

# FLORIDA PUBLIC SERVICE COMMISSION

## COMMISSION CONFERENCE AGENDA

**CONFERENCE DATE AND TIME:** Tuesday, February 4, 2014, 9:30 a.m.

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

**DATE ISSUED:** January 24, 2014

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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, 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*.

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 February 4, 2014

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**ITEM NO.**

**CASE**

1\*\*

**Consent Agenda**

PAA

A) Application for certificate to provide local telecommunications service.

| <u>DOCKET NO.</u> | <u>COMPANY NAME</u> |
|-------------------|---------------------|
|-------------------|---------------------|

|           |             |
|-----------|-------------|
| 130268-TX | Vitcom, LLC |
|-----------|-------------|

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

**ITEM NO.**

**CASE**

2\*\*PAA

**Docket No. 120275-EI** – Formal petition of complaint against Tampa Electric Company, for discrimination against customers in their Energy Planner program, by Curtis Brown.  
**Docket No. 130064-EI** – Formal petition of complaint against Tampa Electric Company, for violation of Commission Rule 25-6.100 regarding billing, by Curtis Brown.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners  
**Prehearing Officer:** Brown (120275-EI)  
Balbis (130064-EI)

**Staff:** GCL: Tan  
ECO: King

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

**Issue 1:** Should Mr. Brown’s complaint in Docket No. 120275-EI be dismissed on the Commission’s own motion?

**Recommendation:** Yes. Mr. Brown’s request to obtain the Energy Planner Program at his multi-family dwelling has been accommodated by TECO. Therefore Mr. Brown’s complaint is moot and should be dismissed on the Commission’s own motion.

**Issue 2:** Did TECO violate Rule 25-6.100, F.A.C., as alleged by Mr. Brown’s petition in Docket No. 130064-EI?

**Recommendation:** No. TECO did not violate Rule 25-6.100, F.A.C., as alleged by Mr. Brown and no further Commission action is required.

**Issue 3:** Should these dockets be closed?

**Recommendation:** Yes. If the Commission approves staff’s recommendation in Issue 1, Docket No. 120275-EI should be closed. If the Commission approves staff’s recommendation in Issue 2 and no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of that order, Docket No. 130064-EI should be closed upon issuance of the consummating order.

**ITEM NO.**

**CASE**

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3\*\*PAA

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**Docket No. 130256-GU** – Joint petition for approval of territorial agreement in Duval and St. Johns Counties between Peoples Gas System and the City of Jacksonville Beach d/b/a Beaches Energy Services.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Brown

**Staff:** GCL: Young

ECO: King

**Issue 1:** Should the Commission approve the joint petition for approval of a territorial boundary agreement in portions of Duval and St. Johns Counties between Peoples and BES?

**Recommendation:** Yes. The territorial boundary agreement between Peoples and BES will not cause a detriment to the public interest and should be approved.

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

**Recommendation:** Yes. If no person whose interests are substantially affected timely files a protest to the Commission's Proposed Agency Action Order, this docket should be closed upon issuance of a Consummating Order.

**ITEM NO.**

**CASE**

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4\*\*PAA

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**Docket No. 130267-EU** – Joint petition for approval of territorial agreement in Orange County by the City of Winter Park and Duke Energy Florida, Inc.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Balbis

**Staff:** GCL: Klancke

ECO: Rome

**Issue 1:** Should the Commission approve the joint petition for approval of the territorial agreement in Orange County between Winter Park and DEF?

**Recommendation:** Yes. The territorial agreement between Winter Park and DEF will not cause a detriment to the public interest; therefore, it should be approved.

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

**Recommendation:** Yes. If no person whose interests are substantially affected timely files a protest to the Commission's Proposed Agency Action Order, this docket should be closed upon issuance of a Consummating Order.

**ITEM NO.**

**CASE**

5\*\*PAA

**Docket No. 130262-TX** – Bankruptcy cancellation by Florida Public Service Commission of Certificate of Necessity No. 8623, issued to Broadstar, LLC d/b/a PrimeCast, effective October 15, 2013.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** TEL: Beard, Earnhart

GCL: Hopkins

**Issue 1:** Should the Commission grant Broadstar, as set forth in Attachment A of staff's memorandum dated January 23, 2014, cancellation of its local exchange telecommunications company Certificate No. 8623, with an effective date of October 15, 2013, due to bankruptcy; direct the Division of Administrative and Information Technology Services to request permission from the Florida Department of Financial Services to write off any unpaid Regulatory Assessment Fees, including statutory late payment charges, instead of requesting collection services; and require the company to immediately cease and desist providing local exchange services in Florida?

