

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Wednesday, September 25, 2013, 9:30 a.m.

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

DATE ISSUED: September 12, 2013

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.

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, Gerald L. Gunter Building, Room 152.

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*.

Table of Contents
 Commission Conference Agenda
 September 25, 2013

1**	Consent Agenda	2
2**	Docket No. 060774-EI – Complaint of Frederick Smallakoff against Florida Power & Light Company concerning alleged improper bills, Case No. 696236E. 3	3
3**	Docket No. 120176-EI – Complaint of Frederick Smallakoff against Progress Energy Florida, Inc. concerning alleged improper bills, Case No. 1059336E. 4	4
4**	Docket No. 130207-EI – Petition for declaratory statement with respect to use of decommissioning trust fund dollars for spent fuel and other non-radiological decommissioning costs for Crystal River 3 Nuclear Plant. 5	5
5**	Docket No. 110260-WS – Application for staff-assisted rate case in Lee County by Useppa Island Utilities Co., Inc. 6	6
6**	Docket No. 130105-WS – Application for certificates to provide water and wastewater service in Hendry and Collier Counties, by Consolidated Services of Hendry & Collier, LLC..... 7	7
7**	Docket No. 130149-WU – Application for grandfather certificate to operate water utility in Charlotte County by NHC Utilities, Inc..... 8	8
8**	Docket No. 130223-EI – Petition for approval of optional non-standard meter rider, by Florida Power & Light Company..... 9	9
9**PAA	Docket No. 130136-GU – Petition for approval of assumption of special contract with JDC Development, LLC by the Florida Division of Chesapeake Utilities Corporation. 10	10
10**	Docket No. 130197-GU – Request for approval of tariff modifications related to natural gas vehicles and fueling facilities by People's Gas System..... 11	11
11**PAA	Docket No. 130161-WS – Application for staff assistance for alternative rate setting case in Polk County by Four Points Utility Corp..... 12	12

ITEM NO.

CASE

1**

Consent Agenda

PAA

A) Application for Certificate to Provide Pay Telephone Service.

<u>DOCKET</u>	<u>COMPANY NAME</u>	<u>CERT.NO.</u>
130187-TC	Correct Solutions, LLC d/b/a Correction Solutions Group, LLC.	8849

Recommendation: The Commission should approve the action requested in the docket referenced above and close this docket.

ITEM NO.

CASE

2**

Docket No. 060774-EI – Complaint of Frederick Smallakoff against Florida Power & Light Company concerning alleged improper bills, Case No. 696236E.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Brisé

Staff: GCL: Brown

CAO: Plescow

ECO: Daniel

Issue 1: Should the Commission grant Mr. Smallakoff's request for a hearing, pursuant to Rule 28-106.201, F.A.C.?

Recommendation: No. Mr. Smallakoff's letter received May 21, 2012 does not meet the requirements outlined in Rule 28-106.201, F.A.C., particularly with regard to paragraphs 2(c), 2(d), 2(e), 2(f) and 2(g). Therefore Mr. Smallakoff's request for a hearing should be denied with prejudice and Order No. PSC-13-0123-PAA-EI should be made final.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission agrees with staff's recommendation on Issue 1, this docket should be closed.

ITEM NO.

CASE

3**

Docket No. 120176-EI – Complaint of Frederick Smallakoff against Progress Energy Florida, Inc. concerning alleged improper bills, Case No. 1059336E.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Balbis

Staff: GCL: Lawson

CAO: Forsman, Hicks

ECO: King

ENG: Moses

Issue 1: Should the Commission grant Mr. Smallakoff's request for a hearing, pursuant to Rule 28-106.201, F.A.C.?

Recommendation: No. Mr. Smallakoff's letter received May 21, 2012 does not meet the requirements outlined in Rule 28-106.201, F.A.C., particularly with regard to paragraphs 2(c), 2(d), 2(e), 2(f) and 2(g). Therefore Mr. Smallakoff's request for a hearing should be denied with prejudice and Order No. PSC-13-0124-PAA-EI should be made final.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission agrees with staff's recommendation on Issue 1, this docket should be closed.

