

# FLORIDA PUBLIC SERVICE COMMISSION

## COMMISSION CONFERENCE AGENDA

**CONFERENCE DATE AND TIME:** Tuesday, August 27, 2013, 9:30 a.m.

**LOCATION:** Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148

**DATE ISSUED:** August 15, 2013

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### NOTICE

Persons affected by Commission action on certain items on this agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at this conference. These items are designated by double asterisks (\*\*\*) next to the agenda item number.

To participate informally, affected persons need only appear at the agenda conference and request the opportunity to address the Commission on an item listed on agenda. Informal participation is not permitted: (1) on dispositive motions and motions for reconsideration; (2) when a recommended order is taken up by the Commission; (3) in a rulemaking proceeding after the record has been closed; or (4) when the Commission considers a post-hearing recommendation on the merits of a case after the close of the record. The Commission allows informal participation at its discretion in certain types of cases (such as declaratory statements and interim rate orders) in which an order is issued based on a given set of facts without hearing.

See Rule 25-22.0021, F.A.C., concerning Agenda Conference participation and Rule 25-22.0022, F.A.C., concerning oral argument.

Agendas, staff recommendations, and vote sheets are available from the PSC Web site, <http://www.floridapsc.com>, by selecting *Conferences & Meeting Agendas* and *Commission Conferences of the FPSC*. Once filed, a verbatim transcript of the Commission Conference will be available from this page by selecting the conference date, or by selecting *Clerk's Office* and the Item's docket number, (you can then advance to the *Docket Details* page and the Document Filings Index for that particular docket). An official vote of "move staff" denotes that the Item's recommendations were approved. If you have any questions, contact the Office of Commission Clerk at (850) 413-6770 or e-mail the clerk at [Clerk@psc.state.fl.us](mailto:Clerk@psc.state.fl.us).

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD), Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Commission Conference has a live video broadcast the day of the conference, which is available from the PSC's Web site. Upon completion of the conference, the video will be available from the Web site by selecting *Conferences & Meeting Agendas*, then *Audio and Video Event Coverage*.

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**ITEM NO.**

**CASE**

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1\*\*                      **Consent Agenda**

PAA                      A) Application for Certificate of Authority to Provide Telecommunications Service.

<u>DOCKET</u>	<u>COMPANY NAME</u>	<u>CERT.NO.</u>
130177-TX	Atlantic Broadband Enterprise (Miami), LLC	8845

PAA                      B) Application for Certificate of Authority to Provide Telecommunications Service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
130192-TX	TDS Metrocom, LLC

**Recommendation:** The Commission should approve the action requested in the dockets referenced above and close these dockets.

**ITEM NO.**

**CASE**

2\*\*PAA

**Docket No. 120317-WS** – Application for approval to transfer water and wastewater system Certificate Nos. 567-W and 494-S in Lake County from Shangri-La by the Lake Utilities, Inc. to Lakeside Waterworks, Inc.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Edgar

**Staff:** AFD: Fletcher, Maurey

ECO: Roberts, Hudson

ENG: Watts, Rieger

GCL: Barrera

**(Proposed Agency Action for Issue 2)**

**Issue 1:** Should the Commission approve the transfer of Shangri-La by the Lake Utilities, Inc. water and wastewater system and Certificate Nos. 567-W and 494-S to Lakeside Waterworks, Inc.?

**Recommendation:** Yes. The transfer is in the public interest and should be approved effective the date of the Commission vote. The territory being transferred is described in Attachment A of staff's memorandum dated August 15, 2013. The resultant order should serve as Lakeside's water and wastewater certificates and should be retained as such. Pursuant to Rule 25-9.044(1), Florida Administrative Code (F.A.C.), the Utility's existing rates and charges should remain in effect until a change is authorized by the Commission in a subsequent proceeding. The tariffs reflecting the transfer should be effective for services rendered or connections made on or after the stamped approval date on the tariffs, pursuant to Rule 25-30.475(1), F.A.C. Lakeside should be responsible for annual reports and regulatory assessment fees (RAFs) for 2013 and all future years.

