

# I. Meeting Packet



**State of Florida**  
**Public Service Commission**  
**INTERNAL AFFAIRS AGENDA**

Tuesday – November 16, 2021

9:30 am

Room 148 – Betty Easley Conference Center

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1. Draft 2021 Florida Lifeline Assistance Report (Attachment 1)
2. Draft 2021 Annual Report on Activities Pursuant to the Florida Energy Efficiency and Conservation Act (Attachment 2)
3. Draft of the 2021 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.





# 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-**

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**DATE:** November 2, 2021

**TO:** Braulio L. Baez, Executive Director

**FROM:** Gregory D. Fogleman, Public Utilities Supervisor, Office of Industry Development & Market Analysis CH  
Brandon Wendel, Public Utility Analyst III, Office of Industry Development and Market Analysis  
Sakina Deas, Public Utility Analyst III, Office of Industry Development & Market Analysis  
Margarita Yglesias de Ayala, Public Utility Analyst II, Office of Industry Development & Market Analysis  
Cynthia L. Muir, Director, Office of Consumer Assistance & Outreach CM

**RE:** 2021 Annual Lifeline Report Regarding the Number of Customers Subscribing to Lifeline Service and the Effectiveness of any Procedures to Promote Participation.

**Critical Information: ACTION IS NEEDED** – Please place on the November 16, 2021 Internal Affairs agenda. **Commission approval of the draft Lifeline Report is sought.** The 2021 Lifeline Report is due to the Governor, President of the Senate, and Speaker of the House by December 31, 2021.

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Staff is seeking Commission approval of the draft 2021 Annual Lifeline Report regarding the number of customers subscribing to Lifeline Service and the effectiveness of any procedures to promote participation. The report details state and federal regulatory action impacting the Lifeline program and Lifeline Awareness promotions in Florida. As of June 30, 2021, there were 273,641 households that participated in the Lifeline program in Florida.

Section 364.10(2)(h), Florida Statutes, requires the FPSC to provide this report to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31 of each year. The attached draft report has been prepared to fulfill the Florida legislative requirement.

Attachment

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

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A report to the  
Governor  
President of the Senate  
Speaker of the House of Representatives



December 2021



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## List of Acronyms

CFR	Code of Federal Regulations
EBB	Emergency Broadband Benefit
ETC	Eligible Telecommunications Carrier
FDCF	Florida Department of Children and Families
FCC	Federal Communications Commission
FPSC	Florida Public Service Commission
F.S.	Florida Statutes
RDOF	Rural Digital Opportunity Fund
SNAP	Supplemental Nutrition Assistance Program (formerly Food Stamps)
USAC	Universal Service Administrative Company
USF	Universal Service Fund



## **I. Executive Summary**

The Florida Lifeline Assistance report is prepared pursuant to the requirements found in Section 364.10, Florida Statutes (F.S.). The Florida Public Service Commission (FPSC or Commission) is required to report to the Governor, the President of the Senate, and the Speaker of the House of Representatives each year on the number of customers subscribing to Lifeline service and the effectiveness of procedures to promote participation in the program.

The Lifeline program is designed to enable low-income households to obtain and maintain basic telephone and broadband services by offering qualifying households a discount on their monthly bills. Alternatively, consumers can choose to receive monthly wireless minutes and/or measured data service from certain wireless providers. This report presents Lifeline participation data from July 2020 through June 2021, and evaluates procedures put in place to strengthen the Lifeline program.

As of June 30, 2021, there were 273,641 Florida households participating in the Lifeline program. This represents approximately 1 of every 32 Florida households and is a 26 percent reduction in participation from the previous reporting period.<sup>1</sup> Most of the reduction in this year's participation rate can be attributed to the expiration of the Lifeline usage rule waiver. The FCC had waived this rule until May 1, 2021, as part of its pandemic response. Customers who were de-enrolled as a result of not using their devices may still be eligible for the Lifeline program and can reapply. This is discussed in more detail in Section V.

The Supplemental Nutrition Assistance Program (SNAP) continues to be the largest qualifying program for Lifeline assistance in Florida. However, only 15 percent of SNAP participants subscribe to Lifeline as of June 2021.<sup>2</sup> Using SNAP participation as a proxy for the number of Lifeline eligible households suggests that there are significant growth opportunities for Lifeline enrollment. However, it should be noted that only carriers that have been designated as an Eligible Telecommunications Carrier (ETC) are permitted to provide the Lifeline discount. If a customer's preferred carrier is not an ETC, they may be less likely to participate in the program if it requires switching providers.

*“Stay Connected Florida”* was the slogan for Florida's 2021 Lifeline Awareness Week, held on September 20-24. This year's Lifeline Awareness Week continued efforts to increase awareness and enrollment in the Lifeline program.

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<sup>1</sup> Florida Legislature Office of Economic and Demographic Research, Demographic Estimating Conference, Florida Households April 2021: 8,722,081, <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf>, accessed on September 16, 2021, p. 3.

<sup>2</sup> Florida DCF, Access Florida: Standard Data Reports, <https://www.myflfamilies.com/service-programs/access/StandardDataReports.asp>, accessed on September 5, 2021.

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## **II. Lifeline Program**

The Lifeline program has provided phone service discounts for qualifying low-income consumers since 1985. Initially, the program goal was to ensure that all Americans had the opportunity and security that basic phone service provides. Over time, that goal has evolved to include broadband service. Qualifying households can receive up to a \$9.25 discount on their monthly phone or broadband bills from wireline service providers that have been designated as ETCs. Alternatively, consumers can choose to receive monthly wireless minutes and/or measured data service from designated wireless providers. Although some Florida wireless ETCs have historically offered a free cellphone along with Lifeline service, currently only one wireless ETC continues to do so.<sup>3</sup> The distribution of wireless devices is not funded by the Lifeline program.

The FPSC has oversight over the Florida Lifeline program pursuant to Section 364.10, F.S. However, the Lifeline program is a federal Universal Service Fund (USF) program, along with the high-cost, rural healthcare, and schools and libraries programs. Lifeline is available to eligible low-income households in every state and territory, as well as federally recognized Tribal lands.

The federal USF provides funding for the Lifeline program. The rules affecting the Lifeline program are established by the FCC, which has designated the Universal Service Administrative Company (USAC), an independent not-for-profit corporation, as the program's administrator. USAC is responsible for data collection and maintenance, support calculation, and disbursement for the Lifeline program along with other federal USF programs. Additionally, in 2016, the FCC directed USAC to develop and administer a National Verifier to determine customer eligibility in every state and territory. In Florida, the National Verifier was fully launched in March 2020.

### **Eligibility**

Consumers can qualify to participate in the Lifeline program either through program-based or income-based eligibility standards. Program-based eligibility is determined by a customer's enrollment in specific qualifying programs. Customers can qualify for the Lifeline program by being enrolled in any one of the following programs:

- SNAP
- Medicaid
- Federal Public Housing Assistance
- Supplemental Security Income
- Veterans or Survivors Pension Program
- Bureau of Indian Affairs Programs: Tribal Temporary Assistance to Needy Families, Head Start Subsidy, and National School Lunch Program

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<sup>3</sup> Assurance Wireless.

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Consumers whose total household income is less than 135 percent of the Federal Poverty Guidelines can participate in the Lifeline program under the income-based standard. The Federal Poverty Guidelines are updated annually by the U.S. Department of Health and Human Services.<sup>4</sup> Consumers can enroll in the Lifeline program through income-based eligibility by providing qualifying documentation to the National Verifier.

### **Application Process**

Lifeline eligibility is determined through the National Verifier. Consumers have several methods by which they can apply:

- Through USAC's website using the National Verifier consumer portal
- In person with certain ETCs using the National Verifier service provider portal
- By mailing their application to USAC's Lifeline Support Center
- Through ETC websites that have access to the National Verifier

Applications are validated by the National Verifier through available automated eligibility data sources. Applications are checked to confirm identity, verify that the consumer is not already a Lifeline participant, and ensure compliance with all program rules. If eligibility cannot be validated through these checks, customers can upload supporting documentation to the National Verifier portal or mail it to the Lifeline Support Center. Upon completion of the application process, the individual is either determined qualified for the Lifeline benefit or is required to submit more information. Those that qualify must then contact a participating provider in their area to enroll in the Lifeline program.

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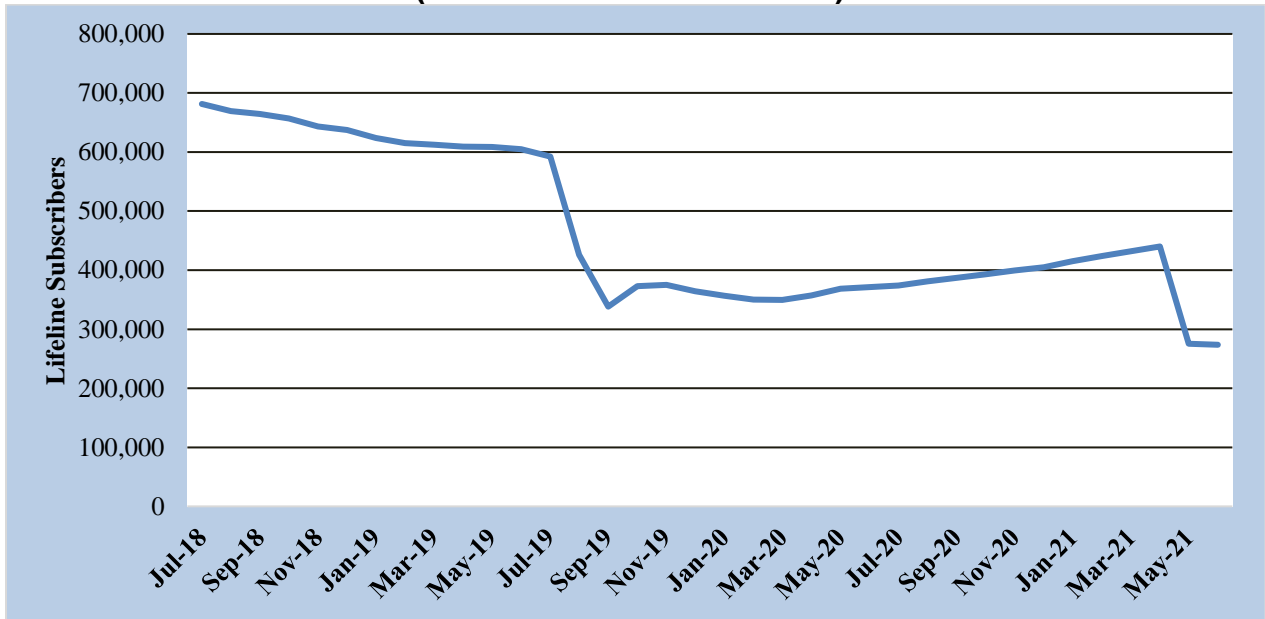
<sup>4</sup> Appendix A.

### III. Lifeline Participation

#### Participation

There were 273,641 subscribers enrolled in Lifeline as of June 30, 2021, representing a 26 percent decrease from the number of subscribers last year. By comparison, the Lifeline subscribership decline between June 2019 and June 2020 was 38 percent. Figure 1 shows monthly Lifeline subscribership for fiscal year 2018-2019, through fiscal year 2020-2021. June 2021 Florida Lifeline subscribership data for Assurance Wireless was estimated using USAC funding disbursement data throughout this report as the company did not provide the data to the Commission’s data request.

**Figure 1**  
**Florida Lifeline Subscribership**  
**(For Fiscal Years 2018-2021)**

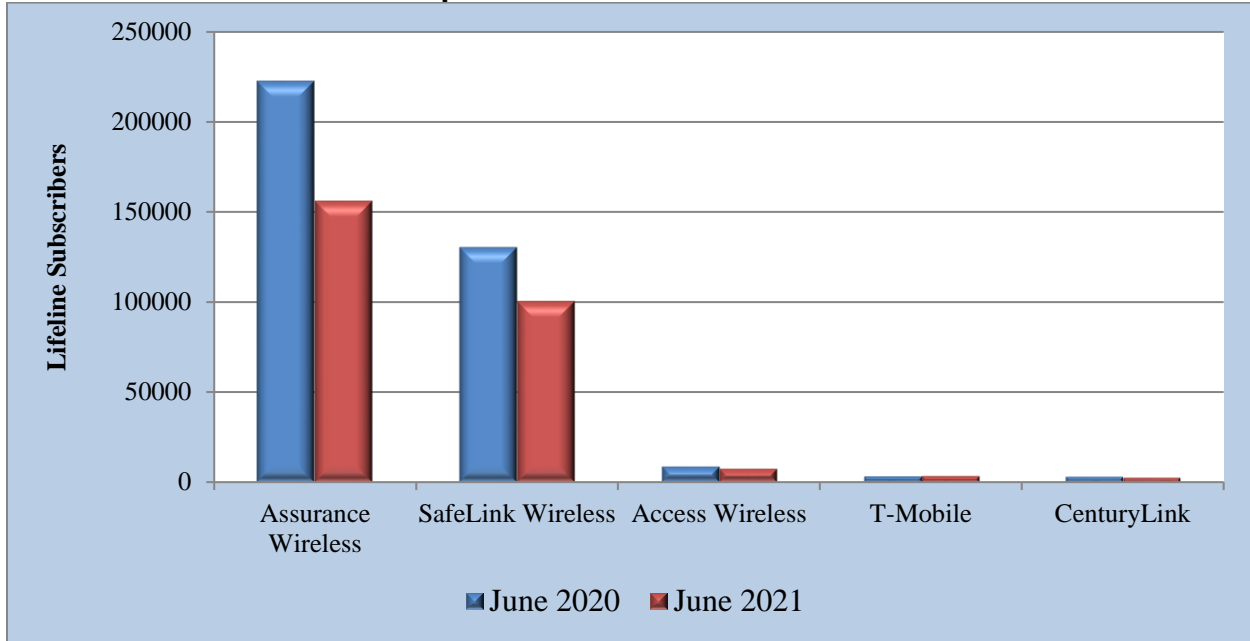


Source: Industry Responses to FPSC Data Requests (2018-2021) and USAC.

This year there was an overall decline in Lifeline subscribership. However, four ETCs (T-Mobile, Frontier Florida, Windstream, and WOW!) experienced an increase in the number of Lifeline customers as noted in Appendix B. Most of the decline in this year’s subscribership may be attributed to the expiration of the FCC’s Lifeline usage rule waiver on May 1, 2021. A significant drop in subscribers was observed the following month in June, while participation throughout the remainder of the fiscal year appeared constant. Customers who were de-enrolled as a result of not using their devices may still be eligible for the Lifeline program and can reapply for the program. The FCC’s Lifeline program rule waivers are discussed in more detail in Section V.

Figure 2 shows the five Florida ETCs with the most Lifeline subscribers for June 2020 and 2021. These ETCs represent 99 percent of Lifeline subscriber participation in Florida. For 2021, Assurance Wireless remains the ETC with the highest number of Lifeline subscribers, even with a decline of 66,000 Lifeline subscribers in Florida over the period.

**Figure 2  
Top Five Florida Lifeline ETCs**



Source: Industry Responses to 2021 FPSC Data Requests and USAC.

Figure 3 compares the number of households enrolled in Lifeline with the estimated number of Lifeline eligible households, using SNAP participation as a proxy for eligibility. Using SNAP participation as a proxy for the number of Lifeline eligible households suggests there are significant growth opportunities for Lifeline enrollment. However, it should be noted that only carriers that have been designated as an ETC are permitted to provide the Lifeline discount. If a customer’s preferred carrier is not an ETC, they may be less likely to participate in the program if it requires switching providers. This is especially true when a customer is required to pay an early contract termination fee to make such a switch.

**Figure 3  
Lifeline Participation Rate in Eligible Florida Households**

Year	Lifeline Enrollment	Eligible Households	Percent Participation Rate
June 2016	852,255	1,747,684	48.76%
June 2017	685,864	1,690,899	40.56%
June 2018	694,647	1,655,134	41.97%
June 2019	604,693	1,540,682	39.25%
June 2020	371,180	2,151,503	17.25%
June 2021	273,641	1,882,842	14.53%

Source: Florida DCF, Access Florida: Standard Data Tables

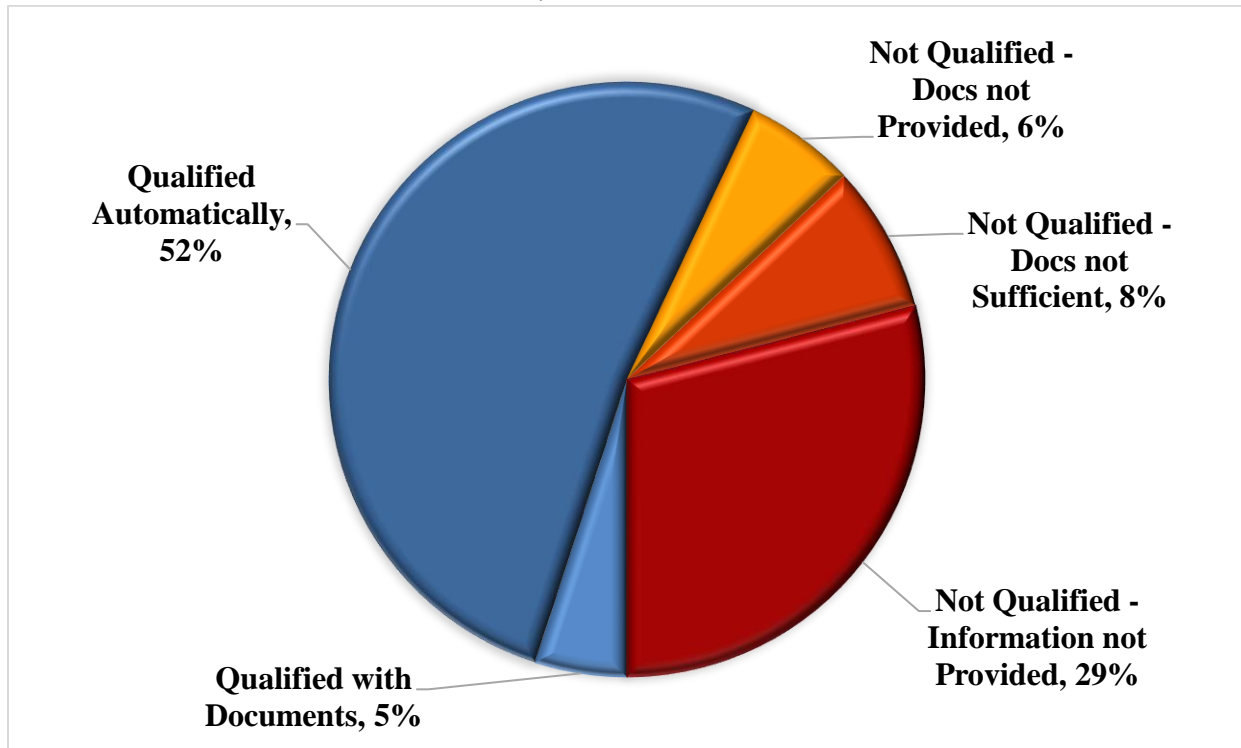
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Lifeline subscribership decreased by 97,539 between June 2020 and June 2021. At the same time, the number of Lifeline eligible households, based upon SNAP participation, decreased by 268,661.<sup>5</sup> As a result, the participation rate as of June 2021 was 14.53 percent, which represents a decrease of 2.7 percent compared to 2020.

The current participation rate in the Lifeline program in Florida compared to the number of Lifeline eligible households demonstrates the continued need for Lifeline outreach. However, the need for greater outreach may be at odds with the changing costs associated with offering expanded Lifeline services. Some carriers have noted that with the implementation of the FCC’s 2016 Lifeline Modernization Order, it has become increasingly difficult to acquire Lifeline subscribers at the current monthly support amount and continue to be profitable.

Between the fourth quarter of 2020 and the second quarter of 2021, the National Verifier received 365,014 applications from Florida. Figure 4 illustrates that 52 percent of these applications qualified automatically. By comparison, only 5 percent qualified through manual documentation review. Among the applications submitted, 154,667 were “Not Qualified” because they did not meet the program criteria and were not able to prove their eligibility within 45 days.

**Figure 4**  
**National Verifier Qualification Results in Florida**



Source: USAC Lifeline Program Data (4Q 2020 to 2Q 2021)

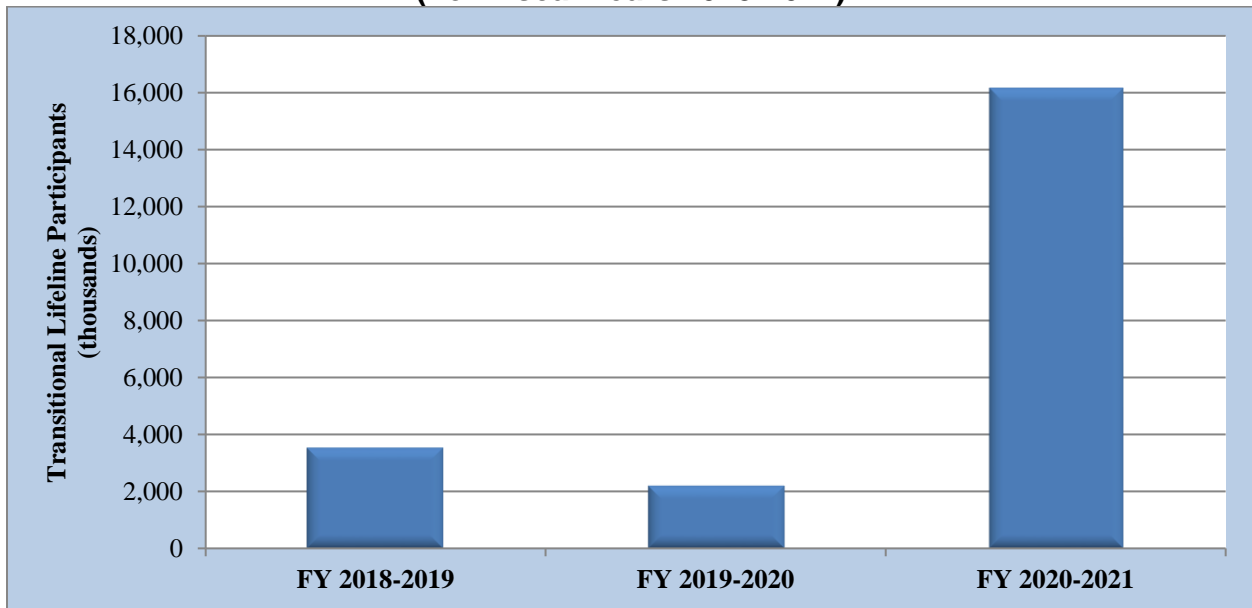
<sup>5</sup> Florida DCF, Access Florida: Standard Data Reports, <https://www.myflfamilies.com/service-programs/access/StandardDataReports.asp>, accessed on August 20, 2021.

**Transitional Lifeline**

Transitioning from the Lifeline program usually occurs when a customer’s socio-economic status has improved, thus advancing them beyond the qualifying eligibility criteria. As required by Section 364.105, F.S., customers who no longer qualify for Lifeline are eligible to receive a 30 percent discount on the residential basic local service rate for one year. For example, a former Lifeline customer with a \$25 phone bill would receive a \$7.50 monthly discount for one year.

Figure 5 represents the average monthly number of Transitional Lifeline customers of Florida ETCs from fiscal year 2018-2019, through fiscal year 2020-2021. This fiscal year, the average number of monthly customers receiving the Transitional Lifeline benefit was 16,162, which represents an average monthly increase of 13,960 customers per month compared to the prior fiscal year. While the majority of Florida ETCs have confirmed the availability of the Lifeline benefit for former Lifeline customers, AT&T has indicated that they do not advertise this service. Additionally, T-Mobile did not respond to staff’s data request questions concerning Transitional Lifeline.

**Figure 5**  
**Average Monthly Transitional Lifeline Participants**  
**(For Fiscal Years 2018-2021)**



Source: Industry Responses to FPSC Data Requests (2016-2021).

It should be noted, to comply with Section 364.105, F.S., TracFone offers its former Lifeline customers at least a 30 percent increase on the customer’s chosen prepaid wireless service card. TracFone does not track Transitional Lifeline customers participating in this manner and, therefore, is not included in Figure 5.



## **IV. Lifeline Providers**

Congress has granted state commissions the authority to designate carriers as ETCs if they meet certain requirements.<sup>6</sup> Conversely, state commissions may rescind ETC designation should a company fail to follow the Lifeline program requirements. In instances where a state commission lacks jurisdiction to grant ETC status to a carrier, the FCC may make the designation.

To qualify as an ETC, a telecommunications carrier must offer services supported by federal universal service support mechanisms.<sup>7</sup> The carrier must advertise the availability of such services and charges. The services can be provided either using its own facilities or a combination of its own facilities and another carrier’s resold service. A company applying for designation as an ETC must demonstrate good management and legitimate business practices to successfully provide Lifeline service.<sup>8</sup> When the 1996 Telecommunications Act was initially implemented, all ETCs were eligible to participate in the high-cost program and were required to offer Lifeline services. Since then, the FCC has revised its rules to allow companies to request ETC designation to participate in the Lifeline program only and forgo participation in the high-cost programs, which have evolved to include buildout requirements.

Currently, the FPSC only evaluates wireline ETC applications, while the FCC evaluates wireless ETC applications.<sup>9</sup> Figure 6 shows the 16 companies that were ETCs and participated in the Lifeline program in Florida as of June 30, 2021. Appendix B provides Lifeline enrollment figures for each ETC between 2018 and 2021.

**Figure 6  
ETCs Participating in Florida**

Access Wireless (i-wireless)	NEFCOM
Assurance Wireless (T-Mobile)	Phone Club Corporation
AT&T Florida	SafeLink Wireless (TracFone)
CenturyLink	Smart City Telecom
Consolidated Communications	TDS (Quincy Telephone Company)
Frontier Communications of the South	T-Mobile
Frontier Florida, LLC	Windstream Florida, LLC
ITS Fiber	WOW! (Knology of Florida, Inc.)

Source: Industry Responses to 2021 FPSC Data Requests

### **Lifeline Service Obligations by Technology**

ETCs can meet their Lifeline service obligations either through offering voice, broadband, or a combination of both services. Figure 7 shows the percent of Lifeline subscription by service type and by what type of underlying carrier. Currently, incumbent and competitive wireline carriers

<sup>6</sup> Section 214(e)(2) of the Telecommunications Act of 1996.

<sup>7</sup> 47 Code of Federal Regulations (CFR) §54.101(a).

<sup>8</sup> 47 CFR §54.201(h).

<sup>9</sup> In 2011, the Florida Legislature passed HB 1231, removing FPSC authority to designate wireless ETC providers. Effective July 1, 2012, wireless providers must directly apply for Florida ETC designation with the FCC.

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meet their Lifeline obligation predominantly through voice service provision, but they experienced an increase in broadband service. By comparison, wireless ETCs met their Lifeline obligation predominantly through the provision of bundled connections and experienced an increase of 18 percent in bundled service in 2021. While incumbent wireline carriers experienced a slight increase in bundled services, competitive wireline carriers experienced a decline of similar magnitude. Appendix C provides greater detail of Lifeline subscriptions by service type for each carrier.

**Figure 7**  
**Lifeline Subscription by Service Type**  
**(As of June 2020 / 2021)**

Carrier Type	Voice		Broadband		Bundled	
	2020	2021	2020	2021	2020	2021
Wireless	8.0%	6.1%	59.9%	43.7%	32.1%	50.2%
Incumbent Wireline	79.2%	72.9%	4.2%	7.9%	16.6%	19.1%
Competitive Wireline	84.8%	82.0%	4.4%	9.7%	10.8%	8.3%

Source: USAC Disbursements Florida

**Wireless Service Standards**

All wireless ETCs in Florida meet the minimum FCC standards by offering at least 1,000 minutes or 4.5 gigabytes (GB) of data to Lifeline subscribers. It should be noted that wireless carriers frequently offer some voice or data along with the service that meets the FCC’s standard. Figure 8 outlines different Lifeline services offered by Wireless ETCs in Florida and how they qualify with the federal standards.

