

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, January 8, 2019, 9:30 a.m.

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

DATE ISSUED: December 27, 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.

The Commission Conference has a live video broadcast the day of the conference, which is available from the FPSC 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*.

EMERGENCY CANCELLATION OF CONFERENCE: If a named storm or other disaster requires cancellation of the Conference, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission's website (<http://www.floridapsc.com>) under the Hot Topics link on the home page. Cancellation can also be confirmed by calling the Office of Commission Clerk at 850-413-6770.

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

20180200-TX

American Dark Fiber, LLC

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

ITEM NO.

CASE

2**

Docket No. 20180121-EG – Amendment of Rule 25-17.015, F.A.C., Energy Conservation Cost Recovery Clause.

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: GCL: Harper
ECO: Coston, Guffey

(Proposal May Be Deferred)

Issue 1: Should the Commission propose the amendment of Rule 25-17.015, F.A.C., Energy Conservation Cost Recovery?

Recommendation: Yes. The Commission should propose the amendment of Rule 25-17.015, F.A.C., as set forth in Attachment A of staff's memorandum dated December 27, 2018. Staff recommends that the Commission certify amended Rule 25-17.015, 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 rule may be filed with the Department of State, and this docket should be closed.

ITEM NO.

CASE

3**

Docket No. 20180142-WS – Initiation of show cause proceedings against Palm Tree Acres Mobile Home Park, in Pasco County, for noncompliance with Section 367.031, F.S., and Rule 25-30.033, F.A.C.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Polmann

Staff: GCL: DuVal, Nieves

ENG: Knoblauch

Issue 1: Should Palm Tree Acres Mobile Home Park be ordered to show cause in writing, within 21 days, as to why it (1) should not be fined for providing water and wastewater service to the public for compensation without first obtaining a certificate of authorization from the Commission, in apparent violation of Section 367.031, Florida Statutes, and Rule 25-30.033, Florida Administrative Code, and (2) should not bring itself into compliance with the Commission's statutes and rules?

Recommendation: Yes. Palm Tree Acres Mobile Home Park should be ordered to show cause in writing, within 21 days, as to why it (1) should not be fined in the amount of \$5,000 for providing water and wastewater service to the public for compensation without first obtaining a certificate of authorization from the Commission, in apparent violation of Section 367.031, Florida Statutes, and Rule 25-30.033, Florida Administrative Code, and (2) should not bring itself into compliance with the Commission's statutes and rules. The show cause order should incorporate the conditions as set forth in the staff analysis portion of staff's memorandum dated December 27, 2018.

Issue 2: Should this docket be closed?

Recommendation: If the Commission approves Issue 1 and Palm Tree Acres timely responds in writing to the Order to Show Cause, this docket should remain open to allow for the appropriate processing of the response. If the Commission approves Issue 1 and Palm Tree Acres responds to the Order to Show Cause by remitting the fine and submitting its application for certificates of authorization to provide water and wastewater services, this show cause matter will be considered resolved, and the docket should be closed administratively. If the Commission approves Issue 1 and Palm Tree Acres does not remit payment and submit its application, or does not respond to the Order to Show Cause, this docket should remain open to allow the Commission to pursue further enforcement action and collection of the amount owed by the Utility.

ITEM NO.

CASE

4**PAA

Docket No. 20170249-WS – Application for certificates to provide water and wastewater service in Orange County by RSPI MHC, LLC.

Critical Date(s): 02/28/19 (Statutory deadline for original certificate pursuant to Section 367.031, Florida Statutes, waived by applicant until this date.)

Commissioners Assigned: All Commissioners

Prehearing Officer: Polmann

Staff: ENG: Watts

AFD: Bulecza-Banks, Fletcher, Johnson, Norris

ECO: Friedrich

GCL: J. Crawford, Nieves

(Proposed Agency Action for Issues 2 through 6)

Issue 1: Should the application for water and wastewater certificates by RSPI be approved?

Recommendation: Yes. RSPI should be granted Certificate Nos. 673-W and 574-S to serve the territory described in Attachment A of staff's memorandum dated December 27, 2018, effective the date of the Commission's vote. The resultant order should serve as RSPI's water and wastewater certificates and it should be retained by the Utility.

Issue 2: What are the appropriate rates and charges for RSPI?

Recommendation: The recommended monthly water and wastewater rates, on Schedule No. 1 of staff's memorandum dated December 27, 2018, are reasonable and should be approved. 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. The approved rates should not be implemented until staff has approved the proposed customer notice and the notice has been received by customers. The Utility should provide proof of the date notice was given within 10 days of the date of the notice.

Issue 3: What are the appropriate miscellaneous service charges for RSPI?

Recommendation: The miscellaneous service charges identified in Table 3-5 of staff's memorandum dated December 27, 2018, are reasonable and should be approved. The Utility should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved miscellaneous service charges. The approved charges should be effective for service rendered or connections made on or after the stamped approval date on the tariff sheets provided customers have received notice pursuant to Rule 25-30.475, F.A.C. The Utility should provide proof of noticing within 10 days of rendering its approved notice.

ITEM NO.

CASE

4**PAA

Docket No. 20170249-WS – Application for certificates to provide water and wastewater service in Orange County by RSPI MHC, LLC.

(Continued from previous page)

Issue 4: What is the appropriate late payment charge for RSPI?

Recommendation: The appropriate late payment charge for RSPI is \$4.50. The Utility should file revised tariff sheets and 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 provided customers have received notice pursuant to Rule 25-30.475(1), F.A.C. The Utility should provide proof of noticing within 10 days of rendering the approved notice.

Issue 5: Should RSPI be authorized to collect Non-Sufficient Funds Charges (NSF)?

Recommendation: Yes. RSPI should be authorized to collect NSF charges. The Utility should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved NSF charges. The approved charges should be effective for service rendered on or after the stamped approval date on the tariff sheets provided customers have received notice pursuant to Rule 25-30.475, F.A.C. The Utility should provide proof of noticing within 10 days of rendering its approved notice.

Issue 6: What are the appropriate initial customer deposits for RSPI?

Recommendation: The appropriate initial customer deposits are \$19.00 for water and \$28.00 for wastewater for the residential 3/4" meter size. The initial customer deposit for all other residential meter sizes and all general service meter sizes should be two times the average estimated bill. The approved customer deposits should be effective for connections made on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475, F.A.C. The Utility should be required to collect the approved initial customer deposits until authorized to change them by the Commission in a subsequent proceeding.

Issue 7: 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

5**PAA

Docket No. 20180159-EU – Joint petition for approval of amendment to territorial agreement in Hardee, Highlands, Polk, and Osceola Counties, by Peace River Electric Cooperative and Duke Energy Florida, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: ECO: Guffey

GCL: Nieves

Issue 1: Should the Commission approve the joint petition by DEF and PRECO for approval of their territorial agreement in Hardee, Highlands, Polk, and Osceola Counties?

Recommendation: Yes. The Commission should approve the joint petition by DEF and PRECO for approval of their territorial agreement in Hardee, Highlands, Polk, and Osceola Counties. The proposed territorial agreement is in the public interest and will enable DEF and PRECO to serve their customers in an efficient manner.

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

6**

Docket No. 20180212-WS – Application for gross-up of CIAC in Brevard County, by Aquarina Utilities, Inc.

Critical Date(s): 01/14/19 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Bruce
AFD: Cicchetti
GCL: J. Crawford

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

Recommendation: Yes. The tariffs filed on November 15, 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 tariffs 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.