**Issue 2:** What are the appropriate net book values for Shangri-La's water and wastewater systems for transfer purposes and should an acquisition adjustment be approved?

**Recommendation:** The net book value of Shangri La's water and wastewater system for transfer purposes is \$22,370 and \$42,984, respectively, as of December 31, 2012. An acquisition adjustment should not be included in rate base. Within 30 days of the final order, Lakeside should be required to provide general ledgers that show its books have been updated to reflect the Commission-approved balances as of December 31, 2012, along with a statement that these adjustments will also be reflected in the Utility's 2013 annual report.

**Issue 3:** Should this docket be closed?

**Recommendation:** Yes. If no protest to the proposed agency action issue is filed by a substantially affected person within 21 days of the date of the order, the docket should be closed upon the issuance of a consummating order.

**ITEM NO.**

**CASE**

3\*\*

**Docket No. 130140-EI** – Petition for rate increase by Gulf Power Company.

**Critical Date(s):** 09/10/13 (60-Day Suspension Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Edgar

**Staff:** AFD: Slemkewicz

GCL: Brownless

**Issue 1:** Should Gulf’s request for a \$74,393,000 permanent base rate increase and the associated tariff revisions be suspended pending a final decision in this docket?

**Recommendation:** Yes. The \$74,393,000 permanent base rate increase and its associated tariff revisions requested by Gulf should be suspended pending a final decision in this docket.

**Issue 2:** Should this docket be closed?

**Recommendation:** No, this docket should remain open to process Gulf’s revenue increase request.

**ITEM NO.**

**CASE**

4\*\*

**Docket No. 130196-EI** – Petition for approval to discontinue mechanism for governmental recovery of undergrounding fees, by Florida Power & Light Company.

**Critical Date(s):** 09/22/13 (60-Day Suspension Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECO: Rome, Draper

GCL: Young

**Issue 1:** Should FPL's petition to discontinue the MGRUF be approved?

**Recommendation:** Yes.

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. If Issue 1 is approved, the tariffs should be cancelled effective as of the date of the Commission's vote. If a protest is filed within 21 days of the issuance of the order, the tariffs should remain in effect subject to refund pending resolution of the protest. If no timely protest is filed, this docket should be closed upon the issuance of a consummating order.

**ITEM NO.**

**CASE**

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5\*\*PAA

**Docket No. 130089-GU** – Joint petition for approval of natural gas transportation service agreement between Florida City Gas and Miami-Dade County, through Miami-Dade Water and Sewer Department.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Edgar

**Staff:** ECO: Rome, McNulty

GCL: Brownless

**Issue 1:** Should the joint petition for the natural gas transportation service agreement between Florida City Gas and Miami-Dade County, through the Miami-Dade Water and Sewer Department be approved?

**Recommendation:** Yes. The 2014 TSA is based on the LES tariff, which provides clear specifications for contractual rates, terms, and conditions such as those negotiated by the joint petitioners. Based on its review of the materials filed in support of the joint petition and the additional information provided by FCG and MDWASD through responses to data requests, staff believes that the 2014 TSA complies with the LES tariff for the following reasons: (a) MDWASD is a large commercial customer currently under contract that otherwise would be subject to the GS-1250k rate schedule, (b) there is a verifiable and documented bypass alternative for the Orr and Hialeah plants, (c) continued service to MDWASD at the Orr and Hialeah plants under the 2014 TSA will not adversely impact FCG's other customers, (d) on balance, staff believes the 2014 TSA rates are set above the incremental cost of service, (e) FCG has evaluated the competitive conditions and the other terms of the LES tariff regarding interruption and curtailment and the 2014 TSA is consistent with FCG's service terms.

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. If a protest is filed within 21 days of the issuance of the order, the 2014 TSA should remain in effect subject to refund pending resolution of the protest. If no timely protest is filed, this docket should be closed upon the issuance of a consummating order.

**ITEM NO.**

**CASE**

6\*\*

**Docket No. 120289-SU** – Request for approval of amendment to tariff sheets for miscellaneous service charges in Polk County by West Lakeland Wastewater, LLC.

