.02(7), F.S., defines "pole attachment" as "any attachment by a public utility, local exchange carrier, communications services provider, broadband provider, or cable television operator to a pole, duct, conduit, or right-of-way owned or controlled by a pole owner." Pursuant to Section 366.94(8)(e), F.S., the Commission shall hear and resolve complaints concerning rates, charges, terms, conditions, voluntary agreements, or any denial of access relative to pole attachments. Such complaints will likely involve local exchange carriers and other communications services providers. The Commission adopted procedural rules to implement this new authority on June 8, 2022. The Commission subsequently certified to the FCC pursuant to 47 U.S.C. § 224(c)(2) that the Commission now regulates the rates, terms, and conditions of pole attachments in Florida.

Senate Bill CS/SB 1944 also created Section 366.94(9), F.S., requiring the FPSC to regulate the safety, vegetation management, repair, replacement, maintenance, relocation, emergency response, and storm restoration requirements for certain poles owned by communications services providers. The Commission adopted rules to implement this new authority on May 1, 2022. Sections 366.94(8) and (9), F.S., represent an expansion of the FPSC's regulation of telecommunications companies in Florida.

Savings

The FPSC has been pursuing cost savings and efforts to streamline regulatory processes for well over a decade. The origin of these streamlining efforts is not limited to the emergence and evolution of competition in the telecommunications industry. In fiscal year 1999/2000, the FPSC had 401 full time positions. That number was reduced over the years, leading to a total of 272 full time positions for the 2023/2024 fiscal year, a total reduction of 32 percent. Many of these reductions came as a result of projected workload reductions in the telecommunications area.

As previously discussed, effective July 2011, the FPSC reduced the telecommunications RAF rate from 0.0020 to 0.0016 of the gross operating revenues derived from intrastate business. In addition, all local telephone service providers now pay \$600 as the minimum fee instead of varying rates based upon the service offered.¹ At the current 0.0016 rate, carriers will pay this minimum fee up to \$375,000 in gross intrastate operating revenues. The reduced RAF rate was determined assuming reduced responsibilities, projecting staff hours on continuing telecommunications workload, and projecting telecommunications company revenues. As they have for several years, revenues subject to RAFs from telecommunications companies regulated by the FPSC continued to decline in 2023 as traditional wireline revenues are replaced by unregulated (VoIP/broadband) services.

Efforts to Reduce Costs

As previously stated, the FPSC has a long history of seeking cost savings and streamlining regulatory processes. With specific regard to the implementation of the Act, the FPSC initially undertook three new processes. First was the RAF rate reduction previously discussed. Second, the FPSC assessed the number of staff equivalents required to perform the duties associated with the deregulation measures in the Act. Based upon time sheet information, twelve positions were eliminated effective July 1, 2011. These positions reflected the elimination of service requirements, processing of most telecommunications customer complaints, long distance carrier activities, a reduction in price schedule maintenance, and a reduction in consumer information and outreach.

Third, the FPSC retained the National Regulatory Research Institute (NRRI) in May 2011, to review the FPSC's organization structure and work flow processes to determine if the FPSC should implement any additional changes in the telecommunications area. NRRI reviewed the agency operating procedures, organizational charts, and workload. Key telecommunications staff were interviewed and most telecommunications direct staff were given a survey to complete. NRRI studied the Act and the resulting changes to the FPSC's responsibility. The telecommunications-direct staff of the FPSC was then compared to that of other states with respect to statutory authority and number of technical staff assigned. NRRI concluded that the structure of the FPSC's telecommunications group was appropriate and compared favorably to those in other states.

¹ Previously, the minimum fee ranged from \$600 to \$1,000, depending on the type of service offered. Payphone operators continue to pay a minimum fee of \$100.

NRRI found that the size of the telecommunications group was correct, but made a few suggestions where the FPSC could add more streamlining or cost reduction measures. The FPSC implemented NRRI's recommendations, including:

- The FPSC further shifted responsibilities to the administrative staff for the competition report's document control and relay data collection functions.
- The FPSC simplified the review process, analysis of data, and reduced the length of the competition report.
- The FPSC encouraged and trained companies to submit tariffs and service schedules online.

