

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, June 18, 2024, 9:30 a.m.

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

DATE ISSUED: June 6, 2024

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).

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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

20240049-TX

Flying Bull Internet, LLC

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

ITEM NO.

CASE

2**

Docket No. 20240080-EI – Proposed amendment of Rule 25-6.0183, F.A.C., Electric Utility Procedures for Generating Capacity Shortage Emergencies.

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: GCL: Rubottom

ECO: Guffey

ENG: Brown

Issue 1: Should the Commission propose the amendment of Rule 25-6.0183, F.A.C., Electric Utility Procedures for Generating Capacity Shortage Emergencies?

Recommendation: Yes. The Commission should propose the amendment of Rule 25-6.0183, F.A.C., as set forth in Attachment A of staff's memorandum dated June 6, 2024. The Commission should also certify that Rule 25-6.0183, F.A.C., is a rule the violation of which would be a minor rule violation pursuant to Section 120.695, F.S.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no requests for hearing or JAPC comments are filed, and no proposal for a lower cost regulatory alternative is submitted, the rule may be filed with the Department of State for adoption, and the docket should be closed.

ITEM NO.

CASE

3**

Docket No. 20240056-TP – Commission approval of Florida Telecommunications Relay, Inc.'s fiscal year 2024-2025 proposed budget.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: IDM: Williams, Fogleman

GCL: Imig, Farooqi, Harper

Issue 1: Should the Commission approve FTRI's proposed Fiscal Year 2024/2025 budget as presented in Attachment A of staff's memorandum dated June 6, 2024?

Recommendation: Yes. Staff recommends the Commission approve FTRI's proposed budget expenses of \$3,286,708 for Fiscal Year 2024/2025, effective upon issuance of the consummating order.

Issue 2: What TRS surcharge should the Commission approve for Fiscal Year 2024/2025?

Recommendation: Staff recommends the Commission approve FTRI's proposal to reduce the TRS surcharge from \$0.09 to \$0.08. Staff recommends the Commission order all local exchange companies to bill the \$0.08 TRS surcharge for Fiscal Year 2024/2025, effective September 1, 2024.

Issue 3: 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

4**PAA

Docket No. 20240062-TP – Petition for designation as eligible telecommunications carrier in the State of Florida, by TruConnect Communications, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: IDM: Deas, Day, Fogleman, Mallow

GCL: Imig, Farooqi

Issue 1: Should TruConnect be granted an ETC designation to provide Lifeline service throughout the state of Florida?

Recommendation: Yes. TruConnect should be granted an ETC designation to provide Lifeline service throughout the State of Florida. Staff also recommends that if there is a future change of Company ownership, the new owners should be required to file a petition with the Commission to demonstrate that it is in the public interest to maintain the Company's ETC designation.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the Proposed Agency Action Order, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

5**PAA

Docket No. 20240063-TP – Petition for designation as an eligible telecommunications carrier in the State of Florida, by FLORIDA TERRACOM INC. d/b/a MAXSIP TEL.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: IDM: Mallow, Day, Deas, Fogleman

GCL: Marquez, Farooqi

Issue 1: Should TERRACOM be granted an ETC designation to provide Lifeline service throughout the State of Florida?

Recommendation: Yes. TERRACOM should be granted an ETC designation to provide Lifeline service throughout the State of Florida. Staff also recommends that if there is a future change of Company ownership, the new owners should be required to file a petition with the Commission to demonstrate that it is in the public interest to maintain the Company's ETC designation.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the Proposed Agency Action Order, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

6**PAA

Docket No. 20240064-TP – Petition for designation as eligible telecommunications carrier in the State of Florida, by IM Telecom, LLC d/b/a Infiniti Mobile.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: IDM: Mallow, Day, Deas, Fogleman

GCL: Sparks, Farooqi

Issue 1: Should INFINITI be granted an ETC designation to provide Lifeline service throughout the State of Florida?

