

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, November 3, 2020, 9:30 a.m.

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

DATE ISSUED: October 22, 2020

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.

Due to COVID-19, all public participation must be telephonic or by written comment. To participate informally, affected persons must either: (1) request the opportunity to address the Commission telephonically on an item listed on the agenda by contacting the Office of General Counsel at (850) 413-6199 by noon on November 2, 2020; or (2) file any written comments for a particular item in the applicable Docket file by noon on November 2, 2020.

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).

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 some other state of emergency 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

- A) Docket No. 20200205-EI – Application for authority to issue and sell securities during 12 months ending December 31, 2021, by Duke Energy Florida, LLC.
- B) Docket No. 20200208-EI – Application for authority to issue and sell securities for 12 months ending December 31, 2021, by Tampa Electric Company.

Recommendation: The Commission should approve the action requested in the dockets referenced above. For monitoring purposes, these dockets should remain open until May 6, 2022, to allow the Companies time to file the required Consummation Reports.

ITEM NO.

CASE

2

Docket No. 20200030-EI – Complaint by Juana L. Del Rosario against Florida Power & Light Company regarding backbilling for alleged meter tampering.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: GCL: Lherisson

CAO: Hicks, Plescow

ECO: Coston

(Motion to Dismiss- Oral argument not requested; participation is at the Commission's discretion.)

Issue 1: Should the Commission grant FPL's Motion to Dismiss Ms. Del Rosario's Protest Petition?

Recommendation: Yes. The Commission should grant FPL's Motion to Dismiss Ms. Del Rosario's Protest Petition.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission agrees with staff regarding Issue 1, then Ms. Del Rosario's Protest Petition should be dismissed without prejudice, and the docket should be closed.

ITEM NO.

CASE

3**

Docket No. 20200064-EI – Petition for a limited proceeding to approve fourth SoBRA, by Tampa Electric Company.

Critical Date(s): 60-day suspension date has been waived by the utility

Commissioners Assigned: All Commissioners

Prehearing Officer: Polmann

Staff: ENG: Phillips
AFD: Higgins
ECO: Coston, Forrest
GCL: Stiller, Trierweiler

(Tariff Filing)

Issue 1: Is the Fourth SoBRA project proposed by TECO eligible in its entirety for treatment pursuant to paragraph 6 of the 2017 Settlement?

Recommendation: Yes. TECO is eligible for cost recovery of the Fourth SoBRA project, Durrance, under the conditions outlined in paragraph 6 of the 2017 Settlement and paragraph 3 of the 2020 Settlement, on the requested 45.7 MW portion of its solar capacity.

Issue 2: Is the Fourth SoBRA project proposed by TECO cost-effective pursuant to subparagraph 6(g) of the 2017 Settlement?

Recommendation: Yes. The 45.7 MW portion of the Durrance project included in TECO's Fourth SoBRA will lower the Company's projected system costs as compared to the system without the solar project; therefore, the Fourth SoBRA is considered to be cost-effective under subparagraph 6(g) of the 2017 Settlement.

Issue 3: Is the projected installed cost of the Fourth SoBRA project proposed by TECO less than or equal to the Installed Cost Cap of \$1,500 per kWac pursuant to subparagraph 6(d) of the 2017 Settlement?

Recommendation: Yes. The estimated installed cost of the Durrance project in the Fourth SoBRA is \$1,500 per kWac, which is equal to the installed cost cap specified in subparagraph 6(d) of the 2017 Settlement.

Issue 4: What is the estimated annual revenue requirement associated with TECO's Fourth SoBRA project?

Recommendation: The estimated annual revenue requirement associated with TECO's Fourth SoBRA project is \$7,534,000.

ITEM NO.

CASE

3**

Docket No. 20200064-EI – Petition for a limited proceeding to approve fourth SoBRA, by Tampa Electric Company.

(Continued from previous page)

Issue 5: Should the Commission approve the tariffs for TECO reflecting the base rate increase for the Fourth SoBRA project determined to be appropriate in these proceedings?

Recommendation: Yes. The Commission should approve the tariffs and base rates as shown in Attachment A of staff's memorandum dated October 22, 2020, effective with the first billing cycle in January 2021. The base rate increase was calculated in accordance with the 2017 Settlement.

