

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, January 5, 2016, 9:30 a.m.

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

DATE ISSUED: December 23, 2015

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.

Conference agendas, staff recommendations, and vote sheets are available from the PSC website, <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 Clerk@psc.state.fl.us.

In accordance with the Americans 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, 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 website. Upon completion of the conference, the archived video will be available from the website by selecting *Conferences & Meeting Agendas*, then *Audio and Video Event Coverage*.

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ITEM NO.

CASE

1**

Consent Agenda

PAA

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

DOCKET NO.

COMPANY NAME

150212-TX

PacOptic Networks, LLC

150206-TX

Webpass Telecommunications 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. 150207-EI – Petition for initiation of formal proceedings pursuant to Rule 25-22.036, F.A.C., by Timothy Musser.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: GCL: Page

CAO: Forsman, Valdez de Gonzalez

ECO: Draper, Rome

ENG: Wooten

(Proposed Agency Action for Issue 2.)

Issue 1: Should the Commission grant FPL’s Motion to Dismiss Complaint for failure to comply with the pleading requirements set forth in Rule 25-22.036, F.A.C.?

Recommendation: The Commission should grant in part, and deny in part, FPL’s Motion to Dismiss Complaint.

Issue 2: What is the appropriate disposition of Mr. Musser’s complaint?

Recommendation: The appropriate disposition of Mr. Musser’s formal complaint is to deny the complaint. Mr. Musser’s account was properly billed in accordance with Commission statutes and rules and FPL’s tariffs. FPL did not violate any applicable statute, rule, company tariff or order of the Commission in the processing of Mr. Musser’s account.

Issue 3: Should this docket be closed?

Recommendation: Issue 2 should be issued as a proposed agency action. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

3**PAA

Docket No. 150137-SU – Petition for approval to defer legal expenses associated with the resolution of land use issues for utility treatment facilities that are located in Polk County by West Lakeland Wastewater, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: AFD: Smith II, Mouring

GCL: Brownless

Issue 1: Should the Commission approve West Lakeland Wastewater, Inc.’s petition to defer legal fees related to the resolution of land rights issues involving the utility’s ponds and spray fields?

Recommendation: Yes. The Commission should approve the petition by West Lakeland to defer the legal fees associated with the resolution of land rights issues involving the utility’s ponds and spray fields pending a final determination of whether any prudent costs incurred should be capitalized, amortized, or expensed.

Issue 2: Should West Lakeland file a transfer application within 90 days from the date the utility resolves the land rights issues involving the utility’s ponds and spray fields?

Recommendation: Yes.

Issue 3: Should this docket be closed?

Recommendation: If a person whose substantial interests are affected by the proposed agency action does not file a protest within 21 days of the issuance of the order, a consummating order should be issued and this docket should be closed.

ITEM NO.

CASE

4**PAA

Docket No. 150186-WU – Application for certificate to operate a water utility in Hardee County by Charlie Creek Utilities, LLC.

Critical Date(s): 01/05/16 (Statutory Deadline for original certificate, pursuant to Section 367.031, Florida Statutes, waived by applicant until this date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ENG: Ellis

AFD: Galloway

ECO: Thompson

GCL: Janjic

(Issue 3 Proposed Agency Action.)

Issue 1: Should the application of Charlie Creek Utilities, LLC, for a water certificate be approved?

Recommendation: Yes. Charlie Creek Utilities, LLC, should be granted Certificate No. 668-W to serve the territory described in Attachment A of staff’s memorandum dated December 22, 2015, effective the date of the Commission’s vote. The resultant order should serve as Charlie Creek’s water certificate and it should be retained by the utility.

Issue 2: What rates and charges should be set for Charlie Creek Utilities, LLC?

Recommendation: The utility’s existing rates and charges should remain in effect until a change is authorized by the Commission in a subsequent proceeding. These rates are shown on Schedule No. 1 of staff’s memorandum dated December 22, 2015. The tariff pages should be effective on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475(1), F.A.C.

Issue 3: Should the Commission approve Charlie Creek’s request to implement a convenience charge for customers who opt to pay their water bill by debit or credit card?

Recommendation: Yes. Charlie Creek’s request to implement a convenience charge of \$3.00 for customers who opt to pay their water bill by debit or credit card 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, F.A.C. In addition, the approved charge should not be implemented until staff has approved the proposed customer notice and the notice has been received by the customers. The utility should provide proof of the date notice was given within 10 days of the date of the notice.

ITEM NO.

CASE

4**PAA

Docket No. 150186-WU – Application for certificate to operate a water utility in Hardee County by Charlie Creek Utilities, LLC.

