

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Friday, April 20, 2018, 9:30 a.m.

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

DATE ISSUED: April 6, 2018

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 item number.

To participate informally, affected persons need only appear at the conference and request the opportunity to address the Commission on an item listed on the 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 Florida Administrative Code Rules 25-22.0021 (agenda conference participation) and 25-22.0022 (oral argument).

Conference agendas, staff recommendations, vote sheets, and transcripts are available online at <http://www.floridapsc.com>, by selecting *Conferences & Meeting Agendas* and *Commission Conferences of the FPSC*. An official vote of "move staff" denotes that the Item's recommendations were approved.

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 or 850-413-6770 (Florida Relay Service, 1-800-955-8770 Voice or 1-800-955-8771 TDD). Assistive Listening Devices are available upon request from the Office of Commission Clerk, Gerald L. Gunter Building, Room 152.

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If you have any questions, contact the Office of Commission Clerk at 850-413-6770 or Clerk@psc.state.fl.us.

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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

20180050-TX

Peak Tower, LLC

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

ITEM NO.

CASE

2**

Docket No. 20170222-WS – Proposed amendment of Rules 25-30.130, Record of Complaints, and 25-30.355, Complaints, F.A.C.

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: GCL: Cowdery

CAO: Hicks

ECO: Guffey

ENG: Graves, King

(Proposal May Be Deferred)

Issue 1: Should the Commission propose the amendment of Rules 25-30.130, Record of Complaints, and 25-30.355, Complaints, F.A.C.?

Recommendation: Yes, the Commission should propose the amendments to Rules 25-30.130 and 25-30.355, F.A.C., as set forth in Attachment A of staff's memorandum dated April 6, 2018. Staff recommends that the Commission certify proposed amended Rules 25-30.130 and 25-30.355, F.A.C., as minor violation rules.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no requests for hearing or comments are filed, the rules should be filed with the Department of State, and the docket should be closed.

ITEM NO.

CASE

3**

Docket No. 20170262-TP – Amendments to Rule 25-4.004, F.A.C., Certificates of Necessity or Authority; Application and repeal of Rule 25-4.005, F.A.C., Transfer of Certificate of Necessity or Authority.

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Polmann

Staff: GCL: Page

ECO: Draper

IDM: Fogleman, Williams

(Proposal May be Deferred)

Issue 1: Should the Commission propose the amendment of Rule 25-4.004, F.A.C., Certificates of Necessity or Authority; Application, and the repeal of Rule 25-4.005, F.A.C., Transfer of Certificate of Necessity or Authority?

Recommendation: Yes, the Commission should propose the amendment of Rule 25-4.004, F.A.C., and the repeal of Rule 25-4.005, F.A.C., as set forth in Attachment A of staff's memorandum dated April 6, 2018. Staff recommends that the Commission certify amended Rule 25-4.004, F.A.C., as a minor violation rule.

Issue 2: Should this docket be closed?

Recommendation: Yes, if no requests for hearing or comments are filed, the rules as proposed should be filed for adoption with the Secretary of State and the docket should be closed.

ITEM NO.

CASE

4**

Docket No. 20180041-WU – Proposed Amendment of Rule 25-30.455, F.A.C., Staff Assistance in Rate Cases, Rule 25-30.456, F.A.C., Staff Assistance in Alternative Rate Setting, and Rule 25-30.457, F.A.C., Limited Alternative Rate Increase.

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: GCL: Harper

AFD: Brown

(Final Rule must be effective by July 1, 2018, pursuant to Section 367.0814(1), Florida Statutes.)

Issue 1: Should the Commission propose amendments to Rule 25-30.455, Staff Assistance in Rate Cases, Rule 25-30.456, Staff Assistance in Alternative Rate Setting, and Rule 25-30.457, Limited Alternative Rate Increase, F.A.C.?

Recommendation: Yes, the Commission should propose amendments to Rules 25-30.455, 25-30.456, and 25-30.457, F.A.C., as set forth in Attachment A of staff's memorandum dated April 6, 2018. Staff recommends that the Commission certify proposed amended Rules 25-30.455, 25-30.456, and 25-30.457, F.A.C., as minor violation rules.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no requests for hearing or comments are filed, the rules should be filed with the Department of State, and the docket should be closed.

ITEM NO.

CASE

5

Docket No. 20170273-EQ – Petition by Sunrun Inc. for declaratory statement concerning leasing of solar equipment.

