

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Thursday, July 7, 2016, 9:30 a.m.

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

DATE ISSUED: June 23, 2016

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 Pay Telephone Service. <table><tr><td><u>DOCKET NO.</u></td><td><u>COMPANY NAME</u></td></tr><tr><td>160100-TC</td><td>Florida Turnpike Services LLC</td></tr></table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	160100-TC	Florida Turnpike Services LLC		
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160100-TC	Florida Turnpike Services LLC						
PAA	B) Application for Certificate of Authority to Provide Telecommunications Service. <table><tr><td><u>DOCKET NO.</u></td><td><u>COMPANY NAME</u></td></tr><tr><td>160124-TX</td><td>TampaBay DSL Inc d/b/a PBX-Change</td></tr><tr><td>160079-TX</td><td>Mobilitie Management, LLC</td></tr></table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	160124-TX	TampaBay DSL Inc d/b/a PBX-Change	160079-TX	Mobilitie Management, LLC
<u>DOCKET NO.</u>	<u>COMPANY NAME</u>						
160124-TX	TampaBay DSL Inc d/b/a PBX-Change						
160079-TX	Mobilitie Management, LLC						

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

ITEM NO.

CASE

2**PAA

Docket No. 140029-TP – Request for submission of proposals for relay service, beginning in June 2015, for the deaf, hard of hearing, deaf/blind, or speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991.

Critical Date(s): September 1, 2016 - Effective date of Florida Telecommunications Relay, Inc. budget. Notification of any change in the Telecommunications Access System Act surcharge must be made to carriers prior to September 1, 2016.

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: TEL: Bates, Fogleman, Salak, Williams
APA: Vinson, Lehmann
GCL: Page

(Proposed Agency Action for Issue 1 – Interested Persons May Participate.)

Issue 1: Should the Commission approve FTRI's proposed budget, excluding the National Deaf-Blind Equipment Distribution Program, for Fiscal Year 2016/2017, and should the Commission maintain the current Telecommunications Relay Service (TRS) surcharge of \$0.12 per month?

Recommendation: No, staff recommends that the budget expenses should be reduced by \$601,238. Attachment D of staff's memorandum dated June 23, 2016, reflects the line-by-line adjustments that are being recommended. The surcharge should be reduced to \$0.11 beginning September 1, 2016. If necessary, FTRI should be allowed to use the surplus account if there is a revenue shortfall in Fiscal Year 2016/2017.

Issue 2: Should the Commission approve the appointments of Mr. Tom D'Angelo and Mr. Tim Wata to the TASA Advisory Committee effective immediately?

Recommendation: Yes. Staff recommends that the Commission approve the appointments of Mr. Tom D'Angelo and Mr. Tim Wata to the TASA Advisory Committee effective immediately.

Issue 3: Should this docket be closed?

Recommendation: No. A Consummating Order should be issued for Issue 1, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action. The docket should remain open to address all matters related to relay service throughout the life of the current Sprint contract.

ITEM NO.

CASE

3

Docket No. 160009-EI – Nuclear cost recovery clause.

Critical Date(s): September 1, 2016 (Statutory Rule Waiver Deadline)

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: GCL: Mapp, Leathers

IDM: Whitfield, Breman, Hinton, Laux

(Participation at the Commission's Discretion.)

Issue 1: Should the Commission approve FPL's Motion to Defer Consideration of Issues and Cost Recovery in this docket until the 2017 Nuclear Cost Recovery Clause proceeding?

Recommendation: Yes. The Commission should defer consideration of FPL's issues and cost recovery in this docket until the 2017 Nuclear Cost Recovery Clause proceeding.

Issue 2: Should this docket be closed?

Recommendation: No. The Nuclear Cost Recovery Clause is an on-going docket and should remain open.

ITEM NO.

CASE

4**PAA

Docket No. 160049-EU – Petition for modification of territorial order based on changed legal circumstances emanating from Article VIII, Section 2(c) of the Florida Constitution, by the Town of Indian River Shores.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Patronis

Staff: GCL: Cowdery

ECO: Draper, Guffey

(Issues 1-4 - Oral Argument Not Requested - Participation at Commission's Discretion; Issue 5 is Proposed Agency Action - Interested Persons May Participate.)

Issue 1: Should the Commission grant the City of Vero Beach's Motion to Intervene and Florida Power & Light Company's Petition to Intervene?

Recommendation: No. The Commission should deny Vero Beach's Motion to Intervene and FPL's Petition to Intervene because intervention is premature and unnecessary at this time.

Issue 2: Should the Commission grant Vero Beach's Motion to Dismiss the Petition for failure to meet the pleading requirements of Rule 28-106.201, F.A.C.?

Recommendation: No. The Commission should deny the Motion to Dismiss the Petition for failing to meet pleading requirements because the Petition is in substantial compliance with Rule 28-106.201, F.A.C.

