

# FLORIDA PUBLIC SERVICE COMMISSION

## COMMISSION CONFERENCE AGENDA

**CONFERENCE DATE AND TIME:** Tuesday, November 5, 2024, 9:30 a.m.

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

**DATE ISSUED:** October 28, 2024\*

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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.

The Commission Conference has a live video broadcast the day of the conference, which is available from the FPSC website. Upon completion of the conference, the archived video will be available from the website by selecting *Conferences & Meeting Agendas*, then *Audio and Video Event Coverage*.

**EMERGENCY CANCELLATION OF CONFERENCE:** If a named storm or other disaster requires cancellation of the Conference, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission's website (<https://www.floridapsc.com>) under the Hot Topics link on the home page. Cancellation can also be confirmed by calling the Office of Commission Clerk at 850-413-6770.

If you have any questions, contact the Office of Commission Clerk at 850-413-6770 or [Clerk@psc.state.fl.us](mailto:Clerk@psc.state.fl.us).

\*Revised to insert late-filed Item 3.

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**ITEM NO.**

**CASE**

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1**	<b>Consent Agenda</b>				
PAA	A) Application for Certificate of Authority to Provide Telecommunications Service. <table><tr><td><u>DOCKET NO.</u></td><td><u>COMPANY NAME</u></td></tr><tr><td>20240127-TX</td><td>COMEXCEL TECHNOLOGIES CORPORATION</td></tr></table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	20240127-TX	COMEXCEL TECHNOLOGIES CORPORATION
<u>DOCKET NO.</u>	<u>COMPANY NAME</u>				
20240127-TX	COMEXCEL TECHNOLOGIES CORPORATION				
PAA	B) Docket No. 20240131-EI – Application for authority to issue and sell securities for 12 months ending December 31, 2025, by Tampa Electric Company.				
PAA	C) Docket No. 20240138-EI - Application for authority to issue and sell securities during 12 months ending December 31, 2025, by Duke Energy Florida, LLC.				
PAA	D) Docket No. 20240128-GU – Application for authority to issue and sell securities for 12 months ending December 31, 2025, by Peoples Gas System, Inc.				

**Recommendation:** The Commission should approve the actions requested in the dockets referenced above and close Docket No. 20240127-TX. For monitoring purposes, Docket Nos. 20240131-EI, 20240138-EI and 20240128-GU should remain open until May 1, 2026, to allow the Companies time to file the required Consummation Reports.

**ITEM NO.**

**CASE**

2

**Docket No. 20240043-TP** – Request for submission of proposals for relay service, beginning in March 2025, for the deaf, hard of hearing, deaf/blind, or speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991.

**Critical Date(s):** Current contract expires on February 28, 2025.

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Fay

**Staff:** IDM: Williams, Fogleman

GCL: Imig, Farooqi, Harper

**(Participation is Limited to Commissioners and Staff)**

**Issue 1:** Who should be awarded the Florida relay service provider contract?

**Recommendation:** Based upon the RFP evaluation process, staff recommends the Commission select T-Mobile as the relay service provider and direct the Commission's Executive Director or designee to: (1) issue the attached letter of intent to T-Mobile and Hamilton (Attachment A of staff's memorandum dated October 24, 2024); (2) provide notice on the Florida Department of Management Services Vendor Bid System of the Commission's decision to award a three-year contract to provide the statewide relay service in Florida to T-Mobile; and (3) finalize and sign a contract with T-Mobile to provide the relay service.

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

**Recommendation:** No. This docket should remain open for the life of the contract.

**ITEM NO.**

**CASE**

3\*\*

**Docket No. 20240146-TP** – Initiation of show cause proceeding against Q LINK WIRELESS LLC for apparent violation of Order No. PSC-2024-0201-PAA-TP.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Fay

**Staff:** GCL: Augspurger, Farooqi

IDM: Fogleman, Day, Deas

**Issue 1:** Should the Commission order Q LINK to show cause, in writing, within 21 days from the issuance of the order, why its ETC status in Florida should not be revoked for apparent violation of Order No. PSC-2024-0201-PAA-TP, due to its admitted fraud against the Lifeline program and it no longer being in the public interest for Q LINK to be designated as an ETC in Florida?