Critical Date(s): Statutory Deadline Waived

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: GCL: Harper

IDM: B. Crawford

(Parties May Participate at the Commission's Discretion)

Issue 1: Should the Commission grant Sunrun's Petition for Declaratory Statement?

Recommendation: Yes. Based on the facts presented by Sunrun, the Commission should grant Sunrun's Petition and declare: (1) Sunrun's residential solar equipment lease as described in Sunrun's Petition does not constitute a sale of electricity; (2) offering its solar equipment lease to customers in Florida as described in Sunrun's Petition will not cause Sunrun to be deemed a public utility under Florida law; and (3) the residential solar equipment lease as described in Sunrun's Petition will not subject Sunrun or Sunrun's customer-lessees to regulation by the Commission. The Commission should also state that its declaration is limited to the facts described in Sunrun's Petition and would not apply to different, alternative facts.

Issue 2: Should this docket be closed?

Recommendation: Yes, if the Commission votes to either grant or deny the Petition for Declaratory Statement, the docket should be closed.

ITEM NO.

CASE

6**PAA

Docket No. 20180038-EI – Request for approval of change in rate used to capitalize allowance for funds used during construction (AFUDC) from 6.16% to 5.97%, effective January 1, 2018, by Florida Power & Light Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: AFD: Hightower, D. Buys

GCL: Janjic

Issue 1: Should the Commission approve FPL's request to decrease its AFUDC rate from 6.16 percent to 5.97 percent?

Recommendation: Yes. The appropriate AFUDC rate for FPL is 5.97 percent based on a 13-month average capital structure for the period ended December 31, 2017.

Issue 2: What is the appropriate monthly compounding rate to achieve the requested 5.97 percent annual AFUDC rate?

Recommendation: The appropriate monthly compounding rate to maintain an annual rate of 5.97 percent is 0.484385 percent.

Issue 3: Should the Commission approve FPL's requested effective date of January 1, 2018, for implementing the revised AFUDC rate?

Recommendation: Yes. The revised AFUDC rate should be effective as of January 1, 2018, for all purposes.

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, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

7**PAA

Docket No. 20170274-EQ – Petition for approval to terminate qualifying facility power purchase agreement with Florida Power Development, LLC, by Duke Energy Florida, LLC.

Critical Date(s): Termination Agreement has a requirement that the transaction be closed by June 1, 2018

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ENG: Wooten, Ellis

AFD: Vogel

ECO: McNulty, Stratis

GCL: Murphy, Dziechciarz

Issue 1: Should DEF's petition for approval to terminate its power purchase agreement with Florida Power Development, LLC and requested regulatory treatment be approved?

Recommendation: Yes. Staff has reviewed the Termination Agreement and recommends that terminating the existing PPA is estimated to save customers between \$38 million and \$59 million in net present value (NPV). Staff recommends the establishment of a regulatory asset to be amortized over the remaining contract term through May 2034.

Issue 2: Should this docket be closed?

Recommendation: Yes. This docket should be closed upon issuance of a Consummating Order 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.

ITEM NO.

CASE

8**

Docket No. 20150010-WS – Application for staff-assisted rate case in Brevard County by Aquarina Utilities, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: ENG: Lewis, King

AFD: Mouring, Smith II

GCL: Murphy

Issue 1: Should the Commission approve Aquarina's request for extension of time to complete its required Phase II pro forma plant items pursuant to Order Nos. PSC-16-0583-PAA-WS and PSC-2017-0485-FOF-WS?

Recommendation: Yes. The Commission should approve Aquarina's request for an extension of time to complete its required Phase II pro forma plant items before November 30, 2018.

Issue 2: Should this docket be closed?

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

ITEM NO.

CASE

9**PAA

Docket No. 20170166-WS – Application for limited proceeding rate increase in Orange County by Pluris Wedgefield, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Polmann

Staff: ENG: P. Buys, Graves, King

AFD: D. Buys, Smith II

ECO: Friedrich, Hudson

GCL: Janjic, Crawford

Issue 1: Should Pluris Wedgefield, Inc.’s requested increases be approved as filed?

Recommendation: No. Staff recommends incremental revenue requirement increases of \$170,861 for water and \$53,377 for wastewater as opposed to the Utility’s requested incremental revenue requirement increases of \$194,159 for water and \$57,545 for wastewater.

Issue 2: What are the appropriate water and wastewater rates for Pluris Wedgefield, Inc.?