Issue 6: 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

4**PAA

Docket No. 20180214-WS – Application to transfer facilities and Certificate Nos. 542-W and 470-S in Putnam County from St. John's River Club Utility Company, LLC to St. Johns River Estates Utilities, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Fay

Staff: ENG: M. Watts, Doehling

AFD: J. Blocker, Norris

ECO: Hudson, Sibley

GCL: Stiller

(Proposed Agency Action for Issues 2 and 3.)

Issue 1: Should the transfer of Certificate Nos. 542-W and 470-S in Putnam County from St. John's River Club Utility Company, LLC to St. Johns River Estates Utilities, LLC be approved?

Recommendation: Yes. The transfer of the water and wastewater systems and Certificate Nos. 542-W and 470-S is in the public interest and should be approved effective the date of the Commission's vote. The resultant order should serve as the Buyer's certificate and should be retained by the Buyer. The existing rates and charges, except the main extension charges, should remain in effect until a change is authorized by the Commission in a subsequent proceeding. The tariffs reflecting the transfer should be effective for services rendered or connections made on or after the stamped approval date on the tariffs, pursuant to Rule 25-30.475, Florida Administrative Code (F.A.C.). The Seller is current with respect to annual reports and regulatory assessment fees (RAFs) through December 31, 2019. The Buyer will be responsible for filing annual reports and paying RAFs for 2020 and all future years.

Issue 2: What is the appropriate net book value for the SJR Estates systems for transfer purposes and should an acquisition adjustment be approved?

Recommendation: The net book value (NBV) of the water and wastewater systems for transfer purposes is \$1,079 and \$7,664, respectively, as of August 17, 2018. No positive acquisition adjustment should be included in rate base. Within 90 days of the date of the final order, SJR Estates should be required to notify the Commission in writing that it has adjusted its books in accordance with the Commission's decision. The adjustments should be reflected in SJR Estates' 2020 Annual Report when filed.

ITEM NO.

CASE

4**PAA

Docket No. 20180214-WS – Application to transfer facilities and Certificate Nos. 542-W and 470-S in Putnam County from St. John's River Club Utility Company, LLC to St. Johns River Estates Utilities, LLC.

(Continued from previous page)

Issue 3: Should the Utility's main extension charge be discontinued?

Recommendation: Yes. The Utility's main extension charge should be discontinued for the water and wastewater systems. SJR Estates should provide notice to customers who have requested service within 12 calendar months prior to the month the application was filed to the present. The Utility should file revised tariffs reflecting the discontinuance of the main extension charges. The revised tariffs 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.

Issue 4: Should this docket be closed?

Recommendation: Yes. If no protest to the proposed agency action is filed by a substantially affected person within 21 days of the date of the issuance of the order, a consummating order should be issued and the docket should be closed administratively upon Commission staff's verification that the Buyer has notified the Commission in writing that it has adjusted its books in accordance with the Commission's decision.

ITEM NO.

CASE

5**PAA

Docket No. 20190170-WS – Application for transfer of facilities and Certificate Nos. 259-W and 199-S in Broward County from Royal Utility Company to Royal Waterworks, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: ENG: M. Watts, Doehling, Johnson, Ramos

AFD: Norris, Sowards

ECO: Bethea, Hudson

GCL: Lherisson, J. Crawford

(Proposed Agency Action for Issues 2 through 8.)

Issue 1: Should the transfer of Certificate Nos. 259-W and 199-S in Broward County from Royal Utility Company to Royal Waterworks, Inc. be approved?

Recommendation: Yes. The transfer of the water and wastewater systems and Certificate Nos. 259-W and 199-S is in the public interest and should be approved effective the date of the Commission's vote. The resultant order should serve as the Buyer's certificate and should be retained by the Buyer. The existing rates, service availability charges, and billing policy should remain in effect until a change is authorized by the Commission in a subsequent proceeding. The tariffs reflecting the transfer should be effective for services rendered or connections made on or after the stamped approval date on the tariffs, pursuant to Rule 25-30.475, Florida Administrative Code (F.A.C.). The Seller is current with respect to annual reports and regulatory assessment fees (RAFs) through December 31, 2019. Royal should be responsible for filing annual reports and paying RAFs for 2020 and all future years.

Issue 2: What is the appropriate net book value for Royal's water and wastewater systems for transfer purposes?

Recommendation: The net book value (NBV) of the water and wastewater systems for transfer purposes is \$943,455 and \$539,395, respectively, as of July 1, 2019. Royal should be required to notify the Commission in writing that it has adjusted its books in accordance with the Commission's decision. The adjustments should be reflected in the 2020 Annual Report when filed.