**Figure 8**  
**Wireless Service Standard Met by Carrier**  
**(As of September 2021)**

Wireless ETC	Minimum Standards Met	Voice	Data
Access Wireless	Voice/Data	1,000 Minutes	4.5 GB
Assurance	Voice/Data	1,000 Minutes	4.5 GB
SafeLink	Data	350 Minutes	4.5 GB
T-Mobile	Voice	Unlimited	No Data

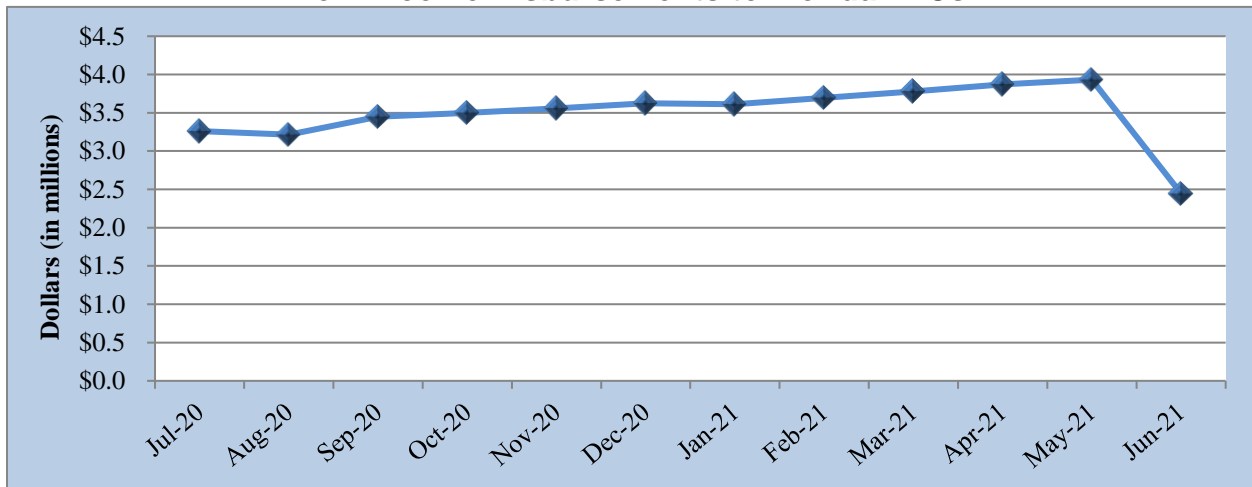
Source: Wireless ETC’s websites

Most wireless ETCs offer a Lifeline plan covered by the Lifeline subsidy. Customers only have to pay for additional voice minutes or data beyond their phone plan as needed. By comparison, T-Mobile’s Lifeline customers can apply their discount towards any plan that T-Mobile offers. T-Mobile’s least expensive plan provides unlimited voice minutes without a data component, costing Lifeline consumers \$14.75 after the Lifeline discount.

**Funding Distributions**

Figure 9 reflects USAC Lifeline disbursements to Florida ETCs between July 2020 and June 2021. The total amount disbursed during these 12 months was \$41,942,954, with an average of \$3.5 million per month. These amounts also include prior period support corrections. As previously discussed in Section 3, the FCC’s Lifeline non-usage rule waiver expired on May 1, 2021. As such, Figure 9 reflects the substantial decrease in funding disbursed for the month of June 2021 as a result of Lifeline subscribers who did not meet their usage requirements, and have been de-enrolled.

**Figure 9  
Low-Income Disbursements to Florida ETCs**



Source: USAC Disbursements Florida July 2020-June 2021

**FCC Pending Wireless ETC Designations**

The FPSC no longer has the authority to designate wireless ETCs. As such, petitions for wireless ETC designation in Florida are filed directly with the FCC. Figure 10 shows the 35 wireless ETC petitions pending at the FCC, along with the date of each company’s initial ETC petition. Some of these companies applied with the FCC as early as June 2011.

Of these wireless carriers, 13 have cancelled their registration with the Florida Secretary of State, and 5 were never registered. These companies may no longer be seeking ETC designation, but it is unclear based on the FCC’s website list of pending wireless ETC petitions. It appears unlikely that the FCC will take any action on these petitions given the length of time that has transpired since they were originally filed.

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**Figure 10  
Pending Florida Wireless ETC Designations at FCC  
(As of September 2021)**

Airvoice Wireless (2/13)	NewPhone Wireless (9/12)
American Broadband (6/13)	Pinnacle Telecommunications (2/13)
Amerimex (2/13)	Q Link Wireless (8/15)
AmTel (1/13)	Sage Telecom Communications, LLC (8/13)
Assist Wireless (1/13)	SelecTel Wireless (8/15)
Blue Jay Wireless (5/12)	TAG Mobile (6/11)
Boomerang Wireless (8/15)	TNT Wireless (1/13)
Budget PrePay, Inc. (8/11)	Tele Circuit Network (7/12)
Cintex Wireless (5/12)	Telrite (4/12)
Consumer Cellular (4/12)	Tempo Telecom (1/14)
EZ Reach Mobile (5/12)	TerraCom (4/12)
Free Mobile, Inc. (9/12)	Total Call Mobile (4/13)
Global Connection (4/12)	True Wireless (5/12)
IM Telecom, LLC (1/16)	TX Mobile (11/12)
Kajeet (3/12)	Vast Communications (4/13)
LTS of Rocky Mount (10/12)	You Talk Mobile (2/13)
Millennium 2000 (4/13)	ZING PCS (12/12)
Mobile Net POSA (5/14)	

Source: FCC Lifeline Compliance Plans & ETC Petitions

***Viasat Carrier Services, Inc.***

On September 18, 2019, the FCC designated Viasat Carrier Services, Inc. (Viasat) as an ETC in selected areas in Florida, Alabama, California, and West Virginia.<sup>10</sup> As a winning bidder in the Connect America Fund Phase-II auction, Viasat was required to be designated as an ETC in all of the Census Blocks it had won. To satisfy this obligation, the FCC designated Viasat as an ETC in all states that lack the jurisdiction to do so, such as Florida. As a condition of Viasat’s ETC designation, it must offer service in at least 40 percent of its designated ETC service territory by December 2022, with 20 percent increases in each subsequent year.<sup>11</sup> This includes offering Lifeline service. For this reporting year, Viasat did not provide Lifeline services due to needed upgrades of its internal systems. Viasat is currently conducting service upgrades, and it anticipates meeting the first service deployment obligation by the December 2022 deadline.<sup>12</sup>

***AT&T***

Over the past several years, AT&T has moved to exit the Lifeline market. On November 23, 2016, AT&T accepted the FCC’s forbearance relief offered in the 2016 Lifeline Modernization Order from the requirement to offer broadband service to Lifeline customers in their ETC service

<sup>10</sup> FCC Order, DA 19-925, WC Docket No.’s 09-197, Telecommunications Carriers Eligible for Universal Service Support Connect America Fund, released September 18, 2019, <https://docs.fcc.gov/public/attachments/DA-19-925A1.pdf>, accessed on September 15, 2021.

<sup>11</sup> FCC, Connect America Fund Phase II Auction (Auction 903), <https://www.fcc.gov/auction/903>, accessed on September 15, 2021.

<sup>12</sup> FPSC Staff Email Correspondence with Viasat on September 15, 2020, with Eric Baulesh.

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areas, except in areas it received high-cost support.<sup>13</sup> On April 7, 2017, AT&T filed a petition with the FPSC for relinquishment of its ETC status in all Florida areas where it did not receive high-cost support. This petition was granted on August 16, 2017.<sup>14</sup> As a result, AT&T had no universal service obligations in these areas.

More recently, AT&T filed a second notice with the FCC accepting its forbearance on July 29, 2021.<sup>15</sup> In this notice AT&T is seeking to eliminate its obligation to provide broadband services to customers enrolled in the Lifeline program for what remains of its ETC service territory in Florida, effective January 1, 2022. AT&T states that it will meet the conditions for forbearance offered in the 2016 Lifeline Modernization Order because its high-cost funding will be exhausted after December 31, 2021, leading to a material change in circumstances. With AT&T's decision to forbear from its obligation to provide broadband services to Lifeline customers, AT&T's only Lifeline service obligation would be to provide voice-only service in areas that formerly received high-cost support.

On October 12, 2021, AT&T filed a petition with the FPSC for relinquishment of its ETC designation in its remaining service territory.<sup>16</sup> AT&T states that despite its relinquishment petition, it is not discontinuing the availability of any AT&T Florida legacy voice service anywhere in its service territory. If approved by the Commission, AT&T has requested an effective date of February 15, 2022.

### ***Verizon / TracFone***

On September 14, 2020, Verizon announced plans to purchase TracFone, Florida's second largest Lifeline ETC and the nation's largest reseller of wireless service.<sup>17</sup> Currently, approximately 13 million of TracFone's 21 million customers receive resold Verizon service. Verizon intends to continue providing service through the TracFone brand with a commitment of providing Lifeline service for at least three years. This includes advertising Lifeline services, honoring current resale agreements, making 5G available to Lifeline customers, and continuing to provide Lifeline services at no charge to the consumer.<sup>18</sup> Finalization of the purchase is contingent upon regulatory approval by the FCC. Industry and state opposition could slow the merger; however, Verizon believes the purchase should be completed by fourth quarter 2021.

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<sup>13</sup> AT&T, In the Matter of Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42, AT&T Notice for Forbearance from Lifeline BIAS Requirements, <https://ecfsapi.fcc.gov/file/1124049451170/FINAL%2011.23.16%20Lifeline%20Forbearance%20Notice.pdf>, accessed on September 29, 2021.

<sup>14</sup> FPSC, Docket No. 20170082, Order No. PSC-2017-0329-CO-TP.

<sup>15</sup> AT&T, In the Matter of Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42, AT&T Notice for Forbearance from Lifeline BIAS Requirements, <https://ecfsapi.fcc.gov/file/107290417200072/FINAL%207.29.21%20ATT%20ILEC%20Lifeline%20Forbearance%20Notice.pdf>, accessed on September 7, 2021.

<sup>16</sup> FPSC, Docket No. 20210163-TP, Document No. 12079-2021.

<sup>17</sup> Verizon, Verizon to Acquire TracFone, released September 14, 2020, <https://www.verizon.com/about/sites/default/files/2021-08/Final%20Verizon%20ex%20parte%20%288.11.21%29-c3%20%283%29.pdf>, accessed on September 5, 2021.

<sup>18</sup> Verizon, Verizon, TracFone formalize commitments to Lifeline program, released August 12, 2021, <https://www.verizon.com/about/news/verizon-tracfone-formalize-commitments-lifeline-program>, accessed on September 6, 2021.

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### ***Sprint and T-Mobile Merger***

On April 1, 2020, Sprint and T-Mobile completed a corporate merger that was approved by the FCC on November 5, 2019.<sup>19</sup> The \$26 billion transaction involved the sale of all of Sprint's prepaid services to Dish Network for \$5 billion, thus creating a fourth major mobile carrier. Sprint's postpaid services were subsumed by T-Mobile. Assurance Wireless, a subsidiary of Sprint, accounts for 58 percent of all Florida Lifeline customers. Assurance Wireless continues to provide Lifeline service as a subsidiary of T-Mobile.

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<sup>19</sup> Applications of T-Mobile US, Inc., and Sprint Corporation for Consent to Transfer Control of Licenses and Authorizations Applications of American H Block Wireless L.L.C., DBSD Corporation, Gamma Acquisition L.L.C., and Manifest Wireless L.L.C. for Extension of Time, FCC Order 19-103, <https://docs.fcc.gov/public/attachments/FCC-19-103A1.pdf>, accessed September 21, 2021.

## **V. Regulatory Activities and Updates**

### **A. Federal Communications Commission Activities**

#### **2016 Lifeline Modernization Reform Order**

On April 27, 2016, the FCC released its Lifeline Modernization Order. This Order was primarily established to modernize the Lifeline program by including broadband as a supported service, designating minimum service standards for Lifeline services, and establishing the National Verifier. Implementation of this Order continues to have an impact on the federal Lifeline program.

#### ***State Defined Eligibility Criteria***

Prior to the implementation of the FCC's 2016 Lifeline Modernization Order, states that mandated Lifeline support, such as Florida, could establish its own qualification criteria. Thus, a state could have income eligibility standards that are different from the FCC's or include additional state qualifying programs. However, in 2016, the FCC amended its rules resulting in the elimination of that provision.<sup>20</sup> The FCC stated that it made this change to simplify the administration of the Lifeline program and establish eligibility criteria that do not vary from state to state.<sup>21</sup>

Section 364.10(2), F.S., currently contains a conditional poverty qualifier that exceeds the FCC's threshold of 135 percent of the Federal Poverty Guidelines. Specifically, wireline ETCs with more than a million access lines are required to provide Lifeline service to customers whose income is 150 percent or less of the Federal Poverty Guidelines. However, no wireline carriers have had more than a million access lines since 2016.<sup>22</sup> Wireless ETCs were given more flexibility in that they "may" provide Lifeline services at the 150 percent threshold. It is unlikely that any wireless ETC is currently qualifying customers using this expanded criterion because those customers would not qualify for reimbursement from USAC.

#### ***Minimum Service Standards***

In the 2016 Lifeline Modernization Order, the FCC required all ETC's to provide a discount for broadband access that meets the FCC's minimum service standards, unless they were granted forbearance from this obligation. These standards were established to determine an appropriate level of service ETCs must provide to receive USF support. These standards are reviewed annually through an FCC update mechanism to ensure that Lifeline customers continue to receive viable service options as technology improves.<sup>23</sup> The minimum service standards that will become effective December 1, 2021 include:

- Mobile voice remains unchanged at 1,000 minutes per month.

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<sup>20</sup> FCC, Third Report and Order, FCC 16-38, WC Docket No. 11-42, released April 27, 2016, <https://docs.fcc.gov/public/attachments/FCC-16-38A1.pdf>, accessed on September 5, 2021, par. 212.

<sup>21</sup> Ibid, par. 215.

<sup>22</sup> FPSC, Report on the Status of Competition in the Telecommunications Industry as of December 31, 2020, <http://www.psc.state.fl.us/Files/PDF/Publications/Reports/Telecommunication/TelecommunicationIndustry/2021.pdf>, accessed on September 5, 2021, Figures 2-5 and 2-6.

<sup>23</sup> FCC, Public Notice, DA 19-704, WC Docket No. 11-42, released July 25, 2019, <https://docs.fcc.gov/public/attachments/DA-19-704A1.pdf>, accessed on September 5, 2021.



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- Mobile broadband usage remains unchanged at 4.5 GB per month~~increases to 18 GB per month~~, while speed remains at 3G.
- Fixed broadband speed increases to 25 megabits per second (Mbps) downstream and 3 Mbps upstream while data usage increases to 1.229 terabytes per month.

**Phase Out of Voice-Only Support**

The 2016 Lifeline Modernization Order gradually phases out support for voice-only services to further the FCC’s goal of transitioning to a broadband-focused Lifeline program. On December 1, 2019, the support provided for voice-only services was reduced to \$7.25 per Lifeline customer. Support for ~~fixed and mobile voice-only~~ Lifeline service ~~was scheduled~~will continue to be completely phased out throughout 2021 and will be completely phased out by on December 1, 2021. However, on November 5, 2021, the FCC released an Order that delayed the complete phase out of voice-only Lifeline service support until December 1, 2022.<sup>24</sup> In this Order, the FCC states that new data from its Marketplace Report, and other extenuating circumstances have provided evidence that favors the pausing of the phase-down. Therefore, support for voice-only Lifeline service will remain at \$5.25 until that time. Broadband services that include a voice service will continue to be eligible to receive Lifeline support after the new phase-out date. Figure 11 outlines the FCC’s revised phase down schedule.

**Figure 11  
Lifeline Support Transition Schedule**

Effective Dates	Fixed Voice	Mobile Voice	Fixed Broadband	Mobile Broadband
From 12/1/19 to 11/30/20	\$7.25	\$7.25	\$9.25	\$9.25
From 12/1/20 to 11/30/ <del>2021</del>	\$5.25	\$5.25	\$9.25	\$9.25
After 11/30/ <del>2021</del>	\$0	\$0	\$9.25	\$9.25

Source: FCC 2016 Lifeline Modernization Order (FCC 16-38)

The FPSC filed comments regarding this matter in the FCC’s 2017 Fourth Report and Order and Notice of Proposed Rulemaking.<sup>25</sup> The FPSC commented that customers should have the option to continue to receive Lifeline support for voice-only service and that the FCC should eliminate its planned phase down of support. The FPSC noted its concern that if the only option for customers to obtain Lifeline voice service is by combining the service with broadband, the cost of the combined services may become cost prohibitive for some consumers, without increasing financial support from the Lifeline program. The shift in support offered for voice-only support appears to have continued to cause a shift in Florida’s ETC service offerings to focus on broadband and bundled voice and broadband services.<sup>26</sup> Once voice-only support is phased out,

<sup>24</sup> FCC, Order, DA 21-1389, WC Docket No. 11-42, Lifeline and Link Up Reform and Modernization, <https://docs.fcc.gov/public/attachments/DA-21-1389A1.pdf>, accessed on November 9, 2021.

<sup>25</sup> FPSC Comments, WC Docket No. 17-287, Bridging the Digital Divide for Low-Income Consumers, filed February 21, 2018, <https://ecfsapi.fcc.gov/file/1022171092868/FPSC%20Comments%20to%20the%20FCC.pdf>, accessed on September 5, 2021.

<sup>26</sup> Appendix C.

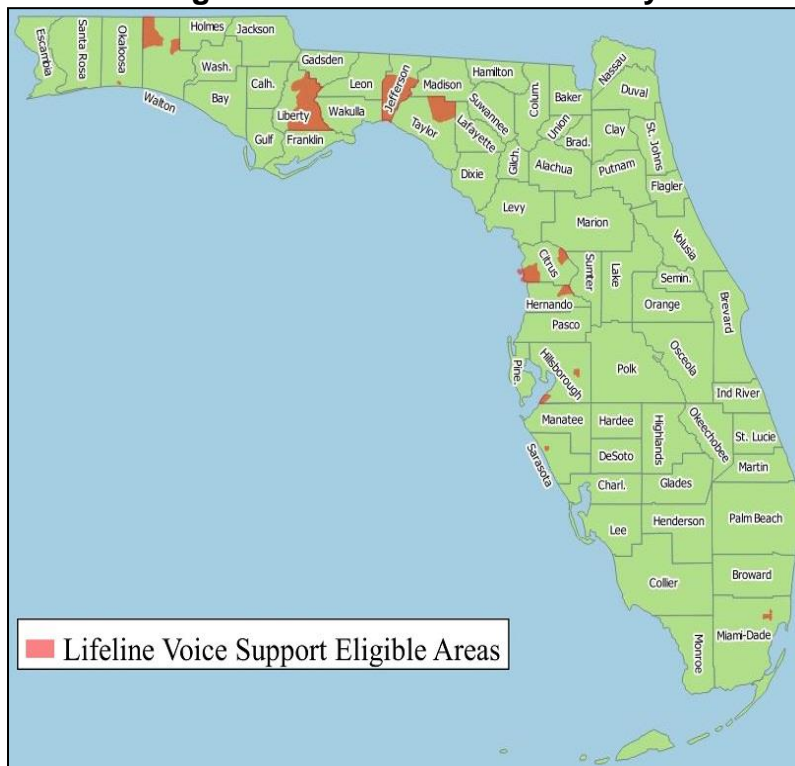


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an ETC that exclusively offers voice-only Lifeline service will likely relinquish its ETC designation.

The 2016 Lifeline Modernization Order included an exception to the complete phase-down of voice-only support in Census Blocks where there is only one Lifeline provider. On June 2, 2021, the FCC released a Public Notice identifying the Census Blocks eligible to continue receiving the \$5.25 support amount for voice-only Lifeline service through November 30, 2022.<sup>27</sup> The list of eligible Census Blocks will be evaluated annually by the FCC and will continue through November 30 of the year that an eligible Census Block is identified as being served by more than one Lifeline provider. In Florida, 4,389 Census Blocks qualify for the continued voice-only support. Figure 12 highlights the areas eligible to continue receiving voice-only support in Florida.

**Figure 12**  
**Areas in Florida Eligible for Continued Voice-Only Lifeline Support**



Source: FCC, Shapefile by Census Tracts

### ***National Lifeline Eligibility Verifier***

As a part of the FCC's 2016 Lifeline Modernization Order, to fight waste, fraud, and abuse in the Lifeline program the FCC directed USAC to develop a national Lifeline eligibility verifier. The purpose of the National Verifier is to determine initial subscriber eligibility, conduct annual recertification, populate a national database consisting of Lifeline customers, and provide support payments to providers serving these customers.

<sup>27</sup> FCC, DA 21-650, Public Notice, <https://docs.fcc.gov/public/attachments/DA-21-640A1.pdf>, accessed on September 5, 2021.

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New Lifeline customers may apply for the Lifeline program through the National Verifier online, or by mailing a physical copy of the application which can be found on the National Verifier portal website.<sup>28</sup> Disabled individuals may call the USAC Lifeline Support Center hotline to receive assistance in filling out an application by phone.<sup>29</sup> For all other questions regarding the Lifeline program, customers are encouraged to visit the Lifeline support website, or call the USAC Lifeline Support Center hotline.<sup>30</sup>

While ETCs can assist customers in applying for the National Verifier, that ability is somewhat limited. ETCs can check the status of National Verifier applications for customers after they have been submitted. ETCs may also assist customers with their applications; however, this must be done in person as the National Verifier computer interface does not allow for remote assistance. ETCs have expressed displeasure using the system, citing issues with their ability to effectively assist customers with applications, as well as National Verifier portal operational issues.<sup>31</sup> USAC has actively addressed and worked toward rectifying these issues, and continues to keep state regulators and stakeholders informed on improvements through monthly conference calls and webinars.

### ***USAC Interface with Florida DCF Database***

The National Verifier's efficiency is contingent upon the establishment of automated verification interface processes connected to qualifying program databases. To assist in Florida's transition to the National Verifier, the FPSC coordinated an informal meeting between the Florida Department of Children and Families (FDCF) and USAC in 2019. The meeting established the groundwork for an automated verification process compliant with Florida Statutes that would allow USAC to interface with FDCF's qualifying program database. The FDCF database would provide USAC with confirmation that a customer is a participant in a qualifying program without revealing the program itself or any other customer information. Once a customer is verified as a qualifying program participant through this process, they are enrolled in the Lifeline program with no need for any further documentation. As of January 2021, USAC's connection to the FDCF database has been established.

The National Verifier is also connected to federal databases to provide for additional avenues to complete the verification process. These include both Federal Public Housing Assistance and the federal Medicaid databases. As of January 2021, USAC has been able to establish automated verification interfaces for state qualifying programs in 21 states and is working with the remaining states to establish interfaces. It is USAC's goal to be connected to all available state databases by the end of 2021.

### **Duplicate Lifeline Support**

Eligible consumers can only receive one Lifeline-supported service per household.<sup>32</sup> If there are two households residing at one address and each desire to participate in the Lifeline program, each applicant must complete USAC's Household Worksheet form. This form is used to

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<sup>28</sup> USAC, National Verifier, <https://nationalverifier.servicenowservices.com/lifeline>, accessed on September 5, 2021.

<sup>29</sup> USAC, Lifeline Support Center Hotline, 1-800-234-9473.

<sup>30</sup> USAC, Lifeline Support Website, <https://www.lifelinesupport.org/>, accessed on September 5, 2021.

<sup>31</sup> 2021 Lifeline Report Data Request Responses. T-Mobile did not provide responses to questions concerning issues experienced with the National Verifier.

<sup>32</sup> 47 CFR § 54.409(c).

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demonstrate that each applicant is living in a separate economic unit and not sharing living expenses (bills, food, etc.) or income with another resident.<sup>33</sup>

To prevent waste in the USF, the FCC created a National Lifeline Accountability Database and mandated its use to ensure that multiple ETCs do not seek and receive reimbursement for the same Lifeline subscriber.<sup>34</sup> The National Lifeline Accountability Database conducts a nationwide real-time check to determine if the consumer or another person at the address of the consumer is already receiving Lifeline service. States have read-only access to this database to help prevent waste, fraud, and abuse of the Lifeline program.

### Lifeline Rule Waivers

On March 17, 2020, the FCC released an Order suspending the usage requirement rule of the Lifeline program because of the COVID-19 pandemic.<sup>35</sup> This rule requires that subscribers must use their Lifeline service at least once within a 30 day period, or must be de-enrolled from the program. The Order also suspended de-enrollment due to customer reverification non-response, halted USAC from requesting new reverification eligibility information from customers and waived the recertification rules of the Lifeline program. A follow-up Order was released on April 29, 2020, which amended the income eligibility rules for the Lifeline program, as well as halted all involuntary de-enrollment from the Lifeline program.<sup>36</sup>

The income eligibility rule requires customers qualifying for the Lifeline program under income eligibility documentation to provide three consecutive months of documentation proving they make at or less than 135 percent of the Federal Poverty Guidelines.<sup>37</sup> The amendment allowed customers to provide documentation proving recent unemployment due to COVID-19, such as a notice of unemployment benefits or notice of a successful application for unemployment benefits. While this amendment expands the pool of potential Lifeline qualified customers, the majority of Florida ETCs stated they did not see an influx of new Lifeline customers outside of ordinary trends, or that they could directly attribute to COVID-19 related unemployment.<sup>38</sup> On February 24, 2021, the FCC released an Order that declined to extend the Lifeline usage requirement rule beyond May 1, 2021.<sup>39</sup> The remainder of the aforementioned rule-waivers were extended until December 31, 2021, with the FCC continuing to monitor the pandemic to determine whether additional extensions are appropriate.<sup>40</sup>

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<sup>33</sup> A household Lifeline eligibility pre-screening tool is available at [www.lifelinesupport.org](http://www.lifelinesupport.org), accessed September 6, 2021.

<sup>34</sup> FCC, Report and Order, WC Docket No. 11-42, released February 6, 2012, <https://docs.fcc.gov/public/attachments/FCC-12-11A1.pdf>, accessed on September 5, 2021.

<sup>35</sup> FCC, Order, Lifeline and Link Up Reform Modernization, DA 20-285, released March 17, 2020, <https://docs.fcc.gov/public/attachments/DA-20-285A1.pdf>, accessed on September 5, 2021.

<sup>36</sup> Lifeline and Link Up Reform and Modernization, FCC Order, DA 20-462, <https://docs.fcc.gov/public/attachments/DA-20-462A1.pdf>, accessed on September 5, 2021.

<sup>37</sup> USAC, Federal Poverty Guidelines for Lifeline, [https://www.usac.org/wp-content/uploads/lifeline/documents/handouts/Income\\_Requirements.pdf](https://www.usac.org/wp-content/uploads/lifeline/documents/handouts/Income_Requirements.pdf), accessed on September 5, 2021.

<sup>38</sup> 2021 FPSC Lifeline Report Data Request Responses. Staff notes that T-Mobile and Assurance Wireless did not respond to this part of the data request.

<sup>39</sup> Lifeline and Link Up Reform and Modernization, FCC Order, DA 21-229, <https://docs.fcc.gov/public/attachments/DA-21-229A1.pdf>, accessed on August 26, 2021.

<sup>40</sup> Lifeline and Link Up Reform and Modernization, FCC Order, DA 21-1191, <https://docs.fcc.gov/public/attachments/DA-21-1191A1.pdf>, accessed on September 29, 2021.

## **Emergency Broadband Benefit Program**

On December 27, 2020, the Consolidated Appropriations Act of 2021 became law, establishing the Emergency Broadband Connectivity Fund consisting of \$3.2 billion from the United States Treasury being allocated towards helping Americans afford internet service during the COVID-19 pandemic. The Emergency Broadband Benefit program (EBB) was established to provide funding for low-income households to receive a discount on the cost of broadband and certain connected devices. The fund allows eligible service providers to apply for an expedited approval process to participate in the program; not to be confused with the ETC application process, since approved providers are not given ETC status. Upon the exhaust of the allocated funds, or six months after the federal Department of Health and Human Services declares an end to the COVID-19 pandemic, the EBB will end. At the time of this report, the EBB benefit is still available.

The EBB offers a discount up to a \$50 a month on broadband service and associated equipment rentals, as well as a one-time discount of up to \$100 for qualifying broadband access devices.<sup>41</sup> The EBB launched on May 12, 2021, and eligible consumers may apply for the program online at the EBB portal.<sup>42</sup>

## ***B. Florida Public Service Commission Activities***

### **Actions to Prevent Waste, Fraud, and Abuse of the Universal Service Fund**

Florida continues to enforce safeguards to prevent waste, fraud, and abuse of the USF. The FPSC strives to protect the integrity of the Lifeline program in Florida and takes appropriate enforcement action when necessary. The FPSC has statutory authority to grant wireline ETC designations and can also revoke ETC status when warranted.

Unlawful and inappropriate federal USF disbursements are inconsistent with public trust and negatively impact all contributors to the fund. This is especially true for states like Florida that contribute more into the USF than it receives. Therefore, the FPSC monitors federal USF disbursements to Florida ETCs to ensure that funds are being disbursed and expended according to state and federal regulations and guidelines.

### **Lifeline Electronic Coordinated Enrollment Process**

In 2007, Florida implemented the Lifeline Electronic Coordinated Enrollment Process. This process involves a computer interface between the FPSC and FDCF for Lifeline applications for people who currently participate in the Medicaid and SNAP programs. The coordinated enrollment process requires a FDCF client to indicate an interest in receiving Lifeline assistance. The applicant then identifies a telephone service provider from a drop-down box on the application and answers applicable questions. Once a client is determined to be eligible for Medicaid and/or SNAP, FDCF will forward the customer information to the FPSC. The FPSC places this information on a secure website for retrieval by the appropriate ETC.

Prior to the National Verifier, customers identified through this process would be automatically

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<sup>41</sup> Qualifying broadband access equipment includes laptops, tablets, and desktop computers. Only certain EBB providers offer these devices.

<sup>42</sup> EBB Internet Portal, [Getemergencybroadband.org](http://Getemergencybroadband.org), accessed on September 6, 2021.

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considered eligible and enrolled in Lifeline service by the ETC. However, now that eligibility is determined only by the National Verifier, ETC's must now contact the customer to determine if they have already been approved for the Lifeline Program through the National Verifier.

For those customers who have not yet applied for the program, ETCs will either instruct customers on where they can apply or assist these customers with their applications in person. If a customer mistakenly identifies an ETC that does not serve the area in which they live, the FPSC sends instructions on how to apply through the National Verifier, along with a list of each ETC's contact information.

