

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, July 11, 2023, 9:30 a.m.

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

DATE ISSUED: June 29, 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.

DOCKET NO.

COMPANY NAME

20230040-TX

LIVEWIRE TELECOM 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. 20230047-TP – Commission approval of Florida Telecommunications Relay, Inc.'s fiscal year 2023-2024 proposed budget.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: IDM: Williams, Fogleman

GCL: Imig, Harper

Issue 1: Should the Commission approve FTRI's proposed iPad/Samsung Tablet Pilot Project (Tablet Pilot)?

Recommendation: No. Staff recommends the Commission deny FTRI's proposed Tablet Pilot based on the absence of statutory authority.

Issue 2: Should the Commission approve FTRI's proposed budget as presented in Attachment A of staff's memorandum dated June 29, 2023, for Fiscal Year 2023/2024?

Recommendation: No. Staff recommends the Commission modify FTRI's proposed budget expenses of \$3,734,638 to increase relay service expense by \$159,924, decrease TDD equipment expense by \$196,000, decrease Volume Control Phone (VCP) Speech Impaired equipment expense by \$25,600, and approve a total budget expense of \$3,672,962 for Fiscal Year 2023/2024, effective upon issuance of the consummating order.

Issue 3: What TRS surcharge should the Commission approve for Fiscal Year 2023/2024?

Recommendation: Staff recommends the Commission approve FTRI's optional proposal to reduce the TRS surcharge to \$0.09. Staff recommends the Commission order all local exchange companies to bill the \$0.09 TRS surcharge for Fiscal Year 2023/2024, effective September 1, 2023.

Issue 4: 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 order, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

3**PAA

Docket No. 20220157-WU – Applications for staff-assisted rate case in Polk County by Keen Sales, Rentals and Utilities, Inc.

Critical Date(s): 12/09/23 (15-Month Effective Date (SARC))

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: AFD: Richards, Haddix, Higgins

ECO: Bruce, Hudson

ENG: Davis, Ellis, Thompson

GCL: Harper, Sparks

(Proposed Agency Action - Except for Issue Nos. 12, 13, and 14)

Issue 1: Is the quality of service provided by Keen Satisfactory?

Recommendation: Yes. Keen is currently in compliance with the Department of Environmental Protection (DEP) standards; therefore, the quality of service should be considered satisfactory.

Issue 2: Are the infrastructure and operating conditions of Keen’s water systems in compliance with DEP regulations?

Recommendation: Yes. Staff recommends the infrastructure and operating conditions of Keen’s water systems are currently in compliance with DEP regulations.

Issue 3: What are the used and useful (U&U) percentages of the Keen Subdivision and Paradise Island water treatment plants (WTP) and water distribution systems?

Recommendation: Keen Subdivision and Paradise Island’s WTPs and water distribution systems should be considered 100 percent U&U. Staff recommends no adjustments to purchased power and chemical expenses should be made for excessive unaccounted for water (EUW).

Issue 4: What are the appropriate average test year rate base amounts for Keen Subdivision and Paradise Island?

Recommendation: The appropriate average test year rate base for Keen Subdivision is \$47,970. The appropriate average test year rate base for Paradise Island is \$37,377.

Issue 5: What is the appropriate return on equity and overall rate of return for Keen Subdivision and Paradise Island?

Recommendation: The appropriate return on equity (ROE) for Keen Subdivision and Paradise Island is 10.55 percent with a range of 9.55 percent to 11.55 percent. The appropriate overall rate of return for Keen Subdivision and Paradise Island is 6.12 percent.

Issue 6: What are the appropriate test year operating revenues for Keen's water systems?

Recommendation: The appropriate test year operating revenues for Keen are \$68,538 for the Keen Subdivision water system and \$42,888 for the Paradise Island water system.

ITEM NO.

CASE

3**PAA

Docket No. 20220157-WU – Applications for staff-assisted rate case in Polk County by Keen Sales, Rentals and Utilities, Inc.

(Continued from previous page)

Issue 7: What are the appropriate operating expenses for Keen?

Recommendation: The appropriate amount of operating expenses are \$77,869 for Keen Subdivision and \$67,656 for Paradise Island.

Issue 8: Does Keen meet the criteria for application of the operating ratio methodology?

Recommendation: Yes. Keen Subdivision and Paradise Island both meet the requirement for application of the operating ratio methodology for calculating its respective revenue requirements.

