

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, June 13, 2023, 9:30 a.m.

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

DATE ISSUED: June 1, 2023

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.

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ITEM NO.

CASE

1**

Consent Agenda

PAA

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
20230051-TX	Point Broadband Fiber Holding, LLC
20230026-TX	CNS Networks LLC
20230053-TX	HyperFiber, LLC d/b/a HyperFiber of Florida LLC

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

ITEM NO.

CASE

2**

Docket No. 20230001-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, G. Kelley, Zaslow

ECO: Hampson

GCL: Brownless, Sandy

Issue 1: Should the Commission modify FPL’s currently-authorized fuel cost recovery factors for the purpose of incorporating its projected 2023 fuel cost reduction?

Recommendation: Yes. Staff recommends the Commission authorize adjustments to FPL’s fuel cost recovery factors for the purpose of incorporating a portion of the Company’s projected 2023 fuel cost reduction. Accordingly, FPL’s currently-authorized 2023 fuel cost recovery factors should be reduced by \$256,094,786.

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

Recommendation: The fuel cost recovery factors, as shown on Appendix A, should become effective with the first billing cycle of July 2023.

Issue 3: Should this docket be closed?

Recommendation: No. The 20230001-EI docket is an on-going proceeding and should remain open.

ITEM NO.

CASE

3**PAA

Docket No. 20230006-WS – Water and wastewater industry annual reestablishment of authorized range of return on common equity for water and wastewater utilities pursuant to Section 367.081(4)(f), F.S.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Passidomo

Staff: AFD: D. Buys, Mouring

GCL: Dose, J. Crawford

Issue 1: What is the appropriate range of returns on common equity for water and wastewater utilities pursuant to Section 367.081(4)(f), Florida Statutes?

Recommendation: The appropriate range of returns on common equity is 8.46 percent at 100 percent equity to 10.67 percent at 40 percent equity. This range was determined using the leverage formula methodology approved in Order No. PSC-2018-0327-PAA-WS using a proxy group comprised of natural gas and WAW utilities and updated financial data. Accordingly, the following leverage formula should be used until the leverage formula is addressed again in 2024:

$$\text{ROE} = 7.00 + (1.468 \div \text{Equity Ratio})$$

Where the Equity Ratio = Common Equity ÷ (Common Equity + Preferred Equity + Long-Term and Short-Term Debt)

Range: 8.46% at 100% equity to 10.67% at 40% equity

The Commission should cap returns on common equity at 10.67 percent for all WAW utilities with equity ratios less than 40 percent. Imposing a cap serves to discourage imprudent financial risk. This cap is consistent with the methodology approved in Order No. PSC-2018-0327-PAA-WS.

Issue 2: Should this docket be closed?

Recommendation: No. Upon expiration of the protest period, if a timely protest is not received from a substantially affected person, the decision should become final and effective upon the issuance of a Consummating Order. However, this docket should remain open to allow staff to monitor changes in capital market conditions and to readdress the reasonableness of the leverage formula as conditions warrant.

ITEM NO.

CASE

4**

Docket No. 20220202-EI – Petition for approval of new clean energy impact program, a new renewable energy certificates (REC) buying program, by Duke Energy Florida, LLC.

Critical Date(s): 7/15/2023 - 8-month effective date

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: ENG: Wooten, Ellis

ECO: Hampson

GCL: Stiller

(Tariff Filing)

Issue 1: Should the Commission approve DEF’s petition for the Clean Energy Impact Program and associated tariffs, as amended on April 14, 2023?

Recommendation: Yes. DEF’s proposed CEI Program provides DEF customers an opportunity to voluntarily demonstrate support for renewable energy through a mechanism that provides a benefit to the general body of ratepayers. Net program revenues from REC sales should be included as a credit in the Fuel and Purchased Power Cost Recovery Clause (Fuel Clause), offsetting other fuel expenses. In addition, staff recommends that DEF provide a summary of program costs and benefits as a part of its annual Fuel Clause filing. The proposed tariffs, as provided in Attachment A of staff’s memorandum dated June 1, 2023, should become effective upon issuance of a Commission Order approving the CEI Program and tariff.

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

5**PAA

Docket No. 20230041-EQ – Petition for approval of revisions to standard offer contract and rate schedule COG-2, by Tampa Electric Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ENG: Wooten, P. Buys, Ellis, King

GCL: Imig

Issue 1: Should the Commission approve the amended standard offer contract and rate schedule COG-2 filed by Tampa Electric Company?