### **Recent ETC Designations**

On December 7, 2020, the FCC announced the winning bidders of the Rural Digital Opportunity Fund (RDOF) auction. The RDOF is a form of high-cost support intended to help connect millions of unserved rural homes and small businesses to high-speed broadband. In Florida, a total of 11 bidders were selected to receive approximately \$192 million of high-cost support in phase I. As a condition of receiving funding, the carriers were required to obtain ETC designation that covered their winning bid areas.

Following the completion of the RDOF bidding process, the FPSC was tasked with processing ETC applications for several winning bidders.<sup>43</sup> If a company's ETC application is approved, that company would be eligible for high-cost support under the RDOF program, but would also have to offer Lifeline service. The FPSC has the primary jurisdiction over ETC designation; however, Florida law has limited the FPSC's jurisdiction as it relates to certain services offered by ETC applicants.<sup>44</sup> Spanning from January 4, 2021, to August 3, 2021, the FPSC evaluated six winning bidders in Florida for ETC designation relating to the RDOF.<sup>45</sup>

To be designated as an ETC by the Commission, a carrier must meet the definition as a "telecommunications company" according to Section 364.02(13), F.S.<sup>46</sup> Furthermore, Section 364.011, F.S., establishes that service providers using satellites, wireless technology, and VOIP to provide its services are outside of the Commission's jurisdiction. As a result, four ETC petitioners were directed to apply for ETC designation with the FCC. Bright House Networks Information Services (Florida), LLC, and CenturyLink Communications, LLC were found to be carriers within the Commission's jurisdiction, and therefore, designated as ETCs by the FPSC. While federal law requires that carriers designated as ETCs by the FCC abide by all applicable state law, the FPSC has received positive confirmation through data request responses from each of the ETC applicants that Florida Statutes will be adhered to regardless of the designating

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<sup>43</sup> Starlink Services, LLC, Hotwire Communications Ltd., Bright House Networks Information Services (Florida), LLC, Windstream Communications, LLC, AB Indiana LLC.

<sup>44</sup> 47 U.S.C. 54.201

<sup>45</sup> See FPSC Docket No.'s 20210011, 20210012, 20210013, 20210047, 20210070, 20210110.

<sup>46</sup> FPSC Order No. PSC-2021-0222-PAA-TX, Docket No. 20210013-TX, Application for designation as an eligible telecommunications carrier to receive rural digital opportunity fund auction (Auction 904) support for voice and broadband services and request for expedited consideration, by Bright House Networks Information Services (Florida), LLC., pp. 3-4.

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agency. Because the program provides for an opportunity for carriers to buildout their network, none of these companies have an obligation to offer Lifeline discounts at this time.



## **VI. Lifeline Promotion Activities**

Promotional activities in 2021 featured National Lifeline Awareness Week and National Consumer Protection Week, and ongoing “grassroots” efforts to increase awareness and enrollment in the Lifeline program.

The FPSC works with state commissions, the National Association of Regulatory Utility Commissioners and the FCC to promote Lifeline Awareness Week and educate consumers on the nationwide implementation of the Lifeline National Verifier by USAC. The national effort also ensures that low-income families and individuals are aware of the Lifeline program and understand the participation requirements, including annual recertification and one discount per household. The shared goal is for all eligible households to be enrolled and receive Lifeline program benefits.

### **National Lifeline Awareness Week**

NARUC observed Lifeline Awareness Week, again in September for those states able to participate. “*Stay Connected Florida!*” was the slogan for Florida’s 2021 Lifeline Awareness Week, September 20-24. In addition to increasing awareness among eligible citizens, this year’s Lifeline Awareness Week continued educating residents about the discount on voice and broadband services.

This year, Florida’s outreach focused on senior and community centers in rural Miami-Dade, Taylor, Walton, Citrus, and Hernando Counties. With in-person events cancelled or restricted due to the pandemic, FPSC representatives distributed information to seniors and answered questions with the help of the senior and community services coordinators in each county. Lifeline information is also readily available on the FPSC’s website.<sup>47</sup>

### **National Consumer Protection Week and Other Community Events**

The FPSC seeks existing community events as well as new venues and opportunities where Lifeline educational materials can be distributed and discussed with consumers. National Consumer Protection Week, February 23-March 6, 2021, provided a good opportunity for Lifeline outreach activities. An annual consumer education campaign, National Consumer Protection Week encourages consumers to take advantage of their consumer rights. Chairman Gary Clark recognized the 23<sup>rd</sup> Annual National Consumer Protection Week with a consumer message on important scam awareness education, energy and water conservation tips, as well as Lifeline information.

Many of the senior and community centers the FPSC regularly visit remain temporarily closed, with in-person events cancelled or restricted. For National Consumer Protection Week 2021, the FPSC partnered with coordinators at the Tallahassee Senior Center and Foundation to deliver and distribute information to seniors and answer questions via their “*Learn and Wave*” events. For 14 years, the FPSC has joined government agencies, advocacy organizations, and private sector groups nationwide to highlight National Consumer Protection Week.

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<sup>47</sup> FPSC, Lifeline Assistance, <http://www.floridapsc.com/ConsumerAssistance/LifelineAssistance>, accessed on September 21, 2021.

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Each May, the Commission participates in Older Americans Month, a national project to honor and recognize older Americans for their contributions to families, communities, and society. “Communities in Strength” was this year’s theme. Senior centers in Broward, Palm Beach, and Washington Counties received and distributed FPSC information on Lifeline and utility bill reduction strategies to area seniors. FPSC outreach staff are always available to answer questions and provide further information.

Each quarter, the FPSC also names a valued partner agency or organization as a “Helping Hand,” for helping raise public awareness about the Lifeline program, energy and water conservation, and utility impersonation scams. Helping Hands named in 2021 include: Tallahassee Senior Center, the City of Lauderhill and the Walton Okaloosa Council on Aging.

### **Library Outreach Campaign**

Each year the FPSC provides educational packets, including FPSC publications and Lifeline brochures and applications in English and Spanish, to Florida public libraries across the state for consumer distribution. The FPSC’s Library Outreach Campaign reached 615 state public libraries and branches in 2021. To reduce mailing and production costs, the Commission’s 2021 campaign included a cover letter, book marks, and a brochure order form. Following the Campaign, many libraries’ requests for additional publications have been filled.

### **Ongoing Lifeline Outreach**

Ensuring easy access to Lifeline information through the agencies and organizations having regular interaction with eligible consumers is crucial to the Lifeline awareness effort. The FPSC partners with many agencies year-round to make sure eligible consumers know about Lifeline and know how to apply. Each month, the FPSC sends a cover letter and informational packet to two organizations to encourage continued Lifeline outreach to their eligible clientele. Prior to the pandemic, the FPSC scheduled and conducted two monthly community events to promote Lifeline.

### **Lifeline Partners**

The local, state, and federal agencies, organizations, businesses, and telecommunications companies listed in Appendix D are involved in the collaborative effort to increase awareness and participation in the Lifeline program. These Lifeline Partners have continued to develop new partnerships, participate in local community events, offer training sessions, provide program updates, and supply brochures and applications.



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**Appendix A  
2021 U.S. Poverty Guidelines**

Persons in family/household	2020 U.S. Federal Poverty Guidelines	135% of Federal Poverty Guidelines	Monthly income at 135% of Federal Poverty Guidelines
1	\$12,880.00	\$17,388.00	\$1,449
2	\$17,420.00	\$23,517.00	\$1,959.75
3	\$21,960.00	\$29,646.00	\$2,470.50
4	\$26,500.00	\$35,775.00	\$2,981.25
5	\$31,040.00	\$41,904.00	\$3,492
6	\$35,580.00	\$48,033.00	\$4002.75
7	\$40,120.00	\$54,162.00	\$4,513.50
8	\$44,660.00	\$60,291.00	\$5,024.25

Source: Department of Health and Human Services, Annual Update of the Department of Health and Human Service Poverty Guidelines, Federal Register Notice, February 1, 2021, <https://www.federalregister.gov/documents/2021/02/01/2021-01969/annual-update-of-the-hhs-poverty-guidelines#:~:text=2021%20Poverty%20Guidelines%20for%20the%2048%20Contiguous%20States,%20%2026%2C500%20%204%20more%20rows%20>, accessed on September 28, 2021.

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**Appendix B  
Lifeline Enrollment and Year-to-Year Net Growth Rate**

	ETCs	June 2018	June 2019	Net Growth Rate	June 2020	Net Growth Rate	June 2021	Net Growth Rate
Wireless	Assurance Wireless	418,874	411,114	-2%	222,128	-46%	155,848	-30%
	SafeLink Wireless	232,088	167,966	-28%	130,362	-22%	100,463	-23%
	Access Wireless	31,874	14,795	-54%	8,740	-41%	7,566	-13%
	T-Mobile	1,023	2,489	143%	3,307	33%	3,523	7%
Incumbent Wireline	CenturyLink	5,251	3,875	-26%	3,056	-21%	2,652	-13%
	Frontier Florida	2,113	1,690	-20%	1,405	-17%	1,478	5%
	Windstream	1,546	1,332	-14%	1,274	-4%	1,289	1%
	Consolidated Communications	397	329	-17%	275	-16%	255	-7%
	NEFCOM	247	221	-11%	179	-19%	169	-6%
	TDS Telecom	112	112	0%	98	-13%	88	-10%
	AT&T	123	89	-28%	70	-21%	58	-17%
	ITS Fiber	46	20	-57%	58	190%	37	-36%
	Frontier of the South	20	19	-5%	21	11%	19	-10%
	Smart City	3	3	0%	4	33%	3	-25%
Competitive Wireline	Phone Club	120	143	19%	158	10%	138	-13%
	WOW!	46	50	-9%	45	-10%	55	22%
	Cox Telecom	556	409	-26%	0	0%	0	0%
	Tele Circuit	201	37	-82%	0	0%	0	0%
	Global Connection	7	0	-100%	0	0%	0	0%
	<b>Total</b>	<b>685,864</b>	<b>694,647</b>	<b>1%</b>	<b>371,180</b>	<b>-39%</b>	<b>273,641</b>	<b>-26%</b>

Source: FPSC Data Requests 2018-2021

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**Appendix C  
Lifeline Subscription by Service Type  
(as of June 2021)**

	ETCs	Voice	Broadband	Bundled	Total
Wireless	Assurance Wireless	8,527	101,063	46,258	155,848
	SafeLink Wireless	6,628	16,327	80,184	103,139
	Access Wireless	1,083	16	5,376	6,475
	T-Mobile	281	10	3,231	3,522
Incumbent Wireline	CenturyLink	2,468	30	154	2,652
	Frontier Florida	1,040	216	246	1,502
	Windstream	389	209	682	1,280
	Consolidated Communications	281	4	4	289
	NEFCOM	100	2	68	170
	TDS Telecom	75	0	14	89
	AT&T	58	0	0	58
	ITS Fiber	5	24	8	37
	Frontier of the South	20	4	3	27
	Smart City	1	1	1	3
Competitive Wireline	Phone Club	155	0	0	155
	WOW!	14	20	17	51
Total		21,125	117,926	136,246	275,297

Source: USAC Disbursements in Florida

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**Appendix D  
Florida Lifeline Partners**

1000 Friends of Florida, Inc.	A Caring Hand Home Care
AARP–Florida Chapter	Ability Housing of Northeast Florida
ACCESS Florida Community Network Partners	Agency for Health Care Administration
Agency for Persons with Disabilities	Aging Matters in Brevard County
Aging True Community Senior Services	Aging With Dignity
Aging Solutions, Inc.	Alliance for Aging, Inc.
America's Second Harvest of the Big Bend, Inc.	Area Agencies on Aging
ASPIRE Health Partners	Big Bend 2-1-1 and other 2-1-1 Agencies
Boley Centers, Inc.	Braille and Talking Book Library
Brain Injury Association of Florida, Inc.	Bridges at Riviera Beach
Broward County Elderly & Veterans Services Division	Bureau of Indian Affairs Programs
Capital Area Community Action Agency, Inc.	CARES of Florida
Carrfour Supportive Housing	Catholic Charities of Central Florida
Center for Hearing and Communication	Centers for Drug Free Living
Centers for Independent Living	Central Florida Community Action Agency
City and County Consumer Assistance Departments	City and County Consumer Assistance Departments
City and County Housing Authorities	City and County Social Programs
Coalition of Florida Farmworker Organizations, Inc.	Communities In Schools Foster Grandparent Program
Community Partnership Group	Community Legal Services
Corporation to Develop Communities of Tampa, Inc.	Deaf & Hard of Hearing Services of NW Florida, Inc.
Disability Rights Florida	Elder Options
Elder Source	Faith Radio Station and other Florida radio stations
Federal Social Security Admin - Tallahassee District	Feeding South Florida
First Quality Home Care	Florida Alliance for Information and Referral Services
Florida Assisted Living Association	Florida Association for Community Action
Florida Association of Community Health Centers	Florida Association of Counties
Florida Association of County Human Service Admin	Florida Association of Food Banks
Florida Association of Housing and Redevelopment Officials	Florida Coalition for Children
Florida Coalition for the Homeless	Florida Council on Aging
Florida Deaf Services Centers Association	Florida Department of Business and Professional Regulation
Florida Department of Children and Families	Florida Department of Community Affairs
Florida Department of Economic Opportunity	Florida Department of Education
Florida Department of Elder Affairs	Florida Department of Revenue
Florida Department of Veterans' Affairs	Florida Developmental Disabilities Council
Florida Elder Care Services	Florida Highway Safety and Motor Vehicles
1000 Friends of Florida, Inc.	A Caring Hand Home Care

**DRAFT**

**Appendix D (continued)  
Florida Lifeline Partners**

Florida Home Partnership	Florida Hospital Association
Florida Housing Coalition	Florida Housing Finance Corporation
Florida League of Cities, Inc.	Florida Low Income Housing Associates
Florida Nurses Association	Florida Office of Public Counsel
Florida Ombudsman Program	Florida Public Libraries
Florida Public School Districts	Florida Rural Legal Services, Inc.
Florida Senior Medicare Patrol	Florida Senior Program
Florida Telecommunications Relay, Inc.	Florida Voters League
Good News Outreach	Goodwill Industries of Central Florida
Habitat for Humanity – Florida	HANDS of Central Florida
Hemophilia Foundation of Greater Florida	Hispanic Office for Local Assistance
HOPE Community Center	HOPE Connection
League for the Hard of Hearing	Leon County School Board
Little Havana Activities and Nutrition Centers	Living Stones Native Circle
Marion Senior Services	Miccosukee Tribe of Indians of Florida
Mid-Florida Housing Partnership, Inc.	Monroe County Social Services
NAACP (Florida Associations)	National Church Residences
Nursing Homes Administrators	One-Stop Career Centers
Osceola County Corrections Department	Palm Beach Community Action Agency
Refuge House of the Big Bend	Seminole County Community Development
Senior Connection Center, Inc.	Senior Friendship Centers
Senior Medicare Patrol	Senior Resource Alliance
Senior Solutions	Seniors First
SHINE Program	South East American Council, Inc.
Tallahassee Memorial Hospital	Tallahassee Urban League
Tampa Vet Center	Three Rivers Legal Services, Inc.
U.S. Department of Housing and Urban Development	United Home Care Services
United Way of Florida	Urban Jacksonville
Urban Leagues of Florida	Wakulla County Senior Citizens Council
Walton County Council on Aging	Washington County Council on Aging
We Care-Jacksonville	



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-**

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**DATE:** November 4, 2021

**TO:** Braulio Baez, Executive Director

**FROM:** Division of Economics (Barrett) *MCB QJH*

**RE:** Draft Report on Activities Pursuant to the Florida Energy Efficiency and Conservation Act (FEECA). Due March 1, 2022 to the Governor and Legislature.

**Critical Information:** Please place on the November 16, 2021 Internal Affairs agenda. Commission approval is sought.

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Section 366.82(10), Florida Statutes (F.S.), requires the Florida Public Service Commission (Commission) to submit an annual report to the Governor and Legislature on the utilities' progress towards meeting goals established by the Commission pursuant to the Florida Energy Efficiency and Conservation Act. The report is due March 1, 2022.

Furthermore, Section 377.703(2)(f), F.S., requires the Commission to file information on electricity and natural gas energy conservation programs with the Department of Agriculture and Consumer Services.

Staff is seeking Commission approval of the attached draft report. Upon approval, the report will be submitted to the Governor, President of the Senate, Speaker of the House, the Commissioner of Agriculture and Consumer Services, and to the Florida Documents Librarian.

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



FLORIDA  
PUBLIC  
SERVICE  
COMMISSION

# FEECA

## Annual Report on Activities Pursuant to the Florida Energy Efficiency and Conservation Act

As Required by Sections 366.82(10), 377.703(2)(f), and 553.975, Florida Statutes

NOVEMBER 2021





# Florida Public Service Commission

## **Annual Report on Activities Pursuant to The Florida Energy Efficiency and Conservation Act**

As Required by Sections 366.82(10) and 377.703(2)(f), and 553.975, Florida Statutes

November 2021



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## List of Acronyms

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<b>C/I</b>	Commercial and Industrial (Customers)
<b>Commission or FPSC</b>	Florida Public Service Commission
<b>COVID-19</b>	Coronavirus Disease of 2019
<b>CUC</b>	Chesapeake Utilities Corporation
<b>DEF</b>	Duke Energy Florida, LLC
<b>DOE</b>	U.S. Department of Energy
<b>DSM</b>	Demand-Side Management
<b>ECCR</b>	Energy Conservation Cost Recovery
<b>EV</b>	Electric Vehicle
<b>F.A.C.</b>	Florida Administrative Code
<b>FCG</b>	Florida City Gas
<b>FEECA</b>	Florida Energy Efficiency and Conservation Act
<b>FLBC</b>	Florida Building Code
<b>FPL</b>	Florida Power & Light Company
<b>FPUC</b>	Florida Public Utilities Company
<b>FRCC</b>	Florida Reliability Coordinating Council
<b>F.S.</b>	Florida Statutes
<b>GPR</b>	Gross Power Rating
<b>GRIM</b>	Gas Rate Impact Measure Test
<b>Gulf</b>	Gulf Power Company
<b>GWh</b>	Gigawatt-Hour
<b>HVAC</b>	Heating, Ventilation, and Air Conditioning
<b>IGC</b>	Indiantown Gas Company
<b>IOU</b>	Investor-Owned Utility
<b>JEA</b>	Formerly known as Jacksonville Electric Authority
<b>kWh</b>	Kilowatt-Hour
<b>LDC</b>	Natural Gas Local Distribution Company
<b>MMBtu</b>	One Million British Thermal Units
<b>MW</b>	Megawatt
<b>MWh</b>	Megawatt-Hour
<b>NGCCR</b>	Natural Gas Conservation Cost Recovery
<b>OUC</b>	Orlando Utilities Commission
<b>O&amp;M</b>	Operations and Maintenance
<b>PV</b>	Photovoltaic
<b>PGS</b>	Peoples Gas System
<b>RIM</b>	Rate Impact Measure Test
<b>SGS</b>	Sebring Gas System
<b>SJNG</b>	St. Joe Natural Gas
<b>TECO</b>	Tampa Electric Company
<b>TRC</b>	Total Resource Cost Test





# Executive Summary

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## **Purpose**

Reducing the growth of Florida’s peak electric demand and energy consumption became a statutory objective in 1980, with the enactment of the Florida Energy Efficiency and Conservation Act (FEECA). FEECA emphasizes four key areas: reducing the growth rates of weather-sensitive peak demand and electricity usage, increasing the efficiency of the production and use of electricity and natural gas, encouraging demand-side renewable energy systems, and conserving expensive resources, particularly petroleum fuels. Sections 366.82(2) and 366.82(6), Florida Statutes (F.S.), require the Florida Public Service Commission (FPSC or Commission) to establish goals for the FEECA utilities and review the goals every five years, at minimum. The utilities are required to develop cost-effective demand-side management (DSM) plans that meet those goals and submit them to the Commission for approval.

Energy conservation and DSM in Florida are accomplished through a multi-pronged approach that includes energy efficiency requirements in building codes for new construction, federal appliance efficiency standards, utility programs, and energy education efforts. Utility programs, which are paid for by all customers, are aimed at increasing efficiency levels above building codes and appliance efficiency standards.

The Commission is required by Section 366.82(10), F.S., to provide an annual report to the Florida Legislature and the Governor summarizing the adopted goals and the progress made toward achieving those goals. Similarly, Section 377.703(2)(f), F.S., requires the Commission to file information on electricity and natural gas energy conservation programs with the Department of Agriculture and Consumer Services. Pursuant to Section 366.82(10), F.S., this report on conservation results achieved by the FEECA utilities is due to the Florida Legislature and Governor by March 1, 2022. This report reviews the 2020 annual goal results for each of the FEECA utilities and fulfills these statutory obligations.

The seven electric utilities and single natural gas utility currently subject to FEECA are listed below in order of sales:

<b>Electric Investor-Owned Utilities</b> <ul style="list-style-type: none"><li>• Florida Power &amp; Light Company (FPL)</li><li>• Duke Energy Florida, LLC (DEF)</li><li>• Tampa Electric Company (TECO)</li><li>• Gulf Power Company (Gulf)</li><li>• Florida Public Utilities Company (FPUC)</li></ul>	<b>Municipal Electric Utilities</b> <ul style="list-style-type: none"><li>• JEA</li><li>• Orlando Utilities Commission (OUC)</li></ul>
	<b>Investor-Owned Natural Gas Local Distribution Company (LDC)</b> <ul style="list-style-type: none"><li>• Peoples Gas System (PGS)</li></ul>

The Commission regulates the rates and conservation cost recovery of the five electric IOUs and the single FEECA natural gas LDC. The Commission does not regulate the rates or conservation program costs of the two municipal electric utilities for which it sets DSM goals.

## **Report Layout**

This report presents the FEECA utilities' progress towards achieving the Commission-established goals and the Commission's efforts in overseeing these conservation initiatives. This report details these efforts through the following five sections and appendices:

- Section 1 provides a brief history of FEECA and a description of existing tools for increasing conservation throughout the State of Florida.
- Section 2 discusses the DSM goalsetting process and the most recent Commission-established goals set for the FEECA utilities.
- Section 3 reviews the utilities' goal achievements, program impacts of COVID-19, and information on audit, low-income, and research and development programs.
- Section 4 provides an overview of the associated 2020 DSM program costs recovered through the Energy Conservation Cost Recovery (ECCR) Clause (as applies to electric IOUs) and Natural Gas Conservation Cost Recovery (NGCCR) Clause (as applies to LDCs).
- Section 5 discusses methods the Commission has used to educate consumers about conservation during the prior period, including a list of related web sites.
- Appendices A and B provide a list of the 2020 conservation programs offered by FEECA Utilities and a description of each program's purpose.

## **2019 Goalsetting Proceeding**

In April 2019, the electric FEECA utilities filed proposed conservation goals, including numeric goals for summer demand, winter demand, and annual energy savings, for the 2020-2029 period. On November 5, 2019, the Commission chose to reject the goals proposed by the electric FEECA utilities. Instead, the Commission opted to continue with the goals that were established in the 2014 goalsetting proceeding for the period 2020-2024 and directed its staff to review the FEECA process for potential updates and revisions as may be appropriate.<sup>1</sup> In July 2020, a docket was established to consider proposed amendments to Rule 25-17.0021, F.A.C. Rule development workshops for this docket were conducted in January and May 2021.<sup>2</sup>

In May and June 2020, the Commission approved the filed DSM plans municipal electric FEECA utilities submitted.<sup>3</sup> In August 2020, the Commission approved the DSM plans the investor-owned electric FEECA utilities submitted.<sup>4</sup>

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<sup>1</sup>Order No. PSC-2019-0509-FOF-EG, issued November 26, 2019, in Docket Nos. 20190015-EG through 20190021-EG, *In re: Commission review of numeric conservation goals*.

<sup>2</sup>See Docket No. 20200181-EU, Proposed amendment of Rule 25-17.0021, F.A.C., Goals for Electric Utilities.

<sup>3</sup>Order No. PSC-2020-0140-PAA-EG, issued May 12, 2020, in Docket No. 20200058-EG, *In re: Petition for approval of 2020 demand-side management plan, by Orlando Utilities Commission*; Order No. PSC-2020-0200-PAA-EG, issued June 24, 2020, in Docket No. 20200057-EG, *In re: Petition for approval of 2020 demand-side management plan, by JEA*.

The 2014 approved goals were based on estimated energy and demand savings from measures that passed the Rate Impact Measure (RIM) and Participants cost-effectiveness tests.<sup>5</sup> These tests were used to ensure that all ratepayers benefit from energy efficiency programs due to downward pressure on electric rates. Compared to its review in 2009, the Commission identified fewer cost-effective energy efficiency measures in 2014. This was as a result of more stringent building codes and appliance efficiency standards. Higher appliance efficiency standards and building codes contribute to conservation outside of utility-sponsored DSM programs. Additionally, reduced utility avoided costs, caused by relatively low natural gas prices at the time these goals were adopted, resulted in fewer cost-effective measures.

Section 366.82(2), F.S., also requires that the Commission adopt goals for increasing the development of demand-side renewable energy systems. The Commission recognized in its 2019 review, that Rule 25-6.065, F.A.C., Interconnection and Net Metering of Customer-Owned Renewable Generation, adopted in 2008, offered an effective means to encourage the development of demand-side renewable energy in the state. This rule allows customers a method for offsetting their energy usage. In addition, in 2020, the Commission initiated a fact-finding workshop to explore various topics regarding demand-side renewable energy system development.

The Commission also established numeric therm savings goals for a natural gas utility for the first time in 2019. In August 2019, the Commission approved 2019-2028 goals for PGS, based upon programs it found were cost-effective.<sup>6</sup> PGS also developed audit programs for its residential and commercial customers as part of the proceedings. The 2019 goalsetting processes for all FEECA utilities are further discussed in Section 2.

### **2020 Achievements and Related Program Costs**

FEECA has been successful in reducing the growth rates of winter and summer peak electric demand and reducing annual energy consumption. On a cumulative basis through 2020, savings from FEECA utility DSM programs have contributed to the statewide totals which reflect that summer peak demand has been reduced by **8,171 4,435** MW, winter peak demand has been reduced by **7,276 3,736** MW, and annual energy consumption has been reduced by 14,935 GWh.<sup>7</sup> During 2020, the Florida electric FEECA utilities offered 125 residential and commercial programs which focused on demand reduction and energy conservation (see Appendix B). In addition, FEECA electric utilities performed over 229,000 residential and commercial energy audits in 2020, as shown in Section 3.3. Each FEECA utility's achievements toward the 2020 Commission-approved goals are detailed in Section 3.1.

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<sup>4</sup>Order No. PSC-2020-0274-PAA-EG, issued August 3, 2020, in Docket Nos. 20200053-EG (TECO), 20200054-EG (DEF), 20200055-EG (FPL), 20200056-EG (Gulf), and 20200060-EG (FPUC), *In re: Petition for approval of 2020 demand-side management plans.*

<sup>5</sup> Order No. PSC-14-0696-FOF-EU, issued December 16, 2014 (2014 Goalsetting Order), in Docket Nos. 20130199EI through 20130205-EI, *In re: Commission review of numeric conservation goals.*

<sup>6</sup>Order No. PSC-2019-0361-PAA-GU, issued August 26, 2019, in Docket No. 20180186-GU, *In re: Petition for approval of demand-side management goals and residential customer assisted and commercial walk-through energy audit programs, by Peoples Gas System.*

<sup>7</sup>Florida Reliability Coordinating Council (FRCC), *2021 Load & Resource Plan* (S-3, S-4, S-5).

The Commission has authority, by statute, to allow investor-owned utilities to recover costs related to conservation.<sup>8</sup> The Commission has implemented this authority for electric IOUs through the ECCR clause since 1980. For 2020, Florida's investor-owned electric utilities recovered approximately \$320 million in conservation program expenditures.

## **Conclusion**

Conservation in Florida is prompted by customer actions to conserve energy, federal appliance efficiency standards and state building codes for new construction, and utility-sponsored DSM programs. Customers can save energy and reduce their bills through behavioral changes and by investing in energy efficient homes, appliances, and equipment. Federal appliance efficiency standards have become more stringent over time, thus increasing the baseline energy efficiency of new appliances and heating, ventilation, and air conditioning (HVAC) equipment available to Florida's consumers. Likewise, changes in the Florida State Building Code (FLBC) have resulted in more energy efficient homes. Florida's electric and natural gas utilities also encourage conservation by offering energy audits, customer education, rebates on energy efficient equipment and building envelope improvements, and demand response programs.

Utilities design DSM programs to encourage conservation that exceeds levels set by current building codes and minimum efficiency standards. More stringent efficiency standards and building codes, as well as customer actions to implement efficiency outside of utility programs, reduce the potential incremental demand and energy savings available from utility-sponsored DSM programs. The level of realized savings from utility programs is uncertain because it requires voluntary participation and, in some cases, changes in customer behavior.

Because all customers pay for the utility conservation programs as a portion of their monthly utility bills, the Commission focuses on ensuring that all customers benefit from utility-sponsored DSM programs. The Commission also encourages customers to use energy efficiently through its customer education efforts. Overall, reducing Florida's electric demand and energy usage relies on customer education and participation in utility DSM programs, along with each individual's efforts to save electricity.

Conservation and renewable energy will continue to play an important role in Florida's energy future. The Commission is continuing its efforts to encourage cost-effective conservation that defers the need for new electric-generating capacity and reduces the use of fossil fuels. These initiatives support a balanced mix of resources that reliably and cost-effectively meet the needs of Florida's ratepayers.