Recommendation: The recommended monthly water rates are shown on Schedule No. 3 of staff’s memorandum dated April 6, 2018, and the recommended monthly wastewater rates are shown on Schedule No. 4 of staff’s memorandum dated April 6, 2018. The recommended rates should be designed to produce additional revenues of \$170,861 (12.16 percent increase) for water and \$53,377 (5.53 percent increase) for wastewater. The percent increases should be applied as an across-the-board increase to the existing rates. 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 sheets 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 3: Should the meter installation charge requested by Pluris Wedgefield, Inc. be approved?

Recommendation: Yes. The meter installation charge of \$268 for a 5/8” x 3/4” meter and actual cost for all other meter sizes should be approved. The Utility should file revised tariff sheets and a proposed customer notice. Pluris should provide notice to property owners who have requested service within the 12 calendar months prior to the month the application was filed to the present. The approved charges should be effective for connections made on or after the stamped approval date on the tariff sheets. The Utility should provide proof of the date notice was given within 10 days of the date of the notice.

ITEM NO.

CASE

9**PAA

Docket No. 20170166-WS – Application for limited proceeding rate increase in Orange County by Pluris Wedgefield, Inc.

(Continued from previous page)

Issue 4: 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 as required by Section 367.081(8), F.S?

Recommendation: The water and wastewater rates should be reduced, as shown on Schedule Nos. 3 and 4 of staff's memorandum dated April 6, 2018, to remove rate case expense grossed-up for RAFs and amortized over a 4-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 367.081(8), F.S. Pluris 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 the Utility 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 5: 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 be closed administratively.

ITEM NO.

CASE

10**PAA

Docket No. 20180002-EG – Energy conservation cost recovery clause.

Critical Date(s): 06/07/18 (Petition Deemed Approved if Not Granted or Denied within 90 Days of Receipt pursuant to Section 120.542(8), Florida Statutes)

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: ECO: Coston

GCL: DuVal

Issue 1: Should the Commission grant Florida Power & Light Company, Duke Energy Florida, LLC, Tampa Electric Company, Gulf Power Company, and Florida Public Utilities Company's Joint Petition for waiver of Rule 25-17.015(1)(b), Florida Administrative Code?

Recommendation: Yes. Staff recommends that the Commission grant the Joint Petition for waiver of Rule 25-17.015(1)(b), F.A.C., requested by Florida Power & Light Company, Duke Energy Florida, LLC, Tampa Electric Company, Gulf Power Company, and Florida Public Utilities Company to allow the IOUs to provide annual estimated/actual true-up filings showing six months of actual data and six months of projected data for a period of two years to cover the August 2018 filings and the August 2019 filings.

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 21 days of the issuance of the order, this docket should not be closed upon the issuance of a consummating order. The Energy Conservation Cost Recovery docket is ongoing and this docket should remain open for further Commission action.

ITEM NO.

CASE

11**PAA

Docket No. 20180015-GU – Petition for approval of transportation service agreement with Florida Division of Chesapeake Utilities Corporation, by Peninsula Pipeline Company, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: ECO: Doherty

GCL: Brownless

Issue 1: Should the Commission approve the proposed Agreement between Peninsula and CFG dated January 8, 2018?

Recommendation: Yes. The Commission should approve the proposed Agreement between Peninsula and CFG dated January 8, 2018. In addition, CFG filed revised Tariff Sheet Nos. 3 and 5 for administrative approval by staff to reflect the addition of Escambia County to the description of territory served. Commission staff should be given authority to administratively approve them consistent with the Commission's decision.

Issue 2: Should this docket be closed?

Recommendation: Yes. 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

12**PAA

Docket No. 20180016-GU – Petition for approval of transportation service agreement with Florida Public Utilities Company, by Peninsula Pipeline Company, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: ECO: Doherty

GCL: Brownless

Issue 1: Should the Commission approve the proposed Agreement between Peninsula and FPUC dated January 12, 2018?

Recommendation: Yes. The Commission should approve the proposed Agreement between Peninsula and FPUC dated January 12, 2018.

Issue 2: Should this docket be closed?

Recommendation: Yes. 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

13**PAA

Docket No. 20180014-WS – Investigation of allowance for funds prudently invested (AFPI) in Lake County, by Utilities, Inc. of Florida.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Bruce

GCL: Mapp

Issue 1: Should UIF be required to refund overcollections of AFPI charges and, if so, what is the appropriate amount to be refunded?

Recommendation: Yes. UIF should be required to refund overcollected AFPI charges of \$165,739 with interest in accordance with Rule 25-30.360, F.A.C. to the two developers that paid AFPI charges for a total of 292 connections. The refund should be completed within 90 days of the Commission's vote and documentation supporting the final refund should be provided within 10 days of the completed refund.