Recommendation: Yes. INFINITI should be granted an ETC designation to provide Lifeline service throughout the State of Florida. Staff also recommends that if there is a future change of Company ownership, the new owners should be required to file a petition with the Commission to demonstrate that it is in the public interest to maintain the Company's ETC designation.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the Proposed Agency Action Order, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

7**PAA

Docket No. 20240065-TP – Petition for designation as eligible telecommunications carrier in the State of Florida, by Q LINK WIRELESS.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: IDM: Mallow, Day, Deas, Fogleman

GCL: Farooqi, Harper

Issue 1: Should Q LINK be granted an ETC designation to provide Lifeline service throughout the State of Florida?

Recommendation: Yes. Q LINK should be granted an ETC designation to provide Lifeline service throughout the State of Florida. Staff also recommends that if there is a future change of Company ownership, the new owners should be required to file a petition with the Commission to demonstrate that it is in the public interest to maintain the Company's ETC designation.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the Proposed Agency Action Order, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

8**PAA

Docket No. 20240066-TP – Petition for designation as eligible telecommunications carrier in the State of Florida, by Boomerang Wireless, LLC d/b/a enTouch Wireless.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: IDM: Deas, Day, Fogleman, Mallow

GCL: Imig, Farooqi

Issue 1: Should Boomerang be granted an ETC designation to provide Lifeline service throughout the State of Florida?

Recommendation: Yes. Boomerang should be granted an ETC designation to provide Lifeline service throughout the State of Florida. Staff also recommends that if there is a future change of Company ownership, the new owners should be required to file a petition with the Commission and demonstrate that it is in the public interest to maintain the Company's ETC designation.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the Proposed Agency Action Order, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

9**PAA

Docket No. 20240067-TP – Petition for designation as an eligible telecommunications carrier in the State of Florida, by Global Connection Inc. of America d/b/a STAND UP WIRELESS.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: IDM: Day, Deas, Fogleman, Mallow

GCL: Marquez, Farooqi

Issue 1: Should Global be granted an ETC designation to provide Lifeline service throughout the State of Florida?

Recommendation: Yes. Global should be granted an ETC designation to provide Lifeline service throughout the State of Florida. Staff also recommends that if there is a future change of Company ownership, the new owners should be required to file a petition with the Commission to demonstrate that it is in the public interest to maintain the Company's ETC designation.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the Proposed Agency Action Order, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

10**PAA

Docket No. 20240069-TP – Petition for designation as an eligible telecommunications carrier (ETC) in the State of Florida, by TEMPO TELECOM, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: IDM: Day, Deas, Fogleman, Mallow

GCL: Sparks, Farooqi

Issue 1: Should TEMPO be granted an ETC designation to provide Lifeline service throughout the state of Florida?

Recommendation: Yes. TEMPO should be granted an ETC designation to provide Lifeline service throughout the State of Florida. Staff also recommends that if there is a future change of Company ownership, the new owners should be required to file a petition with the Commission to demonstrate that it is in the public interest to maintain the Company's ETC designation.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the Proposed Agency Action Order, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

11**PAA

Docket No. 20240070-TP – Application for designation as an eligible telecommunications carrier in the State of Florida for the limited purpose of offering lifeline service to qualified households, by DISH Wireless L.L.C. d/b/a Gen Mobile.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: IDM: Deas, Day, Fogleman, Mallow

GCL: Farooqi, Harper

Issue 1: Should DISH be granted an ETC designation to provide Lifeline service throughout the State of Florida?

Recommendation: Yes. DISH should be granted an ETC designation to provide Lifeline service throughout the State of Florida. Staff also recommends that if there is a future change of Company ownership, the new owners should be required to file a petition with the Commission to demonstrate that it is in the public interest to maintain the Company's ETC designation.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the Proposed Agency Action Order, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

12**PAA

Docket No. 20240081-TP – Petition for designation as an eligible telecommunications carrier in the State of Florida, by Telrite Corporation d/b/a Life Wireless.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: IDM: Day, Deas, Fogleman, Mallow

GCL: Farooqi, Marquez

Issue 1: Should Telrite be granted an ETC designation to provide Lifeline service throughout the State of Florida?

