

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, January 5, 2021, 9:30 a.m.

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

DATE ISSUED: December 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 January 4, 2021; or (2) file any written comments for a particular item in the applicable Docket file by noon on January 4, 2021.

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.

Table of Contents
 Commission Conference Agenda
 January 5, 2021

1**	Consent Agenda	1
2	Docket No. 20190168-WS – Application for water and wastewater service in Duval, Baker, and Nassau Counties, by First Coast Regional Utilities, Inc.	2
3**PAA	Docket No. 20200226-SU – Application for certificate to provide wastewater service in Charlotte County, by Environmental Utilities, LLC.	3
4	Docket No. 20200242-EI – Petition for approval of regulatory assets related to the retirements of the coal generation assets at Plant Crist Units 4, 5, 6, and 7, by Gulf Power Company. Docket No. 20200007-EI – Environmental cost recovery clause.	4
5**PAA	Docket No. 20200215-WS – Petition for approval to defer legal expenses in Marion County, by East Marion Utilities, LLC.	5
6	Docket No. 20200245-EI – Petition for a limited proceeding to approve third solar base rate adjustment, by Duke Energy Florida, LLC.	6
7	Docket No. 20200176-EI – Petition for a limited proceeding to approve clean energy connection program and tariff and stipulation, by Duke Energy Florida, LLC.	7
8**PAA	Docket No. 20200217-EU – Joint petition for approval of territorial agreement in Jefferson, Madison and Taylor Counties, by Tri-County Electric Cooperative and Duke Energy Florida, LLC.	8
9**PAA	Docket No. 20200218-EI – Joint petition for approval of intermittent electric standby power agreement, by Tampa Electric Company, Duke Energy Florida, and Mosaic Fertilizer, LLC.	9
10**	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.	10

ITEM NO.

CASE

1**	Consent Agenda				
PAA	A) 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>20200253-TX</td><td>Netsync Fiber Inc</td></tr></table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	20200253-TX	Netsync Fiber Inc
<u>DOCKET NO.</u>	<u>COMPANY NAME</u>				
20200253-TX	Netsync Fiber Inc				
PAA	B) Docket No. 20200251-GU - Application for authorization to issue common stock, preferred stock and secured and/or unsecured debt, and to enter into agreements for interest rate swap products, equity products and other financial derivatives in 2021, by Chesapeake Utilities Corporation.				

Recommendation: The Commission should approve the action requested in the dockets referenced above and close Docket No. 20200253-TX. For monitoring purposes, Docket No. 20200251-GU should remain open until May 6, 2022, to allow the Utility time to file the required Consummation Report.

ITEM NO.

CASE

2

Docket No. 20190168-WS – Application for water and wastewater service in Duval, Baker, and Nassau Counties, by First Coast Regional Utilities, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: GCL: Lherisson, J. Crawford

AFD: Bennett, Norris

ENG: Watts, King, Knoblauch, Ramos

(Oral Argument Requested on Issues 2, 3, and 4 - Participation is at the Commission's Discretion)

Issue 1: Should the parties' request for oral argument be granted?

Recommendation: Yes, oral argument would aid the Commission in understanding and evaluating the issues to be decided. The parties should be allowed ten (10) minutes each for oral argument to address all pending motions.

Issue 2: Should JEA's Motion for Summary Final Order be granted?

Recommendation: No. Based on staff's review of JEA's Motion, it appears that conflicting reasonable inferences may be drawn from the facts giving rise to the territorial dispute. Therefore, JEA's Motion for Summary Final Order should be denied.

Issue 3: Should First Coast's Motion for Partial Summary Final Order be granted?

Recommendation: No. Based on staff's review of First Coast's Motion, it appears that conflicting reasonable inferences may be drawn from the facts giving rise to the territorial dispute. Therefore, First Coast's Motion for Partial Summary Final Order should be denied.

Issue 4: What is the appropriate disposition of First Coast's Motion to Strike select provisions of JEA's Objection to First Coast's certificate application?

Recommendation: Staff recommends that the Commission deny First Coast's Motion to Strike select provisions of JEA's Objection.

Issue 5: Should this docket be closed?

Recommendation: No. If the Commission approves staff's recommendation in Issues 2, 3, and 4, this docket should remain open and further proceedings should be scheduled to conduct an administrative hearing with respect to First Coast's Application.

ITEM NO.

CASE

3**PAA

Docket No. 20200226-SU – Application for certificate to provide wastewater service in Charlotte County, by Environmental Utilities, LLC.

Critical Date(s): 01/12/21 (90-Day Statutory Deadline to Address Rule Waiver)

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: GCL: Osborn, J. Crawford

ENG: Kistner, Ellis, Thompson

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

Recommendation: Yes. The Utility has met the requirements found in Section 120.542, F.S., and the Commission should grant EU’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. EU should file the information required to set initial rates and charges in the first quarter of 2022. EU should also 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 this docket be closed?

Recommendation: No. If no timely protest is received to the proposed agency action, the Order will become final upon the issuance of a Consummating Order. However, the docket should remain open pending the Commission’s action on the Utility’s application for an original wastewater certificate, and setting initial rates and charges.

ITEM NO.

CASE

4

Docket No. 20200242-EI – Petition for approval of regulatory assets related to the retirements of the coal generation assets at Plant Crist Units 4, 5, 6, and 7, by Gulf Power Company.

Docket No. 20200007-EI – Environmental cost recovery clause.

Critical Date(s): 01/09/21 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Polmann (20200242-EI)
Fay (20200007-EI)

Staff: AFD: Snyder, Andrews, Mouring, Swards
ECO: Forrest
ENG: P. Buys, Knoblauch, Philips
GCL: Stiller

(Tariff Suspension)

Issue 1: Should Gulf Power’s proposed 2021 ECRC mid-course correction tariff be suspended?