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<sup>8</sup>Section 366.05(1), F.S.

# **Section 1. Florida Energy Efficiency and Conservation Act**

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## ***1.1 FEECA History and Implementation***

FEECA emphasizes four key areas: reducing the growth rates of weather-sensitive peak demand and electricity usage, increasing the efficiency of electricity and natural gas production and use, encouraging demand-side renewable energy systems, and conserving expensive resources, particularly petroleum fuels. Pursuant to FEECA, the Commission is required to establish conservation goals and the FEECA utilities must develop DSM programs to meet those goals.

Originally, all electric utilities in Florida were subject to FEECA. In 1989, changes were made to the law limiting the requirement to electric utilities with more than 500 gigawatt-hours (GWh) of annual retail sales. At that time, 12 Florida utilities met this threshold requirement and their combined sales accounted for 94 percent of Florida's retail electricity sales. An additional change to the law encouraged cogeneration projects.

In 1996, the Florida Legislature raised the minimum retail sales threshold for municipal and cooperative electric utilities to 2,000 GWh. Retail sales for these utilities were measured as of July 1, 1993, and two municipal utilities met the threshold of the amended statute: JEA and OUC. In addition to these two utilities, all five Florida investor-owned electric utilities must comply with FEECA regardless of sales levels. No rural electric cooperatives are currently subject to FEECA.

FEECA also includes natural gas utilities whose annual retail sales volume is equal to or greater than 100 million therms. PGS is the only natural gas utility that meets the therm sales threshold for conservation goals under FEECA, and thus has its own Commission-approved DSM goals.

The FEECA statute also allows the Commission to provide appropriate financial rewards and penalties to the utilities over which it has rate-setting authority. The Commission also has the authority to allow an IOU to receive an additional return on equity of up to 50 basis points for exceeding 20 percent of its annual load growth through energy efficiency and conservation measures. To date, the Commission has not awarded financial rewards or assessed penalties for any of the IOUs through FEECA. The Commission does not have rate-setting authority over JEA and OUC and therefore cannot assess financial penalties or provide financial rewards under FEECA.

Table 1 lists the seven electric FEECA utilities and shows their 2020 retail electricity sales and the percentage of total statewide electricity sales by each utility. The table also includes the total energy sales for all non-FEECA utilities. Currently, the seven electric utilities that are subject to FEECA account for approximately 83.9 percent of all Florida energy sales.

**Table 1**  
**Energy Sales by Florida's Electric FEECA Utilities in 2020**

Florida's Electric FEECA Utilities	Energy Sales (GWh)	Percent of Total Energy Sales
Florida Power & Light Company	113,531	46.9%
Duke Energy Florida, LLC	39,230	16.2%
Tampa Electric Company	19,954	8.2%
JEA	12,319	5.1%
Gulf Power Company	10,764	4.4%
Orlando Utilities Commission	6,751	2.8%
Florida Public Utilities Company	646	0.3%
<b>Electric FEECA Utilities' Total</b>	<b>203,195</b>	<b>83.9%</b>
Non-FEECA Utilities' Total	39,128	16.1%
<b>Total Statewide Energy Sales</b>	<b>242,323</b>	<b>100.0%</b>

Source: FPSC's *Statistics of the Florida Electric Utility Industry* (Table 26) published in October 2021.

Sections 366.82(2) and 366.82(6), F.S., require the Commission to set demand-side management goals at least every five years for the utilities subject to FEECA. The Commission sets electric goals with respect to summer and winter electric-peak demand and annual energy savings over a ten-year period, with a re-evaluation every five years. Once goals are established, the electric FEECA utilities must submit DSM plans containing cost-effective programs intended to meet the goals for Commission approval.

In 2008, the Florida Legislature amended the FEECA statute, placing upon the Commission additional responsibilities when adopting conservation goals. These responsibilities included the consideration of the benefits and costs to program participants and ratepayers as a whole, as well as the need for energy efficiency incentives for customers and utilities. The Commission must also consider any costs imposed by state and federal regulations on greenhouse gas emissions.

## **1.2 FEECA's Influence on the Florida Energy Market**

FEECA's mission is important to Florida's overall energy market. Florida's total electric consumption ranks among the highest in the country due to its sizeable population and climate-induced demand for cooling. When compared to the rest of the country, Florida's energy market is unique. The distinction is largely due to the state's climate, the high proportion of residential customers to total customers, and the reliance on electricity for heating and cooling.

Florida is typically a summer-peaking state, since the summer peak demand generally exceeds winter peak demand. On a typical summer day, the statewide demand for electricity can increase significantly over a span of hours.<sup>9</sup> Additionally, 87.7 percent of Florida's electricity customers are residential and consume 55 percent of the electrical energy produced. In contrast, nationally,

<sup>9</sup>FPSC's *Review of the 2021 Ten-Year Site Plans of Florida's Electric Utilities* (October 2021).

residential customers account for only 40 percent of total electric sales, while commercial customers represent 35 percent of electric consumption, and industrial customers represent 25 percent.<sup>10</sup> Table 2 shows the makeup of Florida’s electric customers by class and consumption.

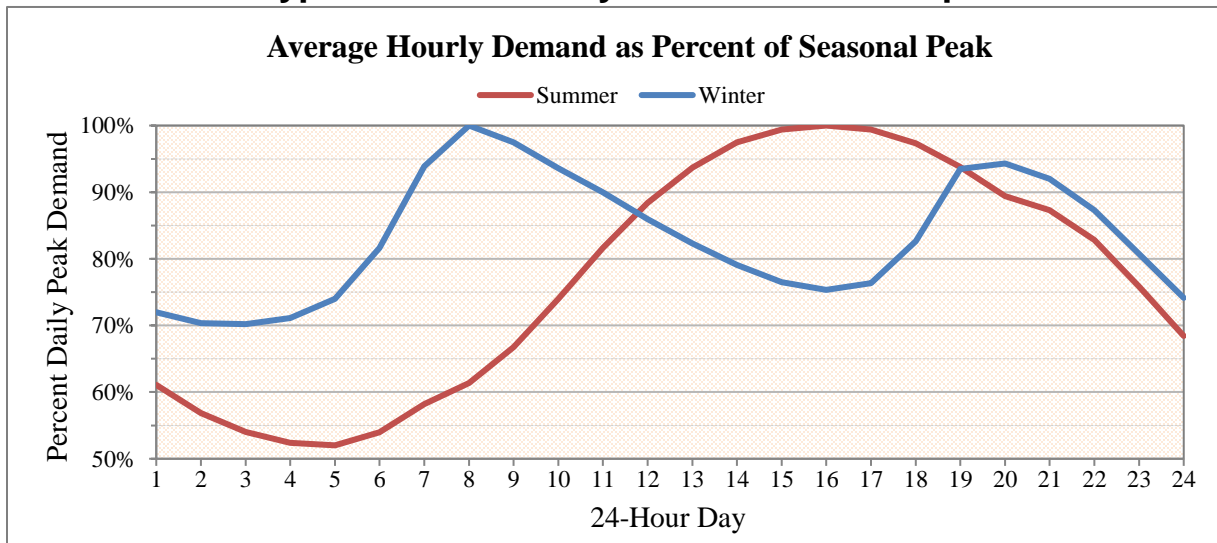
**Table 2**  
**Florida's Electric Customers by Class and Consumption in 2020**

Customer Class	Number of Customers	Percent of Customers	Energy Sales (GWh)	Percent of Sales
Residential	9,737,740	87.7%	133,202	55.0%
Commercial	1,186,216	10.7%	83,101	34.3%
Industrial	24,396	0.2%	19,603	8.1%
Other*	155,948	1.4%	6,417	2.6%
<b>Total</b>	<b>11,104,300</b>	<b>100.0%</b>	<b>242,323</b>	<b>100.0%</b>

\*Street and highway lighting, sales to public authorities, and interdepartmental sales.  
Source: FPSC's *Statistics of the Florida Electric Utility Industry* (Tables 26 and 33) published October 2021.

Figure 1 shows the daily electric load curves for a typical Florida summer and winter day. In the summer, air conditioning demand starts to increase in the morning and peaks in the early evening; a pattern which aligns with the sun’s heating of buildings. In comparison, the winter load curve has two peaks—the largest in mid-morning, followed by a smaller peak in the late evening—which correspond to heating loads.

**Figure 1**  
**Typical Florida Daily Electric Load Shapes**



Source: FPSC's *Review of 2021 Ten-Year Site Plans of Florida’s Electric Utilities* published October 2021.

<sup>10</sup>National data as reported for 2020 by the U.S. Energy Information Administration in the annual *Electric Sales, Revenue, and Average Price (ESR)* report (Table 1): [https://www.eia.gov/electricity/sales\\_revenue\\_price/](https://www.eia.gov/electricity/sales_revenue_price/)



Residential load patterns are rapidly shifting and have high peak-to-trough variation. In contrast, commercial or industrial loads demonstrate more consistency throughout the 24-hour day and experience fewer spikes in demand.

Utilities dispatch additional generating capacity throughout the day in order to follow the customer load patterns. Peaking generating units, are dispatched during high demand periods of the day, and are less fuel-efficient than baseload or intermediate generating units. Utility DSM programs play a role in reducing energy usage and shifting peak demand, thus reducing the need to dispatch fuel-inefficient generating units.<sup>11</sup> Over time, the need for additional generating capacity has increased in Florida, largely due to population growth. In addition to providing fuel savings at existing generating units, utility-sponsored DSM programs and individual consumer conservation efforts can avoid or defer the need for new electric generating capacity.

Utility-sponsored DSM programs are funded by all ratepayers. Therefore, in order to meet FEECA requirements, the Commission and utilities must ensure that the DSM programs created to reap the benefits of reduced fuel usage and deferred generating capacity are cost-effective, i.e. less costly than generation. The Commission's methodologies to determine the cost-effectiveness of demand-side management programs are explained in detail in Section 2.1.

Since its enactment, FEECA has been successful in reducing the growth rate of weather-sensitive electric peak demands, and in conserving expensive resources. These savings have avoided or deferred the need for new generating capacity and offset the use of existing generating units, resulting in savings of fuel, as well as variable operations and maintenance (O&M) costs. During 2020, FEECA utility DSM programs continued contributing to the reduction of statewide energy needs and deferred the need for new generating capacity. Table 3 details cumulative savings for summer peak demand, winter peak demand, and overall energy consumption through 2020, as reported in the Florida Reliability Coordinating Council (FRCC)'s 2021 Regional Load & Resource Plan.<sup>12</sup> In 2020, the FEECA DSM programs contributed annual energy savings of 196.9 GWh, which is enough electricity to power approximately 14,369 homes for a year.<sup>13</sup>

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<sup>11</sup>Electric generating units are typically categorized as baseload, intermediate, or peaking. Aside from planned and forced outages, baseload units are scheduled to operate continuously. Intermediate units generate power to follow load for periods of time, but are not planned to operate nonstop. Peaking units supplement baseload and intermediate power, operating during high-demand, or peak periods.

<sup>12</sup>Historical and forecasted data is included in the FRCC's 2021 Regional Load & Resource Plan. The identified values in Table 3 are historical only (through 2020), whereas in earlier published FEECA Reports, the identified values in Table 3 were reported as historical and one year of forecasted data.

<sup>13</sup>This estimate is based on an average annual household energy use of 13,704 kWh for Florida in 2020 as reported by the U.S. Energy Information Administration in the annual *Electric Sales, Revenue, and Average Price (ESR)* report (Table 5.a): [https://www.eia.gov/electricity/sales\\_revenue\\_price/](https://www.eia.gov/electricity/sales_revenue_price/)

**Table 3**  
**Statewide Cumulative Demand and Energy Savings (Through 2020)**

Type	Achieved Reduction
Summer Peak Demand	8,1714,435 MW
Winter Peak Demand	7,2763,736 MW
Annual Energy Reduction	14,935 GWh

Source: Florida Reliability Coordinating Council's 2021 Regional Load & Resource Plan (S-3, S-4, S-5).

In 2020, the electric FEECA utilities provided 125 programs for residential, commercial, and industrial customers (see Appendix B). Programs focus on either reducing energy use at a given moment, which shifts/reduces demand, or toward reducing overall energy consumption over a period of time. Utility-sponsored DSM programs are an important means of achieving demand and energy savings and these programs are designed to encourage customer conservation efforts.

Additionally, residential energy audits, required by Section 366.82(11), F.S., serve as an avenue to identify and evaluate conservation opportunities for customers, including their potential participation in utility-sponsored DSM and conservation programs. Energy audits also educate customers about behavioral changes and energy efficiency investments they can make outside of utility-sponsored DSM programs. During 2020, FEECA electric utilities performed 223,146 residential audits. Though FEECA does not require commercial energy audits, FEECA electric utilities also performed 6,071 commercial energy audits in 2020. Additional information about these results is presented in Section 3.

### **1.3 Recovery of Conservation Expenditures**

The IOUs are allowed by Commission Rule 25-17.015, F.A.C., to recover reasonable expenses for DSM programs through the ECCR clause. Such expenses may include administrative costs, equipment, and incentive payments. Before attempting to recover costs through the ECCR clause, a utility must prove that its DSM programs are cost-effective. Utilities must have Commission approval for any new programs or program modifications prior to seeking cost recovery.

Commission Rule 25-17.015, F.A.C., also permits natural gas LDCs to seek recovery for costs related to Commission-approved conservation programs. While PGS is the only natural gas utility subject to FEECA, the other Florida LDCs offer Commission-approved DSM programs without a specific therm savings goal. Natural gas conservation programs have historically focused on providing rebates to residential customers that support the replacement of less efficient appliances with new, energy-efficient gas appliances. However, several LDCs have expanded their rebate programs to commercial customers.<sup>14</sup>

On an annual basis, the Commission conducts financial audits of DSM program expenses that are included in the electric IOUs' and LDCs' cost recovery requests. A full evidentiary hearing is

<sup>14</sup>Order No. PSC-14-0039-PAA-EG, issued January 14, 2014, in Docket No. 130167-EG, *In re: Petition for approval of natural gas energy conservation programs for commercial customers, by Associated Gas Distributors of Florida*.

held to determine the cost recovery factors to be applied to customer bills in the following year. The Commission-approved 2022 conservation cost recovery factors are discussed further in Section 4.

## Section 2. DSM Goalsetting

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### 2.1 DSM Program Cost-Effectiveness and Energy Savings

Section 366.81, F.S., requires utility conservation programs to be cost-effective. This statutory requirement is codified in Rule 25-17.008, F.A.C., for electric utilities and Rule 25-17.009, F.A.C., for natural gas LDCs. The rules identify the cost-effectiveness methodologies to be used and require that utilities provide cost and benefit information to the Commission when requesting to add a program or make changes or additions to an existing program.

The Commission requires that electric utilities measure cost-effectiveness from three perspectives, at a minimum - the program participant, the utility's ratepayers, and society's overall cost for energy services. The Participants test, the Rate Impact Measure (RIM) test, and the Total Resource Cost (TRC) test capture these viewpoints. The electric FEECA utilities are required to provide the results of all three tests when seeking to add a new program or make changes to an existing program.

Similarly, Rule 25-17.009, F.A.C., requires natural gas LDCs to prove that their conservation programs are cost-effective by passing the Participants test and Gas Rate Impact Measure Test (GRIM). The GRIM test is a modified version of the RIM test, specific to gas utilities. Natural gas LDCs are also required to provide the results of these tests when seeking to add a new program or modify an existing program.

Table 4 summarizes the costs and benefits considered in the three Commission-approved electric cost-effectiveness methodologies for electric utilities.

**Table 4**  
**Summary of Electric Cost-Effectiveness Methodologies**

	Participants	RIM	TRC
<b>Benefits</b>			
Bill Reduction	X		
Incentives Received	X		
Avoided Generation (Capital and O&M)		X	X
Avoided Transmission (Capital and O&M)		X	X
Fuel savings		X	X
<b>Costs</b>			
Program Costs		X	X
Incentives Paid		X	
Lost Revenues		X	
Participant's Costs (Capital and O&M)	X		X

## **Participants Test**

The Participants test analyzes costs and benefits from a program participant's point of view, rather than the impact on the utility and other ratepayers not participating in the program. The Participants test includes the up-front costs customers pay for equipment and costs to maintain this equipment. Benefits considered in the test include the incentives paid by utilities to the customers and the reduction in customer bills. Failure to demonstrate cost-effectiveness under this test would infer that rational customers would not elect to participate in this program.

## **Rate Impact Measure (RIM) Test**

The RIM test is designed to ensure that all ratepayers, not just the program's participants, will benefit from a proposed DSM program. The RIM test includes the costs associated with incentive payments to participating customers and decreased revenues to the utility. DSM programs can reduce utility revenues due to reduced kilowatt-hour (kWh) sales and reduced demand. The decreased utility revenues typically are recovered from the general body of ratepayers at the time of a rate case. A DSM program that passes the RIM test ensures that all customer rates are the same or lower than rates would be without the DSM program.

## **Total Resource Cost (TRC) Test**

The TRC test measures the overall economic efficiency of a DSM program from a social perspective. This test measures the net costs of a DSM program based on its total costs, including both the participants' and the utility's costs. Unlike the RIM test, customer incentives and decreased utility revenues are not included as costs in the TRC test. Instead, these factors are treated as transfer payments among ratepayers. Moreover, if appropriate, certain external costs and benefits such as environmental impacts may be taken into account. Because incentives and foregone revenues are not treated as "costs," electric rates for all customers tend to be higher for programs implemented solely using the TRC test to judge cost-effectiveness.

## **Ensuring Cost-Effectiveness**

Ensuring utility-sponsored DSM programs remain cost-effective benefits the general body of electric ratepayers. These programs can reduce costs to ratepayers by postponing capital expenditures such as future power plant construction, and reducing current electrical generation costs, including fuel and variable O&M costs. DSM programs can also benefit customers by improving reliability.

When an IOU determines that a DSM program is no longer cost-effective, the utility should petition the Commission for modification or discontinuation of the program. In many instances, programs may need to be modified due to the adoption of a more stringent appliance efficiency standard or building code. In contrast, if new efficiency measures become available that are cost-effective, the utility may petition the Commission for approval of a new program.

## **2019 Electric DSM Goalsetting Proceeding**

Pursuant to Sections 366.82(2) and 366.82(6), F.S., the electric FEECA utilities filed proposed goals for the 2020-2029 period in April 2019. The utilities' proposed goals were lower overall than those established in the 2014 goalsetting proceeding, with some utilities proposing goals of zero or near-zero for the 10-year period. A technical hearing on the proposed goals was held on August 12 and 13, 2019. The Commission heard testimony on cost-effectiveness tests, whether a

goal of zero fulfilled statutory requirements, how to account for free ridership, and how to ensure low-income customers are able to effectively participate in DSM programs.

By issuing Order No. PSC-2019-0509-FOF-EG<sup>15</sup> on November 26, 2019, the Commission rejected the goals proposed by the electric FEECA utilities and chose to continue with the 2020-2024 portion of the goals established in the 2014 goalsetting proceeding.<sup>16</sup> While the goalsetting process produces annual goals, the cumulative goals for the entire 10-year period are shown in Table 5 for illustrative purposes. The Commission also expressed a desire to review the goalsetting process for potential revisions. In July 2020, a docket was established to consider proposed amendments to Rule 25-17.0021, F.A.C. Rule development workshops for this docket were conducted in January and May, 2021.<sup>17</sup>

**Table 5**  
**Cumulative Commission-Approved Electric DSM Goals, 2015-2024**

<b>Electric Utility</b>	<b>Summer Demand Goals (MW)</b>	<b>Winter Demand Goals (MW)</b>	<b>Annual Energy Goals (GWh)</b>
FPL	526.1	324.2	526.3
DEF	259.1	419.3	195.0
TECO	56.3	78.3	144.3
Gulf	68.1	36.7	84.2
FPUC	1.3	0.4	2.0
OUC	5.0	8.4	13.0
JEA	10.8	9.7	25.8
<b>Total</b>	<b>926.7</b>	<b>877.0</b>	<b>990.6</b>

Source: Order No. PSC-14-0696-FOF-EU.

The goals established in 2014 were based upon estimated energy and demand savings from measures that passed both the RIM and Participants cost-effectiveness tests. Measures that pass the Participants test ensure that participating customers’ benefits exceed the costs of the measure or program to the participants. Use of the RIM test minimizes subsidies between customers who participate in DSM programs and those who do not participate but pay for program expenditures. The RIM test also ensures rates would remain the same or lower than otherwise would occur.

As part of its review of goals in 2019, the Commission recognized Rule 25-6.065, F.A.C., (Customer-Owned Renewable Generation Rule) as an effective means of encouraging the development of demand-side renewable energy systems. Figure 2 shows the growth in the

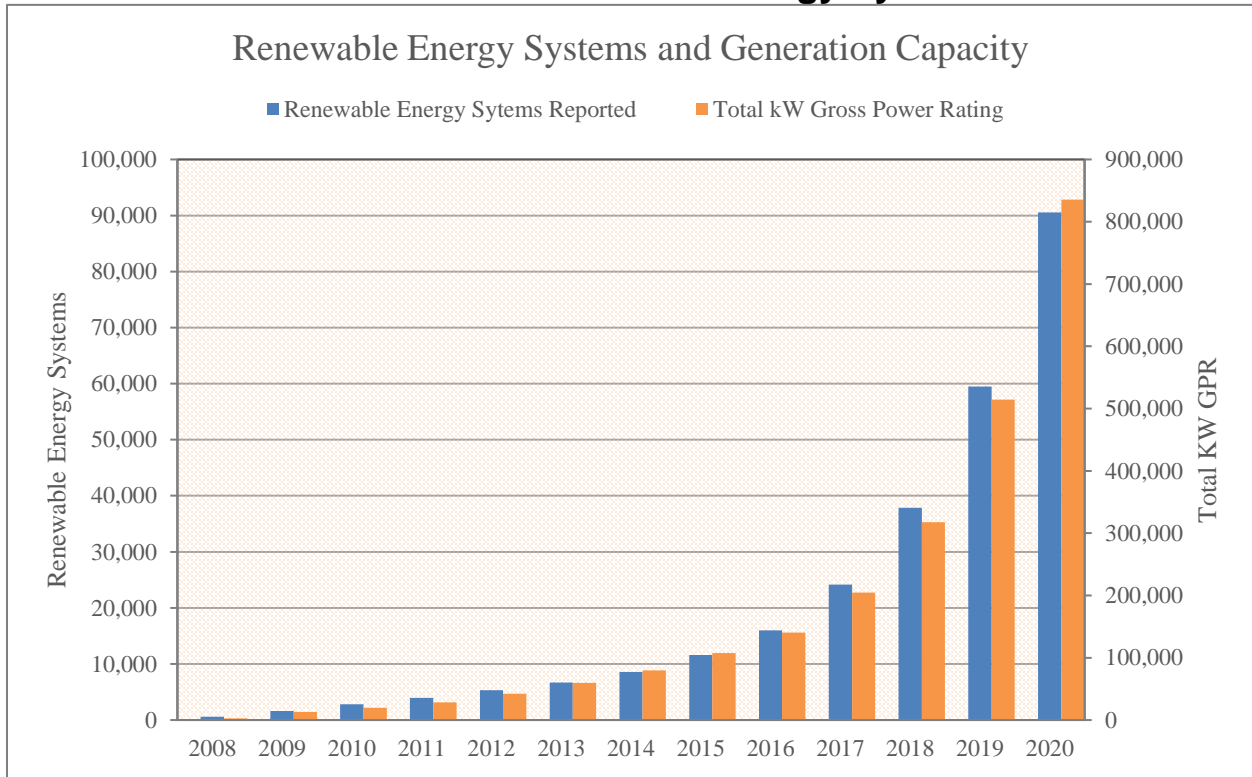
<sup>15</sup> Order No. PSC-2019-0509-FOF-EG, issued November 26, 2019, in Docket Nos. 20190015-EG through 20190021-EG, *In re: Commission review of numeric conservation goals*.

<sup>16</sup> Within 90 days of the issuance of the Order approving goals, the electric FEECA Utilities shall file individual DSM plans designed to meet their approved goals.

<sup>17</sup> See Docket No. 20200181-EU, Proposed amendment of Rule 25-17.0021, F.A.C., Goals for Electric Utilities.

number of customer-owned renewable energy systems in Florida, as well as the growth in gross power ratings (i.e. generating capacity) since the Commission’s approval of net-metering in 2008.

**Figure 2  
Demand-Side Renewable Energy Systems**



Source: Data compiled from Interconnection and Net Metering Reports provided to the Commission from IOU, municipal, and rural electric cooperative electric companies, 2008-2020.

## 2.2 Summary of the 2019 Goalsetting Process for Peoples Gas

PGS is the only natural gas utility that meets the therm sales threshold for establishing conservation goals under FEECA. In October 2018, PGS filed a petition for approval of numeric therm reduction goals for the 2019-2028 period. PGS estimated its goals based upon its current Commission-approved DSM programs. Because PGS had existing programs already in place, there is expected to be no additional cost to its customers, aside from the costs of the new audit programs. PGS utilized the Participants and GRIM tests to calculate its goals.<sup>18</sup> The Commission approved the goals for PGS in Order No. PSC-2019-0361-PAA-GU, issued on August 26, 2019. Table 6 shows the 10-year therm-savings goals for PGS over the 2019-2028 period.

<sup>18</sup>Rule 25-17.009, F.A.C., requires natural gas utilities that seek to recover costs for conservation programs to file the cost-effectiveness test results of the Participants test and the GRIM test.

**Table 6**  
**Commission-Approved DSM Goals for PGS, 2019-2028**

<b>Cumulative Savings (Therms)</b>		
<b>Residential</b>	<b>Small-Commercial</b>	<b>Combined</b>
3,749,583	2,426,634	6,176,217

Source: Order No. PSC-2019-0361-PAA-GU.

PGS was also required to develop a residential audit program as part of the goalsetting process. However, PGS filed for and was granted a waiver of Rules 25-17.003(3)(a) and (b), F.A.C., which require all FEECA utilities to offer residential customers three different types of on-site audits - Building Energy Efficiency Rating System (BERS) Audits, Computer-Assisted Audits, and Walk-Through Audits. PGS argued that the on-site audits would impose a substantial hardship on the Company and that the purpose of the underlying statute can be achieved by other means. The Commission allowed PGS to offer an electronic, online-only audit in lieu of on-site audits for residential customers. The Commission approved the implementation of the electronic audits for PGS’s residential customers, as well as on-site audits for its commercial customers, beginning in 2020. Customers of PGS are still eligible to receive walk-through energy audits through their electricity provider.

In November 2019, a docket was established to consider the petition from PGS for Approval of Demand-Side Management Plan and Standards together.<sup>19</sup> In June 2020, PGS informed the Commission of its intention to revise programs in an amended filing. In February 2021, an Amended Petition for Approval of Demand-Side Management Plan was filed. By Order No. PSC-2021-0242-PAA-EG, the revised filing was approved.<sup>20</sup>

### **2.3 Impact of Outside Factors on FEECA Utility DSM Programs**

Conservation in Florida is prompted by customer actions to conserve energy, federal appliance efficiency standards, state building codes, and utility-sponsored DSM programs. Customers can save energy and reduce their bills through behavioral changes and by investing in energy efficient homes, appliances, and equipment. Federal appliance efficiency standards have become more stringent over time, thus increasing the baseline energy efficiency of new appliances and heating and air conditioning equipment available to Florida’s consumers. Likewise, changes in the Florida State Building Code (FLBC) have resulted in more energy efficient homes.

Utilities design DSM programs to encourage conservation that exceeds levels set by current building codes and minimum efficiency standards. However, the cost-effectiveness of DSM measures has declined due to several factors outside of the FEECA utilities’ control. More stringent state and federal efficiency standards, building codes, and customer actions to

<sup>19</sup>See Docket No. 20190210-EG, Petition for approval of demand-side management plan, by Peoples Gas System.

<sup>20</sup>Order No. PSC-2021-0242-PAA-EG, issued July 2, 2021, in Docket No. 20190210-EG, *In re: Petition for approval of demand-side management plan, by Peoples Gas System.*



implement efficiency outside of utility programs, reduce the potential incremental demand and energy savings available from utility-sponsored DSM programs.

Federal efficiency standards and state building codes establish a baseline in assessing the cost-effectiveness of a potential DSM program. Florida utility DSM programs offer rebates and incentives for appliances that exceed federally established minimum efficiency standards. However, increases in federal efficiency standards, independent conservation efforts by consumers, and general conservation practices make it more challenging for utilities to achieve demand and energy savings through DSM programs. Moreover, participation rates in the utility programs are driven by the anticipated payback to the participating customer. While utility incentives tend to increase customers' "take rate" in conservation programs, electric rates are also a contributing factor in customers' decisions to invest in more efficient appliances. Thus, low or declining electric rates tend to reduce customer energy efficiency investments, while increasing rates can have the opposite effect. This makes it crucial that the FEECA utilities frequently evaluate conservation programs to ensure that they remain cost-effective. Likewise, the FEECA utilities are also expected to evaluate the potential for new, cost-effective DSM program opportunities as energy-efficiency technologies develop.

