

# FLORIDA PUBLIC SERVICE COMMISSION

## COMMISSION CONFERENCE AGENDA

**CONFERENCE DATE AND TIME:** Tuesday, October 3, 2023, 9:30 a.m.

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

**DATE ISSUED:** September 21, 2023

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### 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 <https://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**

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- 1\*\*                      **Consent Agenda**
- PAA                      A) Application for Certificate of Authority to Provide Telecommunications Service.
- |                   |                          |
|-------------------|--------------------------|
| <u>DOCKET NO.</u> | <u>COMPANY NAME</u>      |
| 20230091-TX       | BIF IV Intrepid OpCo LLC |
- PAA                      B) Docket No. 20230088-EI - Application for authority to issue and sell securities during calendar years 2024 and 2025, pursuant to Section 366.04, F.S., and Chapter 25-8, F.A.C., by Florida Power & Light Company and Florida City Gas.

**Recommendation:** The Commission should approve the actions requested in the dockets referenced above and close Docket No. 20230091-TX. For monitoring purposes, Docket No. 20230088-EI should remain open until May 2, 2025, to allow the Company time to file the required Consummation Report.

**ITEM NO.**

**CASE**

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2\*\*PAA

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**Docket No. 20230093-TX** – Bankruptcy cancellation of CLEC Certificate No. 8867 issued to Discount CLEC Services Corporation.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** IDM: Wooten, Nave

GCL: Sparks, Marquez

**Issue 1:** Should the Commission, on its own motion, cancel Discount CLEC Services Corporation's CLEC certificate and service schedules (if any) due to the company's Chapter 7 bankruptcy liquidation?

**Recommendation:** Yes, the Commission, on its own motion, should cancel Discount CLEC Services Corporation's CLEC certificate and service schedules (if any) due to the company's Chapter 7 bankruptcy liquidation effective upon the issuance of a final order in this docket.

**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. 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 - Interested Persons May Participate (Issues 2-6))**

**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.

**ITEM NO.**

**CASE**

3\*\*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 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 September 21, 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.

**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.

**ITEM NO.**

**CASE**

3\*\*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 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.

**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**

4

**Docket No. 20230081-WS** – Application for increase in water and wastewater rates in Broward County by Royal Waterworks, Inc.

**Critical Date(s):** 10/13/23 (60-Day Suspension Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** La Rosa

**Staff:** ENG: P. Buys, King

GCL: Stiller

**(Tariff Suspension - Participation is at the Commission's Discretion)**

**Issue 1:** Should the Utility's proposed final water and wastewater rates be suspended?

**Recommendation:** Yes. Suspension of the Utility's proposed rates is necessary to allow sufficient time to review the request for final rate relief.

**Issue 2:** Should this docket be closed?

**Recommendation:** The docket should remain open pending the Commission's final action on the Utility's requested rate increase.



**ITEM NO.**

**CASE**

5\*\*

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

**Critical Date(s):** 01/15/24 (8-Month Effective Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECO: Ward, Hampson

GCL: Brownless

**(Tariff Filing)**

**Issue 1:** Should the Commission approve Duke's smart outdoor lighting services pilot program?

**Recommendation:** Yes, the Commission should approve Duke's smart outdoor lighting services pilot program and the associated revised Tariff Sheet Nos. 6.280 and 6.281 effective on the date of the final Commission order approving the pilot. The pilot program would allow Duke to gather data on energy usage changes from participating customers so that it may develop a future program that is appropriately priced. Participating customers would be able to customize the operating and dimming schedule of their lights.

**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 not go into 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**

6\*\*PAA

**Docket No. 20230087-EU** – Joint petition for renewal of territorial agreement and approval of a first amendment, in Monroe County, by Florida Keys Electric Cooperative Association, Inc. and Utility Board of the City of Key West.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Clark

**Staff:** ECO: Guffey, McClelland

GCL: Stiller

**Issue 1:** Should the Commission approve the renewal of the 1991 Territorial Agreement and the proposed First Amendment to the 1991 Territorial Agreement and associated revised boundary map between Florida Keys Electric Cooperative Association, Inc. and the Utility Board of the City of Key West, d/b/a Keys Energy Services, in Monroe County?