**Recommendation:** Yes, the Commission should grant Broadstar, as set forth in Attachment A of staff's memorandum dated January 23, 2014, cancellation of its local exchange telecommunications company Certificate No. 8623, with an effective date of October 15, 2013, due to bankruptcy; direct the Division of Administrative and Information Technology Services to request permission from the Florida Department of Financial Services to write off any unpaid Regulatory Assessment Fees, including statutory late payment charges, instead of requesting collection services; and require the company to immediately cease and desist providing competitive local exchange services in Florida.

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

**Recommendation:** Yes, this docket should be closed if no protest is filed within 21 days and upon issuance of a Consummating Order.

**ITEM NO.**

**CASE**

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6\*\*PAA

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**Docket No. 100471-SU** – Application for staff-assisted rate case in Marion County by S & L Utilities, Inc.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Brisé

**Staff:** AFD: Maurey, Springer  
ECO: Hudson, Roberts  
ENG: Lewis, Rieger, Vickery  
GCL: Murphy

**Issue 1:** Should the Utility's request to not implement Phase III rates and close the docket be approved?

**Recommendation:** Yes. The Utility's request to not implement Phase III rates and close the docket should be granted. If no timely protest is filed by a substantially affected person, this docket should be closed upon the issuance of a Consummating Order.



**ITEM NO.**

**CASE**

7\*\*

**Docket No. 080271-EI** – Status of Joint-Ownership of discussions associated with Florida Power & Light's Turkey Point Units 6 and 7.

**Docket No. 140009-EI** – Nuclear cost recovery clause.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Balbis (080271-EI)

Brown (140009-EI)

**Staff:** ECO: Brown

GCL: Lawson

IDM: Breman

**Issue 1:** Should the Commission continue to require Florida Power & Light Company to file quarterly reports regarding joint discussions pertaining to joint ownership in Turkey Point 6 and 7?

**Recommendation:** No. FPL should be required to file an annual report on the progress discussions with FMEA, FMPA, JEA, Seminole, and OUC. In addition, the report should be included as part of FPL's recurring filings concerning the feasibility of completing the Turkey Point 6 and 7 Project as filed in the Commission's Nuclear Cost Recovery Clause beginning with Docket No. 140009-EI. Furthermore, the parties to the stipulation should no longer be prohibited from intervening in the NCRC docket for the purpose of addressing issues related to joint participation associated with FPL's Turkey Point 6 and 7. If any pending contract is agreed upon between FPL and any utility, FPL should be required to immediately inform the Commission and the other utilities who are parties to the stipulation.

**Issue 2:** Should these dockets be closed?

**Recommendation:** If the Commission approves staff's recommendation in Issue 1, then Docket No. 080271-EI should be closed and Docket No. 140009-EI should remain open.

**ITEM NO.**

**CASE**

8\*\*

**Docket No. 130286-EI** – Petition for approval of new commercial/industrial service rider by Florida Power & Light Company.

**Critical Date(s):** 02/05/14 (60-Day Suspension Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECO: King  
GCL: Young

**Issue 1:** Should the Commission approve FPL's proposed Commercial/Industrial Service Rider tariff?

**Recommendation:** Yes. The proposed tariff should be approved with an effective date of February 4, 2014.

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

**Recommendation:** If Issue 1 is approved, the tariff should become effective on February 4, 2014. If a protest is filed within 21 days of the issuance of the order, the tariff 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**

9\*\*

**Docket No. 130288-WS** – Request for approval of late payment charge in Brevard County by Aquarina Utilities, Inc.

**Critical Date(s):** 02/10/14 (60-Day Effective Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECO: Thompson

GCL: Barrera

**Issue 1:** Should Aquarina's request to implement a \$7.00 late payment charge be approved?

**Recommendation:** Yes. Aquarina's request to implement a \$7.00 late payment charge should be approved. Aquarina should be required to file a proposed customer notice to reflect the Commission-approved charge. The approved charge should be effective for services rendered on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(1), Florida Administrative Code (F.A.C.). In addition, the approved charge should not be implemented until staff has approved the proposed customer notice. The Utility should provide proof of the date notice was given no less than ten days after the date of the notice.

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

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