### **State Building Code**

At the state level, the FLBC is amended annually to incorporate interpretations and clarifications as well as to update efficiency standards. The Florida Building Commission updates the FLBC with relevant new standards every three years. In 2017, the FLBC was updated and became effective in December 2017. After review of the 2017 FLBC and the DSM programs that were current at that time, FEECA utilities reported that the code update had no impact on the programs that had been established during the 2014 goalsetting proceeding. In 2020, the FLBC was updated to the Seventh Edition, which became effective in December 2020. In August 2021, a supplement to the Seventh Edition was issued. While there were several changes in both documents that pertain to construction standards, no changes were made to Chapter 11, Energy Efficiency, and none of the FEECA utilities made regulatory filings to modify DSM Plans or programs as a result of FLBC code updates.<sup>21</sup>

### **Federal Government Efficiency Standards**

At the federal government level, the U.S. Department of Energy's (DOE) Building Technologies Office sets energy efficiency standards for more than 60 categories of appliances and other equipment, including HVAC equipment.<sup>22</sup> Within the Building Technologies Office, the Appliances and Equipment Standards Program maintains a multi-year rulemaking schedule that establishes minimum energy efficiency standards and test procedures which are the basis for these standards. The products regulated by DOE standards represent about 90 percent of home,

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<sup>21</sup>Details of the Seventh Edition (2020) Florida Building Code and 2021 Supplement to the 7<sup>th</sup> Edition (2020) Florida Building Code can be found at [https://www.floridabuilding.org/fbc/Links\\_to\\_Code\\_Resources.html](https://www.floridabuilding.org/fbc/Links_to_Code_Resources.html).

<sup>22</sup>Pursuant to Section 553.975, F.S., the Commission must report the effectiveness of state energy conservation standards established by Sections 553.951-553.973, F.S. Florida's appliance efficiency standards are mandatory efficiency improvements but have not been updated since 1993, and therefore have likely been superseded by more recent federal efficiency standards.

60 percent of commercial building, and 30 percent of industrial energy use.<sup>23</sup> Some of the consumer products regulated by these Conservation Standards and Test Procedures include laundry appliances, dishwashers, microwave ovens, televisions, and several other common household products. In addition to consumer products, there are categories for lighting, plumbing, and commercial/industrial products.<sup>24</sup> Deadlines for reviewing many of these standards were not met in 2020. However, in January 2021, an executive order from the President of the United States was issued which included direction to address the overdue rule and test procedure reviews.<sup>25</sup> In the August 2021 Report To Congress, DOE conveyed that since the last Report to Congress (July 2019), 123 rulemaking actions related to energy conservation standards and test procedures have been completed. Of this total, 71 of the actions were related to energy conservation standards rulemaking notices, with 15 being final actions. Examples of the equipment for which final actions were taken include ceiling fans, commercial air compressors, dishwashers, fluorescent light ballasts, and portable air conditioners. The full list, including information on the fifty two rulemaking notices that relate to test procedures, is accessible via the link identified in the footnote below.<sup>26</sup>

Federal standards that change the baseline requirements for a product may have a direct effect on DSM programs. If a DSM program is no longer cost effective as a result of changing federal standards, then the utility should file a petition to modify or discontinue the program.

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<sup>23</sup>Federal Appliance and Equipment Standards Program: <http://energy.gov/eere/buildings/appliance-and-equipment-standards-program>.

<sup>24</sup> Federal Conservation Standards and Test Procedures: <http://energy.gov/eere/buildings/standards-and-test-procedures>.

<sup>25</sup> Executive Order No. 13990, 86 Federal Register 7037 (January 25, 2021): <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01765.pdf>

<sup>26</sup>U.S. Department of Energy, Semi-Annual Report to Congress on Appliance Energy Efficiency Rulemakings, Energy Conservation Standards Activities (August 2021): <https://www.energy.gov/sites/default/files/2021-08/EXEC-2019-005022%20-%20Final%20Report%20ksb.pdf>



## Section 3. FEECA Utilities' Goal Achievements

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### 3.1 Assessing Goal Achievement

Commission rules require separate goals be set for electric residential and commercial/industrial (C/I) customers, assigning context to measuring goal achievement within these two primary customer categories. Each utility's achievements in these categories are also combined and compared against total demand and energy savings goals.

Every FEECA utility must file an annual DSM report pursuant to Rule 25-17.0021, F.A.C., which summarizes demand savings, energy savings, and customer participation rates for each approved program. The report also includes the residential, C/I, and total energy efficiency achievements compared to the approved DSM goals. Each FEECA utility's current (2020) and archived annual DSM reports from prior years can be found on the Commission's website: <http://www.psc.state.fl.us/>.

Monitoring annual goal achievements enables the Commission to evaluate the effectiveness of each utility's programs. In addition to reviewing the FEECA utilities' annual DSM reports, staff issues discovery requests for additional information from the utilities on their demand and energy saving achievements. Staff's data requests also seek explanations of factors preventing the utilities from achieving projected participation levels. Each FEECA utility's DSM performance in 2020 is discussed below. The utility achievements have been compared to the annual goals established by the Commission in November 2014 and reapplied in August 2021. Table 7 provides a breakdown of each electric utility's goal achievements for the period.

#### **FPL**

FPL met all of its goals for the C/I customer class, and also achieved its goals for total winter and summer demand reduction, but did not achieve its goal for total energy savings in 2020. FPL did not achieve any of its 2020 goals for the residential customer class. FPL stated that its performance in this sector was attributable to fewer in-home audits beginning in March, since those activities were suspended due to COVID-19 restrictions.

#### **DEF**

DEF met its 2020 total demand and energy savings goals and all C/I customer class goals. Although DEF suspended the installation of in-home measures for its customers in March in response to the COVID-19 pandemic, the company achieved its summer demand reduction and energy savings goals for the residential customer class in 2020, and it missed achieving its winter demand reduction goal by a very small margin.

#### **TECO**

TECO met its 2020 total demand and energy savings goals and all C/I customer class goals. For the residential customer class, TECO achieved its energy savings goals in 2020, although it missed achieving its winter and summer demand reduction goals. As a response to the COVID-19 pandemic, TECO suspended face-to-face in-home interactions for the safety of its customers, employees, and contractors. The company believes fewer interactions impacted its ability to achieve the demand reduction goals for the residential customer class.

**Gulf**

Gulf achieved its 2020 goal for winter demand reduction for the C/I customer class, but did not achieve any other goals in 2020. Gulf stated that the COVID-19 pandemic significantly impacted the delivery of many of Gulf's DSM programs. Gulf suspended traditional outreach activities that are ordinarily the primary driver of many DSM programs. By not participating in home shows and community events, Gulf had fewer opportunities to engage with residential and C/I customers. In addition, suspending employee visits in customers' homes and business locations beginning in March, suppressed its ability to offer programs to achieve its residential and some C/I customer class goals.

**FPUC**

FPUC met all of its 2020 total demand and energy savings and residential goals, stating that enhanced participation in its Residential Heating and Cooling Upgrade program as the principle reason. The company did not meet any of its 2020 goals for the C/I sector, although goal achievement improved in this customer class compared to 2019.

**JEA**

JEA met its 2020 total demand and energy savings goals and all individual customer class goals.

**OUC**

OUC met its 2020 total demand and energy savings goals and all individual customer class goals.

**Table 7**  
**Electric DSM Goals Compared to Annual (2020) Achievements**

Utility	Winter (MW)		Summer (MW)		Annual (GWh)	
	Goals	Achieved Reduction	Goals	Achieved Reduction	Goals	Achieved Reduction
<b>FPL*</b>						
Residential	16.7	<b>11.5</b>	26.9	<b>20.0</b>	25.0	<b>20.6</b>
Commercial/Industrial	16.1	28.6	26.2	40.2	28.7	30.7
Total	32.8	40.1	53.1	60.2	53.7	<b>51.3</b>
<b>DEF*</b>						
Residential	32.0	<b>31.0</b>	16.0	18.0	9.0	35.0
Commercial/Industrial	5.0	24.0	8.0	46.0	6.0	40.0
Total	37.0	55.0	24.0	64.0	15.0	75.0
<b>TECO*</b>						
Residential	7.6	<b>3.5</b>	3.3	<b>2.6</b>	7.4	8.9
Commercial/Industrial	1.7	10.4	3.5	11.8	10.3	26.1
Total	9.3	13.9	6.8	14.4	17.7	35.0
<b>Gulf*</b>						
Residential	3.8	<b>1.1</b>	6.7	<b>1.6</b>	6.8	<b>2.2</b>
Commercial/Industrial	0.2	<b>0.0</b>	0.8	1.0	2.5	<b>2.2</b>
Total	4.0	<b>1.1</b>	7.5	<b>2.6</b>	9.3	<b>4.4</b>
<b>FPUC*</b>						
Residential	0.028	0.142	0.089	0.253	0.060	0.488
Commercial/Industrial	0.018	<b>0.001</b>	0.052	<b>0.018</b>	0.168	<b>0.044</b>
Total	0.046	0.143	0.141	0.271	0.228	0.532
<b>JEA</b>						
Residential	0.960	1.794	0.940	2.004	2.500	3.940
Commercial/Industrial	0.007	0.582	0.140	1.188	0.080	6.240
Total	0.967	2.376	1.080	<del>3.192</del> 3.1925-068	2.580	<del>10.180</del> 10.18020-060
<b>OUC</b>						
Residential	0.210	0.821	0.210	0.763	0.770	1.628
Commercial/Industrial	0.700	1.960	0.390	2.325	0.850	9.087
Total	0.910	2.782	0.600	3.087	1.620	10.715

\*Bold numbers indicate the utility did not meet its annual goals within that category.

Source: FEECA utilities' demand-side management annual reports.

## PGS

Table 8 provides a breakdown of the goal achievements for PGS for the period. Therm-savings goals for PGS were first approved in August 2019. PGS met its 2020 total energy reduction goal and its individual customer class goals.

**Table 8**  
**PGS DSM Goals Compared to Annual (2020) Achievements**

Utility	Annual Energy Reduction (Therms)	
	Goals	Achieved Reduction
<b>PGS</b>		
Residential	347,108	416,915
Commercial/Industrial	222,062	285,662
Total	569,170	702,577

Source: PGS' demand-side management annual report.

### **3.2 Program Impacts of COVID-19**

The COVID-19 pandemic profoundly impacted DSM program implementation in 2020 for Florida's electric FEECA utilities. COVID-19 led each FEECA utility to restrict implementation of DSM programs requiring face-to-face or on-site contact with their customers in 2020. All FEECA utilities suspended offering conservation programs that involved employee visits to customers' homes beginning in March 2020. In a few instances, the duration of suspensions was brief. Many program suspensions were lifted in the 4<sup>th</sup> quarter of the year, although in a few limited cases, some programs remained suspended for the remainder of 2020 and into 2021.

The FEECA utilities responded to this challenge through enhanced communications with their customers using traditional channels (radio, television, bill messaging, and print mediums), as well as internet-based and social media (Facebook and Twitter) platforms. In addition, the FEECA utilities frequently updated information regarding the availability of their conservation programs on their corporate websites, and some entities developed webinars and other informative content for their customers. For the first time, the FEECA utilities also communicated with their customers using technology-based applications (FaceTime, Teams, and Zoom) in efforts to assist customers to learn about and engage in conservation programs and measures. Discussed below is a summary of the extraordinary practices the FEECA utilities implemented in response to COVID-19 impacts.

## **FPL**

Many of FPL's residential and commercial conservation programs were suspended between March and October of 2020. Throughout 2020, FPL posted and updated its website messaging about the conservation programs that were suspended. The company also enhanced the training for call-center and customer-facing workforces in order to encourage customers to participate in telephonic and virtual audit programs, which were continuously offered through 2020. Although in-person audit programs were not offered for portions of 2020, all customers who requested an in-home survey were encouraged to complete the survey via phone or video, and customers who

preferred an onsite survey were put on a call-back list to be notified once field visits resumed. According to FPL, the success of advisor-led virtual phone surveys led the company to continue offering this service to their customers as it allows for flexible scheduling and is a less intrusive method for completing an energy survey.

During 2020, FPL also adjusted its Residential Ceiling Insulation program to allow insulation contractors to directly deliver the program to FPL customers without a pre-qualification that would normally result from an audit. To promote best practices and also its portfolio of conservation programs for customers in the business and commercial class, FPL produced and offered an energy efficiency-related webinar in 2020.

## **DEF**

In 2020, COVID-19 impacted DEF's residential and commercial conservation programs for varying durations. The company's Non-Residential Demand Response program had the shortest suspension, lasting about two weeks, while other programs, such as Home Energy Check (DEF's in-home audit program), were suspended in mid-March 2020, restored in mid-June, and then suspended again in early November 2020 for the remainder of the calendar year.

Like FPL, DEF actively posted current information about conservation programs on its website, and also made use of video conferencing tools as an alternative to face-to-face communications. Prior to 2020, the Company sponsored in-person events to promote the Neighborhood Energy Saver program. COVID-related impacts in 2020, however, prompted DEF to develop plans to promote this program through a virtual event.

The company relied more heavily on its online and social media outlets (Facebook and Twitter) for messaging about the conservation programs, and increased its promotion of telephonic and online audits. For customers who initiated contact with the company about in-home audits or other suspended programs, DEF instituted waitlists during the period(s) when suspensions were in place. Although lower costs in some programs were recorded in 2020 due to suspensions throughout the year, higher expenses for incentives were incurred in the Interruptible Service Program, which contributed to the slight rise in overall costs for all programs. Despite suspending in-home audits for portions of 2020, DEF was the only FEECA electric utility to record an increase in overall audit participation in 2020.<sup>27</sup>

## **TECO**

TECO suspended on-site appointments in March 2020 and followed protocols which deferred face-to-face interaction with customers. TECO pursued energy education for its customers through traditional and emerging communication channels. Through its website and other digital avenues, the company provided information about suspended conservation programs, while also actively promoting the non-suspended programs. According to TECO, the company placed an emphasis on promoting telephonic and online audits, and like DEF, created wait-lists to accommodate requests for in-home audits or other suspended programs. All customers awaiting an energy audit were offered an initial phone audit, as well as an evaluation of their ceiling

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<sup>27</sup>Tables 9 and 10, which appear on Pages 26 and 28 in this report, provide additional information from all of the FEECA electric utilities on the number of residential and commercial/industrial audits conducted in 2020.



insulation and ductwork, if outside access was available. TECO's online customer portal featured popup messaging to promote Online Energy Audits, allowing instant access for information and sign-ups. TECO's Commercial Energy Management Team offered a virtual energy efficiency webinar to offer information on phone audits and energy efficiency assistance geared specifically to commercial/industrial customers.

TECO also implemented some process changes that allowed on-going participation in some of the company's COVID-impacted DSM programs. Working through its vendors, the company allowed photographs to document the installation of qualifying energy efficient equipment. TECO also implemented an electronic signature tool in order to enroll customers in load management and demand response programs. For the company's Weatherization program, TECO specialists ordinarily install all of the items in the energy efficiency kits that are offered with that program. However, during the period of COVID-related suspensions, the company mailed the kits and instructed the participating customers to self-install what they were comfortable with, leaving the remaining items for a specialist to install at a later date. For these participating customers, TECO plans to initiate contact when restrictions expire.

TECO developed and launched social media content focused on educating its customers on energy saving tips, while simultaneously promoting its conservation programs. In 2020, a team of TECO specialists created seven conservation-related videos for social media outlets, including one offered in Spanish. This content offered information on the benefits of participating in company-sponsored programs, along with topics that ranged from water heating to adjusting thermostat settings.

## **Gulf**

Gulf, like DEF, began suspensions in March 2020 and ended them at various dates through the following year. Gulf suspended all on-site visits in March 2020 through the remainder of the year. Although two residential programs, Energy Select and the Low-Income Community Energy Saver, were only suspended between March and July of 2020, the programs operated in the latter part of 2020 under very limited capacities.

Like FPL, Gulf shifted its messaging to encourage customers to participate in telephonic and virtual audit programs, which were offered through 2020 in lieu of in-person audits. Gulf adjusted how it communicated with its customers through increased use of internet-based platforms and its social media (Facebook and Twitter) avenues to educate customers and also offer information about conservation programs.

Gulf introduced surveys via phone or video for their residential and commercial customers, which allowed customers to receive a personal consultation while maintaining its suspension of in-person visits to homes and businesses. Gulf stated that any customers who preferred an on-site energy audit were put on a call-back list for notification once field visits resumed.

Late in 2020, Gulf took steps designed to solidify its relationships with its preferred vendors in conjunction with three new residential programs (HVAC, Ceiling Insulation, and High Efficiency Pool Pump). By the second quarter of 2021, Gulf had resumed offering all of its residential and business conservation programs.

## **FPUC**

FPUC's two audit programs that feature on-site visits, the Residential Energy Survey Program and the Commercial Energy Consultation Program, were suspended in March and remained suspended for the balance of 2020. To provide an alternative for customers requesting an on-site audit, the company offered an online energy survey, and helped customers with over the phone audits as well. In addition, the company updated its free online energy survey software and conservation calculator and included a bill insert to alert its customers about the availability of these tools.

The company states that it enhanced its efforts to promote online and telephonic audits in 2020. Like the larger IOUs, FPUC began its energy education efforts with changes to the company's website. Through website, social media, and email messaging, the company provided information about suspended conservation programs and offered energy-saving tips. FPUC also provided its customers with links to access their newly updated energy conservation tools, which included cost calculators for appliances and other equipment. In 2020, the company maintained its usual marketing efforts to promote its entire energy conservation portfolio through bill messaging and print advertising (including billboards and banners) in its service territories.

## **JEA and OUC**

JEA and OUC suspended programs in March that involved utility personnel entering customer homes, and both entities used websites and social media accounts for communicating with customers about conservation programs.

While both utilities offered virtual audits, OUC offered on-site audits whereby conservation specialists remained outdoors during the audits, using video-conferencing tools to give guidance to its customers. OUC expressed that its modified audit program obviated the need to create waitlists that would have otherwise been necessary if the utility had fully suspended the program.

### ***3.3 Information on Audit Programs***

Residential energy audits are required by Section 366.82(11), F.S. Energy audits serve as an avenue for utilities to identify and evaluate conservation opportunities for customers. FEECA utilities use energy audits as a gateway to their other DSM programs. For example, some rebate programs require customers to have an energy audit so that the utility can identify existing equipment to determine program eligibility before the customer is eligible to participate. Utilities also use energy audits to educate customers on behavioral changes and energy efficiency investments they can make outside of the utility-sponsored DSM programs.

Rule 25-17.0021, F.A.C., requires that all FEECA utilities offer a Walk-Through Audit, a Building Energy-Efficiency Rating System (BERS) Audit, and a Computer-Assisted Audit to their residential customers. All FEECA electric utilities offer Walk-Through audits for their commercial customers as well. In addition to the required audits, FEECA utilities also offer online and phone audits which have become increasingly popular with customers. While online and phone audits are not as thorough as Walk-Through audits, they give customers access to much of the same information on their own time, without the need to schedule appointments with their utility. These audits also typically have lower administrative costs than Walk-Through audits.

As a part of its goalsetting process, PGS was granted a waiver which exempts the company from the requirement to offer Walk-Through audits. The Commission allowed PGS to offer an electronic, online-only audit in lieu of on-site audits for residential customers. In April 2020, PGS launched its Residential Customer Assisted Audit program, as an online audit program for residential customers, and offered 4,878 audits to residential customers. In the third quarter of 2021, PGS updated staff on the delay in its plans to launch its Commercial Walk-Through Energy Audit program.

### Residential Audits

The FEECA electric utilities performed a total of 223,146 residential audits in 2020, as shown in Table 9 below.<sup>28</sup> On various dates in 2020, the FEECA electric utilities suspended and later reinstated employee visits to customers’ homes and businesses. As a result, during the suspension periods, the utilities were not able to offer Walk-Through, BERS, and Computer-Assisted audits since these types of audits require a utility auditor to physically inspect the customer’s premises. The FEECA electric utilities responded to these suspensions by offering virtual energy audits via online or telephonic audit programs.

**Table 9  
Residential Audits by Type in 2020**

Utility	In-Person	Virtual		Total
	Walk-Through, BERS, and Computer-Assisted	Online	Phone	
FPL	3,786	80,940	18,921	103,647
DEF	9,525	11,558	10,477	31,560
TECO	1,514	59,323	443	61,280
Gulf	135	11,764	106	12,005
FPUC	23	0	60	83
JEA	3,187	9,924	0	13,111
OUC	1,296	164	0	1,460
<b>Total</b>	<b>19,446</b>	<b>173,673</b>	<b>30,027</b>	<b>223,146</b>

Source: FEECA utilities’ demand-side management annual reports.

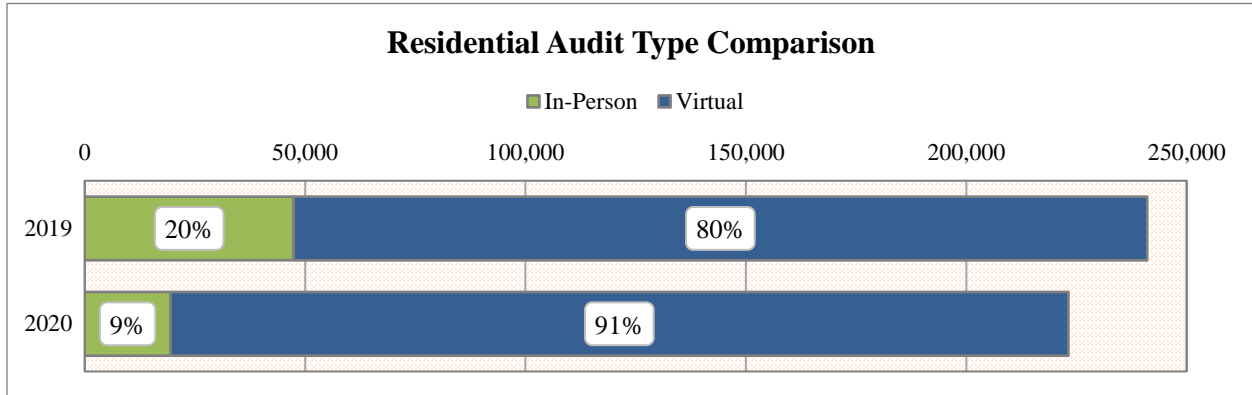
The 2020 total number of residential audits for all electric FEECA utilities, 223,146, was almost 18,000 fewer audits than the 241,025 audits conducted in 2019. In 2020, FPL, Gulf, TECO, FPUC, and the municipal utilities all reported that fewer audits overall were conducted, compared to 2019. However, overall participation for DEF increased by over 8 percent in 2020, when a total of 31,560 audits were conducted.<sup>29</sup>

<sup>28</sup>Walk-Through, BERS, and Computer-Assisted audits all require a utility auditor to physically inspect the customer’s premises, and therefore are consolidated for the purposes of Figures 3 and 4.

<sup>29</sup>In 2019, DEF reported a total of 29,133 audits, including 13,754 Walk-Through, BERS, and Computer Assisted audits, 5,596 Online audits, and 9,783 Phone audits. Despite fewer in-person audits in 2020, DEF more than doubled the number of Online audits that year.

In 2019, approximately 80 percent of all residential audits were conducted virtually, and the balance were conducted in person. For 2020, not only did the overall number of audits decline, but a proportional shift was observed as well. As Figure 3 below shows, a higher proportion of residential audits were conducted virtually in 2020 (91 percent), while far fewer in-person audits were conducted, as expected due to the suspension of onsite audits.

**Figure 3  
Residential Audits in 2019 and 2020**



Source: FEECA utilities' demand-side management annual reports.

### Commercial / Industrial Audits

The FEECA electric utilities also performed 6,071 commercial energy audits in 2020, down from 8,506 in 2019. As with the residential audit programs, the suspension of on-site visits during 2020 contributed significantly to the lower overall numbers reported by all of the FEECA electric utilities. However, suspending on-site visits had a greater impact on the C/I sector than the residential sector, since some of the FEECA electric utilities only offered in-person audits to the C/I sector. In 2019, FPUC conducted 19 audits for the C/I sector, but conducted no audits in 2020. FPL and Gulf had previously offered other types of audits (e.g. online and/or telephonic audits) to this sector in 2019, and continued offering such audits in 2020. In 2020, DEF offered telephonic audits for the first time to the C/I sector. Table 10 shows a breakdown of the participation numbers in 2020.

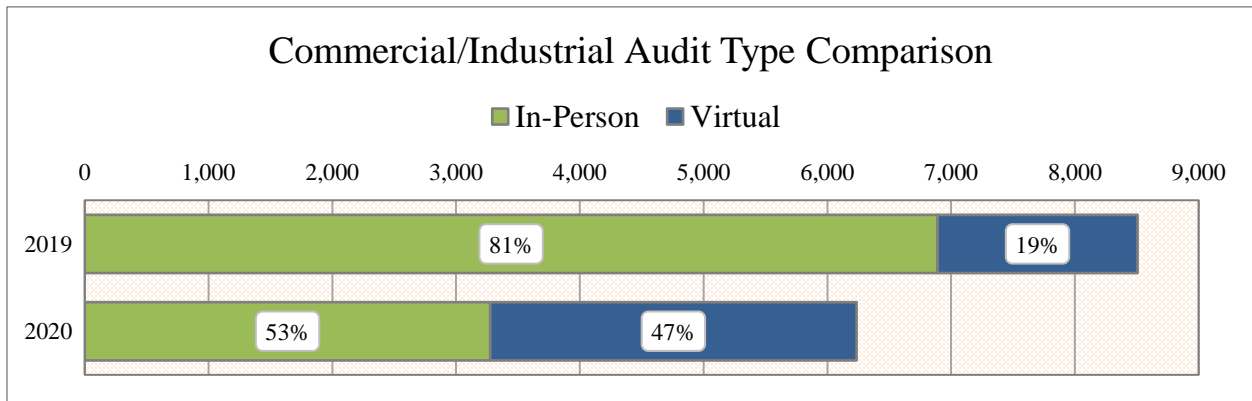
**Table 10  
Commercial / Industrial Audits by Type in 2020**

Utility	In-Person	Virtual		Total
	Walk-Through, BERS, and Computer-Assisted	Online	Phone	
FPL	2,464	1,230	1,321	5,015
DEF	363	0	66	429
TECO	238	0	171	409
Gulf	17	6	0	23
FPUC	0	0	0	0
JEA	142	0	0	142
OUC	53	0	0	53
<b>Total</b>	<b>3,277</b>	<b>1,236</b>	<b>1,558</b>	<b>6,071</b>

Source: FEECA utilities' demand-side management annual reports.

Similar to the observations from the residential sector, the suspension of in-person audits for periods in 2020 resulted in a proportional shift between virtual and in-person audits. Figure 4 below shows a higher proportion of C/I audits were conducted virtually in 2020, while far fewer in-person audits were conducted.

**Figure 4  
Commercial / Industrial Audits in 2019 and 2020**



Source: FEECA utilities' demand-side management annual reports.

### **3.4 Low-Income Programs**

The 2014 DSM Goals Order<sup>30</sup> states, “When the FEECA utilities file their DSM implementation plans, each plan should address how the utilities will assist and educate their low-income customers, specifically with respect to the measures with a two-year or less payback.”<sup>31</sup> In accordance with this Order, each electric FEECA utility has implemented programs within its DSM plan that address low-income conservation. Low-income customer participation in energy conservation programs furthers the intent of FEECA by encouraging potential demand and energy reduction in the State of Florida. Customers that participate in these programs benefit through increased knowledge of conservation opportunities and through rebates on energy saving equipment, resulting in potential bill reduction.

Low-income programs mainly focus on efforts to provide energy efficiency information, weatherization opportunities and the installation of energy efficient measures to residential homes. In many cases, the utilities have established partnerships with government and non-profit agencies. They work together to help identify low-income neighborhoods and educate customers on conservation opportunities through energy audits, bill inserts, presentations, and other measures.

Since 2015, all of the electric FEECA utilities have submitted programs in their DSM plans tailored to offer assistance to qualifying customers. Each FEECA utility’s conservation efforts with respect to low-income customers during 2020 are discussed below.

#### **FPL**

In 2020, FPL provided assistance to low-income customers through the Low-Income DSM program, which provides direct installation of energy saving measures through government designated Weatherization Assistance Providers. A thorough home energy survey with customer specific recommendations for saving energy is also offered with this program. Although on-site, in-home energy surveys were suspended between March and October 2020 due to COVID-19, FPL offered participants the option of doing the home energy survey over the phone or online.

#### **DEF**

DEF uses a variety of marketing channels to promote its conservation programs to all customers, including low-income customers. These channels include bill stuffers, emails, direct mail, social media and information published on the company’s website.

In 2020, DEF worked with local government social service agencies, including Pinellas County Urban League, Mid-Florida Community Services, Capitol Area Community Action Agency and other organizations to ensure these entities are aware of the benefits available to low-income customers. For much of 2020, COVID-19 related concerns prompted DEF to suspend offering in-home direct installations of measures in customers’ homes. Safety related concerns also impacted the social service agencies DEF partnered with, although in 2021 these agencies have

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<sup>30</sup>The 2014 DSM Goals Order references electric utilities only.

<sup>31</sup>Order No. PSC-14-0696-FOF-EU, issued December 16, 2014, in Docket Nos. 20130199-EI through 20130205-EI, *In re: Commission review of numeric conservation goals*.

resumed activity and have submitted some applications for rebates through DEF's Weatherization Program.

In July 2021, DEF petitioned the Commission to request approval for several modifications to the company's DSM Plan and standards.<sup>32</sup> The modifications are intended to provide both short-term and long-term relief to low income customers. The Commission is scheduled to consider the DEF pleading in December 2021.