Recommendation: Yes. Telrite should be granted an ETC designation to provide Lifeline service throughout the State of Florida. Staff also recommends that if there is a future change of Company ownership, the new owners should be required to file a petition with the Commission to demonstrate that it is in the public interest to maintain the Company's ETC designation.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the Proposed Agency Action Order, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

13**PAA

Docket No. 20240082-TP – Petition for designation as an eligible telecommunications carrier in the State of Florida, by American Broadband and Telecommunications Company LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: IDM: Fogleman, Day, Deas, Mallow

GCL: Farooqi, Marquez

Issue 1: Should American Broadband be granted an ETC designation to provide Lifeline service throughout the State of Florida?

Recommendation: Yes. American Broadband should be granted an ETC designation to provide Lifeline service throughout the State of Florida. Staff also recommends that if there is a future change of Company ownership, the new owners should be required to file a petition with the Commission to demonstrate that it is in the public interest to maintain the Company's ETC designation.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the Proposed Agency Action Order, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

14**PAA

Docket No. 20240057-EI – Request for approval of change in rate used to capitalize allowance for funds used during construction (AFUDC) from 6.37% to 6.76%, effective January 1, 2024, by Florida Power & Light Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: AFD: Ferrer, D. Buys

GCL: Brownless

Issue 1: Should the Commission approve FPL's request to change its AFUDC rate from 6.37 percent to 6.76 percent?

Recommendation: Yes. The appropriate AFUDC rate for FPL is 6.76 percent based on a 13-month average capital structure for the period ended December 31, 2023.

Issue 2: What is the appropriate monthly compounding rate to achieve FPL's requested annual AFUDC of 6.76 percent?

Recommendation: The appropriate compounding rate to achieve an annual AFUDC rate of 6.76 percent is 0.005466.

Issue 3: Should the Commission approve FPL's requested effective date of January 1, 2024, for implementing the AFUDC rate?

Recommendation: Yes. The AFUDC rate should be effective January 1, 2024, for all purposes.

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

15**

Docket No. 20240085-WS – Joint motion requesting approval of settlement agreement, by Office of Public Counsel and North Florida Community Water Systems, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: AFD: Przygocki, Sowards

GCL: Farooqi

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

Recommendation: Yes. The proposed Settlement Agreement adequately addresses the potential overearnings staff had identified during its ongoing earnings surveillance activities. As outlined in the proposed Settlement Agreement, NFCWS should refund customers of its Duval County system, formerly DWI customers, 14.18 percent of water revenues and 32.38 percent of wastewater revenues billed those customers for the calendar year 2022. NFCWS should also refund 12.68 percent of water revenues and 15.27 percent of wastewater revenues billed those customers for the calendar year 2023. This refund credit should be based upon each individual customer's billed amounts for the respective calendar year. The refunds should be made in accordance with Rule 25-30.360, Florida Administrative Code (F.A.C.)

Issue 2: Should this docket be closed?

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

ITEM NO.

CASE

16**PAA

Docket No. 20240048-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: Sanchez, Ellis

GCL: Farooqi

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

17**PAA

Docket No. 20240052-EQ – Petition for approval of revisions to standard offer contract and rate schedules COG-2, by Tampa Electric Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ENG: Sanchez, Ellis

GCL: Sparks, Farooqi

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

18**PAA

Docket No. 20240055-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: Sanchez, Ellis

GCL: Marquez, Farooqi

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 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

19**PAA

Docket No. 20220142-WS – Application for transfer of water and wastewater facilities and Certificate Nos. 589-W and 507-S from Grenelefe Resort Utility, Inc. to NC Real Estate Projects, LLC d/b/a Grenelefe Utility, in Polk County.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: ENG: Wooten, Ellis, King

AFD: Norris, Sowards, Veaghn

ECO: Bruce, Hudson

GCL: Stiller, J. Crawford

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

Issue 1: Should the transfer of Certificate Nos. 589-W and 507-S from Grenelefe Resort Utility, Inc. to NC Real Estate Projects, LLC d/b/a Grenelefe Utility, in Polk County be approved?