Recommendation: Yes. The provisions of TECO’s amended standard offer contract and associated rate schedule COG-2 conform to the requirements of Rules 25-17.200 through 25-17.310, F.A.C. The amended standard offer contract offers multiple payment options so that a developer of renewable generation may select the payment stream best suited to its financial needs.

Issue 2: Should this docket be closed?

Recommendation: Yes. This docket should be closed upon issuance of a consummating order, unless a person whose substantial interests are affected by the Commission’s decision files a protest within 21 days of the issuance of the Commission’s Proposed Agency Action Order. Potential signatories should be aware that, if a timely protest is filed, TECO’s standard offer contract may subsequently be revised.

ITEM NO.

CASE

6**PAA

Docket No. 20230044-EQ – Petition for approval of amended standard offer contract (Schedule COG-2), by Duke Energy Florida, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ENG: Wooten, P. Buys, Ellis, King

GCL: Sparks

Issue 1: Should the Commission approve the amended standard offer contract and rate schedule COG-2 filed by Duke Energy Florida, LLC?

Recommendation: Yes. The provisions of DEF’s amended standard offer contract and associated rate schedule COG-2 conform to the requirements of Rules 25-17.200 through 25-17.310, F.A.C. The amended standard offer contract offers multiple payment options so that a developer of renewable generation may select the payment stream best suited to its financial needs.

Issue 2: Should this docket be closed?

Recommendation: Yes. This docket should be closed upon issuance of a consummating order, unless a person whose substantial interests are affected by the Commission’s decision files a protest within 21 days of the issuance of the Commission’s Proposed Agency Action Order. Potential signatories should be aware that, if a timely protest is filed, DEF’s standard offer contract may subsequently be revised.

ITEM NO.

CASE

7**PAA

Docket No. 20230046-EQ – Petition for approval of renewable energy tariff and standard offer contract, by Florida Power & Light Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ENG: Wooten, Ellis, King, Knoblauch

GCL: Imig

Issue 1: Should the Commission approve the renewable energy tariff and amended standard offer contract filed by Florida Power & Light Company?

Recommendation: Yes. The provisions of FPL’s renewable energy tariff and amended standard offer contract conform to the requirements of Rules 25-17.200 through 25-17.310, F.A.C. The amended standard offer contract offers multiple payment options so that a developer of renewable generation may select the payment stream best suited to its financial needs.

Issue 2: Should this docket be closed?

Recommendation: Yes. This docket should be closed upon issuance of a consummating order, unless a person whose substantial interests are affected by the Commission’s decision files a protest within 21 days of the issuance of the Commission’s Proposed Agency Action Order. Potential signatories should be aware that, if a timely protest is filed, FPL’s standard offer contract may subsequently be revised.

ITEM NO.

CASE

8**PAA

Docket No. 20220064-WS – Application for transfer of water and wastewater facilities of Tymber Creek Utilities, Inc., water Certificate No. 303-W, and wastewater Certificate No. 252-S to CSWR-Florida Utility Operating Company, LLC, in Volusia County.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: ENG: M. Watts, Ramos
AFD: Sowards, Thurmond
ECO: Bruce, Hudson
GCL: J. Crawford, Thompson

(Motion to Dismiss on Issue 1, Oral Argument Not Requested, Participation is at the Commission's Discretion - Proposed Agency Action for Issues 3, 4, and 5)

Issue 1: Should the Commission grant CSWR-Tymber Creek's motion to dismiss the objections?

Recommendation: Yes. The objections to the application for transfer of water and wastewater facilities from Tymber Creek to CSWR-Tymber Creek fail to raise any issue relevant to the application. Consequently, staff recommends the Commission grant the Utility's motion to dismiss and allow the transfer application to proceed.

Issue 2: Should the transfer of Certificate Nos. 303-W and 252-S in Volusia County from Tymber Creek Utilities, Inc. to CSWR-Florida Utility Operating Company, LLC be approved?

Recommendation: Yes. The transfer of the water and wastewater systems and Certificate Nos. 303-W and 252-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 signed contract for sale and 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, late payment charges, service availability charges, and initial customer deposits, as shown on Schedule No. 2 of staff's memorandum dated June 1, 2023, should remain in effect until a change is authorized by this Commission in a subsequent proceeding. The tariff pages reflecting the transfer should be effective on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475(1), F.A.C. Staff has verified that the Utility is current on the filing of annual reports and regulatory assessment fees (RAFs) through December 31, 2022. The Buyer should be responsible for filing the Utility's annual reports and paying RAFs for all future years.