ITEM NO.

CASE

4**

Docket No. 130207-EI – Petition for declaratory statement with respect to use of decommissioning trust fund dollars for spent fuel and other non-radiological decommissioning costs for Crystal River 3 Nuclear Plant.

Critical Date(s): 10/28/13 (Final Order must be issued by this date, pursuant to Section 120.565(3), Florida Statutes)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: GCL: Miller, Lawson

IDM: Laux

ECO: Higgins

(Participation of Parties is at the Discretion of the Commission.)

Issue 1: Should the Commission issue a declaratory statement in response to DEF's petition?

Recommendation: Yes, The Commission should issue a declaratory statement granting, in part, and denying, in part, DEF's petition. Applying the Commission's Nuclear Decommissioning Orders and Rule 25-6.04365, F.A.C., Nuclear Decommissioning, the Commission should affirm that funds accumulated in the DEF Nuclear Decommissioning Trust Fund must be allocated among NRC License Termination, Spent Fuel Management, and Site Restoration pursuant to the percentage assigned to each category in the most current Nuclear Decommissioning Study, or update, filed with and relied upon by the Commission, pursuant to Rule 25-6.04365, F.A.C. However, the second issue raised by DEF regarding a requirement that DEF obtain prior approval by the Commission for payment of Spent Fuel Management and Site Restoration funds for NRC License Termination Costs is not proper for a declaratory statement and, thus, should be denied.

Issue 2: Should this docket be closed?

Recommendation: Yes. This docket should be closed.

ITEM NO.

CASE

5**

Docket No. 110260-WS – Application for staff-assisted rate case in Lee County by Useppa Island Utilities Co., Inc.

Critical Date(s): 9/5/13 (Complete Pro Forma Plant)

Commissioners Assigned: All Commissioners

Prehearing Officer: Brisé

Staff: AFD: Fletcher, Maurey
ECO: Daniel, Hudson, Roberts
ENG: Simpson, Vickery
GCL: Murphy, Teitzman

Issue 1: Should the Commission approve Useppa’s unopposed request for extension of time to complete its required pro forma construction of an injection well project and reverse osmosis retrofit of its water treatment plant?

Recommendation: Yes. The Commission should approve Useppa’s unopposed Request.

Issue 2: Should this docket be closed?

Recommendation: No. Staff recommends that this docket remain open to address Phase II rates in accordance with the Parties Stipulation and Settlement Agreement.

ITEM NO.

CASE

6**

Docket No. 130105-WS – Application for certificates to provide water and wastewater service in Hendry and Collier Counties, by Consolidated Services of Hendry & Collier, LLC.

Critical Date(s): 11/03/13 (Statutory deadline for original certificate, pursuant to Section 367.031, Florida Statutes)

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: ENG: M. Watts, Rieger

AFD: T. Brown, Norris

GCL: Klancke

Issue 1: Should Consolidated Services' application for water and wastewater certificates be approved?

Recommendation: Yes, Consolidated Services should be granted Certificate Nos. 664-W and 568-S to serve the territory described in Attachment A of staff's memorandum dated September 12, 2013, effective the date of the Commission's vote. The resultant order should serve as Consolidated Services' water and wastewater certificates and it should be retained by the Utility. The Utility should file executed copies of its water and wastewater lease agreements, containing a legal description of the lease sites, within 30 days of the issuance date of the certificates.

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open pending the receipt of the executed and recorded warranty deeds or lease agreements and to allow for the setting of initial rates, charges, and return on equity. As discussed earlier, the company has requested that the certification and the rate setting process be bifurcated. Therefore, staff recommends that the docket remain open for the setting of initial rates, charges, and return on equity at a later date.

ITEM NO.

CASE

7**

Docket No. 130149-WU – Application for grandfather certificate to operate water utility in Charlotte County by NHC Utilities, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: ENG: Rieger, Lewis

ECO: Thompson

GCL: Brownless

Issue 1: Should NHC Utilities, Inc.'s application for a grandfather certificate in Charlotte County be acknowledged?

