

FLORIDA PUBLIC SERVICE COMMISSION

ADDENDUM*

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, February 1, 2022, 9:30 a.m.

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

DATE ISSUED: January 25, 2022

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.

*** Inserted late-filed Item 2 and added Item 6A. Items 7 and 8 are deferred to the March 1, 2022, Commission Conference.**

Table of Contents
 Commission Conference Agenda
 February 1, 2022

1**	Consent Agenda	1
2**	Docket No. 20210137-PU – Proposed adoption of Rule 25-18.010, F.A.C., Pole Attachment Complaints.	2
3**PAA	Docket No. 20210188-GU – Joint petition for variance from Rule 25-7.039(1), F.A.C., by Florida Public Utilities Company and Florida Division of Chesapeake Utilities Corporation.	3
4**PAA	Docket No. 20220012-EI – Petition for temporary waiver of Rule 25-6.078(3), F.A.C. by Florida Power & Light Company.....	4
5**	Docket No. 20210190-TP – Petition on behalf of the Florida telecommunications industry for expeditious approval of the industry's consensus recommendation to implement Alternative No. 1, the all-services distributed overlay of the 305/786 NPA overlay, by North American Numbering Plan Administrator.....	5
6**	Docket No. 20220001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor.	6
6A	Docket No. 20220001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor.	7
7**PAA	Docket No. 20210093-WS – Application for transfer of water and wastewater systems of Aquarina Utilities, Inc., water Certificate No. 517-W, and wastewater Certificate No. 450-S to CSWR-Florida Utility Operating Company, LLC, in Brevard County.....	8
8**PAA	Docket No. 20210095-WU – Application for transfer of water facilities of Sunshine Utilities of Central Florida, Inc. and water Certificate No. 363-W to CSWR-Florida Utility Operating Company, LLC, in Marion County.	10
9**PAA	Docket No. 20210170-EU – Joint petition for approval of amendment to territorial agreement in Sumter County, by Sumter Electric Cooperative, Inc. and City of Bushnell.	12
10**	Docket No. 20210180-EI – Petition for authority to reinstate the non-firm energy program and tariff, Florida Public Utilities Company.	13

ITEM NO.

CASE

1**

Consent Agenda

PAA

A) Application for Certificate of Authority to Provide Telecommunications Service.

DOCKET NO. COMPANY NAME

20210186-TX Open Infra East Inc.

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

ITEM NO.

CASE

2**

Docket No. 20210137-PU – Proposed adoption of Rule 25-18.010, F.A.C., Pole Attachment Complaints.

Rule Status: Rule Hearing

Commissioners Assigned: All Commissioners

Prehearing Officer: Fay

Staff: GCL: Cowdery, Harper, Sunshine
IDM: Wendel

Issue 1: Should the Commission make changes to proposed Rule 25-18.010, F.A.C., Pole Attachment Complaints?

Recommendation: Yes. The Commission should change proposed Rule 25-18.010, F.A.C., Pole Attachment Complaints, as shown in Attachment A of staff's memorandum dated January 25, 2022.

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open pending further rulemaking steps under Section 120.54, F.S. In addition, the docket should remain open until the Commission provides certification to the FCC as required by Section 366.04(8)(g), F.S., and receives the certification from the FCC.

ITEM NO.

CASE

3**PAA

Docket No. 20210188-GU – Joint petition for variance from Rule 25-7.039(1), F.A.C., by Florida Public Utilities Company and Florida Division of Chesapeake Utilities Corporation.

Critical Date(s): 4/10/22 (Petition for Variance deemed approved if not granted or denied by this date pursuant to Section 120.542(8), Florida Statutes)

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: GCL: Sunshine

AFD: Mouring

ECO: Barrett, Coston, Galloway

ENG: Wooten

Issue 1: Should the Commission grant FPUC and CFG’s Joint Petition for variance from Rule 25-7.039(1), F.A.C.?

Recommendation: Yes, FPUC and CFG’s Joint Petition for variance from Rule 25-7.039(1), F.A.C., should be granted, subject to discovery and cross-examination procedures remaining intact.

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

4**PAA

Docket No. 20220012-EI – Petition for temporary waiver of Rule 25-6.078(3), F.A.C. by Florida Power & Light Company.

Critical Date(s): 4/07/22 (Petition for Temporary Waiver deemed approved if not granted or denied by this date pursuant to Section 120.542(8), F.S.)

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: GCL: DuVal

ECO: Coston, Draper

Issue 1: Should the Commission grant FPL’s Petition for a temporary waiver of Rule 25-6.078(3), F.A.C.?

Recommendation: Yes, the Commission should grant FPL’s Petition for a temporary waiver of Rule 25-6.078(3), F.A.C.