In subsequent years, the FPSC has implemented many additional efficiency measures. In 2011, the FPSC had 115 telecommunications-related rules. Through consolidation, revision, and elimination, there are now 22 active telecommunications-related rules.

In 2013, the FPSC implemented agency-wide electronic filing and submission policies that will substantially reduce the number of paper documents at the agency. Coincidentally with the agency-wide policy, the telecommunications group began updating its online tariff filing procedures and converting its existing tariff documents to digital format. All official copies of telecommunications tariffs, price lists, and service schedules are now available on the agency's website, as are all tariff updates. This development allows greater access to both consumers and companies, and reduces costs associated with record requests. Additionally, the FPSC continues the process of eliminating all obsolete or redundant paper archives of companies' rates and schedules.

Additionally, the telecommunications staff has become very flexible and able to perform a wide variety of functions. It has conducted periodic internal cross training on its remaining responsibilities, through both scheduled office-wide training sessions and temporary transfers of job duties. It has also developed comprehensive written Standard Operating Procedures for its functions. As staff become familiar with each other's duties, the requisite training time will be reduced should the need arise to further consolidate or transfer functions.

During 2012, the technical staff responsible for continuing statutory mandates were consolidated and established as a stand-alone unit within the agency to maximize efficiency and minimize supervisory needs. Then, in 2017, as further efficiency measures and staff changes were implemented, the FPSC merged its telecommunications staff with another office to streamline its processes further. Some administrative and management functions were consolidated, creating more savings for the agency. Other efficiency-related activity has included the transfer of call testing for Relay Service from FPSC staff to the relay provider, streamlined telecommunications certification and certificate transfer processes, and further transfers of duties to administrative staff.

Summary

The FPSC has proactively responded to the changes in its statutory authority as a result of the Act. The agency has assessed the appropriate staffing levels for the telecommunications staff, and will continue to monitor the workload and staffing needs. The FPSC hired NRRI in 2011 to audit the FPSC's telecommunications program to determine if additional changes needed to be made. The audit results reflected favorably upon the program, and the FPSC has implemented NRRI's suggestions. The FPSC has reviewed its telecommunications rules and eliminated unnecessary or obsolete regulations. The agency continues to seek ways to economize its resources while maintaining a high quality work product for all industries under the FPSC's authority, including telecommunications.

II. Outside Persons Who Wish to Address the Commission at Internal Affairs

Note: The records reflect that no outside persons addressed the Commission at this Internal Affairs meeting.

III. Supplemental Materials for Internal Affairs

Note: The records reflect that there were no supplemental materials provided to the Commission during this Internal Affairs meeting.

IV. Transcript

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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PROCEEDINGS: INTERNAL AFFAIRS

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

DATE: Wednesday, October 25, 2023

TIME: Commenced: 9:30 a.m.
Concluded: 9:55 a.m.

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: DEBRA R. KRICK
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
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P R O C E E D I N G S

CHAIRMAN FAY: Okay. Good morning, everyone.
We will begin our Internal Affairs meeting for
October 25th this morning.

I want to start by recognizing our Employee of
the Month for this month. So our recognition will
be for Shaw Stiller, in our legal department.

So Shaw came to the Commission in 2020 with
over two decades of experience in administrative
law. He had also served as General Counsel for the
Department of Community Affairs, and four years as
chief legal counsel of the litigation section of
Office of Insurance.

As special counsel, Shaw applies his vast
experience and knowledge, and what I love, the
out-of-the-box thinking, as he skillfully navigates
and troubleshoots legal issues.

His counsel for the Commission, the upper
level management, General Counsel and supervising
attorneys is frequently sought throughout the
Commission. And moreover, just Shaw is truly a
terrific person to work with, and just really a
pleasure to have various legal, both philosophical
and substantive conversations with on a weekly
basis.

1 And so you are truly invaluable. We
2 appreciate you being a part of this agency, Shaw.
3 And for that, I would like to recognize you as our
4 Employee of the Month.

5 (Applause from the audience.)