(Continued from previous page)

Issue 4: Should the Commission order Charlie Creek Utilities, LLC, to show cause, in writing within 21 days, why it should not be fined for operating a water utility without a certificate of authorization in apparent violation of Chapter 367.031, F.S., for failure to file annual reports in violation of Rule 25-30.110(3), F.A.C., and for failure to remit its regulatory assessment fees (RAFs) in violation of Section 367.145, F.S. and Rule 25-30-120, F.A.C.?

Recommendation: No, Charlie Creek Utilities, LLC should not be ordered to show cause for operating a water utility without a certificate of authorization, for failing to file annual reports and for failure to pay RAFs.

Issue 5: Should this docket be closed?

Recommendation: If no timely protest to the proposed agency action portion of this recommendation with respect to rates and charges is filed with the Commission by a substantially affected person within 21 days of the date of the order, a Consummating Order should be issued. Following the expiration of the protest period with no timely protest, the issuance of a Consummating Order, and once staff verifies that the notice of the convenience charge has been given to customers; the docket should be closed administratively.

ITEM NO.

CASE

5

Docket No. 150196-EI – Petition for determination of need for Okeechobee Clean Energy Center Unit 1, by Florida Power & Light Company.

Critical Date(s): 01/19/16 - Final Order

Commissioners Assigned: All Commissioners

Prehearing Officer: Brisé

Staff: ENG: Graves, Mtenga, Wooten
AFD: Archer, D. Buys, Cicchetti
ECO: McNulty, Stratis, Wu
GCL: Corbari, Ames

(Post Hearing Decision - Participation is Limited to Commissioners and Staff.)

Issue 1: Is there a need for the proposed Okeechobee Clean Energy Center Unit 1, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.519(3), F.S.?

Recommendation: Yes. Based on a reasonable load forecast and a 20 percent reserve margin criterion, FPL has demonstrated a need for new generation starting in 2019.

Issue 2: Are there any renewable energy sources and technologies or conservation measures taken by or reasonably available to Florida Power & Light, which might mitigate the need for the proposed Okeechobee Clean Energy Center Unit 1?

Recommendation: No. FPL's forecast of resource needs takes into account all projected DSM from cost-effective programs approved by the Commission. No additional cost-effective DSM has been identified in this proceeding which could mitigate the need for new generation. Similarly, all existing firm generating capacity from renewable resources and qualifying facilities through 2024 is already reflected in FPL's forecast of resource needs.

Issue 3: Is there a need for the proposed Okeechobee Clean Energy Center Unit 1, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519(3), F.S.?

Recommendation: Yes. Staff recommends that FPL's assumptions and forecasts in its analysis of proposed OCEC Unit 1 are reasonable for evaluation purposes.

Issue 4: Is there a need for the proposed Okeechobee Clean Energy Center Unit 1, taking into account the need for fuel diversity, as this criterion is used in Section 403.519(3), F.S.?

Recommendation: No. While the OCEC Unit 1 will not improve FPL's overall fuel diversity, the efficiency of OCEC Unit 1 allows FPL to reduce the total amount of natural gas needed to serve the need of its customers. In addition, overall fuel supply reliability will be enhanced because the OCEC Unit 1 will use light oil as a backup fuel.

ITEM NO.

CASE

5

Docket No. 150196-EI – Petition for determination of need for Okeechobee Clean Energy Center Unit 1, by Florida Power & Light Company.

(Continued from previous page)

Issue 5: Will the proposed Okeechobee Clean Energy Center Unit 1 provide the most cost-effective alternative, as this criterion is used in Section 403.519(3), Florida Statutes?

Recommendation: Yes. The analyses in the record demonstrate that the OCEC Unit 1 is projected to save customers approximately \$72 million on a net present value basis when compared to the next best alternative. Therefore, the OCEC Unit 1 is the most cost-effective option to meet FPL's projected needs starting in 2019.

Issue 6: Based on the resolution of the foregoing issues, should the Commission grant Florida Power & Light's petition to determine the need for the proposed Okeechobee Clean Energy Center Unit 1?

Recommendation: Yes. Pursuant to Rule 25-22.082(15), F.A.C., if the public utility selects a self-build option, costs in addition to those identified in the need determination proceeding shall not be recoverable unless the utility can demonstrate that such costs were prudently incurred and due to extraordinary circumstances. FPL should file an annual report regarding the status of the OCEC Unit 1, including any enhancements made to the unit, to the Commission's Director of the Division of Accounting and Finance.

Issue 7: Should this docket be closed?

Recommendation: Yes. Upon issuance of an order on FPL's petition to determine the need for the proposed OCEC Unit 1, this docket shall be closed after the time for filing an appeal has run.

ITEM NO.

CASE

6**

Docket No. 130265-WU – Application for staff-assisted rate case in Charlotte County by Little Gasparilla Water Utility, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECO: Bruce, Hudson

GCL: Murphy

Issue 1: Should the Commission approve Little Gasparilla's request for extension of time to complete its required Phase II pro forma plant items consisting of the construction of a new building and meter replacements?