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

5**

Docket No. 20210190-TP – Petition on behalf of the Florida telecommunications industry for expeditious approval of the industry's consensus recommendation to implement Alternative No. 1, the all-services distributed overlay of the 305/786 NPA overlay, by North American Numbering Plan Administrator.

Critical Date(s): The estimated exhaust date for the 305/786 area codes is the first quarter of 2024.

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

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 305/786 area codes?

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 305/786 area codes.

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

6**

Docket No. 20220001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: La Rosa

Staff: AFD: Higgins

ECO: Draper, Coston

GCL: Brownless

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

Recommendation: Yes. Staff recommends the Commission approve adjustments to DEF’s currently-approved fuel cost recovery factors for the purpose of recovering a portion of the total projected period-ending 2022 under-recovery of fuel costs in the amount of \$314,223,437.

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

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

Issue 3: Should this docket be closed?

Recommendation: No. The 20220001-EI docket is an on-going proceeding and should remain open.

ITEM NO.

CASE

6A **Docket No. 20220001-EI** – Fuel and purchased power cost recovery clause with generating performance incentive factor.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: La Rosa

Staff: AFD: Higgins

 ENG: Ellis, Phillips, Wooten

 GCL: Brownless

(Oral Argument Requested – Participation is Dependent on the Commission’s Vote on Issue 1)

Issue 1: Should the Commission grant the Office of Public Counsel’s Request for Oral Argument on its Motion for Reconsideration?

Recommendation: Yes. The Commission should grant OPC’s Request for Oral Argument on its Motion for Reconsideration and each side should be given five minutes to present their oral argument.

Issue 2: Should the Commission grant the Office of Public Counsel’s Motion for Reconsideration of Order No. PSC-2021-0466-FOF-EI?

Recommendation: No. Office of Public Counsel’s (OPC) Motion for Reconsideration should be denied because it does not meet the required standard for a motion for reconsideration. OPC has failed to identify any point of fact or law that was overlooked or that the Commission failed to consider in rendering Order No. PSC-2021-0466-FOF-EI, Order Approving Crystal River Unit 4 Replacement Power Costs for Duke Energy Florida, LLC.

Issue 3: Should this docket be closed?

Recommendation: No, this docket is a continuing docket and should remain open.

ITEM NO.

CASE

7**PAA

Docket No. 20210093-WS – Application for transfer of water and wastewater systems of Aquarina Utilities, Inc., water Certificate No. 517-W, and wastewater Certificate No. 450-S to CSWR-Florida Utility Operating Company, LLC, in Brevard County.

DEFERRED TO THE MARCH 1, 2022, COMMISSION CONFERENCE.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: ENG: M. Watts, Ramos
AFD: Blocker, Fletcher
ECO: Bruce
GCL: J. Crawford

(Proposed Agency Action for Issues 2 and 3)

Issue 1: Should the transfer of Certificate Nos. 517-W and 450-S in Brevard County from Aquarina Utilities, Inc. to CSWR-Florida Utility Operating Company, LLC be approved?

Recommendation: Yes. The transfer of the water and wastewater systems and Certificate Nos. 517-W and 450-S is in the public interest and should be approved effective the date that the sale becomes final. The resultant Order should serve as the Buyer's certificate and should be retained by the Buyer. The Buyer should submit the executed and recorded deed for continued access to the land upon which its facilities are located and copies of its permit transfer applications to the Commission within 60 days of the Order approving the transfer, which is final agency action. If the sale is not finalized within 60 days of the transfer Order, the Buyer should file a status update in the docket file. The Utility's existing rates and charges, including the modification to miscellaneous service charges pursuant to Rule 25-30.460, Florida Administrative Code (F.A.C.), should remain in effect until a change is authorized by the Commission in a subsequent proceeding. The tariff pages reflecting the transfer should be effective on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(1), F.A.C. The Seller is current with respect to annual reports and regulatory assessment fees (RAFs) through December 31, 2020. The Seller should be responsible for filing annual reports and paying RAFs for 2021, and the Buyer should be responsible for filing the annual reports and paying RAFs for all future years.

ITEM NO.

CASE

7**PAA

Docket No. 20210093-WS – Application for transfer of water and wastewater systems of Aquarina Utilities, Inc., water Certificate No. 517-W, and wastewater Certificate No. 450-S to CSWR-Florida Utility Operating Company, LLC, in Brevard County.

(Continued from previous page)

Issue 2: What is the appropriate net book value for the CSWR-Aquarina potable water, non-potable water, and wastewater systems for transfer purposes?