### **TECO**

In 2020, TECO continued its multi-pronged approach for communicating with all customers, including low-income customers. TECO used social media (Facebook and Twitter) posts to announce details for offering its Neighborhood Weatherization Program.

Additionally, TECO recognized that work-from-home directives would impact an increased number of its residential customers, including low-income customers. The company responded by developing a series of seven energy conservation videos that were launched on social media outlets to offer energy savings tips. These videos feature topics that range from water heating to HVAC maintenance. Two specific videos promoted the benefits of weatherization kits and participating in a telephonic energy audit. Another video, "Energy Efficiency Tips for Summer," was offered for Spanish language viewers. The company's Communications office also issued several press releases in 2020 which offered tips and guidance on such topics as working from home, operating costs for common appliances, holiday lighting, and energy efficient cooking practices.

### **Gulf**

In 2020, Gulf engaged in several initiatives to ensure low-income customers were aware of and had access to conservation programs. While overall participation was impacted by COVID-19 restrictions, Gulf specifically targeted lower income neighborhoods with its Community Energy Saver (CES) program, a program where company representatives canvas specifically-identified neighborhoods to provide basic energy conservation recommendations as well as installation of conservation measures including energy efficient LED light bulbs and low-flow shower heads.

In addition to the outreach through the CES program, Gulf emailed all customers whose energy usage had significantly increased from the prior year to offer energy saving tips and bill assistance. Gulf also ran an advertising campaign on local TV, digital channels and social media channels during some of the warmest summer months to encourage customers to identify more ways to save energy and money through the online energy checkup tool.

### **FPUC**

In 2020, FPUC continued to serve its customers, including low-income customers, through its Energy Expert program, which provides energy-related tips, advice, articles, videos, blog content, and other downloadable materials. This energy conservation resource features an "Ask the Energy Expert" tool which allows customers to submit energy-related questions to the

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<sup>32</sup>See Docket No. 20210121-EG, *Petition for Approval of Modifications to Demand-side Management Program Plan and Participation Standards*.

company and receive a direct response from FPUC personnel. These questions and answers are also made available on the FPUC website so that other customers may benefit from the information. As part of the Energy Expert program, FPUC energy conservation professionals continuously interact with employees from other departments to provide basic energy efficiency and conservation training. This training helps customer service, sales, and other customer-facing employees address high-bill complaints and to effectively communicate with customers regarding their energy usage, and FPUC's energy conservation measures and programs.

## **JEA**

As in prior years, JEA provided a specific program for low-income customers called its Neighborhood Energy Efficiency Program. This program included free installation of conservation products and provides energy education packets that give customers energy-saving ideas and information about JEA's other DSM programs. JEA also provided speakers from its Ambassador Team to give a "Savings Without Sacrifice" presentation to neighborhood associations, churches, schools, community development groups, and other organizations in low-income neighborhoods. JEA held regular meal events with leaders of multiple advocacy groups for low-income customers, seniors, and disabled persons to keep these leaders aware of utility programs, changes, and resources.

## **OUC**

In 2020, OUC continued its Project Care and Efficiency Delivered programs to reach low-income customers. Project Care assists customers in paying their energy bills and implementing energy efficiency measures. OUC donates \$2 for every \$1 donated to the program. In 2020, OUC added more measures and increased the cap for the Efficiency Delivered program, whereby OUC pays for 85 percent of the costs for energy and water efficiency upgrades up to a cap of \$2,500 per installation. Income qualified participants pay the remaining 15 percent over the first 12 months, interest free.

In addition, OUC partners with the City of Orlando to conduct neighborhood meetings in low-income communities. These meetings promote all low-income programs and offer information on energy conservation education and utility-sponsored audit programs.

### ***3.5 Investor-Owned Utility Research and Development Programs***

In addition to specific DSM programs that provide measurable demand and energy savings, the five electric IOUs conduct conservation research and development initiatives to evaluate emerging DSM opportunities. In these programs, Florida's electric IOUs often partner with universities or established industry research organizations. With the arrival of new electricity-consuming products and new technologies, research and development by Florida's electric IOUs creates opportunities to identify emergent options to conserve electricity. The recent initiatives undertaken by the electric IOUs are discussed below.

## **FPL**

In 2020, FPL continued researching conservation-related topics with the engineering departments of several Florida universities, in addition to continuing its work with the Electric Power Research Institute (EPRI). Through these initiatives, FPL and its research partners



participated in larger research projects with other utilities, which is a cost-effective strategy to gain insights at a lower cost than performing similar research on a stand-alone basis. In 2020, FPL began a research initiative exploring the use of Smart Thermostats and related devices for potential application as demand response technologies. Observations are projected to continue through 2021 and into 2022. FPL did not produce any final reports in 2020.

## **DEF**

DEF continued research projects with the University of South Florida and University of Central Florida to gain insights into energy storage. The company hopes to use the results of this research for design of a potential cost-effective demand response program. DEF also engaged in research to study electric vehicle charging, and continued its research on CTA-2045 Technology, a port that enables connected appliances to receive and execute commands. Like FPL, DEF also continued its work with EPRI and other national partners.

In 2020, DEF launched a pilot to develop software and equipment for a Smart Home Gateway. The Smart Home Gateway would use real-time energy usage data and communications technology to interface with appliance control or similar devices. DEF also launched a pilot aimed at precision temperature measurement and analysis. Under this pilot, data on the performance of HVAC systems, ducts, or the building envelope will be analyzed to assist in-home energy auditors to investigate leaks and other deficiencies that may be the root cause of high bill complaints.

## **TECO**

In 2020, TECO continued several of its battery storage research initiatives with University of South Florida, including a project exploring the use of large commercial electric vehicle lithium-ion batteries to export power to the company's grid during peak times. TECO also continued examining a Commercial Small to Mid-sized Business Online Energy Audit program and researching Home Energy Management Systems, including Heat Pump Water Heaters, in its Energy Planner Program.

In August 2020, the University of South Florida's Center for Urban Transportation Research published a final report (Benefits of Electric Vehicles to Tampa Electric Company) it prepared for TECO. This report is a significant resource to supplement the regulated entity's on-going conservation research and development efforts.

## **Gulf**

Gulf previously reported on completed conservation and research projects, and did not initiate any new projects in 2020.

## **FPUC**

In 2020, FPUC expanded the scope of its Battery Storage CRD project by adding additional participants and technology providers. This research explores the impacts battery technology has on FPUC's electrical system, comparing data from stand-alone battery units to various configurations that combine solar and battery components. The research is intended to provide the company with data and insights for determining appropriate business model design and regulatory structure for a (future) DSM program offering for residential customers. In addition to

evaluating how the equipment performs, the project also monitors customer acceptance and experience with the technology.

FPUC expects to continue this study through 2021, with plans to provide a final report on this research in March 2022.



## Section 4. Conservation Cost Recovery

Florida’s IOUs are allowed to recover reasonable expenses for Commission-approved DSM programs through cost recovery clauses. For electric IOUs, the recovery mechanism is the ECCR clause. For natural gas LDCs, the recovery mechanism is the Natural Gas Conservation Cost Recovery (NGCCR) clause. These costs include utility expenses such as administrative costs, equipment, and incentive payments to customers. Before requesting recovery of costs through the ECCR clause, an electric IOU must provide data on DSM program cost-effectiveness. The Commission conducts a financial audit each year prior to approving cost recovery of these expenses.

### 4.1 Electric IOU Cost Recovery

From 2010 through 2014, annual electric utility expenditures to fund conservation programs grew due to additions and modifications of these programs. However, annual costs recovered from customers through the ECCR clause after 2014 have declined for most IOUs, due to DSM program modifications designed to meet the Commission’s 2014 goals. Table 11 shows the annual DSM expenditures recovered by Florida’s IOUs from 2011-2020.

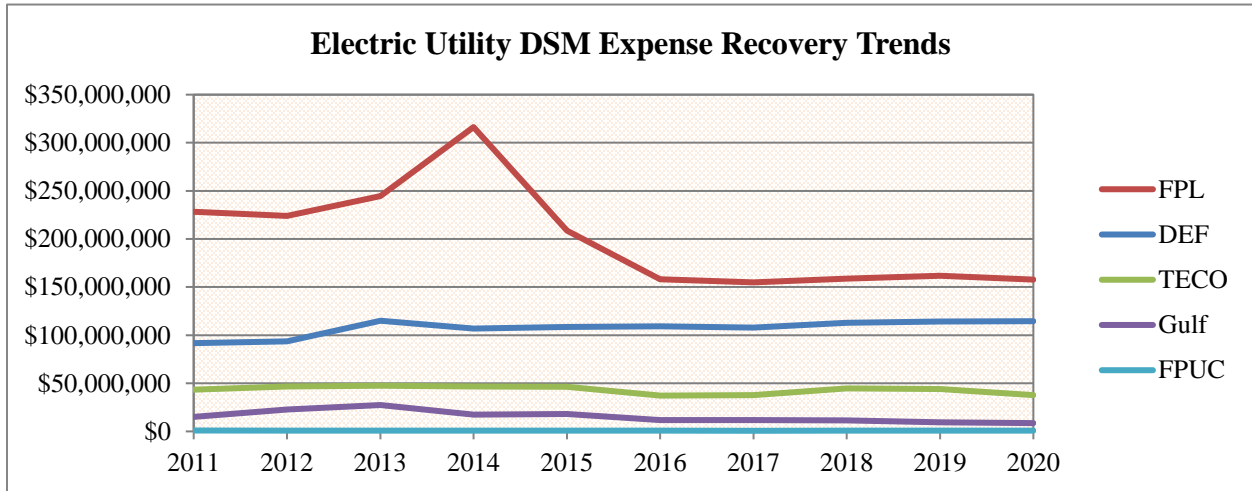
**Table 11**  
**DSM Expenditures Recovered by IOUs**

	<b>FPL</b>	<b>DEF</b>	<b>TECO</b>	<b>Gulf</b>	<b>FPUC</b>	<b>Total</b>
2011	\$228,293,640	\$91,738,039	\$43,349,092	\$15,003,596	\$954,297	\$379,338,664
2012	\$224,033,738	\$93,728,110	\$46,593,831	\$22,885,826	\$695,235	\$387,936,740
2013	\$244,443,534	\$115,035,455	\$47,502,652	\$27,431,962	\$806,698	\$435,220,301
2014	\$316,311,166	\$107,033,335	\$46,620,508	\$17,412,618	\$772,612	\$488,150,239
2015	\$208,643,788	\$108,455,141	\$46,516,401	\$17,961,885	\$718,616	\$382,295,831
2016	\$158,174,787	\$109,155,438	\$37,242,148	\$11,915,459	\$687,590	\$317,175,422
2017	\$154,916,595	\$107,890,962	\$37,585,598	\$11,854,558	\$640,996	\$312,888,709
2018	\$158,735,829	\$112,863,333	\$44,558,717	\$11,399,250	\$656,154	\$328,213,283
2019	\$161,738,898	\$114,084,224	\$43,988,528	\$9,607,262	\$865,843	\$330,284,755
2020	\$157,892,907	\$114,692,900	\$37,850,526	\$8,637,394	\$782,143	\$319,855,870
<b>Total</b>						<b>\$3,717,351,379</b>

Source: Docket Nos. 20120002-EG through 20210002-EG, Schedules CT-2 from the IOUs’ May testimony.

Figure 5 shows trends in annual DSM expenditures for the five electric IOUs from 2011 to 2020.

**Figure 5  
DSM Expenditures Recovered by Electric IOUs**



Source: Docket Nos. 20120002-EG through 20210002-EG, Schedules CT-2 from the IOUs' May testimony.

\*FPL's 2014 recovery included a one-time \$56.3 million payment to Solid Waste Authority of Palm Beach County.

During the annual ECCR clause proceedings, the Commission approves the ECCR factors, by customer class, which each utility will apply to the energy and demand portions of customer bills. These factors are set using each IOU's estimated conservation costs for the next year and reconciliation for any actual conservation cost over- or under-recovery amounts associated with the current and prior years.

In November 2021, the Commission set the ECCR factors for the 2022 billing cycle. Table 12 illustrates the approved ECCR factors and the monthly bill impact for a residential customer. For illustrative purposes, these factors are applied to a typical monthly residential bill based on 1,000 kilowatt-hour (kWh) per month energy usage.

**Table 12  
Residential Energy Conservation Cost Recovery Factors in 2022**

Utility*	ECCR Factor (Cents per kWh)	Monthly Bill Impact (Based on usage of 1,000 kWh)
FPL/Gulf**	0.134	\$1.34
DEF	0.283	\$2.83
TECO	0.236	\$2.36
FPUC	0.134	\$1.34

Source: Order No. PSC-2021-XXXX-FOF-EG, Docket No. 20210002-EG.

\*While JEA and OUC fall under FEECA Statute, the Commission does not regulate electric rates for municipal utilities.

\*\*On January 1, 2021, Gulf legally merged with and into FPL, and FPL and Gulf will be operationally and functionally integrated in 2022. A consolidated ECCR factor for FPL/Gulf was approved by the Commission in Order No. PSC-2021-XXXX-FOF-EG.

## 4.2 Natural Gas Cost Recovery

Commission Rule 25-17.015, F.A.C., establishes a mechanism for recovery of reasonable costs attributed to natural gas conservation programs. While PGS is the only natural gas utility subject to FEECA, the other LDCs covered in this section offer Commission-approved DSM programs without a specific therm savings goal. As it does for the electric IOUs, the Commission also conducts financial audits of the LDCs' conservation expenditures on a yearly basis and adjusts the LDCs' cost recovery factors to allow for recovery of actual and projected program-related costs. Table 13 shows the amounts each LDC recovered in natural gas conservation program expenditures from 2011-2020.

**Table 13**  
**DSM Expenditures Recovered by LDCs**

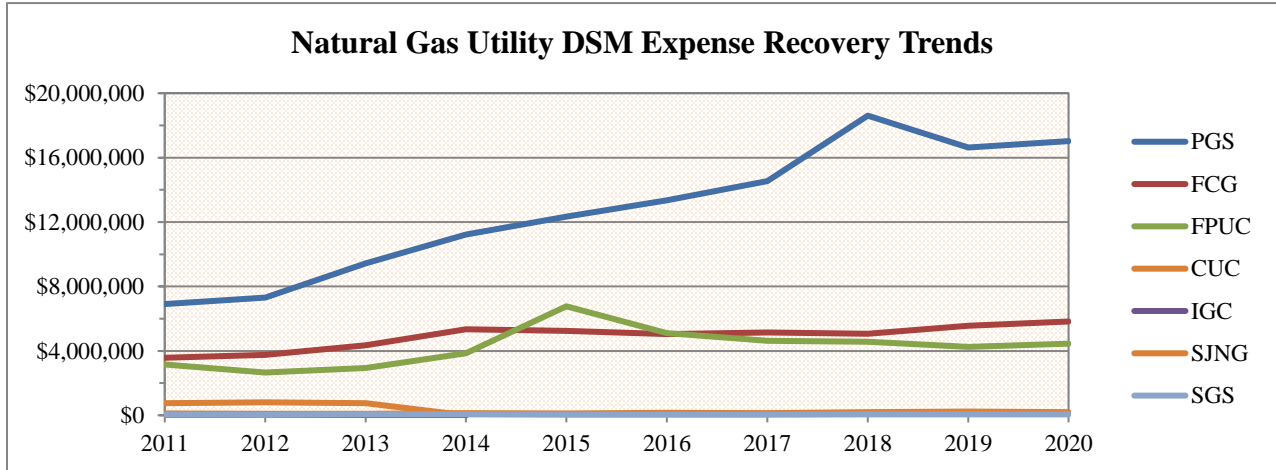
	PGS	FCG	FPUC Consolidated Companies			SJNG	SGS	Total
			Fort Meade	Chesapeake	Indiantown			
2011	\$6,906,668	\$3,573,513	\$3,163,050	\$755,779	\$11,357	\$106,300	\$34,640	\$14,551,307
2012	\$7,314,940	\$3,743,811	\$2,655,654	\$806,747	\$5,238	\$102,425	\$25,090	\$14,653,905
2013	\$9,432,551	\$4,342,603	\$2,935,140	\$742,412	\$10,222	\$96,575	\$53,967	\$17,613,470
2014	\$11,229,211	\$5,343,191	\$3,844,386			\$128,000	\$58,382	\$20,603,170
2015	\$12,335,245	\$5,240,383	\$6,768,175			\$123,400	\$33,563	\$24,500,766
2016	\$13,345,716	\$5,037,863	\$5,098,245			\$156,250	\$36,801	\$23,674,875
2017	\$14,543,555	\$5,149,573	\$4,617,501	*	*	\$144,900	\$42,237	\$24,497,766
2018	\$18,605,532	\$5,067,917	\$4,562,021			\$190,625	\$47,126	\$28,473,221
2019	\$16,619,336	\$5,564,237	\$4,252,769			\$231,600	\$46,184	\$26,714,126
2020	\$17,031,280	\$5,824,651	\$4,447,010			\$189,625	\$52,162	\$27,544,728
<b>Total</b>								<b>\$222,827,334</b>

Source: Docket Nos. 20120004-GU through 20210004-GU, Schedules CT-2 from LDCs' May testimony.

\*Spending combined with FPUC.

Figure 6 shows the trends in annual conservation expenditures for all LDCs from 2011 to 2020. In 2013, the Commission approved the LDCs’ Commercial Conservation programs, resulting in additional overall conservation expenditures.<sup>33</sup>

**Figure 6**  
**DSM Expenditures Recovered by LDCs**



Source: Docket Nos. 20120004-EG through 20210004-EG, Schedules CT-2 from the LDCs' May testimony.

\*Note that since 2014, DSM expenditures for CUC and IGC were consolidated with FPUC-Fort Meade, and reported as FPUC Consolidated Companies. The graph does not reveal that the amounts for SJNG and SGS are relatively low.

In November 2021, the Commission set the natural gas LDC conservation cost recovery factors for the 2022 billing cycle. Table 14 provides the LDCs’ residential cost recovery factors for 2022 and the impact on a typical residential customer bill using 20 therms of natural gas per month.

<sup>33</sup>Order No. PSC-14-0039-PAA-EG, issued January 14, 2014, in Docket No. 130167-EG, *In re: Petition for approval of natural gas energy conservation programs for commercial customers, by Associated Gas Distributors of Florida*.

**Table 14  
Residential Natural Gas Conservation Cost Recovery Factors in 2022**

<b>Utility</b>	<b>Cost Recovery Factor (Cents per Therm)</b>	<b>Monthly Bill Impact (Based on usage of 20 Therms)</b>
PGS	13.116	\$2.62
FCG	27.057	\$5.41
FPUC – Fort Meade	8.627	\$1.73
Chesapeake	14.627	\$2.93
Indiantown	8.395	\$1.68
SJNG	34.498	\$6.90
SGS	20.867	\$4.17

Source: Order No. PSC-2021-0422-FOF-GU, Docket No. 20210004-GU.



## **Section 5. Educating Florida’s Consumers on Conservation**

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### **5.1 Commission Consumer Education Outreach**

While the Commission has statutory authority to require conservation efforts by regulated utilities, as part of the agency’s outreach program, the Commission complements utility efforts with its own conservation-related activities. To effectively reach as many consumers as possible, the Commission’s consumer education program uses a variety of platforms to share conservation information, including the Commission website, public events, brochures, press releases, E-Newsletters, and Twitter. Conservation information is also available through other governmental and utility websites. Section 5.2 lists related websites for state and federal agencies, investor owned electric utilities, and local gas distribution companies to further assist consumers. Most of the data in this section covers October 2020 through August 2021.

#### **Triple E Award**

Each quarter, the Commission recognizes a small business for implementing Commission approved, cost-effective conservation programs. Covering the state’s five major geographic areas, the Commission presents its Triple E Award—for Energy Efficiency Efforts—to a local business that has accomplished superior energy efficiency by working with its local utility to help reduce its energy footprint. Triple E Award recipients receive an award plaque, are featured and archived under Hot Topics on the FPSC homepage—[www.FloridaPSC.com](http://www.FloridaPSC.com)—and are highlighted statewide via a press release and on Twitter (@floridapsc).

#### **Website Outreach Resources**

The PSC invites consumers to visit its website to find an assortment of information to help save energy. According to Google Analytics, website page views for October 1, 2020 through August 27, 2021 totaled over 1.1 million. *Find Your Utility* and *Lifeline Assistance* pages were among the most popular FPSC Consumer Assistance pages.

The Commission offers several energy conservation brochures and other helpful free resources. Brochures may be viewed and printed directly from the website, [FloridaPSC.com/publications](http://FloridaPSC.com/publications), ordered online, or requested by mail or phone. From October 2020 through August 12, 2021, the FPSC received more than 18,548 requests for brochures.

#### **Newsletters**

The Commission’s quarterly [Consumer Connection E-Newsletter](#) features current energy and water conservation topics, consumer tips, and general Commission information. Consumer tips and information highlighted through video and text during the reporting period include: Chairman Gary Clark’s consumer message for National Consumer Protection Week, Hurricane Preparedness, and Conservation Strategies while Sheltering at Home. The Consumer Connection E-Newsletter is available under Consumer Corner on the Commission’s homepage and distributed to consumers via Twitter (@floridapsc) and by subscribing to the free [newsletter](#) online.

#### **National Consumer Protection Week**

National Consumer Protection Week (NCPW), highlighting consumer protection and education efforts, was instrumental to the Commission’s 2021 conservation education efforts. Chairman

Gary Clark recognized the 23<sup>rd</sup> Annual NCPW (February 23-March 6, 2021) with a consumer message on the importance of education and awareness about utility services and about avoiding scams targeting utility customers.

Even during the pandemic, the PSC strives to keep consumers engaged. Many of the senior and community centers the PSC regularly visit remain temporarily closed, with in-person events cancelled. For NCPW 2021, the PSC partnered with coordinators at the Tallahassee Senior Center and Foundation to deliver and distribute information to seniors and answer questions via their “*Learn and Wave*” events. For 14 years, the FPSC has joined government agencies, advocacy organizations, and private sector groups nationwide to highlight NCPW.

### **Older Americans Month**

Each May, the Commission participates in Older Americans Month, a national project to honor and recognize older Americans for their contributions to families, communities, and society. “Communities of Strength” was the theme for Older Americans Month 2021. Due to pandemic restrictions, instead of in-person events, the PSC partnered with staff coordinators at five senior centers in Broward, Palm Beach and Washington Counties to deliver and distribute information to area seniors.

### **Energy Awareness Month**

Each October, the U.S. Department of Energy (DOE) sponsors National Energy Awareness Month to promote smart energy choices and highlight economic and job growth, environmental protection, and increased energy independence. In 2020, as consumers spent more time at home, average home electricity usage increased. The Commission encouraged consumers to use *Conservation at Home*, using our [Conservation House](#) and other PSC information to provide energy saving tips during the month.

Also during the month of October, the PSC recognized the annual “*Imagine a Day Without Water,*” a national Value of Water Campaign on October 21. Produced a few years ago, PSC Commissioners and Executive Director participated in a “*Water Walk*” video with each imaging how a day without water would affect a typical neighborhood. The video’s message is still relevant and was highlighted and distributed in a press release.

### **Community Events**

FPSC Commissioners are active in communities around the state and regularly present energy conservation information to students at area schools, to seniors and low-income residents at local community centers, and to county and city businesses at meetings or other events. Through ongoing partnerships with governmental entities, consumer groups, and many other service organizations, the Commission regularly distributes energy and water conservation materials. The Commission also actively seeks new community events, venues, and opportunities where conservation materials can be distributed and discussed with consumers. Although outreach events were suspended during the 2020-2021 reporting period, Commissioners are looking forward to public events resuming in the future.

## **Hearings and Customer Meetings**

As an ongoing outreach initiative, the Commission supplies conservation brochures to consumers at Commission service hearings and customer meetings across the state. From October 2020 through August 2021, the FPSC's service hearings and customer meetings were held virtually. While educational opportunities with consumers were limited, those participating in virtual customer meetings received an FPSC Rate Case Overview that explains their energy or water utility's bill change request. Customers' questions were answered by Commission outreach staff, who also helped them find useful information on the FPSC website.

## **Library Outreach Campaign**

Each August, the Commission provides educational packets, including conservation materials, to Florida public libraries across the state for consumer distribution. The Commission's Library Outreach Campaign reached 615 state public libraries and branches in 2021. To reduce mailing and production costs, the Commission's 2021 campaign included a cover letter, book marks, and a consumer-friendly brochure order form. Following the Campaign, the FPSC filled many libraries' brochure order requests.

## **Media Outreach**

News releases are posted to the website and distributed via email and Twitter on major Commission decisions, meetings, and public events. The Office of Consumer Assistance & Outreach also issues news releases urging energy conservation during annual recognitions, such as Energy Awareness Month and NCPW. Water conservation was highlighted in March with a release on the federal government's Fix a Leak Week, offering easy repairs to save valuable water and money. For May's National Drinking Water Week, the FPSC reminded consumers to conserve water.

## **Youth Education**

The Commission emphasizes conservation education for Florida's young consumers. During 2020 and 2021, the Commission continued to produce its student resource booklet, Get Wise and Conserve Florida!, to teach children about energy and water conservation. The booklet is promoted to all public libraries through the Library Outreach Programs, is available at all Commission outreach events, and continues to be a favorite during senior events.