Recommendation: Yes. The transfer of the water and wastewater systems and Certificate Nos. 589-W and 507-S is in the public interest, and should be approved effective the date of the Commission’s vote. The resultant Order should serve as the Buyer’s certificate and should be retained by the Buyer. The Seller is current, with respect to annual reports and regulatory assessment fees (RAFs) through December 31, 2023. 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 NC Real Estate Projects, LLC d/b/a Grenelefe Utility water and wastewater systems for transfer purposes?

Recommendation: The net book values (NBV) of the water and wastewater systems for transfer purposes are \$65,267 and \$59,677, respectively, as of May 31, 2022. An acquisition adjustment should not be included in rate base. Within 90 days of the date of the final order, Grenelefe should be required to notify the Commission in writing that it has adjusted its books in accordance with the Commission decision and the adjustment should be reflected in the Utility’s 2024 Annual Report when filed.

ITEM NO.

CASE

19**PAA

Docket No. 20220142-WS – Application for transfer of water and wastewater facilities and Certificate Nos. 589-W and 507-S from Grenelefe Resort Utility, Inc. to NC Real Estate Projects, LLC d/b/a Grenelefe Utility, in Polk County.

(Continued from previous page)

Issue 3: Should NC Real Estate Projects, LLC d/b/a Grenelefe Utility’s miscellaneous service charges be revised to conform to amended Rule 25-30.460, F.A.C.?

Recommendation: Yes. Staff recommends the miscellaneous service charges should be revised to conform 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 Buyer 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 charge should not be implemented until staff has approved the proposed customer notice and the notice has been received by customers. The Buyer should provide proof of the date notice was given, no less than 10 days after the date of the notice. The utility should be required to charge the approved miscellaneous services charges until authorized to change them by the Commission in a subsequent proceeding.

Issue 4: Should the Commission approve a new meter installation fee for NC Real Estate Projects, LLC d/b/a Grenelefe Utility?

Recommendation: Yes. NC Real Estate Projects’ requested meter installation charge of \$600 for the 5/8 inch x 3/4 inch meter size should be approved. The Buyer should file a tariff sheet and a proposed customer notice. The Buyer should provide notice to potential customers who have requested service within 12 calendar months prior to the month the application was filed, and up until this Order becomes final. The approved charge should be effective for connections made on or after the stamped approval date on the tariff sheet. The Utility should provide proof of the date notice was given within 10 days of the date of notice.

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 provided the customers with the required notice, 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

20**PAA

Docket No. 20230111-SU – Application for authority to transfer wastewater facilities and Certificate No. 537-S in Okeechobee County from The Vantage Development Corporation to Vantage Oaks Utility, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Passidomo

Staff: ENG: M. Watts, Ramirez-Abundez, Ramos

AFD: Norris, Sowards, Veaghn

ECO: Bruce, Galloway, Hudson

GCL: Sandy

(Proposed Agency Action for Issues 3, 4, and 5.)

Issue 1: Should Vantage Oaks be required to show cause why it should not be fined for an apparent violation of Section 367.071(1), F.S., and Rule 25-30.037(1)(a), Florida Administrative code (F.A.C.), for failing to obtain Commission approval prior to the transfer of its assets, and failing to submit an application to the Commission for authority to transfer no later than 90 days after the sale closing date?

Recommendation: No. Staff recommends that the Utility's apparent violation of Section 367.071(1), F.S., and Rule 25-30.037(1)(a), F.A.C., does not rise to the level which warrants the initiation of a show cause proceeding. However, Vantage Oaks should be placed on notice that show cause proceedings may be initiated if further violations of Commission laws or rules regarding the transfer of certificates are identified.