**Critical Date(s):** 10/26/13 (8-Month Effective Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECO: Bruce

GCL: Young

**Issue 1:** Should the Commission approve West Lakeland's request for approval to amend its tariff sheet for miscellaneous service charges to include a convenience fee for customers who opt to pay their wastewater bill by debit or credit card via telephone?

**Recommendation:** Yes. West Lakeland's request for approval to amend its tariff sheet for miscellaneous service charges to include a convenience fee of \$2.50 for customers who opt to pay their wastewater bill by debit or credit card via telephone should be approved. The charge should be effective for services rendered on or after the stamped approval date on the tariff, pursuant to Rule 25-30.475, Florida Administrative Code. (F.A.C.) The revised tariff sheet should become effective on or after the stamped approval date on the revised tariff sheet, pursuant to Rule 25-30.475, F.A.C. If a protest is filed within 21 days of the issuance date of the Order, the tariff should remain in effect with the charge held subject to refund pending resolution of the protest.

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. If Issue 1 is approved, the docket should remain open pending staff's verification that the revised tariff sheets and customer notice have been filed by the Utility and approved by staff. If no timely protest is filed, a consummating order should be issued and, once staff verifies that the notice of the charge has been given to customers, the docket should be administratively closed.



**ITEM NO.**

**CASE**

7\*\*

**Docket No. 120290-WU** – Request for approval of amendment to tariff sheets for miscellaneous service charges in Polk County by Pinecrest Utilities, LLC.

**Critical Date(s):** 10/26/13 (8-Month Effective Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECO: Bruce

GCL: Young

**Issue 1:** Should the Commission approve Pinecrest's request for approval to amend its tariff sheet for miscellaneous service charges to include a convenience fee for customers who opt to pay their water bill by debit or credit card via telephone?

**Recommendation:** Yes. Pinecrest's request for approval to amend its tariff sheet for miscellaneous service charges to include a convenience fee of \$2.50 for customers who opt to pay their water bill by debit or credit card via telephone should be approved. The charge should be effective for services rendered on or after the stamped approval date on the tariff, pursuant to Rule 25-30.475, Florida Administrative Code. (F.A.C.) The revised tariff sheet should become effective on or after the stamped approval date on the revised tariff sheets, pursuant to Rule 25-30.475, F.A.C. If a protest is filed within 21 days of the issuance date of the Order, the tariff should remain in effect with the charge held subject to refund pending resolution of the protest.

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. If Issue 1 is approved, the docket should remain open pending staff's verification that the revised tariff sheets and customer notice have been filed by the Utility and approved by staff. If no timely protest is filed, a consummating order should be issued and, once staff verifies that the notice of the charge has been given to customers, the docket should be administratively closed.

**ITEM NO.**

**CASE**

8\*\*

**Docket No. 120286-WS** – Request for approval of amendment to tariff sheets for miscellaneous service charges in Polk County by Four Points Utility Corp.

**Critical Date(s):** 10/26/13 (8-Month Effective Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECO: Bruce

GCL: Lawson

**Issue 1:** Should the Commission approve Four Points' request for approval to amend its tariff sheet for miscellaneous service charges to include a convenience fee for customers who opt to pay their water bill by debit or credit card via telephone?

**Recommendation:** Yes. Four Points' request for approval to amend its tariff sheet for miscellaneous service charges to include a convenience fee of \$2.50 for customers who opt to pay their water bill by debit or credit card via telephone should be approved. The charge should be effective for services rendered on or after the stamped approval date on the tariff, pursuant to Rule 25-30.475, Florida Administrative Code. (F.A.C.). If a protest is filed the revised tariff sheet should become effective on or after the stamped approval date on the revised tariff sheet, pursuant to Rule 25-30.475, F.A.C. If a protest is filed within 21 days of the issuance date of the Order, the tariff should remain in effect with the charge held subject to refund pending resolution of the protest.

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. If Issue 1 is approved, the docket should remain open pending staff's verification that the revised tariff sheets and customer notice have been filed by the Utility and approved by staff. If no timely protest is filed, a consummating order should be issued and, once staff verifies that the notice of the charge has been given to customers, the docket should be administratively closed.