## **5.2 Related Websites**

### **State Agencies and Organizations**

Florida Public Service Commission – <http://www.floridapsc.com/>

Florida Department of Environmental Protection – <http://www.dep.state.fl.us>

The Office of Energy – <https://www.fdacs.gov/Divisions-Offices/Energy>

Florida Solar Energy Center – <https://energyresearch.ucf.edu/>

Florida Weatherization Assistance – <https://www.benefits.gov/benefit/1847>

Florida's Local Weatherization Agencies List – <https://floridajobs.org/community-planning-and-development/community-services/weatherization-assistance-program/contact-your-local-weatherization-office-for-help>

## **U.S. Agencies and National Organizations**

U.S. ENERGY STAR Program – <https://www.energystar.gov/>  
U.S. Department of Energy – Energy Efficiency and Renewable Energy  
Information <http://www.eere.energy.gov/>  
National Energy Foundation – <https://nef1.org/>

## **Florida's Utilities Subject to FEECA**

Florida Power & Light Company – <http://www.fpl.com/>  
Duke Energy Florida, LLC – <http://www.duke-energy.com/>  
Tampa Electric Company – <http://www.tampaelectric.com/>  
Gulf Power Company – <http://www.gulfpower.com/>  
Florida Public Utilities Company – <http://www.fpuc.com/>  
JEA – <http://www.jea.com/>  
Orlando Utilities Commission – <http://www.ouc.com/>  
Peoples Gas System – <http://www.peoplesgas.com/>

## **Florida's Investor-Owned Natural Gas Utilities**

Florida City Gas – <http://www.floridacitygas.com/>  
Florida Division of Chesapeake Utilities – <http://www.chpk.com/companies/chesapeake-utilities/>  
Florida Public Utilities Company – <http://www.fpuc.com/>  
Florida Public Utilities Company – Ft. Meade Div. – <http://www.fpuc.com/fortmeade/>  
Florida Public Utilities Company – Indiantown Div. – <http://www.fpuc.com/about/fpufamily>  
Peoples Gas System – <http://www.peoplesgas.com/>  
Sebring Gas System – <http://www.sebringgas.com/>  
St. Joe Natural Gas Company – <http://www.stjoenaturalgas.com/>



## Appendix A. 2020 FEECA Utility Conservation Programs

### Electric IOUs

<b>Florida Power &amp; Light Company</b>	
<b>Residential Programs</b>	Residential Home Energy Survey Residential Ceiling Insulation Residential Load Management (On Call®) Residential Air Conditioning Residential New Construction (BuildSmart®) Residential Low-Income Weatherization
<b>Commercial/Industrial Programs</b>	Business On Call® Business Lighting Commercial/Industrial Load Control (CILC) Commercial/Industrial Demand Reduction (CDR) Business Energy Evaluation (BEE) Business Heating, Ventilating, and Air Conditioning (HVAC) Business Custom Incentive (BCI)
<b>Other</b>	Conservation Research and Development (CRD) Cogeneration & Small Power Production

<b>Duke Energy Florida, LLC</b>	
<b>Residential Programs</b>	Home Energy Check Residential Incentive Low-Income Weatherization Assistance Program Neighborhood Energy Saver Residential Load Management
<b>Commercial/Industrial Programs</b>	Business Energy Check Better Business Commercial Custom Incentive Interruptible Service Curtable Service Standby Generation Commercial Energy Management
<b>Other</b>	Technology Development Qualifying Facility

<b>Tampa Electric Company</b>	
<b>Residential Programs</b>	<ul style="list-style-type: none"> <li>Residential Energy Audits</li> <li>Residential Ceiling Insulation</li> <li>Residential Duct Repair</li> <li>Residential Electronically Commutated Motors (ECM)</li> <li>Energy Education, Awareness, and Agency Outreach</li> <li>ENERGY STAR Multi-Family</li> <li>ENERGY STAR for New Homes</li> <li>ENERGY STAR Pool Pumps</li> <li>ENERGY STAR Thermostats</li> <li>Residential Heating and Cooling</li> <li>Neighborhood Weatherization (Low-Income)</li> <li>Residential Price Responsive Load Management (Energy Planner)</li> <li>Residential Prime Time Plus (Residential Load Management)</li> <li>Residential Wall Insulation</li> <li>Residential Window Replacement</li> </ul>
<b>Commercial/Industrial Programs</b>	<ul style="list-style-type: none"> <li>Commercial/Industrial Energy Audits</li> <li>Commercial Ceiling Insulation</li> <li>Commercial Chiller</li> <li>Cogeneration</li> <li>Conservation Value</li> <li>Commercial Cool Roof</li> <li>Commercial Cooling</li> <li>Demand Response</li> <li>Commercial Duct Repair</li> <li>Commercial Electronically Commutated Motors (ECM)</li> <li>Industrial Load Management (GSLM 2&amp;3)</li> <li>Facility Energy Management System</li> <li>Street and Outdoor Lighting Conversion</li> <li>Lighting Conditioned Space</li> <li>Lighting Non-Conditioned Space</li> <li>Lighting Occupancy Sensors</li> <li>Commercial Load Management</li> <li>Commercial Smart Thermostats</li> <li>Standby Generator</li> <li>Variable Frequency Drive for Compressors</li> <li>Commercial Water Heating</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>Conservation Research and Development</li> <li>Integrated Renewable Energy System Pilot Program</li> <li>Renewable Energy (Sun to Go)</li> </ul>

<b>Gulf Power Company</b>	
<b>Residential Programs</b>	Residential Energy Audit and Education Community Energy Saver (Low-Income) Residential Custom Incentive HVAC Efficiency Residential Building Efficiency Energy Select Residential HVAC Residential Ceiling Insulation Residential High Efficiency Pool Pump Residential Time of Use Rate Pilot
<b>Commercial/Industrial Programs</b>	Commercial/Industrial Energy Analysis Commercial HVAC Retrocommissioning Commercial Building Efficiency Commercial/Industrial Custom Incentive Business HVAC Critical Peak Option Curtable Load
<b>Other</b>	Conservation Demonstration and Development

<b>Florida Public Utilities Company</b>	
<b>Residential Programs</b>	Residential Energy Survey Residential Heating and Cooling Efficiency Upgrade
<b>Commercial/Industrial Programs</b>	Commercial Energy Consultation Commercial Heating and Cooling Efficiency Upgrade Commercial Reflective Roof Commercial Chiller Upgrade
<b>Other</b>	Low-Income Energy Outreach Conservation Demonstration and Development



## Electric Municipal Utilities

<b>JEA</b>	
<b>Residential Programs</b>	Residential Energy Audit Residential Solar Water Heating Neighborhood Efficiency (Low-Income) Residential Efficiency Upgrade Energy Efficient Products Residential New Build MyWay Prepaid Program Residential Distributed Generation and Battery Rebate Program
<b>Commercial/Industrial Programs</b>	Commercial Energy Audit Commercial Prescriptive Lighting Program Commercial Prescriptive Small Business Direct Install Custom Commercial Commercial Distributed Generation and Battery Rebate Program

<b>Orlando Utilities Commission</b>	
<b>Residential Programs</b>	Residential Home Energy Survey Residential Duct Repair/Replacement Rebate Residential Ceiling Insulation Upgrade Rebate Residential Window Film/Solar Screen Rebate Residential High-Performance Windows Rebate Residential Efficient Electric Heat Pump Rebate Residential New Home Rebate Residential Efficiency Delivered (Low-Income)
<b>Commercial/Industrial Programs</b>	Commercial Energy Survey Commercial Efficient Electric Heat Pump Rebate Commercial Duct Repair Rebate Commercial Window Film/Solar Screen Rebate Commercial High-Performance Windows Rebate Commercial Ceiling Insulation Rebate Commercial Cool/Reflective Roof Rebate

## Natural Gas LDC

<b>Peoples Gas System</b>	
<b>Residential Programs</b>	Residential Customer Assisted Energy Audit Residential New Construction Residential Appliance Retention Residential Appliance Replacement Oil Heat Replacement
<b>Commercial/Industrial Programs</b>	Commercial Walk-Through Energy Audit Commercial Electric Replacement Commercial New Construction Commercial Retention Commercial Replacement Commercial Gas Space Conditioning Small Package Cogeneration
<b>Other</b>	Monitoring and Research Conservation Demonstration and Development



## Appendix B. 2020 FEECA Utility Conservation Program Descriptions

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### Electric FEECA IOUs

#### A. Florida Power & Light Company

##### Residential Programs

- **Residential Home Energy Survey**  
The Residential Home Energy Survey Program educates customers on energy efficiency and encourages implementation of recommended energy efficiency measures, even if they are not included in FPL's DSM programs. The Residential Home Energy Survey Program is also used to identify potential candidates for other FPL DSM programs. FPL offers in-home, phone-assisted, and online audits for its residential customers.
- **Residential Ceiling Insulation**  
The Residential Ceiling Insulation Program encourages customers to improve their homes' thermal efficiency.
- **Residential Load Management (On Call)**  
The Residential Load Management Program allows FPL to turn off certain customer-selected appliances using FPL-installed equipment during periods of extreme demand, capacity shortages, or system emergencies.
- **Residential Air Conditioning**  
The Residential Air Conditioning Program encourages customers to install high-efficiency central air conditioning systems.
- **Residential New Construction (BuildSmart®)**  
The Residential New Construction Program encourages builders and developers to design and construct new homes that achieve BuildSmart® certification and move towards ENERGY STAR® qualifications.
- **Residential Low-Income Weatherization**  
The Residential Low-Income Weatherization Program assists low-income customers through state Weatherization Assistance Provider (WAP) agencies and FPL-conducted Energy Retrofits.

## Commercial/Industrial Programs

- **Business On Call®**  
The Business On Call® Program allows FPL to turn off customers' direct expansion central air-conditioning units using FPL-installed equipment during periods of extreme demand, capacity shortages, or system emergencies.
- **Business Lighting**  
The Business Lighting Program encourages customers to install high-efficiency lighting systems.
- **Commercial/Industrial Load Control (CILC)**  
The Commercial/Industrial Load Control Program allows FPL to control customer loads of 200 kW or greater during periods of extreme demand, capacity shortages, or system emergencies. The CILC Program was closed to new participants as of 2000, but is available for existing participants who entered into a CILC agreement as of March 1996.
- **Commercial/Industrial Demand Reduction (CDR)**  
The Commercial/Industrial Demand Reduction Program allows FPL to control customer loads of 200 kW or greater during periods of extreme demand, capacity shortages, or system emergencies. FPL installs a load management device at the customer's facility and provides monthly credits to customers. Unlike the CILC program, the CDR program is still open to new customers.
- **Business Energy Evaluation (BEE)**  
The Business Energy Evaluation Program educates customers on energy efficiency and encourages implementation of recommended practices and measures, even if these are not included in FPL's DSM programs. The Business Energy Evaluation is also used to identify potential candidates for other FPL DSM programs. FPL offers the Business Energy Evaluation in on-site or online formats.
- **Business Heating, Ventilating, and Air Conditioning (HVAC)**  
The Business HVAC Program encourages customers to install high-efficiency HVAC systems.
- **Business Custom Incentive (BCI)**  
The Business Custom Incentive Program encourages customers to install unique high-efficiency technologies not covered by other FPL DSM programs.

## Other Programs

- **Conservation Research and Development (CRD) Project**  
This project consists of research studies designed to: identify new energy efficient technologies; evaluate and quantify their impacts on energy, demand, and customers; and where appropriate and cost-effective, incorporate an emerging technology into a DSM program.

- **Cogeneration & Small Power Production**

The Cogeneration and Small Power Production Program facilitates the interconnection and administration of contracts for cogenerators and small power producers.

## **B. Duke Energy Florida, LLC**

### **Residential Programs**

- **Home Energy Check**

The Home Energy Check is a residential energy audit program that provides residential customers with an analysis of their energy consumption and educational information on how to reduce energy usage and save money. The Home Energy Check Program is the foundation for other residential demand-side management programs and offers walkthrough, online, phone-assisted, and Home Energy Rating audits for its residential customers. Participants in the program may receive a residential Energy Efficiency Kit that contains energy-saving measures that can be easily installed and utilized by the customer.

- **Residential Incentive**

The Residential Incentive Program provides incentives to residential customers for energy efficiency improvements in both existing and new homes. This includes incentives for measures such as duct testing, duct repair, attic insulation, replacement of windows, high-efficiency heat pump replacing resistance heat, high-efficiency heat pump replacing a heat pump, and newly constructed Energy Star homes.

- **Low-Income Weatherization Assistance Program**

The Low-Income Weatherization Assistance Program works with the Florida Department of Economic Opportunity and local weatherization providers to deliver energy education, efficiency measures, and incentives to weatherize the homes of income-eligible families. DEF assists by providing energy education materials and financial incentives to weatherize the homes of low-income families.

- **Neighborhood Energy Saver**

The Neighborhood Energy Saver Program installs energy conservation measures, identified through an energy assessment, in the homes of customers in selected neighborhoods where at least 50 percent of households have incomes equal to or less than 200 percent of the poverty level established by the U.S. government.

- **Residential Energy Management**

The Residential Energy Management Program is a voluntary program that uses direct control of customer equipment to reduce system demand during winter and summer peak capacity periods by controlling service to select customer appliances.

## Commercial/Industrial Programs

- **Business Energy Check**  
The Business Energy Check Program is a commercial energy audit program that provides commercial customers with an analysis of their energy usage and information about energy-saving practices and cost-effective measures that they can implement at their facilities.
- **Better Business**  
Better Business is an umbrella efficiency program that provides incentives to existing C/I and government customers for HVAC, ceiling and roof insulation upgrades, duct leakage and repair, demand-control ventilation, and cool roof coating.
- **Commercial Custom Incentive Program**  
The Florida Custom Incentive Program is designed to encourage C/I customers to make capital investments for energy-efficiency measures which reduce peak demand and provide energy savings. This program provides incentives for projects which are cost-effective but not otherwise addressed through DEF's incentive programs.
- **Interruptible Service**  
Interruptible Service is a direct load control program that allows DEF to reduce system demand by interrupting electrical service during times of capacity shortage during peak or emergency conditions. In return, customers receive a monthly bill credit.
- **Curtable Service**  
Curtable Service is an indirect load control program that reduces system demand through customer contracts to curtail all or a portion of their electricity demand at times of capacity shortage during peak or emergency conditions. In contrast to the Interruptible Service Program, the customer is able to control whether their appliances are turned off during times of stress on the grid. In return, customers receive a monthly bill credit.
- **Standby Generation**  
The Standby Generation Program is a demand control program that allows DEF to reduce system demand by dispatching the customer's standby generator. This is a voluntary program available to C/I customers who have on-site generation capability and are willing to reduce demand on DEF's system when requested for system reliability purposes.
- **Commercial Energy Management**  
The Commercial Energy Management Program uses direct control of customer equipment to reduce system demand during winter and summer peak capacity periods. The Commercial Energy Management Program was closed to new participants in 2000, but is still open for existing participants.

## Other Programs

- **Technology Development**

The Technology Development Program allows DEF to investigate technologies that support the development of new demand response and energy-efficiency programs. DEF is investigating hardware and software to manage residential loads, the value of long-duration customer-side energy storage systems, precision temperature measurement and analysis, solar resources, and data and patterns related to charging electric vehicles.

- **Qualifying Facilities Program**

This program develops standard offer contracts, negotiates, enters into, amends and restructures nonfirm energy, and firm energy and capacity contracts entered into with qualifying cogeneration, small power producers, and renewable facilities

## C. Tampa Electric Company

### Residential Programs

- **Residential Energy Audits**

The Residential Energy Audits Program includes a walk-through free energy check, a customer-assisted energy audit, a computer-assisted paid energy audit, and a building energy ratings system (BERS) audit.

- **Residential Ceiling Insulation**

The Residential Ceiling Insulation Program offers rebates to existing residential customers to install additional ceiling insulation in existing homes.

- **Residential Duct Repair**

The Residential Duct Repair Program encourages residential customers to repair leaky duct work of central air conditioning systems in existing homes.

- **Residential Electronically Commutated Motors (ECM)**

The Residential Electronically Commutated Motors Program encourages residential customers to replace their existing HVAC air handler motors with more efficient ECMs.

- **Energy Education, Awareness, and Agency Outreach**

The Energy Education, Awareness, and Agency Outreach Program engages and educates groups of customers and students on energy efficiency in an organized setting. Also, participants receive an energy savings kit with energy saving devices and information.

- **ENERGY STAR for New Multi-Family Residences**

The ENERGY STAR for Multi-Family Residences Program utilizes a rebate to encourage construction of new multi-family residences that meet the requirements to achieve the ENERGY STAR certified apartments and condominiums label.



- **ENERGY STAR for New Homes**  
 The ENERGY STAR for New Homes Program incentivizes residential home builders to build homes that qualify for the ENERGY STAR award by achieving energy efficiency levels greater than current Florida building code baseline practices.
- **ENERGY STAR Pool Pumps**  
 The ENERGY STAR Pool Pumps Program offers customer rebates for installing high efficiency ENERGY STAR rated pool pumps to help reduce their energy consumption while reducing TECO's weather sensitive peak demand.
- **ENERGY STAR Thermostats**  
 The ENERGY STAR Thermostats Program offers customer rebates for installing an ENERGY STAR certified smart thermostat to help reduce their energy consumption while reducing TECO's weather sensitive peak demand.
- **Residential Heating and Cooling**  
 The Residential Heating and Cooling Program offers rebates to residential customers for installing high-efficiency heating and cooling equipment in existing homes.
- **Neighborhood Weatherization (Low-Income)**  
 The Neighborhood Weatherization Program provides for the installation of energy efficient measures for qualified low-income customers.
- **Residential Price Responsive Load Management (Energy Planner)**  
 The Residential Price Responsive Load Management (Energy Planner) Program reduces weather-sensitive loads through an innovative price responsive rate. The price responsive rate encourages residential customers to make behavioral or equipment usage changes by pre-programming HVAC, water heating, and pool pumps.
- **Residential Prime Time Plus (Residential Load Management)**  
 The Residential Prime Time Plus (Residential Load Management) is a residential load management program designed to alter the Utility's system load curve by reducing summer and winter demand peaks. Customers participating in Prime Time Plus will receive monthly incentive credits on their electric bill.
- **Residential Wall Insulation**  
 The Residential Wall Insulation Program offers rebates to existing residential customers to install additional wall insulation in existing homes.
- **Residential Window Replacement**  
 The Residential Window Replacement Program offers rebates to existing residential customers to install window upgrades in existing homes.

## Commercial Programs

- **Commercial/Industrial Energy Audits**  
In the C/I Energy Audits Program, C/I customers can receive free energy audits or more comprehensive paid energy audits.
- **Commercial Ceiling Insulation**  
The Commercial Ceiling Insulation Program incentivizes C/I customers to install additional ceiling insulation in existing commercial buildings.
- **Commercial Chiller**  
The Commercial Chiller Program offers rebates to C/I customers for installing high efficiency chiller equipment.
- **Cogeneration**  
The Cogeneration Program incentivizes large industrial customers with waste heat or fuel resources to use their onsite energy to avoid fuel waste and install electric generating equipment. The large industrial customers may sell their surplus electric generation to TECO.
- **Conservation Value**  
The Conservation Value Program offers rebates to C/I customers to invest in energy conservation measures that are not in other C/I programs.
- **Commercial Cool Roof**  
The Commercial Cool Roof Program encourages C/I customers to install a cool roof system above conditioned spaces.
- **Commercial Cooling**  
The Commercial Cooling Program encourages C/I customers to install high efficiency direct expansion commercial air conditioning cooling equipment.
- **Demand Response**  
The Demand Response Program incentivizes C/I customers to reduce electricity demand at certain peak times.
- **Commercial Duct Repair**  
The Commercial Duct Repair Program encourages C/I customers to repair leaky ductwork of central air conditioning systems in existing C/I facilities.
- **Commercial Electronically Commutated Motors (ECM)**  
The Commercial Electronically Commutated Motors Program encourages C/I customers to replace air handler motors or refrigeration fan motors with ECMs.
- **Facility Energy Management System**  
The Facility Energy Management System Program offers customer rebates for installing a facility energy management system that provides real time operational, production and

energy consumption information which enables the customer to reduce their energy consumption and demand and reducing TECO's peak demand.

- **Industrial Load Management (GSLM 2&3)**

The Industrial Load Management Program incentivizes large industrial customers to allow TECO to interrupt part or all of their electrical service during periods of peak grid stress.

- **LED Street and Outdoor Lighting Conversion**

The Street and Outdoor Lighting Conversion Program is designed to encourage the conversion from Non-Light Emitting Diode ("LED") street and outdoor lighting luminaires to eligible LED luminaires in a five-year program. The goal of this program is to install energy efficient LED street and outdoor lighting technology to reduce the energy consumption and demand and reducing TECO's peak demand.

- **Lighting Conditioned Space**

The Lighting Conditioned Space Program encourages C/I customers to invest in more efficient lighting technologies in existing conditioned areas of C/I facilities.

- **Lighting Non-Conditioned Space**

The Lighting Non-Conditioned Space Program encourages C/I customers to invest in more efficient lighting technologies in existing non-conditioned areas of C/I facilities.

- **Lighting Occupancy Sensors**

The Lighting Occupancy Sensors Program encourages C/I customers to install occupancy sensors to control C/I lighting systems.

- **Commercial Load Management**

The Commercial Load Management Program incentivizes C/I customers to allow TECO to control weather-sensitive heating, cooling, and water heating systems to reduce the associated weather-sensitive peak demand.

- **Refrigeration Anti-Condensate Control**

The Refrigeration Anti-Condensate Control Program encourages C/I customers to install anti-condensate equipment sensors within refrigerated door systems.

- **Commercial Smart Thermostats**

The Commercial Smart Thermostats Program offers customer rebates for installing smart thermostats to help reduce their demand while reducing TECO's weather sensitive peak demand.

- **Standby Generator**

The Standby Generator Program incentivizes C/I customers to use available emergency electrical generation capacity to reduce weather-sensitive peak demand on the grid.

- **Variable Frequency Drive for Compressors**  
The Variable Frequency Drive for Compressors Program offers customer rebates for installing variable frequency drives to their new or existing refrigerant or air compressor motors to help reduce their demand while reducing TECO's weather sensitive peak demand.
- **Commercial Water Heating**  
The Commercial Water Heating Program encourages C/I customers to install high efficiency water heating systems.

## Other Programs

- **Conservation Research and Development (R&D)**  
The Conservation Research and Development Program allows TECO to explore DSM measures that have insufficient data on cost-effectiveness and the impact on TECO's ratepayers.
- **Integrated Renewable Energy System**  
The commercial/industrial Integrated Renewable Energy System Pilot Program is a five-year pilot program to study the capabilities and DSM opportunities of a fully integrated renewable energy system. The integrated renewable energy system will also be used as an education platform for commercial and industrial customers.
- **Renewable Energy (Sun to Go)**  
The Renewable Energy (Sun to Go) Program delivers renewable energy options to TECO's customers through program administration, renewable electricity generation, evaluation of potential new renewable sources, and market research.

## D. Gulf Power Company

### Residential Programs

- **Residential Energy Audit and Education**  
The Residential Energy Audit and Education Program is the primary educational program to help customers improve the energy efficiency of their new or existing home. The program provides energy conservation advice and information that encourages the implementation of efficiency measures and behaviors that result in electricity bill savings. Gulf offers its residential customers in-home and online audits.
- **Community Energy Saver (Low-Income)**  
The Community Energy Saver Program installs energy conservation measures in the homes of low-income families at no cost to the customers. The program also educates families on behavioral changes designed to save money by decreasing energy use.

- **Residential Custom Incentive**  
 The Residential Custom Incentive Program aims to increase energy efficiency in the residential rental property sector. The program promotes the installation of efficiency measures available through other programs, such as HVAC maintenance and quality installation, high performance windows, reflective roofing, and Energy Star Window A/Cs. As suitable, the program has other incentives to surmount the split-incentive barrier in a landlord/renter situation.
- **HVAC Efficiency Improvement**  
 The HVAC Efficiency Improvement Program aims to increase energy efficiency and improve HVAC cooling system performance for new and existing homes. Gulf increases efficiency through HVAC maintenance, duct repair, and HVAC quality installation.
- **Residential Building Efficiency**  
 The Residential Building Efficiency Program is an umbrella efficiency program for existing and new residential customers to install eligible equipment such as high-performance windows, reflective roofs, and ENERGY STAR window air conditioners. The goals are to increase customer demand for energy efficient technologies and to create long-term energy savings and peak demand reduction.
- **Energy Select**  
 The *Energy Select* Program gives customers a way to manage their energy consumption by programming their heating and cooling systems and major appliances, such as electric water heaters and pool pumps, to respond automatically to prices that vary during the day and by season in relation to Gulf's cost of producing or purchasing energy.
- **Residential HVAC**  
 The Residential HVAC Program enables customers to increase energy efficiency and improve HVAC cooling and heating system performance for both new and existing single-family homes by offering an incentive for the installation of a high-efficiency electric heat pump.
- **Residential Ceiling Insulation**  
 The Residential Ceiling Insulation program encourages customers to improve their homes' thermal efficiency by providing customers an incentive to install a minimum of R-19 insulation in their existing home.
- **Residential High Efficiency Pool Pump**  
 The Residential High Efficiency Pool Pump Program encourages customers to install a high-efficiency pool pump by providing an incentive in both new and existing residential applications.
- **Residential Service Time of Use Pilot**  
 The Residential Service Time of Use Pilot Program provides residential customers the opportunity to use customer-owned equipment to respond automatically and take advantage of a variable pricing structure with a critical peak component. The pilot will be offered to 400

residential customers. The goal is to measure customers' response, with customer owned equipment, to a variable electricity price.

## **Commercial Programs**

- **Commercial/Industrial Audit**

The Commercial/Industrial Audit Program provides advice to Gulf's existing C/I customers on how to reduce energy consumption. The program ranges from an Energy Analysis Audit and walk-through surveys to a Technical Assistance Audit and computer programs that simulate options for very large, energy-intensive customers. Gulf offers this audit in the form of an on-site walkthrough.

- **Commercial HVAC Retrocommissioning**

The Commercial HVAC Retrocommissioning program is a process of identifying suboptimal performance in a facility's systems and replacing outdated equipment at a reduced cost for qualifying installations.

- **Commercial Building Efficiency**

The Commercial Building Efficiency Program is an umbrella efficiency program for C/I customers to encourage the installation of high-efficiency equipment in order to reduce energy and demand. The high-efficiency equipment is focused on commercial geothermal heat pumps, ceiling/roof insulation, and reflective roofs.

- **Commercial/Industrial Custom Incentive**

The Commercial/Industrial Custom Incentive Program offers energy efficient end-user equipment to C/I customers, comprehensive audits, design, and construction of energy conservation projects. Covered projects include demand reduction or energy improvement retrofits that are beyond the scope of other DSM programs.

- **Business HVAC**

The Business HVAC Program encourages customers to install high-efficiency HVAC systems including chillers; split/package direct expansion (DX); demand control ventilation (DCV); and energy recovery ventilation (ERV) by offering incentives which will vary according to the size of the systems or ventilation installed.

- **Critical Peak Option**

This program allows customers on Gulf's Large Power Time-of-Use rate schedule an option to receive credits for capacity that can be reduced during peak load conditions. The program provides a fixed, per-kW credit for measured on-peak demand and a charge for any measured demand recorded during a called critical peak event.

- **Curtable Load**

The Curtable Load (CL) Program is available to customers taking service under rate schedules LP, LPT, PX, or PXT and who also execute a Curtable Load Service agreement. The program provides capacity payments for electric load which can be curtailed during certain conditions, and customers must commit a minimum of 4,000 Kw of non-firm load.

## Other Programs

- **Conservation Demonstration and Development**

The Conservation Demonstration and Development Program is an umbrella program for the identification, research, development, and evaluation of new or emerging end-use energy efficient technologies.

## E. Florida Public Utilities Company

### Residential Programs

- **Residential Energy Survey**

In the Residential Energy Survey Program, FPUC offers in-home and online audits which provides the customer with specific whole-house energy efficiency recommendations, a list of blower-door test contractors who can check for duct leakage, and a conservation kit.

- **Residential Heating and Cooling Efficiency Upgrade**

The Residential Heating and Cooling Upgrade Program incentivizes customers operating inefficient heat pumps and air conditioners to replace them with more efficient units.

### Commercial Programs

- **Commercial Energy Consultation**

In the Commercial Energy Consultation Program, FPUC energy conservation representatives conduct commercial site visits to assess the potential for applicable DSM programs, educate customers about FPUC's commercial DSM programs, conduct a bill review, offer energy savings suggestions, and inform customers about commercial online resources and tools.

- **Commercial Heating and Cooling Efficiency Upgrade**

The Commercial Heating and Cooling Upgrade Program provides rebates to small commercial customers (customers with a maximum of 5-ton units) if the customers install a high-efficiency central air conditioner or heat pump with a minimum 15 SEER.

- **Commercial Reflective Roof**

The Commercial Reflective Roof Program provides rebates to non-residential customers and contractors who convert or install a new cool roof on existing facilities or on new building construction. The roofing material must be Energy Star Certified.

- **Commercial Chiller Upgrade**

The Commercial Chiller Upgrade Program offers commercial customers who replace existing chillers with a more efficient system, an incentive of up to \$100 per kW of additional savings above the minimum efficiency levels.

## Other Programs

- **Conservation Demonstration and Development**

The Conservation Demonstration and Development Program researches energy efficiency and conservation projects to identify, develop, demonstrate, and evaluate promising end-use energy efficient technologies across a wide variety of applications. In 2019, FPUC installed two battery storage systems to improve customer electric system reliability and resiliency, and has extended this study with completion expected in 2021.

- **Low-Income Energy Outreach**

The Low-Income Energy Outreach Program partners with Department of Economic Opportunity approved Low-Income Weatherization Program operators to offer Residential Energy Surveys, host energy conservation events, and distribute conservation materials.

## Electric FEECA Municipal Utilities

### A. JEA

#### Residential Programs

- **Residential Energy Audit**

In the Residential Energy Audit Program, utility auditors examine homes, educate customers, and makes recommendations on low-cost or no-cost energy-saving practices and measures.

- **Residential Solar Water Heating**

The Residential Solar Water Heating Program pays a financial incentive to customers to encourage the use of solar water heating technology.

- **Residential Solar Net Metering**

The Residential Solar Net Metering Program promotes the use of PV by purchasing excess electricity from residential customers who have PV.

- **Neighborhood Efficiency (Low-Income)**

The Neighborhood Efficiency Program offers education on the efficient use of energy and water as well as the direct installation of an array of energy and water efficiency measures at no cost to income qualified customers.

- **Residential Efficiency Upgrade**

The Residential Efficiency Upgrade Program provides incentives to encourage the use of high efficiency HVAC and water heating. This program has not been approved by the Commission and is not part of JEA's FEECA goalsetting process. Nevertheless, JEA maintains that this program creates demand and energy savings.



- Energy Efficient Products**

The Energy Efficient Products Program provides incentives to encourage the use of high efficiency lighting and efficient appliances. This program has not been approved by the Commission and is not part of JEA’s FEECA goalsetting process. Nevertheless, JEA maintains that this program creates demand and energy savings.
- Residential New Build**

The Residential New Build Program promotes the use of high efficiency HVAC, water heating, lighting, and appliances in the new construction market. This program has not been approved by the Commission and is not part of JEA’s FEECA goalsetting process. Nevertheless, JEA maintains that this program creates demand and energy savings.
- MyWay Prepaid Program**

The MyWay Prepaid Program offers an option for all customers, especially those who prefer to prepay for services versus being billed monthly. It is consumer-focused experience for environmentally conscious consumers who like to keep their consumption in mind. This program has not been approved by the Commission and is not part of JEA’s FEECA goalsetting process. Nevertheless, JEA maintains that this program creates demand and energy savings.
- Residential Distributed Generation and Battery Rebate Program**

The Residential Distributed Generation and Battery Rebate Program pays a financial incentive to encourage the use of battery storage when purchasing new solar voltaic systems. This program has not been approved by the Commission and is not part of JEA’s FEECA goalsetting process. Nevertheless, JEA maintains that this program creates demand and energy savings.

## **Commercial Programs**

- Commercial Energy Audit**

In the Commercial Energy Audit Program, JEA examines businesses, educates customers, and makes recommendations on low-cost or no-cost energy-saving practices.
- Commercial Prescriptive Lighting Program**

Commercial Prescriptive Lighting Program pays a financial incentive to customers to encourage the use of high efficiency lighting technology.
- Commercial Prescriptive**

The Commercial Prescriptive Program provides incentives to encourage the use of high efficiency HVAC, lighting, cooking, and water heating products. This program has not been approved by the Commission and is not part of JEA’s FEECA goalsetting process. Nevertheless, JEA maintains that this program creates demand and energy savings.
- Small Business Direct Install**

The Small Business Direct Install Program promotes the use of high efficiency HVAC, lighting, water heating, and appliances in the small business sector. This program has not

been approved by the Commission and is not part of JEA's FEECA goalsetting process. Nevertheless, JEA maintains that this program creates demand and energy savings.

- **Custom Commercial**

The Custom Commercial Program promotes the use of custom efficiency measures based on specific applications for each customer. This program has not been approved by the Commission and is not part of JEA's FEECA goalsetting process. Nevertheless, JEA maintains that this program creates demand and energy savings.

- **Commercial Distributed Generation and Battery Rebate Program**

The Commercial Distributed Generation and Battery Rebate Program pays a financial incentive to encourage the use of battery storage when purchasing new solar voltaic systems. This program has not been approved by the Commission and is not part of JEA's FEECA goalsetting process. Nevertheless, JEA maintains that this program creates demand and energy savings.