Issue 9: What is the appropriate revenue requirement for Keen?

Recommendation: The appropriate revenue requirement for Keen Subdivision is \$86,291, resulting in an annual increase of \$17,753 (25.90 percent). The appropriate revenue requirement for Paradise Island is \$74,915, resulting in an annual increase of \$32,057 (74.67 percent).

Issue 10: What are the appropriate rate structures and rates for Keen’s water systems?

Recommendation: The recommended rate structure and monthly water rates are shown on Schedule Nos. 4-A and 4-B as shown on staff’s memorandum dated June 28, 2023. The Utility should file revised tariff sheets and a proposed customer notice 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 approved rates should not be implemented until staff has approved the proposed customer notice and the notice has been received by the customers. The Utility should provide proof of the date notice was given within 10 days of the date of the notice.

Issue 11: What are the appropriate initial customer deposits for Keen?

Recommendation: The appropriate initial customer deposit should be \$110 for the residential 5/8 inch x 3/4 inch meter sizes for Keen Subdivision and Paradise Island. The initial customer deposits for all other residential meter sizes and all general service meter sizes should be two times the average estimated bill for water. The approved initial customer deposits should be effective for services rendered or 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 deposits until authorized to change them by the Commission in a subsequent proceeding.

ITEM NO.

CASE

3**PAA

Docket No. 20220157-WU – Applications for staff-assisted rate case in Polk County by Keen Sales, Rentals and Utilities, Inc.

(Continued from previous page)

Issue 12: What are the appropriate amounts by which rates should be reduced four years after the published effective date to reflect removal of the amortized rate case expenses?

Recommendation: The rates should be reduced as shown on Schedule Nos. 4-A and 4-B of staff’s memorandum dated June 28, 2023, to remove rate case expenses grossed-up for RAFs and amortized over a four-year period. Pursuant to Section 367.081(8), F.S., the decrease in rates should become effective immediately following the expiration of the rate case expense recovery period. Keen should be required to file revised tariffs and a proposed customer notice setting forth the lower rates and rationale no later than one month prior to the effective date of the new rates. If the Utility files revised tariffs reflecting this reduction in conjunction with a price index or pass-through rate adjustments, separate data should be filed for the price index and/or pass-through increase and the reduction in the rates due to the amortized rate case expense.

Issue 13: Should the recommended rates be approved for Keen on a temporary basis, subject to refund with interest, in the event of a protest filed by a party other than the Utility?

Recommendation: Yes. Pursuant to Section 367.0814(7), F.S., the recommended rates should be approved for the Utility on a temporary basis, subject to refund with interest, in the event of a protest filed by a party other than the Utility. Keen Sales Rental and Utilities should file revised tariff sheets and a proposed customer notice reflecting the Commission-approved rates. The approved rates should be effective for services 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 temporary rates should not be implemented until staff has approved the proposed notice, and the notice has been received by the customers. Further, prior to implementing any temporary rates, the Utility should provide appropriate financial security.

If the recommended rates are approved on a temporary basis, the rates collected by the Utility should be subject to the refund provisions discussed below in the staff analysis of staff’s memorandum dated June 29, 2023. In addition, after the increased rates are in effect, pursuant to Rule 25-30.360(6), F.A.C., the Utility should file reports with the Commission’s Office of Commission Clerk no later than the 20th of each month indicating both the current monthly and total amount subject to refund at the end of the preceding month. The report filed should also indicate the status of the security being used to guarantee repayment of any potential refund.

ITEM NO.

CASE

3**PAA

Docket No. 20220157-WU – Applications for staff-assisted rate case in Polk County by Keen Sales, Rentals and Utilities, Inc.

(Continued from previous page)

Issue 14: Should Keen be required to notify the Commission within 90 days of an effective order finalizing this docket, that it has adjusted its books for all the applicable National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts?

Recommendation: Yes. Keen should be required to notify the Commission, in writing, that it has adjusted its books in accordance with the Commission’s decision. Keen should submit a letter within 90 days of the Commission’s final order in this docket, confirming that the adjustments to all applicable NARUC USOA primary accounts have been made to the Utility’s books and records. In the event the Utility needs additional time to complete the adjustments, a notice providing good cause should be filed not less than seven days prior to the deadline. Upon providing a notice of good cause, staff should be given administrative authority to grant an extension of up to 60 days.

