

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, December 7, 2021, 9:30 a.m.

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

DATE ISSUED: November 23, 2021

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

20210173-TX

Hargray of Tallahassee LLC

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

ITEM NO.

CASE

2**PAA

Docket No. 20210163-TP – Request for relinquishment of eligible telecommunications carrier (ETC) designation in Florida, by BellSouth Telecommunications, LLC d/b/a AT&T Florida.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Passidomo

Staff: IDM: Yglesias de Ayala, Fogleman, Wendel

GCL: Weisenfeld

Issue 1: Should the Commission approve AT&T Florida’s request for relinquishment of its ETC designation?

Recommendation: Yes. The Commission should approve AT&T Florida’s request to relinquish its ETC designation.

Issue 2: Should this docket be closed?

Recommendation: Yes. 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

3**PAA

Docket No. 20210168-TP – Petition of North American Numbering Plan Administrator on behalf of the Florida telecommunications industry, for approval of consensus decision to recommend to the Commission an all-services overlay as the form of relief for the 561 numbering plan area.

Critical Date(s): The estimated exhaust date for the 561 area code is the third quarter of 2023.

Commissioners Assigned: All Commissioners

Prehearing Officer: Passidomo

Staff: IDM: Deas, Fogleman

GCL: Imig

Issue 1: Should the Commission approve the Industry's consensus recommendation of an all-services distributed overlay as the area code relief plan for the 561 area code?

Recommendation: Yes, the Commission should approve the Industry's consensus recommendation of an all-services distributed overlay as the area code relief plan for the 561 area code.

Issue 2: 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 Proposed Agency Action Order, this docket should be closed upon the issuance of a Consummating Order.

ITEM NO.

CASE

4A**

Docket No. 20210001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Fay

Staff: AFD: Higgins

ECO: Coston

GCL: Brownless, Osborn

Issue 1: Should the Commission modify FPL’s currently-approved fuel factors for the purpose of addressing its currently-projected under-recovery of 2022 fuel costs?

Recommendation: Yes. Staff recommends the Commission approve adjustments to FPL’s currently-approved 2022 fuel factors to incorporate a projected period-ending 2022 under-recovery of fuel costs in the amount of \$809,975,806.

Issue 2: If approved by the Commission, what is the appropriate effective date for FPL’s revised fuel cost recovery factors?

Recommendation: Staff recommends that the fuel cost recovery factors as shown on Appendix A become effective with the first billing cycle of January 2022.

Issue 3: Should this docket be closed?

Recommendation: No. The 20210001-EI docket is an on-going proceeding and should remain open.

ITEM NO.

CASE

4B **Docket No. 20210001-EI** – Fuel and purchased power cost recovery clause with generating performance incentive factor.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Fay

Staff: AFD: Higgins

 ENG: Ellis, Wooten

 GCL: Brownless, Osborn

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

Issue 1C: Has DEF made appropriate adjustments, if any are needed, to account for replacement power costs associated with the January 2021 to April 2021 Crystal River Unit No. 4 outage? If appropriate adjustments are needed and have not been made, what adjustments should be performed?

Recommendation: No. Failure of the plant operator to follow written procedures, without supervisory approval, directly led to the outage at Crystal River Unit 4. As such, replacement power costs should not be borne by retail ratepayers. DEF should credit its customers \$14.4 million associated with retail replacement power costs for the Crystal River Unit No. 4 outage through its 2021 Final True-Up filing.

Issue 2: Should this docket be closed?

Recommendation: No. The 20210001-EI docket is an on-going proceeding and should remain open.

ITEM NO.

CASE

5**PAA

Docket No. 20210005-WS – Annual reestablishment of price increase or decrease index of major categories of operating costs incurred by water and wastewater utilities pursuant to Section 367.081(4)(a), F.S.

Critical Date(s): 03/31/22 (Statutory Reestablishment Deadline)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: AFD: Blocker, Norris

GCL: Osborn, J. Crawford

Issue 1: Which index should be used to determine price level adjustments?

Recommendation: The Gross Domestic Product Implicit Price Deflator Index is recommended for use in calculating price level adjustments. Staff recommends calculating the 2022 Price Index by using a fiscal year, four quarter comparison of the Implicit Price Deflator Index ending with the third quarter of 2021.

Issue 2: What rate should be used by water and wastewater utilities for the 2022 Price Index?

Recommendation: The 2022 Price Index for water and wastewater utilities should be 4.53 percent.