Issue 3: Should a positive acquisition adjustment be recognized for ratemaking purposes?

Recommendation: No. Pursuant to Rule 25-30.0371, F.A.C., a positive acquisition adjustment should not be granted as the Utility failed to demonstrate extraordinary circumstances.

ITEM NO.

CASE

5**PAA

Docket No. 20190170-WS – Application for transfer of facilities and Certificate Nos. 259-W and 199-S in Broward County from Royal Utility Company to Royal Waterworks, Inc.

(Continued from previous page)

Issue 4: Should Royal’s request to revise water and add wastewater miscellaneous service charges be approved?

Recommendation: Yes. Royal’s request to revise water and add wastewater miscellaneous service charges should be approved. Royal 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 sheet pursuant to Rule 25-30.475(1), F.A.C. In addition, the approved charges should not be implemented until staff has approved the proposed customer notice and the notice has been received by customers. Royal should provide proof of the date notice was given no less than 10 days after the date of the notice.

Issue 5: Should Royal’s request to implement a late payment charge of \$6.50 be approved?

Recommendation: Yes. Royal’s request to implement a late payment charge of \$6.50 should be approved. Royal 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 and the notice has been received by customers. Royal should provide proof of the date notice was given no less than 10 days after the date of the notice.

Issue 6: Should Royal be authorized to collect Non-Sufficient Funds Charges?

Recommendation: Yes. Royal should be authorized to collect NSF charges. Royal should file a tariff sheet 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. Royal should provide proof of noticing within 10 days of rendering its approved notice.

Issue 7: Should Royal’s request for a new class of service for private fire protection be approved?

Recommendation: Yes. Royal’s request to establish a new class of service for a private fire protection rate of \$50.96 for a six inch meter should be approved. Royal should file a proposed tariff and customer notice to reflect the Commission-approved rate. The approved rate should be effective 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. Royal should provide proof of noticing within 10 days of rendering its approved notice.

ITEM NO.

CASE

5**PAA

Docket No. 20190170-WS – Application for transfer of facilities and Certificate Nos. 259-W and 199-S in Broward County from Royal Utility Company to Royal Waterworks, Inc.

(Continued from previous page)

Issue 8: Should Royal’s request to establish initial customer deposits be approved?

Recommendation: Yes. Royal’s request to establish initial customer deposits should be approved. The appropriate initial customer deposit should be \$62.26 for water and \$79.08 for wastewater for the residential 5/8 inch x 3/4 inch 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 9: Should this docket be closed?

Recommendation: Yes. If no protest to the proposed agency action is filed by a substantially affected person within 21 days of the date of the issuance of the order, a consummating order should be issued and the docket should be closed administratively upon Commission staff’s verification that the revised tariff sheets have been filed, the Buyer has notified the Commission in writing that it has adjusted its books in accordance with the Commission’s decision, and proof that appropriate noticing has been done pursuant to Rule 25-30.4345, F.A.C.

ITEM NO.

CASE

6**PAA

Docket No. 20200185-WS – Application for certificates to provide water and wastewater service in Lake and Sumter Counties, by Gibson Place Utility Company, LLC.

Critical Date(s): 11/16/20 (90-Day Statutory Deadline to Address Rule Waiver)
12/08/20 (90-Day Statutory Deadline to Grant or Deny Certificate Application)

Commissioners Assigned: All Commissioners

Prehearing Officer: Fay

Staff: ENG: M. Watts, Ramos

AFD: D. Andrews

GCL: Schrader

(Rule Waiver and Proposed Agency Action for Issue 1.)

Issue 1: Should the Commission grant GPU's petition for a temporary waiver of Rule 25-30.033(1)(p) and (q), F.A.C.?

Recommendation: Yes. GPU's petition for a temporary waiver of Rule 25-30.033(1)(p) and (q), F.A.C., should be granted. GPU should file the information required to set initial rates and charges in the first quarter of 2021. The Utility has met the requirements found in Section 120.542, F.S., and the Commission should grant GPU's petition for temporary waiver of Rule 25-30.033(1)(p) and (q) until the utility has completed its permitting and is closer to the commencement of its operations. Staff recommends that GPU be required to send a status update to the Commission every six months from the date of the order as to the status of the Utility's permitting with DEP and SWFWMD, and the anticipated date of the commencement of its operations.

Issue 2: Should the application of GPU for water and wastewater certificates be approved?