Issue 2: Should the transfer of Certificate No. 537-S in Okeechobee County from The Vantage Development Corporation to Vantage Oaks Utility, LLC be approved?

Recommendation: Yes. The transfer of the wastewater system and Certificate No. 537-S is in the public interest and should be approved effective the date of the Commission's vote. The resultant Order should serve as the Buyer's certificate and should be retained by the Buyer. The Utility's existing rates and initial customer deposits, as shown on Schedule No. 2 of staff's memorandum dated June 6, 2024, 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), F.A.C. The Utility is current with respect to regulatory assessment fees (RAFs) and annual reports, and should be responsible for filing annual reports and paying RAFs for all future years.

ITEM NO.

CASE

20**PAA

Docket No. 20230111-SU – Application for authority to transfer wastewater facilities and Certificate No. 537-S in Okeechobee County from The Vantage Development Corporation to Vantage Oaks Utility, LLC.

(Continued from previous page)

Issue 3: What is the appropriate net book value for Vantage Oaks Utility, LLC’s wastewater system for transfer purposes?

Recommendation: The net book value of the wastewater system for transfer purposes is \$57,409 as of June 30, 2022. Within 90 days of the date of the consummating order, Vantage Oaks 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 2024 Annual Report when filed.

Issue 4: Should an acquisition adjustment be recognized for ratemaking purposes?

Recommendation: Yes. Pursuant to Rule 25-30.0371(3), F.A.C., a negative acquisition adjustment of \$42,227 should be recognized for ratemaking purposes. Beginning with the date of the issuance of the Final Order approving the transfer, half of the negative acquisition adjustment should be amortized over a 7-year period and the other half amortized over the remaining life of the Utility’s assets, or about four years, in accordance with Rule 25-30.0371(4)(b)2., F.A.C.

Issue 5: Should Vantage Oaks Utility, LLC’s miscellaneous service charges be revised to conform to Rule 25-30.460, F.A.C.?

Recommendation: Yes. Staff recommends the miscellaneous service charges should be revised to conform 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 sheet pursuant to Rule 25-30.475(1), 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 notice was given, no less than 10 days after the date of the notice. The Utility should be required to charge the approved miscellaneous services charges until authorized to change them by the Commission in a subsequent proceeding.

ITEM NO.

CASE

20**PAA

Docket No. 20230111-SU – Application for authority to transfer wastewater facilities and Certificate No. 537-S in Okeechobee County from The Vantage Development Corporation to Vantage Oaks Utility, LLC.

(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, that proof has been provided that appropriate noticing has been done pursuant to Rule 25-30.475, F.A.C., and that within 90 days of the date of the Consummating Order, the Buyer has notified Commission staff in writing that it has adjusted its books in accordance with the Commission’s Order approving the transfer.

ITEM NO.

CASE

21**

Docket No. 20240058-WU – Request for tariff filing revisions for water system in Okaloosa County, by North Florida Community Water Systems.

Critical Date(s): 60-Day Suspension Date Waived by the Utility Until the 6/18/24 Agenda Conference

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Lenberg

GCL: Thompson

(Tariff Filing)

Issue 1: Should NFCWS’s request for a new class of service for private fire protection rates be approved?

Recommendation: Yes. NFCWS’s request to establish a new class of service for private fire protection rates should be approved. Staff recommends that the utility’s revised proposed tariff sheet shown in Attachment A of staff’s memorandum dated June 6, 2024, should be approved as filed. The approved tariff should be effective on the date of the Commission vote. Since there are no current customers affected by the tariff revision, no customer notices are required.

Issue 2: Should NFCWS’s request to implement meter installation charges of actual cost for meter sizes larger than 5/8 inch x 3/4 inch be approved?