Issue 3: Should the Commission grant Indian River Shores' Motion to Strike?

Recommendation: No. The Commission should deny Indian River Shores' Motion to Strike.

Issue 4: Should the City of Vero Beach's Motion to Dismiss Indian River Shores' Petition for lack of standing be granted?

Recommendation: The Commission should grant in part and deny in part Vero Beach's Motion to Dismiss for lack of standing. The Commission should grant the Motion to Dismiss on the grounds that Indian River Shores does not have standing to request modification of the Territorial Orders based on allegations of injury from abuses of monopoly powers and excessive rates. The Commission should also grant the Motion to Dismiss on the grounds that Indian River Shores does not have standing to represent Vero Beach's electric customers who reside in Indian River Shores. Dismissal on these grounds should be with prejudice because it conclusively appears from the face of the Petition that these defects in standing cannot be cured. The Commission should deny the Motion to Dismiss on the grounds that Indian River Shores has standing as a municipality to request modification of the Territorial Orders based on changed legal circumstances emanating from Article VIII, Section 2(c), Florida Constitution.

ITEM NO.

CASE

4**PAA

Docket No. 160049-EU – Petition for modification of territorial order based on changed legal circumstances emanating from Article VIII, Section 2(c) of the Florida Constitution, by the Town of Indian River Shores.

(Continued from previous page)

Issue 5: Should the Commission grant Indian River Shores’ Petition for Modification of Territorial Order Based on Changed Legal Circumstances Emanating from Article VIII, Section 2(c) of the Florida Constitution?

Recommendation: No. The Commission should deny on the merits Indian River Shores’ Petition for Modification of Territorial Order Based on Changed Legal Circumstances Emanating from Article VIII, Section 2(c) of the Florida Constitution because: (1) it fails to demonstrate that modification of the Territorial Orders is necessary in the public interest due to changed circumstances not present in the proceedings which led to the Territorial Orders; and (2) it fails to show that modification would not be detrimental to the public interest.

Issue 6: Should this docket be closed?

Recommendation: If the Commission approves staff’s recommendation, and if no person whose substantial interests are affected by the proposed agency action in Issue 5 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

5**

Docket No. 160001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: AFD: Barrett, Lester

ENG: Matthews

GCL: Janjic

IDM: Breman

Issue 1: Should the Joint Motion For Approval of Settlement Agreement between FPL and OPC be approved?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: No. The fuel docket is on-going and should remain open.

ITEM NO.

CASE

6**PAA

Docket No. 150269-WS – Application for limited proceeding water rate increase in Marion, Pasco, and Seminole Counties, by Utilities, Inc. of Florida.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Brisé

Staff: AFD: Slemkewicz, Mouring, D. Buys

ECO: Johnson, Hudson

ENG: Mtenga

GCL: Mapp

Issue 1: Should the Utility's requested increases be approved as filed?

Recommendation: No. However, the Commission should approve water rate increases of \$45,663 (or 28.85 percent) for Marion County and \$16,142 (or 1.61 percent) for Seminole County, excluding Longwood and Sanlando.

Issue 2: What are the appropriate rates?

Recommendation: The recommended rate increase of 29.30 percent for Marion County and 1.65 percent for Seminole County, excluding Longwood and Sanlando, should be applied as an across-the-board increase to their respective existing service rates. The rates, as shown on Schedule Nos. 5 and 6 of staff's memorandum dated June 23, 2016, should be effective for service rendered on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475(1), F.A.C. The Utility should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved rates. In addition, the approved rates 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. The rates should be reduced as shown on Schedule Nos. 5 and 6 to remove rate case expense grossed up for regulatory assessment fees and amortized over a four-year period. The decrease in rates should become effective immediately following the expiration of the four-year rate case expense recovery period, pursuant to Section 367.0816, F.S.

ITEM NO.

CASE

6**PAA

Docket No. 150269-WS – Application for limited proceeding water rate increase in Marion, Pasco, and Seminole Counties, by Utilities, Inc. of Florida.

(Continued from previous page)

Issue 3: Should the recommended rates be approved for the utility on a temporary basis, subject to refund with interest, in the event of a protest filed by a party other than the utility?

Recommendation: Yes. The recommended rates should be approved for the Utility on a temporary basis, subject to refund, in the event of a protest filed by a party other than the Utility. UIF should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved rates. The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(1), F.A.C. In addition, the temporary rates should not be implemented until staff has approved the proposed notice, and the notice has been received by the customers. The temporary rates should only be implemented after the Utility has provided written guarantee of its corporate undertaking in a cumulative amount of \$41,308. If the recommended rates are approved on a temporary basis, the rates collected by the Utility should be subject to the refund provisions discussed in the analysis portion of staff's memorandum dated June 23, 2016. In addition, after the increased rates are in effect, pursuant to Rule 25-30.360(6), F.A.C., the Utility should file reports with the Commission Clerk's office no later than the 20th of each month indicating the monthly and total amount of money subject to refund at the end of the preceding month.