**Recommendation:** Yes, the Commission should approve the renewal of the 1991 Territorial Agreement and the proposed First Amendment to the 1991 Territorial Agreement and associated revised boundary map between FKEC and KEYS in Monroe County. The renewal of the 1991 Territorial Agreement and proposed First Amendment would enable FKEC to provide electric service to the Foundation pursuant to the proposed revised service boundary and avoid duplication of service.

**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**

7

**Docket No. 20230090-EI** – Petition to implement 2024 generation base rate adjustment provisions in paragraph 4 of the 2021 stipulation and settlement agreement, by Tampa Electric Company.

**Critical Date(s):** 10/15/23 (60-Day Suspension Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECO: Guffey

GCL: Dose

**(Tariff Suspension - Participation is at the Commission's Discretion)**

**Issue 1:** Should TECO's revised tariffs to implement the 2024 GBRA increase effective January 2024 be suspended?

**Recommendation:** Yes. Staff recommends that TECO's revised tariffs to implement the 2024 GBRA increase effective January 2024 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 decision on TECO's proposed GBRA amount of \$21,689,323 and associated tariff modifications.

**ITEM NO.**

**CASE**

8

**Docket No. 20230096-GU** – Petition for approval of swing service rider rates for January through December 2024, by Florida Public Utilities Company.

**Critical Date(s):** 10/28/2023 (60-Day Suspension Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECO: McClelland, Hampson

GCL: Watrous

**(Tariff Suspension - Participation is at the Commission's Discretion)**

**Issue 1:** Should the Commission suspend FPUC’s proposed revised Swing Service Rider rates and associated tariffs for the period January through December 2024?

**Recommendation:** Yes. Staff recommends that FPUC’s proposed revised Swing Service Rider rates and associated tariffs for the period January through December 2024 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:** No. This docket should remain open pending the Commission decision on the proposed revised tariffs.

**ITEM NO.**

**CASE**

9

**Docket No. 20230097-GU** – Petition for approval of safety, access, and facility enhancement program true-up and 2024 cost recovery factors, by Florida City Gas.

**Critical Date(s):** 10/31/23 (60-Day Suspension Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECO: P. Kelley

GCL: Thompson

**(Tariff Suspension - Participation is at the Commission's Discretion)**

**Issue 1:** Should the Commission suspend FCG's proposed revised SAFE tariff for the period of January through December 2024?

**Recommendation:** Yes. Staff recommends that FCG's proposed revised SAFE tariffs for the period of January through December 2024 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:** No. This docket should remain open pending the Commission decision on the proposed revised tariffs.

**ITEM NO.**

**CASE**

10

**Docket No. 20230098-GU** – Petition for approval of 2022 true-up, projected 2023 true-up, and 2024 revenue requirements and surcharges associated with cast iron/bare steel pipe replacement rider, by Peoples Gas System.

**Critical Date(s):** 10/31/23 (60-Day Suspension Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECO: Ward, Hampson

GCL: Sandy

**(Tariff Suspension - Participation is at the Commission's Discretion)**

**Issue 1:** Should the Commission suspend Peoples' proposed revised CI/BS rates and associated tariff for the period January through December 2024?

**Recommendation:** Yes. Staff recommends that Peoples' proposed revised CI/BS rates and associated tariff for the period January through December 2024 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:** No. This docket should remain open pending the Commission's decision on the proposed tariffs.

**ITEM NO.**

**CASE**

11

**Docket No. 20230101-GU** – Petition for approval of gas utility access and replacement directive cost recovery factors for January 2024 through December 2024, by Florida Public Utilities Company.

**Critical Date(s):** 10/31/23 (60-Day Suspension Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECO: Guffey

GCL: Dose

**(Decision on Suspension of Rates - Participation is at the Commission's Discretion)**

**Issue 1:** Should FPUC's Gas Utility Access and Replacement Directive (GUARD) cost recovery factors and associated revised tariff sheets (7.000 through 7.002, 7.403, 7.404, and 7.405) to implement the 2024 GUARD factors to be effective January 2024 be suspended?

**Recommendation:** Yes. Staff recommends that FPUC's GUARD cost recovery factors and associated revised tariff sheets (7.000 through 7.002, 7.403, 7.404, and 7.405) to implement the 2024 GUARD factors to be effective January 2024 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 decision on FPUC's GUARD cost recovery factors and associated revised tariffs to implement the 2024 GUARD factors.