## **B. Orlando Utilities Commission**

### **Residential Programs**

- **Residential Home Energy Survey**

The home energy walk-through surveys were designed to provide residential customers with recommended energy efficiency measures and practices customers can implement, and to encourage participation in various OUC rebate programs. OUC provides participating customers specific tips on conservation and details on customer rebate programs.

- **Residential Duct Repair Rebate**

The program is designed to encourage residential customers to repair leaking ducts on existing systems. Qualifying customers must have an existing central air conditioning system, within certain limits and ducts must be sealed with mastic and fabric tape or any other Underwriters Laboratory (UL) approved duct tape.

- **Residential Ceiling Insulation Upgrade Rebate**

The Residential Ceiling Insulation Upgrade Rebate Program is offered to residential customers to encourage the upgrade of attic insulation.

- **Residential High-Performance Windows Rebate**

The Residential High Performance Windows Rebate Program encourages customers to improve energy efficiency in their homes by purchasing ENERGY STAR® rated energy efficient windows.

- **Residential Efficient Electric Heat Pump Rebate**

The Residential Efficient Electric Heat Pump Rebate Program provides rebates to customers in existing homes who install heat pumps having a seasonal energy efficiency ratio (SEER) of 15.0 or higher.

- **Residential New Home Rebate**  
The Residential New Home Rebate Program offers rebates for cool/reflective roofs, block wall insulation, ceiling insulation upgrades to R-38, heat pumps, ENERGY STAR washing machines, ENERGY STAR heat pump water heaters, and solar water heaters.
- **Heat Pump Water Heater Rebate**  
The program provides rebates for the heat pumps commonly known as hybrid electric heat pump water heaters for qualifying installations
- **Residential Efficiency Delivered (Low-Income)**  
The Residential Efficiency Delivered Program is income based and provides up to \$2,000 of energy and water efficiency upgrades based on the needs of the residential customer's home. An OUC Conservation Specialist visits the home, performs a home survey, and recommends which home improvements have the most potential of lowering utility bills.

## **Commercial Programs**

- **Commercial Energy Audit**  
The Commercial Energy Audit Program includes a free survey consisting of a physical walk-through inspection of the commercial facility performed by experienced energy experts. The customer receives a written report detailing cost-effective recommendations to make the facility more energy and water efficient.
- **Commercial Efficient Electric Heat Pump Rebate**  
The Commercial Efficient Electric Heat Pump Rebate Program provides rebates to qualifying customers in existing buildings who install heat pumps having a seasonal energy efficiency ratio (SEER) of 15.0 or higher.
- **Commercial Duct Repair Rebate**  
The Commercial Duct Repair Rebate Program commercial customers to repair leaking ducts on existing systems. Qualifying customers must have an existing central air conditioning system of within certain limits and ducts must be sealed with mastic and fabric tape or any other UL approved duct tape.
- **Commercial High-Performance Windows Rebate**  
The Commercial High Performance Windows Rebate Program encourages customers to install windows that minimize heating, cooling, and lighting costs.
- **Commercial Ceiling Insulation Rebate**  
The Commercial Ceiling Insulation Rebate Program aims to increase building resistance to heat loss and gain. Customers receive a rebate for upgrading their attic insulation up to R-30.

- **Commercial Cool/Reflective Roof Rebate**  
The Commercial Cool/Reflective Roof Rebate Program aims to lower roof surface temperature while increasing the lifespan of the roof. OUC provides rebates for ENERGY STAR cool/reflective roofing that has an initial solar reflectance greater than or equal to 0.70.
- **Indoor Lighting Billed Solution Program**  
The Indoor Lighting Billed Solution Program assists commercial customers with investments in new lighting technologies. The program is a cash-flow neutral billed solution where the savings pay for the project's cost over the pay-back period or term.
- **Indoor Lighting Rebates Program**  
The Indoor Lighting Rebates Program offers commercial customers that upgrade the efficiency of their indoor lighting a rebate if they meet certain requirements. Participation is open to facilities located within OUC's service area that receive electric service under an OUC commercial rate.
- **Custom Incentive Program**  
Through the Custom Incentive Program, commercial customers receive incentives based on the reduction in peak demand their projects achieve plus the first-year energy savings.

## **Natural Gas FEECA Utility**

### **A. Peoples Gas System**

#### **Residential Programs**

- **Residential Customer Assisted Energy Audit**  
The Residential Customer Assisted Audit is designed to save energy by increasing residential customer awareness of natural gas use in personal residences. Recommendations provided to the customer include an estimated range of energy savings including insightful advice on how to manage their overall energy usage. This audit is only available in an online format.
- **Residential New Construction**  
The Residential New Construction Program is designed to save energy for new homeowners by offering incentives to builders and developers who construct new single family and multi-family homes with the installation of energy efficient natural gas appliances.
- **Residential Appliance Retention**  
The Residential Appliance Retention Program is designed to encourage current natural gas customers to make cost-effective improvements in existing residences by replacing existing natural gas appliances with energy efficient natural gas appliances.

- **Residential Appliance Replacement**  
The Residential Appliance Replacement Program is designed to encourage customers to make cost-effective improvements in existing residences by replacing existing electric appliances with energy efficient natural gas appliances.
- **Oil Heat Replacement**  
The Oil Heat Replacement Program is designed to encourage customers to make cost-effective improvements in existing residences by converting/replacing their existing oil heating system to more energy efficient natural gas heating.

## **Commercial/Industrial Programs**

- **Commercial Walk-Through Energy Audit**  
This program is designed to reduce demand and energy consumption of C/I facilities by increasing customer awareness of the energy use in their facilities.
- **Commercial Electric Replacement**  
The Commercial Electric Replacement Program is designed to encourage commercial customers to make cost-effective improvements in existing facilities by replacing electric resistance appliances with energy efficient natural gas appliances.
- **Gas Space Conditioning**  
The Gas Space Conditioning Program is designed to encourage commercial customers to make cost-effective improvements in existing facilities by converting/replacing their electric space conditioning equipment to energy efficient natural gas space conditioning equipment.
- **Small Package Cogeneration**  
The Small Package Cogeneration Program is designed to encourage commercial customers to make cost-effective improvements in existing facilities by the installation of an energy efficient on-site natural gas-fired combined heat and power system for the simultaneous production of mechanical and thermal energy.
- **Commercial New Construction**  
The Commercial New Construction Program is designed to save energy for new commercial facility owners by offering incentives to commercial customers for the installation of natural gas appliances.
- **Commercial Retention**  
The Commercial Retention Program is designed to encourage current natural gas commercial customers to make cost-effective improvements in existing residences by replacing existing natural gas appliances with energy efficient natural gas appliances.
- **Commercial Replacement**  
The Commercial Replacement Program is designed to encourage commercial customers to make cost-effective improvements in existing facilities by replacing electric appliances with energy efficient natural gas appliances.

## **Other Programs**

- **Monitoring and Research**

The Monitoring and Research Program is designed to pursue research, development, and demonstration projects designed to promote energy efficiency and conservation.

- **Conservation Demonstration and Development**

The Conservation Demonstration and Development Program is designed to encourage Peoples Gas System and other natural gas LDCs to pursue opportunities for individual and joint research, including testing of technologies to develop new energy conservation programs.



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-**

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**DATE:** November 3, 2021  
**TO:** Braulio L. Baez, Executive Director  
**FROM:** Office of Industry Development & Market Analysis (Long) <sup>CH</sup>  
**RE:** Draft of the 2021 Regulatory Assessment Fee Report

**CRITICAL INFORMATION: ACTION IS NEEDED** - Please place on the November 16, 2021, Internal Affairs. Commission approval of draft report is sought. The 2021 Report is due to the Governor, the President of the Senate, and the Speaker of the House of Representatives, by January 15, 2022.

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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."

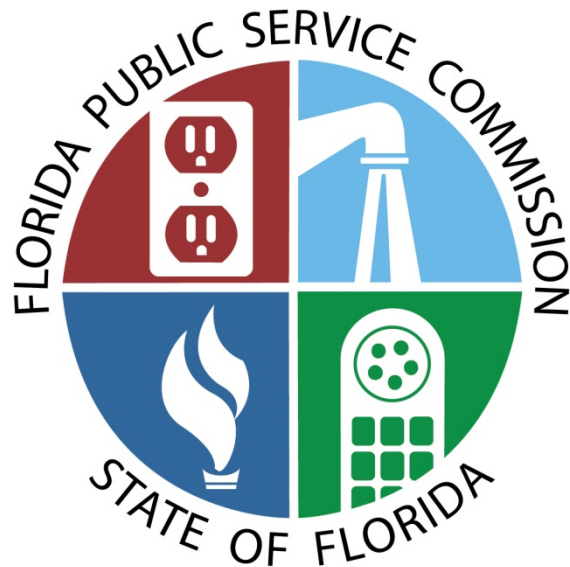
The draft report includes a staff-written synopsis of what actions the Commission has taken to comply with the statutory requirements. Staff is requesting approval of the draft report.

Attachment

cc: Mark Futrell, Deputy Executive Director, Technical



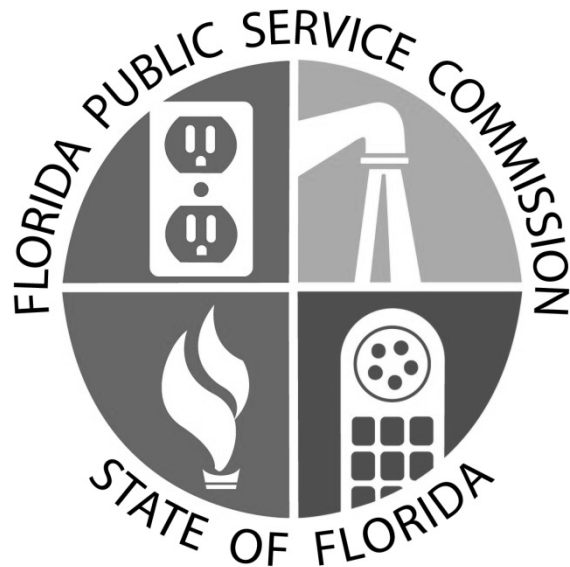
**REPORT ON THE EFFORTS OF THE  
FLORIDA PUBLIC SERVICE COMMISSION  
TO REDUCE THE REGULATORY ASSESSMENT FEE  
FOR TELECOMMUNICATIONS COMPANIES**



As of December 2021



**REPORT ON THE EFFORTS OF THE  
FLORIDA PUBLIC SERVICE COMMISSION  
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As of December 2021

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 287 telecommunications companies in some way as of November 1, 2021. 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 of pole attachments, which is currently regulated by the FCC. 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 is required to propose procedural rules to implement this new authority by January 1, 2022. Once rules are adopted, the Commission must certify 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 must propose rules to implement this new authority by April 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 261 full time positions for the 2021/2022 fiscal year, a total reduction of 35 percent. Many of these reductions came as a result of projected workload reductions in the telecommunications area.

The FPSC is currently implementing CS/SB 1944. The implementation of this bill may require additional full time positions at the agency, some of which may be dedicated to the telecommunications industry.

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.<sup>1</sup> 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 2021 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

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<sup>1</sup> 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.



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.

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 20 active telecommunications 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.

# 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 GARY F. CLARK  
COMMISSIONER ART GRAHAM  
COMMISSIONER ANDREW GILES FAY  
COMMISSIONER MIKE LA ROSA  
COMMISSIONER GABRIELLA PASSIDOMO

DATE: Tuesday, November 16, 2021

TIME: Commenced at 9:30 a.m.  
Concluded at 9:50 a.m.

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

REPORTED BY: DANA W. REEVES  
Court Reporter and  
Notary Public in and for  
the State of Florida at Large

PREMIER REPORTING  
114 W. 5TH AVENUE  
TALLAHASSEE, FLORIDA  
(850) 894-0828

## 1 P R O C E E D I N G S

2 CHAIRMAN CLARK: Good morning. Welcome  
3 everyone to Internal Affairs this morning. We have  
4 a pretty lengthy agenda today, so we're going to go  
5 ahead and get started. We're going to begin --  
6 we're going to begin with the draft 2021 Florida  
7 Lifeline Assistance Report. Brandon Wendel is  
8 going to give us the introduction.

9 MR. WENDEL: Good morning, Commissioners.  
10 Brandon Wendel on behalf of the Office of Industry  
11 Development and Market Analysis staff. Item one is  
12 Staff's 2021 Lifeline Report. This report is  
13 required by Section 364.10, Florida Statutes, to be  
14 submitted to the Governor, President of the Senate,  
15 Speaker of the House by December 31st of this year.  
16 The report details federal and state regulatory  
17 actions that impact the program, as well as  
18 lifeline promotional activities conducted in  
19 Florida.

20 Staff has an oral modification on page 16 of  
21 the report that I believe has been delivered to  
22 you. However, I have copies of the modification.  
23 Modification reflects changes made to the program  
24 as a result of a recently released FCC order.  
25 Staff would also like to request editorial

1 privileges to update any non-substantive -- my  
2 apologies -- non-substantive and numerical data  
3 that may become available before the report's  
4 issuance. Staff is seeking approval of this report  
5 as modified and is available for any questions.  
6 Thank you.

7 CHAIRMAN CLARK: Thank you, Mr. Wendel. Any  
8 questions from Commissioners? Commissioner Fay.

9 COMMISSIONER FAY: Thank you, Mr. Chairman.  
10 Just one question. So, in the report it talks  
11 about how under the RDOF program, the broadband  
12 program, there is not a requirement for lifeline  
13 service to be supplied by those providers, but  
14 aren't there some providers that will eventually --  
15 I guess we can presume will eventually need to meet  
16 that requirement. It's just the report says  
17 they're not at all required.

18 MR. WENDEL: So it's not that they aren't  
19 required. It's that they are not required to  
20 provide it during the time of build-out, resulting  
21 from the federal funding that they received. So at  
22 some point in time, I believe it's a three-year  
23 time line. Once they meet the certain build-out  
24 threshold, that's when the lifeline obligation  
25 comes into effect. And we've seen similar

1 situations to another carrier as a result of  
2 another option, ViaSat, they -- their lifeline  
3 obligation begins, I believe at the end of this --  
4 it's a similar situation.

5 COMMISSIONER FAY: Okay. Great. So we can  
6 probably expect that same structure. Like once  
7 that build-out is complete, there'll likely be some  
8 requirement at that point in time?

9 MR. WENDEL: And there will be.

10 COMMISSIONER FAY: Okay. Okay. Great.  
11 That's all I have. Thanks.

12 CHAIRMAN CLARK: Any other questions from  
13 Commissioners? Comments?

14 All right. I will entertain a motion to  
15 approve the draft lifeline assistance report and to  
16 authorize staff to make any necessary grammatical  
17 modifications.

18 COMMISSIONER LA ROSA: So moved.

19 COMMISSIONER FAY: Second, Mr. Chairman, with  
20 the oral modification that was mentioned.

21 CHAIRMAN CLARK: Including the oral  
22 modification. Thank you. Any discussion?

23 On the motion, all in favor say, aye.

24 (Chorus of ayes.)

25 CHAIRMAN CLARK: Opposed?



1 (No comments made.)

2 CHAIRMAN CLARK: Motion carries. Thank you  
3 very much, Mr. Wendel.

4 COMMISSIONER FAY: Thank you.

5 CHAIRMAN CLARK: Next on the agenda is the  
6 annual report, the FEECA report, and Michael  
7 Barrett is going to introduce the item for us.

8 MR. BARRETT: Good morning, Commissioners.  
9 Michael Barrett with Commission Staff. The item  
10 before you is the draft annual report on activities  
11 pursuant to the Florida Energy Efficiency and  
12 Conservation Act, also known as the FEECA report.  
13 Section 366.82, Florida Statutes, requires the  
14 Commission to submit this report annually to the  
15 Governor and the Legislature by March 1st. This  
16 report summarizes each utility's achievements for  
17 its meeting goals 2020 calendar year.

18 Last Friday, your office received an updated  
19 copy that corrected errors we identified on pages  
20 3, 8, 9 and 21. Staff is seeking approval of this  
21 FEECA report and asks for the ability to correct  
22 any scrivener's errors that are identified. In  
23 addition, we request permission to work with the  
24 Chairman and executive director's offices on the  
25 distribution list to go with this report to the

1 Governor and other parties.

2 Staff is here to answer any questions and has  
3 verified that subject-matter expert representatives  
4 from the FEECA utilities are available for that  
5 purpose, as well.

6 CHAIRMAN CLARK: Thank you very much, Mr.  
7 Barrett. Compliments to the staff for an  
8 outstanding job of gathering this information and  
9 getting this report together for us. Always very  
10 thorough and comprehensive.

11 Commissioners, do you have any questions for  
12 Mr. Barrett? Commissioner Fay.

13 COMMISSIONER FAY: Thank you, Mr. Chairman.  
14 Just one question. This report talks about adding  
15 the goals for the therm -- therm, the numeric  
16 therms. Is -- I guess that's a requirement that  
17 was brought out of an audit. Is that something  
18 that we will know we've now properly satisfied?  
19 Like, is there -- is there an additional review at  
20 some point, or do we know now that we've properly  
21 satisfied it?

22 MR. MCNULTY: We don't know exactly when a  
23 re-review will take place related to this item. I  
24 guess, you know, these audits come in at different  
25 times. We're not sure exactly when they might

1 occur. However, we're in full compliance with the  
2 requirement that this -- that the information  
3 provided here is fully compliant with the  
4 requirements of the audit.

5 COMMISSIONER FAY: Okay. Great. It seems  
6 like we've satisfied it, but I think -- there's  
7 probably an argument that we thought we satisfied  
8 it before until the audit flagged it. And so I  
9 just want to see if there -- at some point we'll  
10 get some verification through that process that  
11 we're -- what we're doing now is correct based on  
12 that, but it sounds like you're saying, we're not  
13 sure exactly when the next audit will come.

14 MR. MCNULTY: I don't think there -- I don't  
15 think there exists a feedback loop to that  
16 extent --

17 MR. BAEZ: Commissioner -- I'm sorry. We will  
18 get you an answer for that. We need to talk to the  
19 Inspector General. I think that they're more  
20 conversant in the process. We have, over the  
21 years -- I mean, this has been going on for a  
22 couple of years now, a couple, three years, since  
23 the last audit. And we -- this was the culmination  
24 of a long list of attempts to correct the audit  
25 item. And this was just the last --

1 COMMISSIONER FAY: Okay.

2 MR. BAEZ: As Bill said, we feel fully  
3 confident that it's in compliance.

4 COMMISSIONER FAY: Yeah. And it looks like  
5 the utility is satisfying its goals, so that's not  
6 really an issue, just a matter of if we're -- we're  
7 properly required.

8 MR. BAEZ: Right. And I think -- I think the  
9 question of whether there's a follow-up to finally  
10 close the item is an Inspector General's question.  
11 We'll be happy to reach out to your office with an  
12 answer.

13 COMMISSIONER FAY: Okay. Great. Thanks. And  
14 I agree with the Chair. I thought the report was  
15 good. Thank you.

16 CHAIRMAN CLARK: All right. Commissioners,  
17 any other questions, comments? Ms. Passidomo.

18 MS. PASSIDOMO: Thank you, Mr. Chairman.  
19 Yeah, again, with the report, I shouldn't admit  
20 this, but exposing my inner nerd, but I actually  
21 really look forward to reading this, the FEECA  
22 report every year. I think it's -- I just have two  
23 questions.

24 So page -- the table seven on page 21, it's  
25 seeming like a couple of the utilities are pretty

1 far off in meeting their residential goals for the  
2 residential customer class, and I just want to know  
3 if you could shed some light on why that is and  
4 where we go from here, what that means.

5 MR. BARRETT: Sure, Commissioner. First of  
6 all, I want to remind you this is the time period  
7 for 2020 and the COVID pandemic really blossomed  
8 beginning in March of 2020. The information we  
9 got, and we feature in the report, was that the  
10 pandemic, companies responded by suspending  
11 programs. And particularly that's really acute for  
12 the audit programs. Audit programs really open the  
13 door to a portfolio of other programs. And when  
14 they suspended the in-person audits, that really  
15 impacted the goal. So the goal achievement that  
16 you see on page 21, a lot of that is the result of  
17 suspended programs. And we certainly would hope  
18 for better performance in that regard in 2021.

19 But, again, what's before you is 2020 and  
20 there were periods, lots of starts, stops and  
21 starts and suspended and not suspended. So their  
22 results were -- the results show that.

23 MS. PASSIDOMO: And I think this will give an  
24 opportunity for those utilities or, you know,  
25 for -- to explore other avenues instead of using,

1           you know, digital forms of doing audits and things  
2           like that. You get more engagement. Sort of on  
3           the COVID front, did the utilities see any -- as,  
4           you know, more people are working from home using  
5           more energy at home, did they see any willingness  
6           to increase their wanting to participate in the  
7           programs, even if, you know, at that point it  
8           was -- it was on a pause or anything?

9           MR. BARRETT: Well, overall energy sales were  
10          up. There were more people at home consuming  
11          energy. And the companies -- I'll mention TECO in  
12          particular. TECO used some social media content  
13          that was geared specifically at energy savings,  
14          best practices around the home, things of that  
15          nature. But the utilities were well aware of what  
16          was happening in their customer bases, and they --  
17          they increased their outreach on their website,  
18          again, social media. They worked very hard to  
19          provide programs.

20          MR. MCNULTY: I would just add, too, that the  
21          number of audits went up for online dramatically.  
22          So that helps tremendously. Also, number of these  
23          programs reinitiated the fourth quarter of 2020.  
24          Some of them in the first quarter of this year.  
25          And so there has been -- and what the companies did

1 is essentially they established waiting lists. So  
2 that when -- so that when they had people who are  
3 expressing interest during the timeout period to  
4 get an audit, they'd catch up with them afterwards.  
5 So we might -- it's uncertain right now, but there  
6 might be a little bit of a boomlet that we might  
7 see in 2021. We just don't have the data on that  
8 yet. It's a little bit of extra.

9 MS. PASSIDOMO: Looking forward to seeing  
10 that. Thank you.

11 CHAIRMAN CLARK: Any other questions or  
12 comments?

13 All right. Seeing none, I'll entertain a  
14 motion to approve the report.

15 COMMISSIONER GRAHAM: So moved.

16 COMMISSIONER FAY: Second with the oral  
17 modification as stated.

18 CHAIRMAN CLARK: We have a motion and a second  
19 to approve with oral modifications and approval of  
20 staff to correct the scrivener's errors. Is there  
21 any discussion on the motion?

22 All in favor say, aye.

23 (Chorus of ayes.)

24 CHAIRMAN CLARK: Opposed?

25 (No comments made.)

1           CHAIRMAN CLARK: Motion carries. Thank you so  
2 much for your hard work.

3           All right. Item number three, the draft of  
4 the 2021 regulatory assessment fee report. Mr.  
5 Long.

6           MR. LONG: Since I don't come much anymore,  
7 I'll put my name up here.

8           Commissioners, item three is the 2021  
9 telecommunications regulatory assessment fee report  
10 required by statute on an annual basis. This  
11 year's report is substantially similar to last  
12 year's report. Staff is seeking approval of the  
13 draft. And we have no oral modifications.

14          CHAIRMAN CLARK: He's bragging now, isn't he?  
15 All right. Any questions? Comments? Mr. La Rosa.

16          COMMISSIONER LA ROSA: Thank you, Chairman.  
17 You know, just a quick comment, as we kind of read  
18 the report, of course, still as a new commissioner  
19 in year one, the one thing that kind of struck me  
20 was the savings and where the -- where the agency  
21 has gone in the last 20 years, and see how we've  
22 certainly, you know, shrunken down in our FTV --  
23 our FTE's and our overall size of our agency. A  
24 lot of that, of course, you know, has to do -- and  
25 that's what report's, you know, mentioning --



1 relating to reduction of the telecom oversight, but  
2 it also shows how efficient and how effective we  
3 are as an agency and I thought that's just  
4 important to note as I read through this, of  
5 course, being my first review of this during this  
6 year. Thank you.

7 CHAIRMAN CLARK: Good observation. Any other  
8 questions? On the motion, all in favor -- oh,  
9 let's get a motion first. How about that?  
10 Commissioner La Rosa.

11 COMMISSIONER LA ROSA: Motion to accept the  
12 report without oral modifications that were not  
13 needed.

14 COMMISSIONER GRAHAM: Second.

15 CHAIRMAN CLARK: There you go. I have a  
16 motion and a second to approve the report. Any  
17 discussion?

18 All in favor say, aye.

19 (Chorus of ayes.)

20 CHAIRMAN CLARK: Opposed?

21 (No comments made.)

22 CHAIRMAN CLARK: Motion carries.

23 All right. General Counsel's not able to be  
24 with us today. Mary Anne, do you have anything to  
25 report?

1 MS. HELTON: No, sir.

2 CHAIRMAN CLARK: All right. Mr. Baez.

3 MR. BAEZ: Thank you, Mr. Chairman. Very  
4 quickly, because what is it they said about  
5 standing between someone and their barbecue? And  
6 so I'll move briefly. As you know, we're in  
7 special session. And the last committee week  
8 begins November 28th, leading into the January  
9 beginning of session. We will be cranking up.  
10 We're already tracking a handful of bills. So  
11 we'll be cranking up more formal updates and  
12 circulation of documents and reports, as you've  
13 become accustomed to, in the next month.

14 And then one last item, as you know, that the  
15 infrastructure bill -- the federal infrastructure  
16 bill is now law. And just wanted to let you know  
17 that staff -- I know you've got questions, many of  
18 you may are going to have questions and curiosities  
19 about what's in it, and staff is busy looking --  
20 going through it and with a focus on, you know,  
21 impacts to our space. And we are preparing an item  
22 at an agenda -- excuse me, an IA near you. I can't  
23 commit to the next one necessarily, but certainly  
24 the January time frame, we'll be able to sit down  
25 and walk you through the salient pieces of

1           legislation currently as they affect not just our  
2           industry, but our agency perhaps, as well.

3           CHAIRMAN CLARK: Questions. Mr. Graham.

4           COMMISSIONER GRAHAM: Thank you, Mr. Chairman.  
5           Is staff going to sit down with any of our  
6           utilities, have like a workshop to go over all this  
7           stuff? Because I'm sure they may see some things  
8           that we don't see.

9           MR. BAEZ: Well, I am loathe to rise to the  
10          level of a workshop necessarily, but --

11          COMMISSIONER GRAHAM: Staff workshop.

12          MR. BAEZ: Yeah -- well, to the extent that  
13          that becomes appropriate, obviously that's  
14          available to us and we'd be happy to engage in it,  
15          but know that the staff does engage with the  
16          utilities, even on a more informal basis to gather  
17          information. Whatever we need to get the  
18          information we need will be done, so that then we  
19          can sit down and kind of inform you and answer your  
20          questions.

21          COMMISSIONER GRAHAM: When do you anticipate  
22          that?

23          MR. BAEZ: Say again? I'm sorry.

24          COMMISSIONER GRAHAM: When do you anticipate  
25          that?

1           MR. BAEZ: Well, like I said, it's hard to  
2           commit to the December time frame, but certainly by  
3           January we'll be able to sit down and walk you  
4           through what's in the legislation, certainly as it  
5           concerns us.

6           COMMISSIONER GRAHAM: I was going to say  
7           because we're in session --

8           MR. BAEZ: Exactly.

9           COMMISSIONER GRAHAM: In January. There's  
10          going to be some opportunities we need to take  
11          advantage of.

12          MR. BAEZ: Absolutely. And I'm referring at  
13          this point only to like a -- you know, having us  
14          all sit in a room in public. Certainly, as things  
15          become -- as bits of information and relevant  
16          information become available, we'd be happy to sit  
17          down and answer any of your questions as best we  
18          can in the meantime. So that doesn't mean hold off  
19          until then -- this is an evolving issue.

20          CHAIRMAN CLARK: All right. Anything else,  
21          Mr. Baez?

22          MR. BAEZ: No, sir.

23          CHAIRMAN CLARK: Commissioners.

24          MR. BAEZ: Back to you.

25          CHAIRMAN CLARK: Any questions or comments?

1 Anything else to be brought before the Commission?

2 Mr. Graham. Comment.

3 COMMISSIONER GRAHAM: There was a comment that  
4 came up, and I think that we as a nationally --  
5 (INAUDIBLE) -- at this time of us looking to put  
6 together a small group, to go through a lot of this  
7 stuff, and talk about the -- (INAUDIBLE) -- and so  
8 it's --

9 MR. BAEZ: Right. And naturally the  
10 information that we gather for you and offer up for  
11 discussion is in the interest of Florida becoming  
12 part of a larger conversation, if it becomes a --

13 CHAIRMAN CLARK: Great points. Any other  
14 comments?

15 All right. Seeing none, thank you very much  
16 for your attendance today. We stand adjourned.

17 (Proceedings concluded.)

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CERTIFICATE OF REPORTER

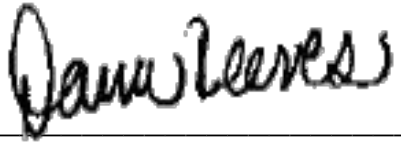
STATE OF FLORIDA )  
COUNTY OF LEON )

I, DANA W. REEVES, Professional 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 19th day of November, 2021.



\_\_\_\_\_  
DANA W. REEVES  
NOTARY PUBLIC  
COMMISSION #GG970595  
EXPIRES MARCH 22, 2024