Recommendation: Yes. NHC's application should be acknowledged and the Utility should be issued Certificate No. 663-W, effective February 12, 2013, to serve the territory described in Attachment A of staff's memorandum dated September 12, 2013. The resultant order should serve as NHC's certificate and should be retained by the Utility.

Issue 2: What rates and charges should be approved for NHC Utilities, Inc.?

Recommendation: The Utility's rates and charges that were in effect when Charlotte County transferred jurisdiction to the Commission, shown on Schedule No. 1 of staff's memorandum dated September 12, 2013, should be approved. The rates and charges should be effective for services rendered on or after the stamped approval date on the tariff, pursuant to Rule 25-30.475, F.A.C. NHC should be required to charge the approved rates and charges until authorized to change them by this Commission in a subsequent proceeding.

Issue 3: Should this docket be closed?

Recommendation: Yes. Since there are no pending issues in this docket, the docket should be closed upon the issuance of the final order.

ITEM NO.

CASE

8**

Docket No. 130223-EI – Petition for approval of optional non-standard meter rider, by Florida Power & Light Company.

Critical Date(s): 10/20/13 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Draper

GCL: Lawson

Issue 1: Should the Commission suspend FPL's proposed Non-Standard Meter Rider tariff?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: No.

ITEM NO.

CASE

9**PAA

Docket No. 130136-GU – Petition for approval of assumption of special contract with JDC Development, LLC by the Florida Division of Chesapeake Utilities Corporation.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: ECO: Rome

GCL: Brownless

Issue 1: Should the assumption by Chesapeake of the Special Contract for firm transportation service between Peninsula and JDC be approved?

Recommendation: Yes. Staff recommends that the assumption by Chesapeake of the Special Contract be approved.

Issue 2: Should this docket be closed?

Recommendation: Yes. If a protest is filed within 21 days of the issuance of the order, the Special Contract 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

10**

Docket No. 130197-GU – Request for approval of tariff modifications related to natural gas vehicles and fueling facilities by People's Gas System.

Critical Date(s): 03/26/14 (8-Month Effective Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Garl

GCL: Corbari

Issue 1: Should the Commission approve Peoples Gas System's petition to revise its tariffs applicable to NGV service?

Recommendation: Yes, the Commission should approve Peoples' petition to revise its tariffs applicable to NGV service. Peoples' proposed NGV programs and tariffs are reasonable and will allow Peoples to recover its cost of providing NGV service. The current NGVS tariff should be closed to new customers effective September 25, 2013, and be renamed NVGS-1. New NGV customers would take service under the new NGVS-2 tariff.

Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved, the revised tariffs should become effective on September 25, 2013. If a protest is filed within 21 days of the issuance of the order, the existing tariffs should remain in effect, with any revenues held 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

11**PAA

Docket No. 130161-WS – Application for staff assistance for alternative rate setting case in Polk County by Four Points Utility Corp.

Critical Date(s): 11/14/13 (90 day deadline, pursuant to Rule 25-30.456(13), F.A.C.)

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: ECO: Roberts, Hudson

GCL: Murphy

Issue 1: Should the Commission approve the Joint Motion requesting approval of the Settlement Agreement as modified by OPC’s Motion and Amendments to the Settlement Agreement?

Recommendation: Yes. The Motion and Amended Settlement Agreement should be approved. The Utility should file a proposed customer notice and revised tariff sheets consistent with the Commission’s decision within 15 days of the Commission vote. The approved rates should be effective for service rendered on or after the stamped approval date of the tariff, pursuant to Rule 25-30.475(1), F.A.C., after staff has verified that the proposed customer notice is adequate and the notice has been provided to the customers. The Utility should provide proof that the customers have received notice within 10 days of the date of the notice.

Issue 2: Should this docket be closed?

Recommendation: No. If no timely protest is received from a sustainably affected person, upon expiration of the protest period, the PAA Order will become final upon the issuance of a consummating order. If the Commission approves staff’s recommendation in Issue 1, this docket should remain open for staff’s verification that the revised tariff sheets and customer notice have been filed by the Utility and approved by staff. Once these actions are complete, this docket should be closed administratively in accordance with the Parties’ Amended Settlement Agreement.