Issue 2: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected by this proposed agency action files a protest within 21 days of the issuance of the order, a consummating order should be issued. This docket should remain open for staff's verification that the utility has completed the refund pursuant to Rule 25-30.360, F.A.C. Once staff has verified that refunds are complete, this docket should be closed administratively.

ITEM NO.

CASE

14**PAA

Docket No. 20180025-WS – Application for approval of tariff for the gross-up of CIAC in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole Counties, by Utilities, Inc. of Florida.

Critical Date(s): 06/01/18 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Hudson

AFD: Cicchetti, Maurey

GCL: J. Crawford

(Proposed Agency Action (Issue 1) and Tariff Filing (Issue 2))

Issue 1: Should the Commission acknowledge, in the positive, UIF's requested treatment of the taxes it pays on CIAC?

Recommendation: Yes. Netting debit deferred taxes against credit deferred taxes in the capital structure, as requested by UIF, is standard Commission practice. It is also standard Commission practice to include debit deferred taxes in rate base if the net of the credit and debit deferred taxes is a debit.

Issue 2: Should the Commission approve UIF's request to terminate its CIAC gross-up tariffs?

Recommendation: Yes. If the Commission approves UIF's requested tax treatment of CIAC in Issue 1, it should also approve the utility's request to terminate its CIAC gross-up tariffs. The tariff should be terminated upon the vote of the Commission. UIF should provide notice to property owners who have requested service during the 12 months prior to the request to terminate the CIAC gross-tariffs. The utility should provide proof of noticing within 10 days of rendering its approved notice. The termination of the CIAC gross-up tariffs should relieve the utility of the reporting requirements that were outlined in Order No. PSC-2018-0162-TRF-WS.

Issue 3: Should this docket be closed?

Recommendation: With respect to Issue 1, 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. With respect to Issue 2, the order should become final upon the issuance of the consummating order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the order. If a timely protest is filed, the tariff should remain in effect, pending resolution of the protest. If no protest is timely filed as to Issues 1 or 2, the docket should close upon the issuance of the consummating order. In the event of a protest, the docket should remain open to address the protest.

ITEM NO.

CASE

15**

Docket No. 20180042-WS – Application for approval of tariff for the gross-up of CIAC in Martin County, by Indiantown Company, Inc.

Critical Date(s): 4/21/18 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Sibley, Hudson

AFD: Cicchetti

GCL: J. Crawford

Issue 1: Should Indiantown's request for approval of tariffs to allow the gross-up of CIAC be approved?

Recommendation: Yes, the revised tariff filed on March 29, 2018 should be approved. The utility should provide notice to all persons in the service areas included in the application who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the application was filed. The approved gross-up charges should be effective for connections made on or after the stamped approval date on the tariff sheets. The utility should provide proof of noticing within 10 days of rendering its approved notice.

Issue 2: Should this docket be closed?

Recommendation: If a protest is filed by a substantially affected person within 21 days of issuance of the order, the revised tariff should remain in effect, with any revenues held subject to refund, pending resolution of the protest. If no timely protest is filed, the order should become final upon the issuance of a consummating order. However, the docket should remain open to allow staff to verify that the appropriate notice has been filed by the Utility and approved by staff. Once the utility has provided proof of noticing, the docket should be closed administratively.

ITEM NO.

CASE

16**

Docket No. 20180059-WS – Application for approval of tariff for the gross-up of CIAC in Escambia County, by Peoples Water Service Company of Florida, Inc.

Critical Date(s): 04/30/18 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Friedrich, Hudson

AFD: Cicchetti

GCL: J. Crawford

Issue 1: Should People's request for approval of a tariff to allow the gross-up of CIAC be approved?

Recommendation: Yes, the revised tariff filed on March 29, 2018 should be approved. The utility should provide notice to all persons in the service areas included in the application who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the application was filed. The approved gross-up charges should be effective for connections made on or after the stamped approval date on the tariff sheets. The utility should provide proof of noticing within 10 days of rendering its approved notice.

Issue 2: Should this docket be closed?

Recommendation: If a protest is filed by a substantially affected person within 21 days of issuance of the order, the revised tariff should remain in effect, with any revenues held subject to refund, pending resolution of the protest. If no timely protest is filed, the order should become final upon the issuance of a consummating order. However, the docket should remain open to allow staff to verify that the appropriate notice has been filed by the Utility and approved by staff. Once the utility has provided proof of noticing, the docket should be closed administratively.