6 CHAIRMAN FAY: And some don't know, Shaw is
7 actually an LSU -- diehard LSU fan, and so he was
8 kind enough to not mention anything about after
9 that game FSU started the beginning of the season,
10 and so I appreciate you not taking that out on us.
11 Maybe there will be another shot at it soon enough.

12 So with that, Commissioners, we will move into
13 our agenda this morning. We are going to start
14 with the Draft 2023 Status Report on Storm
15 Protection Plan Activities for our Investor-Owned
16 Utilities. We will have Ms. Buys to present a
17 summary for that this morning.

18 MS. BUYS: Good morning, Commissioners.

19 CHAIRMAN FAY: Make sure your light is on,
20 Ms. Buys.

21 MS. BUYS: Sorry.

22 CHAIRMAN FAY: There you go. You are ready.

23 MS. BUYS: Good morning, Commissioners.

24 Item No. 1 is the Draft Annual Report on the
25 Storm Protection Activities of Florida's

1 Investor-Owned Activities.

2 Pursuant to Section 366.96 subsection (10),
3 Florida Statutes, the Commission is required to
4 submit to the Governor, the President of the Senate
5 and the Speaker of the House of Representatives an
6 annual status report of the IOUs' storm protection
7 activities. The report is to be provided no later
8 than December 1st each -- of each year. Rule
9 25-6.530 subsection (4), Florida Administrative
10 Code, requires that each utility submit an annual
11 status report, which were filed on June 1st, 2023.

12 Some changes from last year's report are the
13 inclusion of data for FPUC and two tables in the
14 appendix. These tables show a running total of
15 costs and estimated rate impacts since the
16 inception of the storm protection cost recovery
17 clause. Staff notes the Commission is not drawing
18 any conclusions or making any findings in this
19 report. Any findings about current or future storm
20 protection program cost recovery will be considered
21 as part of a docketed proceeding and subsequent
22 Commission order.

23 Staff is seeking your approval on the report,
24 as well as administrative authority to make minor
25 edits, if needed.

1 Staff is available for questions.

2 Thank you.

3 CHAIRMAN FAY: All right. Great. Thank you,
4 Ms. Buys.

5 Commissioners, we will take up any questions
6 for Ms. Buys on the report at this time. If there
7 are no questions, we will also take any comments to
8 be made on the report before we take up a motion.
9 Seeing none.

10 We will take up a motion for approval allowing
11 administrative authority for the report.

12 COMMISSIONER CLARK: Move to approve the
13 report, Mr. Chairman, and to give staff the
14 authority to make any administrative changes
15 necessary.

16 CHAIRMAN FAY: Okay. We have a motion.

17 COMMISSIONER GRAHAM: Second.

18 THE WITNESS: A motion and a second.

19 All that approve say aye.

20 (Chorus of ayes.)

21 CHAIRMAN FAY: Okay. Show that report
22 approved.

23 Thank you, Ms. Buys.

24 All right. Commissioners, next we are going
25 to move to the Draft Report on the Status of the

1 Telecommunication Access System Act of 1991. I
2 will let Mr. Williams and Mr. Fogelman get set up,
3 and whenever you are ready, Mr. Williams.

4 MR. WILLIAMS: Good morning, Commissioners.
5 Curtis Williams on behalf of staff.

6 Item 2 is the Draft Annual Relay Report
7 required by Florida Statute for your approval.
8 This year's report includes several recommendations
9 to reform and modernize the program for
10 consideration by the Legislature.

11 Key among these reforms are an expansion of
12 supported devices and who contributes to the
13 program.

14 Staff is available for questions. Mr. Cecil
15 Bradley, Executive Director of FTRI, is also here,
16 and he is available for questions.

17 CHAIRMAN FAY: Okay. Thank you, Mr. Williams.

18 Commissioners, I have a few comments on this,
19 and then I will open the floor for any other
20 questions or discussions on this issue.

21 I actually spent last week in DC meeting with
22 some folks about this topic on a state and national
23 level, and I really appreciate what staff put
24 together for this, because I think when you look at
25 the -- when you look at 427.704, it's such an

1 abnormal direction that the Legislature gave us to
2 say, you know, in your report, we want you to also
3 include any issues that may be arising with this,
4 and then not only when you do that, also provide us
5 some solution.