**Recommendation:** Yes, Q LINK should be ordered to show cause, in writing, within 21 days from the issuance of the order, why its ETC status in Florida should not be revoked for apparent violation of Order No. PSC-2024-0201-PAA-TP, due to its admitted fraud against the Lifeline program and it no longer being in the public interest for Q LINK to be designated as an ETC in Florida. If the Company's ETC status is to be revoked, staff recommends ordering the Company to immediately cease accepting new Lifeline applicants in Florida as of the date of the final order. Staff also recommends that any final order indicate that the Company's ETC status shall be revoked 30 days after issuance of the final order to provide time for affected customers to be advised of the need to change Lifeline carriers and to effect such transition.

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

**Recommendation:** If the Commission orders Q LINK to show cause as to Issue 1 and Q LINK timely responds in writing to the Show Cause Order, this docket should remain open to allow for the appropriate processing of the response. If the Commission orders Q LINK to show cause as to Issue 1 and Q LINK does not timely respond to the Show Cause Order, then the Commission should issue a final order, and this docket should be closed after the time for filing an appeal has run. If the Commission does not order Q LINK to show cause as to Issue 1 then this docket should be closed.

**ITEM NO.**

**CASE**

4\*\*PAA

**Docket No. 20240110-EU** – Joint petition for approval of territorial agreement in Marion County, by City of Ocala and Duke Energy Florida, LLC.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Clark

**Staff:** ECO: Prewett, Barrett, Guffey

GCL: Sandy

**Issue 1:** Should the Commission approve the proposed 2024 Territorial Agreement between Ocala and DEF in Marion County, dated August 2, 2024?

**Recommendation:** Yes, staff recommends that the Commission should approve the proposed 2024 Territorial Agreement between Ocala and DEF in Marion County, dated August 2, 2024, as consistent with the Standards for Approval pursuant to Rule 25-6.0440(2), F.A.C. The proposed territorial agreement amends the respective boundary between these utilities to more clearly delineate the service territory of while also resolving ongoing matters related to inadvertently served customers. Moreover, approval of the 2024 Territorial Agreement would help the joint petitioners to gain further operational efficiencies and customer service improvements in their respective retail service territories, and to 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.

**ITEM NO.**

**CASE**

5\*\*

**Docket No. 20240135-GU** – Petition for approval of swing service rider, by Florida Public Utilities Company, Florida Public Utilities Company-Indiantown Division, Florida Public Utilities Company-Fort Meade, and Florida Division of Chesapeake Utilities Corporation.

**Critical Date(s):** 05/02/25 (8-Month Effective Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECO: McClelland, Hampson

GCL: Sandy

**(Tariff Filing)**

**Issue 1:** Should the Commission approve the utility’s proposed swing service rider rates and associated tariffs for the period January through December 2025?

**Recommendation:** Yes, the Commission should approve the proposed swing service rider rates in Attachment B of staff’s memorandum dated October 24, 2024 for the period January through December 2025. FPUC’s proposed swing service rider reflects the updated cost of swing service for transportation customers. Staff reviewed the total projected intrastate capacity costs and verified that the costs included are appropriate. Furthermore, the methodology for calculating the swing service rider rates is consistent with the 2016 Order.

**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**

6\*\*PAA

**Docket No. 20240106-WU** – Application for a revenue-neutral uniform water rate restructuring limited proceeding in Alachua, Duval, Leon, Okaloosa, and Washington Counties, by North Florida Community Water Systems, Inc.

**Critical Date(s):** 90-day statutory deadline waived until 11/05/24

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Fay

**Staff:** ECO: Bethea, Bruce

ENG: Watts

GCL: Dose, J. Crawford

**Issue 1:** Should the Commission grant NFCWS’s petition for a waiver of Rule 25-30.445(6), F.A.C.?

**Recommendation:** Yes. NFCWS has demonstrated that the purpose of the underlying statute is being achieved and that strict application of the rule violates principles of fairness to its customers.

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

**Recommendation:** If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, a consummating order should be issued. If the utility’s petition for a rule waiver is granted, then the docket should remain open pending the Commission’s decision regarding NFCWS’s petition for a limited proceeding. However, if the utility’s petition for a rule waiver is denied, then the docket should be closed upon the issuance of the consummating order.