Recommendation: Yes. NFCWS’s request to implement meter installation charges of actual cost for meter sizes larger than 5/8 inch x 3/4 inch should be approved. Staff recommends that the utility’s revised proposed tariff shown in Attachment A of staff’s memorandum dated June 6, 2024, should be approved as filed. Staff recommends that the approved charges be effective for connections made 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 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 notice to potential customers who have requested service within 12 calendar months prior to the month the application was filed and up until the order becomes final. The utility should provide proof of the date notice was given within 10 days of the date of the notice.

Issue 3: Should this docket be closed?

Recommendation: Yes. If a protest is filed within 21 days of the issuance of the Order, the tariff should remain in effect with the refund pending resolution of the protest, and the docket should remain open. If not timely protest is filed, the docket should be closed upon the issuance of a Consummating Order.

ITEM NO.

CASE

22**

Docket No. 20240089-WS – Resolution of the Board of County Commissioners of Columbia County declaring Columbia County subject of the provisions of Section 367, F.S.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ENG: M. Watts, Ramos

GCL: Dose

Issue 1: Should the Commission acknowledge Resolution No. 2024R-13 by the Board of County Commissioners of Columbia County?

Recommendation: Yes. The Commission should acknowledge Resolution No. 2024R-13 by the County Commissioners of Columbia County, effective May 16, 2024. All non-exempt, privately-owned water and wastewater utilities in Columbia County should be directed to comply with the provisions of Chapter 367, F.S.

Issue 2: Should this docket be closed?

Recommendation: This docket should remain open to process letters to water and wastewater operators and their subsequent responses. Upon staff's verification that the final response from a water or wastewater system operator affirming exemption status has been received, and that no further action is necessary, this docket should be closed administratively.

ITEM NO.

CASE

23

Docket No. 20240025-EI – Petition for rate increase by Duke Energy Florida, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Passidomo

Staff: ECO: Draper

AFD: Maurey

ENG: Ballinger

GCL: J. Crawford, Stiller, Thompson

(Motion for Reconsideration - Oral Argument Requested; Participation is at the Discretion of the Commission)

Issue 1: Should FR/LULAC’s Request for Oral Argument on its Motion for Reconsideration of Order No. PSC-2024-0147-PCO-EI be granted?

Recommendation: No. Staff believes that the pleadings are sufficient on their face for the Commission to evaluate and rule on the Motion. However, if the Commission wants to exercise its discretion to hear oral argument, staff recommends that 5 minutes per side is sufficient.

Issue 2: Should Reconsideration of Order No. PSC-2024-0147-PCO-EI be granted?

Recommendation: No. Reconsideration should be denied because the Motion for Reconsideration and Joinder fail to raise a point of fact or law that the Prehearing Officer overlooked or failed to consider in rendering their decision.

Issue 3: Should this docket be closed?

Recommendation: No. This docket should remain open pending the Commission’s final resolution of DEF’s requested permanent base rate increase.

ITEM NO.

CASE

24**PAA

Docket No. 20240033-EU – Joint petition for approval of territorial agreement in Marion County, by City of Ocala, Florida d/b/a Ocala Electric Utility and Sumter Electric Cooperative, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Passidomo

Staff: ECO: Kaymak, Barrett, Guffey

GCL: Sandy

Issue 1: Should the Commission approve the proposed 2024 Territorial Agreement between Ocala and SECO in Marion County, dated December 18, 2023?

Recommendation: Yes, the Commission should approve the proposed 2024 Territorial Agreement between Ocala and SECO in Marion County, dated December 18, 2023. The proposed territorial agreement amends the respective boundary between these utilities to more clearly delineate the service territory for each utility and eliminate the need for each utility to continue serving certain customers located in the territory of the other utility. Moreover, approval of the 2024 Territorial Agreement would help both joint petitioners gain further operational efficiencies and customer service improvements in their respective retail service territories, and address circumstances giving rise to uneconomic duplication of service facilities and hazardous situations.

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.