Recommendation: Yes. The Commission should grant GPU Certificate Nos. 677-W and 577-S to serve the territory described in Attachment A of staff's memorandum dated October 22, 2020, effective the date of the Commission's vote. The resultant order should serve as GPU's water and wastewater certificates and it should be retained by the Utility.

Issue 3: Should initial water and wastewater rates, charges, and return on equity be approved at this time?

Recommendation: No. Initial water and wastewater rates, charges, and return on equity should not be approved at this time.

ITEM NO.

CASE

6**PAA

Docket No. 20200185-WS – Application for certificates to provide water and wastewater service in Lake and Sumter Counties, by Gibson Place Utility Company, LLC.

(Continued from previous page)

Issue 4: Should this docket be closed?

Recommendation: No. This docket should remain open to allow for the setting of initial rates, charges, and return on equity. As discussed in Issue 1, the Utility has requested that the certification and the rate setting process be bifurcated. Therefore, staff recommends that the docket remain open for the setting of initial rates, charges, and return on equity at a later date.

ITEM NO.

CASE

7

Docket No. 20200222-EI – Petition for approval of modifications to rate schedule FB-1, fixedbill program by Duke Energy Florida, LLC.

Critical Date(s): 11/27/20 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Guffey

GCL: Schrader

(Tariff Suspension)

Issue 1: Should DEF's proposed Optional FixedBill (FB-1) Rate Schedule and associated Tariff Sheet No. 6.391 revisions be suspended?

Recommendation: Yes. Staff recommends that the Optional FixedBill (FB-1) Rate Schedule and associated Tariff Sheet No. 6.391 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 proposed tariff modifications.

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open pending the Commission decision on the proposed Optional FixedBill (FB-1) Rate Schedule and associated Tariff Sheet No. 6.391 revisions.

ITEM NO.

CASE

8**

Docket No. 20200203-GU – Joint petition for approval of swing service rider rates for January through December 2021, by Florida Public Utilities Company, Florida Public Utilities Company-Indiantown Division, Florida Public Utilities Company-Fort Meade, and Florida Division of Chesapeake Utilities Corporation.

Critical Date(s): 8-Month Effective Date: 04/30/21 (60-Day Suspension Date waived by the companies)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Guffey

GCL: Brownless

(Tariff Filing)

Issue 1: Should the Commission approve the companies' proposed swing service rider rates and tariffs for the period January through December 2021?

Recommendation: Yes. The Commission should approve the companies' proposed swing service rider rates and tariffs for the period January through December 2021. The costs included are appropriate and the methodology for calculating the swing service rider rates is consistent with the swing service order.

Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved and 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. 20200204-GU – Petition for approval of the safety, access, and facility enhancement program true-up and 2021 cost recovery factors, by Florida City Gas.

Critical Date(s): 60-day suspension date waived by the utility.

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Forrest, Coston

GCL: Osborn, J. Crawford

(Tariff Filing)

Issue 1: Should the Commission approve Florida City Gas's proposed SAFE tariffs for the period January through December 2021?

Recommendation: Yes. The Commission should approve Florida City Gas's proposed SAFE tariffs for the period January through December 2021.

Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved and 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. 20200214-GU – Joint petition of Florida Public Utilities Company, Florida Public Utilities Company-Indiantown Division, Florida Public Utilities Company-Fort Meade, and the Florida Division of Chesapeake Utilities Corporation for approval of consolidation of tariffs, for modifications to retail choice transportation service programs, and to change the MACC for Florida Public Utilities Company.

Critical Date(s): 11/13/20 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Hampson

GCL: Osborn, J. Crawford

(Tariff Suspension)

Issue 1: Should the Companies' proposed revisions to their tariffs be suspended?

Recommendation: Yes. Staff recommends that the proposed revisions to 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 proposed tariff revisions.

Issue 2: Should this docket be closed?

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

ITEM NO.

CASE

11

Docket No. 20200216-GU – Request for approval of tariff modifications to accommodate receipt and transportation of renewable natural gas from customers, by Florida City Gas.

Critical Date(s): 11/16/20 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Forrest, Coston, Draper

GCL: Osborn, J. Crawford

(Tariff Suspension)

Issue 1: Should FCG's proposed new RNGS tariff and associated tariff revisions be suspended?

Recommendation: Yes. Staff recommends that the proposed new RNGS tariff and associated tariff revisions 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 proposed tariff modifications.

Issue 2: Should this docket be closed?

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