Recommendation: Yes. The Commission should approve Little Gasparilla's request for an extension of time to complete its required Phase II pro forma construction of a new building and meter replacements. The pro forma plant items should be completed before June 3, 2016.

Issue 2: Should this docket be closed?

Recommendation: No. The docket should remain open for a final decision by the Commission on the appropriate Phase II revenue requirement and rates.

ITEM NO.

CASE

7**

Docket No. 150215-WU – Request for approval of tariff amendment to include miscellaneous service charges for the Earlene and Ray Keen Subdivisions, the Ellison Park Subdivision and the Lake Region Paradise Island Subdivision in Polk County, by Keen Sales, Rentals and Utilities, Inc.

Critical Date(s): 01/05/16 (60-Day Suspension Date - waived to the 1/5/16 Agenda)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Thompson, Hudson

GCL: Leathers

Issue 1: Should Keen's request to amend its miscellaneous service charges be approved?

Recommendation: Yes. Keen's request to amend its miscellaneous service charges should be approved. Keen should be required to file a proposed customer notice to reflect the Commission-approved charges. The approved charges should be effective on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475(1), Florida Administrative Code (F.A.C.). In addition, the approved charges 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 10 days after the date of the notice.

Issue 2: Should Keen be authorized to collect Non-Sufficient Funds (NSF) charges?

Recommendation: Yes. Keen should be authorized to collect NSF charges for both systems. Staff recommends that Keen revise its tariffs to reflect the NSF charges currently set forth in Sections 68.065 and 832.08(5), F.S. The NSF charges should be effective on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475(1), F.A.C. Furthermore, the charges should not be implemented until staff has approved the proposed customer notice. The utility should provide proof of the date the notice was given within 10 days of the date of the notice.

Issue 3: Should Keen's request to implement a \$5 late payment charge for the Keen subdivisions be approved?

Recommendation: Yes. Keen's request to implement a \$5 late payment charge for the Keen subdivisions should be approved. Keen should be required to file a proposed customer notice to reflect the Commission-approved charge. The approved charge should be effective on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(1), 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 10 days after the date of the notice.

ITEM NO.

CASE

7**

Docket No. 150215-WU – Request for approval of tariff amendment to include miscellaneous service charges for the Earlene and Ray Keen Subdivisions, the Ellison Park Subdivision and the Lake Region Paradise Island Subdivision in Polk County, by Keen Sales, Rentals and Utilities, Inc.

(Continued from previous page)

Issue 4: Should this docket be closed?

Recommendation: 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 a protest is filed within 21 days of the issuance date of the Order, the tariff sheets should remain in effect with the charges held subject to refund pending resolution of the protest. If no timely protest is filed, a consummating order should be issued and, once staff verifies that the notice of the charges has been given to customers, the docket should be administratively closed.

ITEM NO.

CASE

8**PAA

Docket No. 150234-EU – Joint petition for approval of amendment to territorial agreement in Manatee County, by Florida Power & Light Company and Peace River Electric Cooperative, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Patronis

Staff: ECO: Ollila

GCL: Villafrate

Issue 1: Should the Commission approve the proposed amendment?

Recommendation: Yes, the Commission should approve the proposed amendment.

Issue 2: Should this docket be closed?

Recommendation: If no protest is filed by a person whose substantial interests are affected within 21 days of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.

ITEM NO.

CASE

9**

Docket No. 150242-EI – Petition to approve revisions to Tariff Sheets Nos. 6.2811, 6.282, and 6.284 Rate Schedule LS-1 - Lighting Service, by Duke Energy Florida, LLC.

Critical Date(s): 01/09/2016 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Guffey, Draper

GCL: Villafrate

Issue 1: Should the Commission approve DEF’s proposed changes to its LS-1 rate schedule as shown in Attachment 1 of staff’s memorandum dated December 22, 2015?

Recommendation: Yes. The Commission should approve the proposed changes to DEF’s LS-1 rate schedule as shown in Attachment 1 of staff’s memorandum dated December 22, 2015. The revised tariffs should become effective on January 5, 2016.

Issue 2: Should this docket be closed?

Recommendation: If a protest is filed within 21 days of the issuance of the order, the 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

10**

Docket No. 150248-EG – Petition for approval of community solar pilot program, by Gulf Power Company.

Critical Date(s): 01/18/16 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Ollila

GCL: Tan

Issue 1: Should the proposed tariffs associated with the solar program be suspended?

Recommendation: Yes. Staff recommends that the tariffs be suspended to allow staff sufficient time to review the petition and gather all pertinent information in order to present the Commission with an informed recommendation on the tariff proposals.

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open pending the Commission's decision on the proposed tariff revisions.