Issue 4: Should this docket be closed?

Recommendation: 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, a consummating order should be issued. The 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 remain open pending the Commission's decision on the Utility's requested rate increase in Pasco County.

ITEM NO.

CASE

7**

Docket No. 160140-EQ – Petition for approval of modifications to standard interconnection agreement contained in the approved tariff by Duke Energy Florida, LLC.

Critical Date(s): 08/01/2016 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ENG: Wooten

ECO: Guffey

GCL: Trierweiler

Issue 1: Should DEFs proposed standard interconnection tariffs 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 Commissions decision on the proposed tariffs.

ITEM NO.

CASE

8**PAA

Docket No. 150236-WU – Application for staff-assisted rate case in Lake County, by Lake Idlewild Utility Company.

Critical Date(s): 03/23/2017 (15-Month Effective Date (SARC))

Commissioners Assigned: All Commissioners

Prehearing Officer: Patronis

Staff: ENG: Watts

AFD: T. Brown

ECO: Hudson

GCL: Murphy

(Proposed Agency Action - Except for Issue Nos. 9, 11, and 12 - Interested Persons May Participate.)

Issue 1: Should the quality of service provided by Lake Idlewild be considered satisfactory?

Recommendation: Yes. The overall quality of service provided by Lake Idlewild should be considered satisfactory.

Issue 2: What is the Used and Useful percentage (U&U) of Lake Idlewild's water treatment and distribution system?

Recommendation: The Utility's water treatment and distribution systems should be considered 100 percent U&U, and no adjustments should be made for excessive unaccounted for water (EUW).

Issue 3: What is the appropriate average test year rate base for Lake Idlewild?

Recommendation: The appropriate average test year rate base for Lake Idlewild is \$52,512.

Issue 4: What is the appropriate return on equity and overall rate of return for Lake Idlewild?

Recommendation: The appropriate return on equity (ROE) is 8.74 percent with a range of 7.74 percent to 9.74 percent. The appropriate overall rate of return is 8.74 percent.

Issue 5: What are the appropriate test year revenues for the Lake Idlewild's water system?

Recommendation: The appropriate test year revenues for Lake Idlewild's water system are \$32,466.

Issue 6: What is the appropriate amount of total operating expense?

Recommendation: The appropriate amount of operating expense for the Utility is \$38,167.

Issue 7: What is the appropriate revenue requirement?

Recommendation: The appropriate revenue requirement is \$42,757, resulting in an annual increase of \$10,291 (31.70 percent).

ITEM NO.

CASE

8**PAA

Docket No. 150236-WU – Application for staff-assisted rate case in Lake County, by Lake Idlewild Utility Company.

(Continued from previous page)

Issue 8: What are the appropriate rate structures and rates for Lake Idlewild’s water system?

Recommendation: The recommended rate structure and monthly water rates are shown on Schedule No. 4 of staff’s memorandum dated June 23, 2016. The Utility should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved rates. The approved rates should be effective for service rendered 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 rates 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.

Issue 9: What is the appropriate amount by which rates should be reduced in four years after the published effective date to reflect the removal of the amortized rate case expense?

Recommendation: The water rates should be reduced as shown on Schedule No. 4 of staff’s memorandum dated June 23, 2016, to remove rate case expense grossed up for RAFs and amortized over a four-year period. The decrease in rates should become effective immediately following the expiration of the four-year rate case expense recovery period, pursuant to Section 367.0816, F.S. The Utility should be required to file revised tariffs and a proposed customer notice setting forth the lower rates and the reason for the reduction no later than one month prior to the actual date of the required rate reduction. If Lake Idlewild files this reduction in conjunction with a price index or pass-through rate adjustment, separate data should be filed for the price index and/or pass-through increase or decrease and the reduction in the rates due to the amortized rate case expense.

Issue 10: What are the appropriate initial customer deposits for Lake Idlewild’s water service?

Recommendation: The appropriate water initial customer deposit should be \$101 for the residential 5/8 inch x 3/4 inch meter size. The initial customer deposits for all other residential meter sizes and all general service meter sizes should be two times the average estimated bill for water service. The approved initial customer deposits should be effective for connections made on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475, F.A.C.

ITEM NO.

CASE

8**PAA

Docket No. 150236-WU – Application for staff-assisted rate case in Lake County, by Lake Idlewild Utility Company.

(Continued from previous page)

Issue 11: Should the recommended rates be approved for Lake Idlewild on a temporary basis, subject to refund, in the event of a protest filed by a party other than the Utility?