ITEM NO.

CASE

8**PAA

Docket No. 20220064-WS – Application for transfer of water and wastewater facilities of Tymber Creek Utilities, Inc., water Certificate No. 303-W, and wastewater Certificate No. 252-S to CSWR-Florida Utility Operating Company, LLC, in Volusia County.

(Continued from previous page)

Issue 3: What is the appropriate net book value for CSWR-Florida Utility Operating Company, LLC’s water and wastewater systems for transfer purposes?

Recommendation: For transfer purposes, the net book value (NBV) of the system is \$62,485 for water and \$131,849 for wastewater, as of February 28, 2022. Within 90 days of the date of the Consummating Order, CSWR-Tymber Creek 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 Utility’s 2023 Annual Report when filed.

Issue 4: 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 5: Should CSWR-Florida Utility Operating Company, LLC’s miscellaneous service charges be revised to conform to amended Rule 25-30.460, F.A.C.?

Recommendation: Yes. The miscellaneous service charges should be revised to conform to the recent amendment to Rule 25-30.460, F.A.C. The tariff should be revised to reflect the removal of initial connection and normal reconnection charges. The Utility 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. The Utility should provide proof of the date notice was given within 10 days of the date of the notice. The Utility should be required to charge the approved miscellaneous service charges until authorized to change them by the Commission in a subsequent proceeding.

ITEM NO.

CASE

8**PAA

Docket No. 20220064-WS – Application for transfer of water and wastewater facilities of Tymber Creek Utilities, Inc., water Certificate No. 303-W, and wastewater Certificate No. 252-S to CSWR-Florida Utility Operating Company, LLC, in Volusia County.

(Continued from previous page)

Issue 6: 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

9**PAA

Docket No. 20230035-EU – Joint petition for approval of temporary territorial variance, by Duke Energy Florida, LLC and Peace River Electric Cooperative, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: La Rosa

Staff: ECO: P. Kelley, Hampson

GCL: Brownless

Issue 1: Should the Commission approve Duke and PRECO’s joint petition for a temporary territorial variance?

Recommendation: Yes. The Commission should approve Duke and PRECO’s joint petition for a temporary territorial variance, entered into by the Parties on February 28, 2023, because it is in the public interest and will avoid uneconomic duplication of facilities. For the term of the variance agreement, Duke will temporarily serve the mining load south of SR 64 in the eastern expansion project area until the mining project is completed. The mining project south of SR 64 is estimated to begin in 2024 and continue until 2028. The Parties should notify the Commission once the mining operations subject to the variance are concluded.

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

10**

Docket No. 20230036-EI – Petition for approval of modifications to rate schedule tariff sheet Nos. 2.0, 2.7, 6.383, and 7.500, by Duke Energy Florida, LLC.

Critical Date(s): 11/22/23 (8-Month Effective Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Ward, Hampson

GCL: Thompson

(Tariff Filing)

Issue 1: Should the Commission approve Duke’s proposed tariff modifications?

Recommendation: Yes, the Commission should approve Duke’s proposed Tariff Sheet Nos. 2.0, 2.7, 6.383, and 7.500 effective on the date of the Commission vote. Staff believes that the proposed changes are reasonable and appropriate.

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 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

11

Docket No. 20230068-EI – Petition for approval of smart outdoor lighting services pilot program by Duke Energy Florida, LLC.

Critical Date(s): 7/14/23 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Ward, Hampson

GCL: Brownless

(Tariff Suspension - Participation is at the discretion of the Commission)

Issue 1: Should Duke’s proposed tariffs be suspended?

Recommendation: Yes. The tariffs should 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 tariff proposals.

Issue 2: Should this docket be closed?

Recommendation: This docket should remain open pending the Commission’s decision on the proposed tariffs.

ITEM NO.

CASE

12**PAA

Docket No. 20220185-WS – Application for limited alternative rate increase in Hardee, Manatee, Marion, Polk, and Pasco Counties, by Charlie Creek Utilities, LLC, Crestridge Utilities, LLC, East Marion Utilities, LLC, Heather Hills Utilities, LLC, Holiday Gardens Utilities, LLC, Lake Yale Utilities, LLC, McLeod Gardens Utilities, LLC, Orange Land Utilities, LLC, Sunny Shores Utilities, LLC, Sunrise Water, LLC and West Lakeland Wastewater, LLC.