Recommendation: For transfer purposes, the net book value (NBV) of potable water, non-potable water, and wastewater systems is \$278,878, \$262,867, and \$82,768, respectively, as of August 16, 2021. Within 90 days of the date of the Consummating Order, CSWR-Aquarina 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 CSWR-Aquarina’s 2022 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 Buyer failed to demonstrate extraordinary circumstances.

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 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, that the Buyer has submitted the executed and recorded warranty deed and that the Buyer has submitted copies of its applications for permit transfers to the DEP and the SJRWMD, within 60 days of the Commission’s Order approving the transfer.

ITEM NO.

CASE

8**PAA

Docket No. 20210095-WU – Application for transfer of water facilities of Sunshine Utilities of Central Florida, Inc. and water Certificate No. 363-W to CSWR-Florida Utility Operating Company, LLC, in Marion County.

DEFERRED TO THE MARCH 1, 2022, COMMISSION CONFERENCE.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: ENG: Maloy, Ramos
AFD: Blocker, Fletcher
ECO: Sibley
GCL: Lherisson

(Proposed Agency Action for Issues 2 and 3)

Issue 1: Should the transfer of Certificate No. 363-W in Marion County from Sunshine Utilities of Central Florida, Inc. to CSWR-Florida Utility Operating Company, LLC be approved?

Recommendation: Yes. The transfer of the water system and Certificate No. 363-W is in the public interest and should be approved effective the date that the sale becomes final. The resultant Order should serve as the Buyer's certificate and should be retained by the Buyer. The Buyer should submit the executed and recorded deed for continued access to the land upon which its facilities are located and copies of its permit transfer applications to the Commission within 60 days of the Order approving the transfer, which is final agency action. If the sale is not finalized within 60 days of the resultant Order, the Buyer should file a status update in the docket file. The Utility's existing rates and charges, including the modification to miscellaneous service charges pursuant to Rule 25-30.460, Florida Administrative Code (F.A.C.), should remain in effect until a change is authorized by the Commission in a subsequent proceeding. The tariff pages reflecting the transfer should be effective on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(1), F.A.C. The Seller is current with respect to annual reports and regulatory assessment fees (RAFs) through December 31, 2020. The Buyer should be responsible for filing annual reports and paying RAFs for all future years.

Issue 2: What is the appropriate net book value for the CSWR-Sunshine water system for transfer purposes?

Recommendation: For transfer purposes, the net book value (NBV) of the water system is \$248,089 as of May 31, 2021. Within 90 days of the date of the Consummating Order, CSWR-Sunshine should be required to notify the Commission in writing, that it has

ITEM NO.

CASE

8**PAA

Docket No. 20210095-WU – Application for transfer of water facilities of Sunshine Utilities of Central Florida, Inc. and water Certificate No. 363-W to CSWR-Florida Utility Operating Company, LLC, in Marion County.

(Continued from previous page)

adjusted its books in accordance with the Commission’s decision. The adjustments should be reflected in CSWR-Sunshine’s 2022 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 CSWR-Sunshine failed to demonstrate extraordinary circumstances.

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 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, that the Buyer has submitted the executed and recorded warranty deed and that the Buyer has submitted copies of its applications for permit transfers to the DEP and the SJRWMD, within 60 days of the Commission’s Order approving the transfer, which is final agency action.

ITEM NO.

CASE

9**PAA

Docket No. 20210170-EU – Joint petition for approval of amendment to territorial agreement in Sumter County, by Sumter Electric Cooperative, Inc. and City of Bushnell.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Passidomo

Staff: ECO: Guffey

GCL: Lherisson

Issue 1: Should the Commission approve the proposed First Amendment to the 2020 Territorial Agreement in Sumter County between SECO and Bushnell?

Recommendation: Yes, the Commission should approve the proposed First Amendment to the 2020 Territorial Agreement in Sumter County between SECO and Bushnell. The approval of this First Amendment will enable SECO and Bushnell to redefine their existing service boundary to better serve their existing and future customers in Sumter County, and will not be a detriment to the public interest.

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

10**

Docket No. 20210180-EI – Petition for authority to reinstate the non-firm energy program and tariff, Florida Public Utilities Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Hampson, Coston

GCL: Lherisson

(Tariff Filing)

Issue 1: Should the Commission approve FPUC’s petition to reinstate its Non-Firm Energy Program tariff?

Recommendation: Yes, the Commission should approve FPUC’s request to reinstate its Non-Firm Energy Program tariff. After evaluating the results of its pilot program, FPUC has demonstrated the program’s benefits to the general body of ratepayers and program participants. The proposed tariff sheets are shown in Attachment A of staff’s memorandum dated January 20, 2022.

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 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.