6 So I know the Commission gave some direction
7 when we took up the budget for FTRI, but I
8 appreciate you and your team putting that in here,
9 because I think to fulfill the legislative
10 obligation that they've given us on this, that that
11 is essential.

12 With that said, you know, my focus on this
13 issue has, in large part, been due to the inability
14 for the funds that are with FTRI -- which I think
15 the trust fund itself is close to 18 million at
16 this point -- it's their inability to be able to
17 purchase things as technology has changed. And
18 we've talked a lot about that, and how frustrating
19 that can be, with recognition that as the law
20 currently written, there are limitations to what we
21 have been able to do.

22 And so I, you know, emphatically support the
23 report that we have in front of us with just two
24 exceptions, and I will present those, and I would
25 love to hear comments from my colleagues if there

1 are any.

2 The first being that the report itself has the
3 recommendations on page 15. And so listed in
4 those, the first bullet of that conclusion in those
5 recommendations speaks to funding for equipment
6 that uses other technology.

7 So just to be clear on that issue, I think
8 what's key there is that legislative authority
9 and/or Commission engagement with FTRI can occur,
10 but it's really not a funding discussion as much as
11 it is just giving FTRI authority to acquire and
12 distribute equipment that is essentially using
13 these other technologies.

14 So my proposal to that -- and I would allow
15 administrative authority, but just to articulate it
16 clearly, we would strike funding in that first
17 bullet and we would state: Authority for FTRI to
18 acquire and distribute equipment that -- and it
19 would continue on with the rest of that sentence,
20 which includes the wireless and VoIP.

21 So I guess I will -- what I will do is just
22 give my colleagues an opportunity if they want to
23 weigh into that component itself before I move on
24 to anything else, then I am happy to do so.

25 Okay. With that, then, the other proposal

1 that I think would be relevant for this, which
2 would actually strike the third bullet in the draft
3 report, and it would strike the fourth paragraph --
4 fourth and/or last paragraph under recommendations.
5 And this is really with the idea that as we look at
6 revenue discussions for this program, and just
7 being in DC with some of the advocates for these
8 programs, there is discussions about, you know,
9 complete elimination of relay on a state level,
10 which I think is probably concerning on a number of
11 levels, but there is also kind of lots of
12 variations and hybrids in between.

13 I think for us, we are fortunate enough to
14 have some funding set aside in that trust fund to
15 be able to expend for these services, and so we are
16 in a little bit different situation than others
17 would be, especially because that -- it's a
18 sufficient amount of funding to do so. And so I
19 would strike that third bullet and the description
20 in that.

21 I don't believe the revenue stream itself
22 needs to be changed at this point. I think it's
23 much more important that the services and the
24 ability of FTRI to have the right advocates for
25 TASA to be made up with the right people, and allow

1 some ability for expenditure for these types of new
2 technologies are really key. So I would strike
3 that third bullet and that fourth paragraph on page
4 13.

5 So with that, Commissioners, I will take up
6 any questions or comments for these changes.

7 Commissioner La Rosa, you are recognized.

8 COMMISSIONER LA ROSA: Thank you, Chairman.

9 Just for clarification purposes, the third
10 bullet on conclusions, so expand the TASA
11 assessment, the wireless provider and
12 interconnected VoIP provider to fund relay service.
13 That's what you are talking about?

14 CHAIRMAN FAY: Correct. Yes.

15 COMMISSIONER LA ROSA: Thank you.

16 CHAIRMAN FAY: Okay. Any other questions?

17 Commissioner Passidomo, you are recognized.

18 COMMISSIONER PASSIDOMO: Thank you, Mr.

19 Chairman.

20 I support those amendments that you are making
21 here, especially to kind of expand. I agree on the
22 first bullet, that was something I had concerns
23 about, was that we really just want to give
24 authority to FTRI to make those changes to update
25 the statute, you know, to go to the Legislature and

1 update the statute accordingly.