Critical Date(s): Waived through the June 13, 2023 Commission Conference

Commissioners Assigned: All Commissioners

Prehearing Officer: La Rosa

Staff: ECO: Bruce, Bethea, Hudson

AFD: Haddix, Higgins, Richards

ENG: Davis, Ellis

GCL: Sparks, Harper

(Proposed Agency Action - Except for Issue No. 3)

Issue 1: Should the Commission approve FUS1's application for a limited alternative rate increase for its systems?

Recommendation: Yes. The Commission should approve FUS1's application for a LARI for the subject utilities. Pursuant to Rule 25-30.457(7), F.A.C., the utilities are required to hold any revenue increase granted subject to refund with interest. To ensure overearnings will not occur due to the implementation of these rate increases, Commission staff will conduct earning reviews of the 12-month period following the implementation of the revenue increases. If Commission staff determines that a utility did not exceed the range of its last authorized return on equity, the revenue increase will no longer be held subject to refund.

Issue 2: What are the appropriate monthly service rates for the utilities?

Recommendation: The appropriate staff recommended service rates are shown on Schedule No. 1 of staff's memorandum dated June 1, 2023. The utilities should file tariff sheets and proposed customer notices 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. In addition, the rates should not be implemented until staff has approved the proposed customer notice. The utilities should provide proof of the date notice was given no less than 10 days after the date of the notice.

ITEM NO.

CASE

12**PAA

Docket No. 20220185-WS – Application for limited alternative rate increase in Hardee, Manatee, Marion, Polk, and Pasco Counties, by Charlie Creek Utilities, LLC, Crestridge Utilities, LLC, East Marion Utilities, LLC, Heather Hills Utilities, LLC, Holiday Gardens Utilities, LLC, Lake Yale Utilities, LLC, McLeod Gardens Utilities, LLC, Orange Land Utilities, LLC, Sunny Shores Utilities, LLC, Sunrise Water, LLC and West Lakeland Wastewater, LLC.

(Continued from previous page)

Issue 3: Should the recommended rates be approved for the utilities on a temporary basis, subject to refund, in the event of a protest filed by a party other than the utilities?

Recommendation: Yes. The recommended rates should be approved for the utilities on a temporary basis, subject to refund, in the event of a protest filed by a party other than the utilities. Pursuant to Rule 25-30.457(9), F.A.C., in the event of a protest of the Proposed Agency Action (PAA) Order by a substantially affected person other than the utilities, the utilities should be authorized to implement the rates established in the LARI PAA Order on a temporary basis subject to refund upon filing a SARC application within 21 days from the date the protest is filed. The utilities should file revised tariff sheets and proposed customer notices to reflect the Commission-approved rates. The rates should be effective for services rendered on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(1), F.A.C. In addition, the temporary rates should not be implemented until staff has approved the proposed notice, and the notice has been received by the customers. If the recommended rates are approved on a temporary basis, the incremental increase collected by the utility will be subject to the refund provisions outlined in Rule 25-30.360, F.A.C. Pursuant to Rule 25-30.457(9), F.A.C., if the utility fails to file a SARC application within 21 days in the event there is a protest, the application for a LARI will be deemed withdrawn.

ITEM NO.

CASE

12**PAA

Docket No. 20220185-WS – Application for limited alternative rate increase in Hardee, Manatee, Marion, Polk, and Pasco Counties, by Charlie Creek Utilities, LLC, Crestridge Utilities, LLC, East Marion Utilities, LLC, Heather Hills Utilities, LLC, Holiday Gardens Utilities, LLC, Lake Yale Utilities, LLC, McLeod Gardens Utilities, LLC, Orange Land Utilities, LLC, Sunny Shores Utilities, LLC, Sunrise Water, LLC and West Lakeland Wastewater, LLC.

(Continued from previous page)

Issue 4: Should this docket be closed?

Recommendation: No. In the event of a protest, the utilities may implement the rates established in the PAA Order on a temporary basis, subject to refund with interest, upon the utility’s filing of a SARC application within 21 days of the date the protest is filed. If the utilities fail to file a SARC within 21 days, the utility’s petition for a LARI will be deemed withdrawn pursuant to Rule 25-30.457(9), F.A.C. 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. The docket should remain open for staff’s verification that the revised tariff sheets which reflect the Commission-approved rates, and the customer notices, have been filed by the utilities and approved by staff, and so that staff may conduct an earnings review of the utilities pursuant to Rule 25-30.457(8), F.A.C. Upon staff’s approval of the tariff and completion of the earnings review process as set forth in Rule 25-30.457(8)(a), F.A.C., this docket should be closed administratively.