Issue 15: Should this docket be closed?

Recommendation: No. 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, a Consummating Order should be issued. The docket should remain open for staff’s verification that the revised tariff sheets and customer notice have been filed by the Utility and approved by staff. Once these actions are complete, this docket should be closed administratively.

ITEM NO.

CASE

4

Docket No. 20230071-WU – Application for staff-assisted rate case in Polk County by Pinecrest Utilities, LLC.

Critical Date(s): 07/26/23 (60-Day Deadline)

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: AFD: Richards, Haddix, Higgins

ECO: Hudson, Sibley

ENG: Ellis, Thompson

GCL: Imig, Gonzalez-Moreno, Harper

(Decision on Interim Rates - Participation is at the Discretion of the Commission)

Issue 1: Should an interim rate increase for Pinecrest be approved?

Recommendation: Yes. Pinecrest should be authorized to increase its rates on an interim basis by \$10,772 as shown below:

	Test Year Revenues	\$ Increase	Revenue Requirement	% Increase
Water	\$59,184	\$10,772	\$69,957	18.20%

Issue 2: What are the appropriate interim water rates for Pinecrest?

Recommendation: The interim rate increase of 18.85 percent should be applied as an across-the-board increase to the water service rates. The rates, as shown on Schedule No. 1 of staff’s memorandum dated June 28, 2023, should be effective for service rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475(1), Florida Administrative Code (F.A.C.). The Utility should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved rates. In addition, the approved rates should not be implemented until the required security has been filed, staff has approved the proposed customer notice, and the notice has been received by the customers. The Utility should provide proof of the date the notice was given within 10 days of the date of the notice.

Issue 3: What is the appropriate security to guarantee the interim increase?

Recommendation: The Utility should be required to open an escrow account or secure a surety bond or letter of credit to guarantee any potential refund of revenues collected under interim conditions. If the security provided is an escrow account, the Utility should deposit \$928 into the escrow account each month. Otherwise, the surety bond or letter of credit should be in the amount of \$7,424. Pursuant to Rule 25-30.360(6), F.A.C., the Utility should provide a report by the 20th of each month indicating the monthly and total revenue collected subject to refund. Should a refund be required, the refund should be with interest and in accordance with Rule 25-30.360, F.A.C.

ITEM NO.

CASE

4

Docket No. 20230071-WU – Application for staff-assisted rate case in Polk County by Pinecrest Utilities, LLC.

(Continued from previous page)

Issue 4: Should this docket be closed?

Recommendation: No. Staff recommends that this docket remain open to address the merits of Pinecrest’s staff-assisted rate case.

ITEM NO.

CASE

5**PAA

Docket No. 20220149-SU – Application for transfer of wastewater Certificate No. 365-S of Sebring Ridge Utilities, Inc. to CSWR-Florida Utility Operating Company, LLC, in Highlands County.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

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

(Proposed Agency Action for Issues 2, 3, and 4)

Issue 1: Should the transfer of Certificate No. 365-S in Highlands County from Sebring Ridge Utilities, Inc. to CSWR-Florida Utility Operating Company, LLC be approved?

Recommendation: Yes. The transfer of the wastewater system and Certificate No. 365-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, copies of its permit transfer application, and a copy of its signed and executed contract for sale 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, service availability charges, and initial customer deposits, as shown on Schedule No. 4 of staff's memorandum dated June 28, 2023, 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 sheets, pursuant to Rule 25-30.475(1), Florida Administrative Code (F.A.C.). The Seller is current with respect to annual reports and regulatory assessment fees (RAFs) through December 31, 2022. 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 CSWR-Florida Utility Operating Company LLC's wastewater system for transfer purposes?

Recommendation: For transfer purposes, the net book value (NBV) of the wastewater system is \$8,222 as of August 31, 2022. Within 90 days of the date of the consummating Order, CSWR-Sebring 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-Sebring's 2023 Annual Report when it is filed.

ITEM NO.

CASE

5**PAA

Docket No. 20220149-SU – Application for transfer of wastewater Certificate No. 365-S of Sebring Ridge Utilities, Inc. to CSWR-Florida Utility Operating Company, LLC, in Highlands County.