Issue 3: How should the utilities be informed of the indexing requirements?

Recommendation: Pursuant to Rule 25-30.420(1), F.A.C., the Office of Commission Clerk, after the expiration of the Proposed Agency Action (PAA) protest period, should mail each regulated water and wastewater utility a copy of the PAA order establishing the index containing the information presented in Attachment 1 of staff's memorandum dated November 23, 2021. A cover letter from the Director of the Division of Accounting and Finance should be included with the mailing of the order (Attachment 2 of staff's memorandum dated November 23, 2021). The entire package should also be made available on the Commission's website.

Issue 4: Should this docket be closed?

Recommendation: No. Upon expiration of the 14-day protest period, if a timely protest is not received, the decision should become final and effective upon the issuance of a Consummating Order. Any party filing a protest should be required to prefile testimony with the protest. However, this docket should remain open through the end of the year and be closed upon the establishment of the new docket in January 2022.

ITEM NO.

CASE

6**PAA

Docket No. 20210174-WU – Joint motion requesting Commission approval of settlement agreement by the Office of Public Counsel and Black Bear Waterworks, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: La Rosa

Staff: AFD: Mouring

GCL: J. Crawford

Issue 1: Should the Commission approve the Joint Motion and Settlement Agreement by the Parties?

Recommendation: Yes. The proposed Settlement Agreement adequately addresses the potential overearnings staff had identified during its ongoing earnings surveillance activities. As outlined in the proposed Settlement Agreement, Black Bear should refund 16.57 percent of water revenues billed for the calendar year 2021.

Issue 2: Should this docket be closed?

Recommendation: No. If no timely protest is received from a substantially affected person upon expiration of the protest period, the PAA Order will become final upon the issuance of a Consummating Order. However, this docket should remain open to allow staff to verify completion of the refunds discussed in Issue 1. Once staff has verified that the refunds have been made in accordance with Rule 25-30.360, F.A.C., the docket should be closed administratively.

ITEM NO.

CASE

7**PAA

Docket No. 20210121-EG – Petition for approval of modifications to demand-side management program plan and participation standards, by Duke Energy Florida, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: La Rosa

Staff: ENG: Thompson, Ellis, King

ECO: Barrett

GCL: Trierweiler, Jones

Issue 1: Should the Commission approve, for cost recovery purposes, the modifications to DEF's demand-side management plan and participation standards as requested in its petition?

Recommendation: No. The modification to the Home Energy Check program should not be approved for cost recovery purposes because the modification is not cost-effective. The modification to the Residential Load Management program should not be approved for cost recovery purposes because the gift cards do not contribute to demand savings. However, this recommendation does not preclude DEF from making the modifications requested, and having the associated costs borne by its shareholders.

The Commission need not take any action at this time regarding the proposed modification to adjust the forecasted participation in the Neighborhood Energy Saver program because there is no participation cap on this program. If DEF chooses to modify this program's marketing efforts in order to increase participation in the specified years, it would be more appropriate for the Commission to review the associated costs in the ECCR Clause proceeding.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the PAA Order, a Consummating Order should be issued and the docket should be closed.

ITEM NO.

CASE

8**PAA

Docket No. 20210160-EU – Joint petition for approval of modification to territorial agreement in Orange County, by City of Winter Park and Duke Energy Florida, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Passidomo

Staff: ECO: Guffey

GCL: Sandy, J. Crawford

Issue 1: Should the Commission approve the proposed First Amendment to the current territorial agreement in Orange County between Winter Park and DEF?

Recommendation: Yes, the Commission should approve the proposed First Amendment to the current territorial agreement in Orange County between Winter Park and DEF. The approval of this amendment will not be a detriment to the public interest and will enable Winter Park and DEF to redefine specific service areas in the City of Winter Park.

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 the Consummating Order.

ITEM NO.

CASE

9**

Docket No. 20210064-EI – Petition for approval of revised underground residential distribution tariffs, by Tampa Electric Company.

Critical Date(s): 04/01/22 (12-Month Effective Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Forrest, Coston

GCL: Stiller

(Tariff Filing)

Issue 1: Should the Commission approve TECO’s underground residential distribution tariffs and associated charges?

Recommendation: Yes, the Commission should approve TECO’s underground residential distribution tariffs and associated charges as filed in the amended petition, effective thirty days after the Commission vote.

Issue 2: Should this docket be closed?

Recommendation: 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.