2 The only additional thing I was, you know,
3 wanted to kind of propose regarding the fourth
4 bullet there, I am wondering, you know, if it might
5 be premature to kind of amend and remove those TASA
6 advisory committees now. And I understand that
7 they are not very engaged as of yet, but if the
8 statute is to change and to expand and to include
9 other technologies, that we might -- they might
10 further want to be engaged. So maybe we should
11 just hold off on doing that for now. That's
12 something I am willing to hear staff's perspective
13 on. But I think it's -- as of now, I would kind of
14 like to keep that more open before we move and
15 remove those TASA advisory committees.

16 CHAIRMAN FAY: Okay. Great.

17 And, Mr. Williams, we will let you respond. I
18 think that Commissioner Passidomo makes a good
19 point, because I interpreted that remove as kind of
20 removing the qualifiers for those folks, but I
21 guess we could go a number of different ways. And
22 so maybe if you could provide clarity as to what
23 that recommendation would include or not include?

24 MR. WILLIAMS: Yes, I can. And thank you for
25 the question, Commissioner.

1 It's -- we may have been able to word it a
2 little better, but it's not necessarily removing
3 those organizations. We were thinking that just
4 may -- the statute may give the Commission a little
5 more flexibility in those organizations that
6 participate, because what we have experienced is
7 some of those organizations don't participate.
8 We've reached out to them, and they don't provide a
9 representative. And these are some of the original
10 organizations, like, specifically the Self Help for
11 Hard of Hearing, I am not sure if they are still in
12 existence.

13 So what we've experienced is, over the years,
14 some organizations no longer are very active. Some
15 remain active, like the Florida Association for the
16 Deaf, you know, they are still very active, and
17 they've always been active. Florida Association
18 for Seniors, they are very active.

19 So the organizations that participate, they
20 kind of change, and so in terms of the, you know,
21 which organizations will participate, flexibility
22 is what we were looking at more than saying
23 eliminating those organizations. If they came
24 forward, you know, we would definitely welcome
25 their participation.

1 CHAIRMAN FAY: Commissioner Passidomo,
2 follow-up.

3 COMMISSIONER PASSIDOMO: Thank you. Thank
4 you, Mr. Williams.

5 And then that's more reassuring to me, I
6 think, if maybe we want to just tweak the wording
7 in some way to allow some greater flexibility,
8 like, if that's really what you were looking for.
9 I just -- my only concern was having kind of a
10 carte blanche of removing. You know, I don't want
11 to take away, especially because if we are looking
12 at expanding the statute, I think it might be much
13 more likely, I think, if we look -- I know we don't
14 have that information, but if you look at other
15 states that have expanded their statutes, there is
16 a lot more participation within those
17 organizations, and so it might be that they are
18 more willing to participate should the statute be
19 expanded so --

20 MR. WILLIAMS: Right.

21 COMMISSIONER PASSIDOMO: -- I don't know if
22 you have any proposal about how we amend that in
23 that fourth bullet to, you know, providing greater
24 flexibility, or something like that, but --

25 CHAIRMAN FAY: Mr. Williams, if we were to

1 take that bullet and just essentially, instead of
2 that remove section that Commissioner Passidomo has
3 pointed out, if we just -- if we state in that
4 bullet maybe that we broaden the, you know, the
5 qualifying -- the qualifications to serve on the
6 TASA Advisory Board, would that -- because
7 essentially we want to be -- we want to be able to
8 open up to individuals who will be representative
9 of those who needs these services, but also those
10 engaged in providing them. If we were to just
11 broaden those, because I believe they are pretty
12 prescriptive, if I remember how they are written,
13 if -- would that, do you think, open it up
14 sufficiently to have better participation, or do
15 you think we would need kind of more discussion to
16 decide who would be appropriate to be included in
17 that?

18 MR. WILLIAMS: I think broaden it would be
19 better, because there have been new organizations
20 created that have come forward and would like to
21 participate, so broadening, I think, is better.