(Continued from previous page)

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 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 for service rendered or connections made on or after the stamped approval date on the tariff sheets, provided customers have received notice pursuant to Rule 25-30.475(2), 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. The Utility should provide proof of the date the 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.

Issue 5: 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, that the Buyer has submitted a copy of its application for permit transfer to the DEP, and that the Buyer has submitted a signed and executed copy of its contract for sale within 60 days of the Commission’s Order approving the transfer.

ITEM NO.

CASE

6**

Docket No. 20230042-EI – Petition for approval of revised underground residential distribution tariff, by Tampa Electric Company.

Critical Date(s): 11/30/2023 - (8-Month Effective Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: P. Kelley, Hampson

GCL: Dose

(Tariff Filing)

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

Recommendation: Yes, the Commission should approve TECO’s proposed underground residential distribution tariffs and associated charges, effective on the date of the Commission vote. The proposed URD charges are cost-based and staff recommends approval of the tariffs shown in Attachment A of staff’s memorandum dated June 29, 2023.

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.

ITEM NO.

CASE

7

Docket No. 20230072-EI – Petition for approval of shared solar tariff change, by Tampa Electric Company.

Critical Date(s): 07/30/23 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Main, Barrett, Hampson

GCL: Stiller

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

Issue 1: Should TECO's proposed Shared Solar Rider tariffs be suspended?

Recommendation: Yes. Staff recommends that 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 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

8**PAA

Docket No. 20230022-GU – Petition for approval of 2022 Depreciation Study by St. Joe Natural Gas Company, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Passidomo

Staff: ECO: Smith II

AFD: D. Buys

GCL: Watrous

Issue 1: Should currently prescribed depreciation rates for St. Joe Natural Gas Company be revised?

Recommendation: Yes. The review of St. Joe’s plant and depreciation-related information indicates a need to revise the Company’s currently prescribed depreciation rates.

Issue 2: What should be the implementation date for newly proposed depreciation rates?

Recommendation: Staff recommends January 1, 2023, for implementing newly proposed depreciation rates as shown on Attachments A, B, and C of staff’s memorandum dated June 29, 2023, to this recommendation.

Issue 3: What are the appropriate depreciation parameters and resulting rates?

Recommendation: Staff recommends the Commission approve the lives, reserve percentages, net salvage percentages, and resulting remaining life depreciation rates for St. Joe that are shown on Attachments A and C of staff’s memorandum dated June 29, 2023. Staff further recommends that St. Joe cease booking depreciation expense to Account 387 as of January 1, 2023, until the Company adds new investments to this account, at which time the Company should use staff’s recommended whole life rate reflected on Attachment B of staff’s memorandum dated June 29, 2023. As shown on Attachment B of staff’s memorandum dated June 29, 2023, the corresponding depreciation expense effect of staff’s rate recommendations is an increase of \$49,003 annually, or 16.6 percent, based on December 31, 2022 investments.

Issue 4: Should the current amortization of investment tax credits (ITCs) and flow back of excess deferred income taxes (EDITs) be revised to reflect the approved depreciation rates and amortization schedules?

Recommendation: Yes. The current amortization of ITCs and any flow back of EDITs should be revised to match the actual recovery periods for the related property. The Company should file detailed calculations of the revised ITC amortization and flow back of EDITs at the same time it files its earnings surveillance report covering the period ended December 31, 2023, as specified in Rule 25-7.1352, F.A.C.

ITEM NO.

CASE

9**PAA

Docket No. 20230022-GU – Petition for approval of 2022 Depreciation Study by St. Joe Natural Gas Company, Inc.

(Continued from previous page)

Issue 5: 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.

9**PAA

Docket No. 20230063-GU – Petition for approval of transportation service agreement with Florida Public Utilities Company by Peninsula Pipeline Company, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: ECO: Guffey

GCL: Dose

Issue 1: Should the Commission approve the proposed Firm Transportation Service Agreement dated April 5, 2023, between Peninsula and FPUC?

Recommendation: Yes, the Commission should approve the proposed Firm Transportation Service Agreement dated April 5, 2023, between Peninsula and FPUC. The proposed Agreement is reasonable and meets the requirements of Section 368.105, F.S. Furthermore, the proposed Agreement benefits FPUC’s current and potential future customers by interconnecting to FGT’s less constrained West Leg allowing FPUC to provide natural gas service in and around the City of Newberry in Alachua County.

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.