Recommendation: Yes. Pursuant to Section 367.0814(7), F.S., the recommended rates should be approved for the Utility on a temporary basis, subject to refund, in the event of a protest filed by a party other than the Utility. The Utility should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved rates. The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(1), F.A.C. In addition, the temporary rates should not be implemented until staff has approved the proposed notice, and the notice has been received by the customers. Prior to implementation of any temporary rates, the Utility should provide appropriate security. If the recommended rates are approved on a temporary basis, the rates collected by the Utility should be subject to the refund provisions discussed in the analysis portion of staff’s memorandum dated June 23, 2016. In addition, after the increased rates are in effect, pursuant to Rule 25-30.360(6), F.A.C., the Utility should file reports with the Office of Commission Clerk no later than the 20th of every month indicating the monthly and total amount of money subject to refund at the end of the preceding month. The report filed should also indicate the status of the security being used to guarantee repayment of any potential refund.

Issue 12: Should Lake Idlewild be required to notify the Commission, in writing, that it has adjusted its books in accordance with the Commission’s decision?

Recommendation: Yes. The Utility should be required to notify the Commission, in writing, that it has adjusted its books in accordance with the Commission’s decision. Lake Idlewild should submit a letter within 90 days of the final order in this docket, confirming that the adjustments to all the applicable NARUC USOA primary accounts as shown on Schedule No. 5 of staff’s memorandum dated June 23, 2016, have been made to the Utility’s books and records. In the event the Utility needs additional time to complete the adjustments, notice should be provided within seven days prior to the deadline. Upon providing good cause, staff should be given administrative authority to grant an extension of up to 60 days.

ITEM NO.

CASE

8**PAA

Docket No. 150236-WU – Application for staff-assisted rate case in Lake County, by Lake Idlewild Utility Company.

(Continued from previous page)

Issue 13: Should this docket be closed?

Recommendation: No. 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, a consummating order should be issued. The 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.

ITEM NO.

CASE

9**

Docket No. 160093-EI – Petition for approval of modifications to standby generation tariff and program participation standards, by Duke Energy Florida, LLC.

Critical Date(s): 60-Day Suspension Date Waived by the Company Until the 7/7/16 Agenda Conference

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Ollila

ENG: Ellis, Wooten

GCL: Brownless

Issue 1: Should the Commission approve Duke’s proposed modifications to its standby generation tariff and program standards effective December 31, 2016, and allow Schedule A customers to remain on the tariff until December 31, 2016, to bring their generation equipment into compliance with the revised EPA rules?

Recommendation: Yes, staff recommends that the Commission approve Duke’s proposed modifications to its standby generation tariff and program standards effective December 31, 2016, and allow current Schedule A customers to remain on the tariff until December 31, 2016, to bring their generation equipment into compliance with the revised EPA rules.

Issue 2: Should this docket be closed?

Recommendation: If Issue 1 is approved and no timely protest is filed, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

10**PAA

Docket No. 160033-GU – Petition for limited proceeding to restructure rates by St. Joe Natural Gas Company, Inc.

Critical Date(s): 07/07/16 (Waiver of 60-day tariff clock to 07/07/16)

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: ECO: Rome, Draper

GCL: Mapp

Issue 1: Should the Commission approve St. Joe's request for rate restructuring?

Recommendation: Yes, the Commission should approve St. Joe's request for rate restructuring and the associated rates as shown in Table 1-1 of staff's memorandum dated June 23, 2016. The restructured rates should become effective for meter readings on or after August 7, 2016. Within 10 days of the Commission's vote, St. Joe should submit revised tariff sheets reflecting the changes to the gas delivery service rates for administrative approval by staff. Pursuant to Rule 25-22.0406(8), F.A.C., customers should be notified of the revised rates in their first bill containing the new rates. St. Joe should submit a copy of the notice to staff for approval prior to its use. If in the future another customer desires to take service under St. Joe's FTS-5 rate schedule, St. Joe should file documentation with the Commission Clerk (in Docket No. 160000-OT) which shows that the tariff rate is adequate to recover the cost to serve the new customer.

Issue 2: Should this docket be closed?

Recommendation: No. If no person whose substantial interests are affected by the proposed agency action files a protest within twenty-one days of the issuance of the order, a consummating order will be issued. The 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. When the tariff and notice actions are complete, this docket may be closed administratively.

ITEM NO.

CASE

11**

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 second request for extension of time to complete its 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 second request for an extension of time to complete its Phase II pro forma construction of a new building and meter replacements. The pro forma plant items should be completed before December 15, 2016. The utility is required to submit a copy of the final invoices and cancelled checks for the Phase II pro forma plant items. The utility should provide proof that a simplified employee pension plan has been established and that contributions to the fund have begun prior to Commission approval of Phase II rates.

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.