22 CHAIRMAN FAY: Okay. And would that encompass
23 kind of what you were thinking, Commissioner
24 Passidomo?

25 COMMISSIONER PASSIDOMO: Yeah, thank you, Mr.

1 Chairman.

2 CHAIRMAN FAY: Okay. Great.

3 And then I would just like, since Mr. Bradley
4 is here, Mr. Bradley, if you had any comments on
5 the list of those who would be involved in the TASA
6 Advisory Committee that maybe we should or
7 shouldn't include, we would be happy to take any of
8 those comments from you, but otherwise you don't
9 need to weigh in.

10 Okay. Great. All right. So the -- go ahead.

11 MR. BRADLEY: I will just say good morning.

12 CHAIRMAN FAY: Oh, good morning. Thank you
13 for being here, Mr. Bradley. We appreciate it.

14 With that, then, Commissioners, we just as the
15 third change, we would rewrite that fourth bullet
16 essentially to broaden the requirements to serve on
17 the TASA Advisory Committee. And then, Mr.
18 Williams and Mr. Fogelman, you can kind of work
19 towards maybe what that would look like, you know,
20 as written.

21 So with that, I want to make sure,
22 Commissioners, if there is any other sections of
23 this, or any other parts of the report that may not
24 have been mentioned, you have the opportunity to
25 weigh in on those.

1 So, Commissioner Clark, you are recognized.

2 COMMISSIONER CLARK: Just to clarify, Mr.
3 Chairman. So on the fourth bullet point, you are
4 basically proposing, instead of removing, to
5 restructure the requirements to expand
6 participation?

7 CHAIRMAN FAY: Correct. Yes. Yeah, I think
8 that's well said, because some of those -- some of
9 the requirements of this position state specific
10 organizations or groups, and it appears that that
11 can be limiting. And sometimes we don't even have
12 someone who participates based on that limitation,
13 so any other questions or comments on those?

14 Okay. With that, then, Commissioners, I would
15 like to take a motion on this. I just -- I would
16 like to add with that, you know, that requirement
17 that is in the statute for us to present this to
18 the Legislature, I will ask our staff to submit
19 this report, of course it will go to both chambers
20 and the Governor's Office.

21 But I also would just ask, with support from
22 my colleagues, that we allow our staff to be
23 available and engaged in maybe how this would look
24 with the Legislature. So I think with the
25 expertise we have in-house, we might be able to

1 provide information. So if we approve this report,
2 it's also with the idea that we would work to
3 fulfill that obligation in the statute by providing
4 whatever information the Legislature or the
5 Governor's office would need to make sure this is
6 done right.

7 We don't want to open it up, make changes
8 potentially and not have them be the ones that make
9 sense for these services. And so in addition to
10 the report, I would just ask for your abilities and
11 support to do that.

12 So with that, Commissioners, we will take up a
13 motion on -- for approval on attachment -- the
14 report and in attachment two.

15 COMMISSIONER CLARK: Move to approve the
16 report as modified, Mr. Chairman.

17 COMMISSIONER GRAHAM: Second.

18 CHAIRMAN FAY: Okay. A motion and a second to
19 approve the report with the included modifications
20 and administrative authority.

21 All that approve say aye.

22 (Chorus of ayes.)

23 CHAIRMAN FAY: With that, show Item No. 2
24 passes unanimously, and the report is approved.

25 Thank you both.

1 All right. Commissioners, we will move to our
2 last report this morning. This will be the Draft
3 2023 Regulatory Assessment Fee Report.

4 You are recognized to present the report when
5 you are ready, Mr. Long.

6 MR. LONG: Thank you.

7 Commissioners, Item 3 is the Draft 2023
8 Regulatory Assessment Fee Report. Staff is
9 requesting approval of the draft and is here to
10 answer questions.

11 CHAIRMAN FAY: Okay. Great. Thank you, Mr.
12 Long.

13 Commissioners, we will take any questions for
14 Mr. Long on this report at this time.

15 Yes, Commissioner Graham, you are recognized.

16 COMMISSIONER GRAHAM: I don't have any
17 questions. I just appreciate the tie all three of
18 the telecom people are wearing today.

19 CHAIRMAN FAY: They are in sync for October,
20 Commissioner Graham.

21 So with that, seeing any comments for Mr.
22 Long.

23 I just have one quick question, slash, comment
24 for you.

25 On page four, you have got a footnote down

1 there that talks about \$100 fee is assessed on pay
2 phones. I was just wondering what a pay phone is,
3 Mr. Long. I think I have heard about these. Are
4 there still pay phones that are active?