Recommendation: Yes. Staff recommends that the proposed 2021 ECRC mid-course correction tariff 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 ECRC tariff modification.

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open pending the Commission’s decision on the proposed surcharge requested in Docket No. 20200241-EI and the tariff requested in the instant docket.

ITEM NO.

CASE

5**PAA

Docket No. 20200215-WS – Petition for approval to defer legal expenses in Marion County, by East Marion Utilities, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: AFD: Snyder, Mouring

GCL: Murphy, Tan

Issue 1: Should the Commission approve East Marion Utilities, LLC’s petition to defer legal expenses?

Recommendation: Yes. The Commission should approve the petition by East Marion to defer legal expenses for consideration in the utility’s next rate proceeding.

Issue 2: Should this docket be closed?

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

ITEM NO.

CASE

6

Docket No. 20200245-EI – Petition for a limited proceeding to approve third solar base rate adjustment, by Duke Energy Florida, LLC.

Critical Date(s): 01/17/21 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: ENG: Phillips

ECO: Forrest

GCL: Stiller

(Tariff Suspension)

Issue 1: Should DEF's proposed tariff modifications associated with its third SoBRA rate base adjustment petition be suspended?

Recommendation: Yes. Staff recommends that the proposed tariff modifications 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 modifications.

ITEM NO.

CASE

7

Docket No. 20200176-EI – Petition for a limited proceeding to approve clean energy connection program and tariff and stipulation, by Duke Energy Florida, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Polmann

Staff: ENG: Wooten, Doehling, Ellis, King
AFD: Brown, Higgins, Mouring, Richards
ECO: Coston, Kunkler, Wu
GCL: Stiller, Lherisson

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

On July 1, 2020, Duke Energy Florida, LLC (Duke or Company) filed a petition for approval of a Stipulation entered into by several parties regarding the Clean Energy Connection (CEC) Program and associated tariffs. Duke's CEC Program is a voluntary community solar program that allows participating customers to pay a subscription fee in exchange for receiving bill credits related to the solar generation produced by the CEC Program solar facilities. The Company plans to build 10 projects totaling 750 MW of solar generation as part of the CEC Program, which will be placed in-service between 2022 and 2024. Duke has allocated the capacity of the CEC Program solar facilities among commercial, residential and local government customer groups with approximately 27.7% of the residential allocation carved out for low-income customers.

The Stipulation and proposed tariffs contain a series of compromises from signatories regarding the structure, funding, construction, and operation of the CEC Program and is Attachment A of staff's memorandum dated December 22, 2020. The signatories to the Stipulation are Duke, Vote Solar, Southern Alliance for Clean Energy (SACE) and Walmart Inc. (Walmart). The League of United Latin American Citizens of Florida, (LULAC) objects to the Stipulation, The Office of Public Counsel (OPC) does not actively object to the Stipulation, and Florida Industrial Power Users Group (FIPUG) takes no position regarding the Stipulation.

The Commission should vote on whether or not to approve the Stipulation filed July 1, 2020, requesting approval of Duke's Clean Energy Connection Program and Tariff.

ITEM NO.

CASE

8**PAA

Docket No. 20200217-EU – Joint petition for approval of territorial agreement in Jefferson, Madison and Taylor Counties, by Tri-County Electric Cooperative and Duke Energy Florida, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: ECO: Guffey

GCL: Osborn, J. Crawford

Issue 1: Should the Commission approve the proposed modified Territorial Agreement in Jefferson, Madison, and Taylor counties between Tri-County Electric Cooperative (TCEC) and Duke Energy Florida, LLC (DEF)?

Recommendation: Yes, the Commission should approve the modified Territorial Agreement in Jefferson, Madison, and Taylor counties between TCEC and DEF. The approval of this Territorial Agreement will not be a detriment to the public interest and it will enable TCEC and DEF to avoid duplication of facilities. The modified Territorial Agreement between TCEC and DEF should become effective on the date the Commission order approving the 2020 Territorial Agreement becomes final.

Issue 2: Should this docket be closed?

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

ITEM NO.

CASE

9**PAA

Docket No. 20200218-EI – Joint petition for approval of intermittent electric standby power agreement, by Tampa Electric Company, Duke Energy Florida, and Mosaic Fertilizer, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: ECO: Ward, Coston, Draper

GCL: Brownless

Issue 1: Should the Commission approve the proposed amendment to the intermittent electric standby power agreement between Tampa Electric, Duke, and Mosaic?

Recommendation: Yes. The Commission should approve the proposed amendment to the current intermittent electric standby power agreement between Tampa Electric, Duke, and Mosaic, effective on the date of a final Commission order approving the amendment. The amended agreement is consistent with the Commission's policy of encouraging agreements, promotes renewable energy, and has no immediate impact on Tampa Electric's and Duke's general body of ratepayers.

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

10**

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): 05/14/21 (8-Month Effective Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Forrest, Coston

GCL: Osborn, J. Crawford

(Tariff Filing)

Issue 1: Should the Commission approve FCG's proposed new RNGS tariff and modifications to its current Volume No. 10 natural gas tariffs?

Recommendation: Yes, the Commission should approve FCG's proposed new RNGS tariff and modifications to its current Volume No. 10 tariffs, effective January 5, 2021. The RNGS tariff would provide FCG with an opportunity to provide biogas conditioning services to interested customers and the utility demonstrated a reasonable approach to implementing the tariff. A participating customer would enter into an agreement with FCG and all capital and operating costs associated with the RNG cleaning and conditioning facility will be borne by the customer over the life of the contract.

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.