5 MR. LONG: I believe there are still pay
6 phones that are active somewhere in the state. I
7 am not sure anyone has actually witnessed one this
8 year, but they are out there.

9 CHAIRMAN FAY: Okay. Great.

10 Well, with that, Commissioners, seeing no
11 questions or comments on this, we will take up a
12 motion to approve the report on attachment three.

13 COMMISSIONER CLARK: Move to approve, Mr.
14 Chairman.

15 COMMISSIONER GRAHAM: Second.

16 CHAIRMAN FAY: Okay. We have a motion and a
17 second. And as with the other reports, Mr. Long,
18 we will allow administrative authority. If there
19 is anything that needs to be cleaned up in the
20 report, you have the authority to do so.

21 All that approve say aye.

22 (Chorus of ayes.)

23 CHAIRMAN FAY: Showing the report -- the third
24 report approved unanimously.

25 Thank you, Mr. Long. We appreciate it. We

1 will keep a lookout for these pay phones that you
2 speak of in your report.

3 All right. Next, Commissioners, we will move
4 into the General Counsel's report.

5 Mr. Hetrick, when you are ready, you are
6 recognized.

7 MR. HETRICK: Thank you, Mr. Chairman. Good
8 morning, and good morning, Commissioners.

9 I have no report today, but would like to
10 congratulate Shaw Stiller on his Employee of the
11 Month. His contributions to the Commission are
12 enormous, and his award is well-deserved, and thank
13 you, Shaw.

14 CHAIRMAN FAY: Great. Thank you, Mr. Hetrick.
15 You are continuing to build a very good team. As I
16 like to say, like a top recruiting class, maybe
17 like top three in the country hypothetically, you
18 are doing a great job, so I appreciate it.

19 All right. With that, Commissioners, we will
20 move to the Executive Director Report, Mr. Baez.

21 MR. BAEZ: Thank you, Mr. Chairman. Good
22 morning, Commissioners. Geeze those transfer
23 portals, though.

24 Real quick update, the Legislature, as you
25 know, is already having their meetings. I think

1 the real -- the working meetings, the true working
2 meetings for our purposes are going to start in
3 November, and we've already got maybe a handful of
4 bill analyses going on, so look forward to cranking
5 up the legislative updates more at Internal Affairs
6 upcoming.

7 And that's all I have got to report on for
8 now, except that I did see Big Foot using a pay
9 phone once, and we'll leave it at that.

10 Thank you all.

11 CHAIRMAN FAY: Sure. Thank you, Mr. Baez.

12 And we just, as to your point, as we get closer to
13 session, Commissioners, if there is anything in
14 particular that you want brought forward in those
15 updates or reports, please just allow our staff
16 some time to do so so they can bring it forward in
17 Internal Affairs.

18 All right. Commissioners, with that, that
19 completes the Executive Director's Report. Any
20 other items, questions that we want to take up this
21 morning?

22 Showing none. That concludes our Internal
23 Affairs meeting for this morning. Thank you for
24 being here.

25 (Proceedings concluded.)

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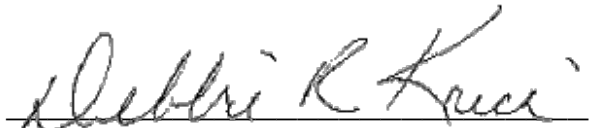
STATE OF FLORIDA)
COUNTY OF LEON)

I, DEBRA KRICK, Court Reporter, do hereby
certify that the foregoing proceeding was heard at the
time and place herein stated.

IT IS FURTHER CERTIFIED that I
stenographically reported the said proceedings; that the
same has been transcribed under my direct supervision;
and that this transcript constitutes a true
transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative,
employee, attorney or counsel of any of the parties, nor
am I a relative or employee of any of the parties'
attorney or counsel connected with the action, nor am I
financially interested in the action.

DATED this 30th day of October, 2023.


DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #HH31926
EXPIRES AUGUST 13, 2024