

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: PROPOSED AMENDMENT OF RULES 25-6.043, 25-7.039, 25-22.0406, 25-22.0407, 25-30.436, AND 25-30.437, AND REPEAL OF RULES 25-30.438, 25-30.4385, 25-30.440, AND 25-30.443, F.A.C., CONCERNING NOTICE, PUBLIC INFORMATION, AND MINIMUM FILING REQUIREMENTS FOR ELECTRIC, GAS, WATER, AND WASTEWATER APPLICATIONS FOR RATE INCREASE.

Docket No. 20200193-PU

Submitted: October 5, 2020

**POST-WORKSHOP COMMENTS OF FLORIDA CITY GAS**

**I. INTRODUCTION**

On September 1, 2020, the Florida Public Service Commission (“Commission”) Staff issued a Notice of Development of Rulemaking to amend Florida Administrative Code (“F.A.C.”): Rule 25-6.043 - Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee; Rule 25-7.039 - Natural Gas Utility Minimum Filing Requirements; Commission Designee; Rule 25-22.0406 - Notice and Public Information on General Rate Increase Requests and Petitions for Limited Proceedings by Electric and Gas Utilities; Rule 25-22.0407 - Notice of and Public Information for General Rate Increase Requests by Water and Wastewater Utilities; Rule 25-30.436 – General Information and Instructions Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase; and Rule 25-30.437 - Financial Rate and Engineering Information Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase. Staff conducted a rulemaking workshop on September 21, 2020, to solicit input and comments from interested parties on the proposed rulemaking. At the conclusion of the workshop, Staff invited interested parties to submit written comments and redlined suggested edits to the proposed rules on October 5, 2020. Staff also asked the workshop participants to

provide a Statement of Estimated Regulatory Costs (“SERC”) to identify potential economic or financial impacts of the proposed revisions. For Staff’s consideration, Florida City Gas (“FCG”) herein submits these Comments regarding Staff’s proposed amendments to Rules 25-7.039 and 25-22.0406, as well as a SERC associated with the proposed amendments of these Rules.

FCG is a natural gas local distribution company (“LDC”) that currently serves approximately 114,000 residential, commercial and industrial natural gas customers in Florida’s Miami-Dade, Brevard, St. Lucie, Martin, Palm Beach, Glades, Hendry, Broward, and Indian River counties. FCG is a “public utility” as that term is defined in Section 366.02, F.S., subject to the regulatory jurisdiction of the Commission.

At the outset, it is important to note that FCG agrees with Staff’s proposed amendments to modernize and streamline the application of Rules 25-7.039 and 25-22.0406. FCG submits that Staff’s proposed amendments to Rules 25-7.039 and 25-22.0406 appropriately reflect the modern digital era of electronic filing and service of documents, and will largely reduce the burden and costs associated with the antiquated requirement of filing and serving numerous paper copies of the very voluminous filings associated with utility base rate cases. FCG applauds Staff’s efforts and believe these amendments will improve the efficiency of the processes related to petitions for rate increases, simplify and facilitate the ability of stakeholders to access information, reduce administrative burdens, and eliminate the need to print literally hundreds of thousands of paper documents.

FCG appreciates the opportunity to provide additional comments to Staff’s proposed amendments. For Staff’s consideration, FCG herein offers a few minor suggested clarifications to Staff’s proposed amendments to Rules 25-7.039 and 25-22.0406, which are reflected in the marked version included as Appendix A to these Comments.

## **II. COMMENTS TO RULES 25-7.039 AND 25-22.0406, F.A.C.**

FCG is a wholly-owned, direct subsidiary of Florida Power & Light Company (“FPL”) and an affiliate of Gulf Power Company (“Gulf”), which submitted Joint Comments regarding Staff’s proposed amendments to Rules 25-6.043 and Rule 25-22.0406. Staff’s proposed amendments to Rule 25-6.043 applicable to electric utilities are essentially identical to Staff’s proposed amendments to Rule 25-7.039 applicable to gas utilities. Additionally, Staff’s proposed amendments to Rule 25-22.0406 apply to both electric and gas utilities. For the reasons stated in the FPL/Gulf Joint Comments, which are equally applicable to the gas utilities, FCG agrees with and strongly supports Staff’s proposed amendments to Rules 25-7.039 and 25-22.0406. For Staff’s consideration, FCG offers two minor suggested modifications to Section (1)(h) of Rule 25-7.039 and one request for clarification regarding Section (2)(a) of Rule 25-22.0406.

### **A. Suggested Modifications to Rule 25-7.039(1)(h)**

Section (1)(h) of Rule 25-7.039, as revised by Staff, reduces the number of paper copies of the voluminous gas rate case filings that must be provided to the Office of Commission Clerk from twenty to ten copies. FCG submits that Staff’s proposal to reduce the number of paper copies to be provided to the Office of Commission Clerk is a significant improvement that will reduce the administrative burden and costs associated with filing a base rate case. FCG strongly supports this revision to Section (1)(h), but recommends that Staff consider further revising this section to provide additional time from the date of the rate case filing to deliver these ten paper copies to the Office of Commission Clerk.

Preparing a complete and accurate base rate case filing, including the voluminous minimum filing requirements, exhibits, and testimony that accompany such filing, is a major undertaking that

requires significant resources and time in order to be ready to electronically file and serve by the filing date. Further, producing and delivering ten paper copies of the base rate case filing requires additional time once the filing is complete and ready to be filed, particularly when FCG's base rate case filing will be prepared in Juno Beach and arrangements will need to be made to deliver the paper copies to the Office of Commission Clerk in Tallahassee.

For these reasons, FCG respectfully recommends that Section (1)(h) of Rule 25-7.039 be further revised to provide that the ten paper copies of a gas utility base rate case filing must be delivered to the Office of Commission Clerk within one week (seven calendar days) of the electronic filing. FCG notes that, although there would be a slight delay in receipt of the paper copies of the base rate case filing, electronic versions of the filing would be available on the date of the filing. If adopted, FCG will endeavor to deliver the paper copies to the Office of Commission Clerk as soon as practicable, but submits that this minor modification will avoid the need to delay the filing of a base rate case due to the production/delivery of paper copies, while at the same time accommodating Staff's desire to provide the Commission with paper copies of the filing.

Section (1)(h) of Rule 25-7.039, as revised by Staff, also provides that the gas utilities must provide an Excel version of Commission Form PSC 1027. FCG agrees with and strongly supports this proposed amendment, but it is unclear whether this Form must be delivered to the Office of Commission Clerk via e-mail or some other medium. FCG respectfully recommends that Section (1)(h) be clarified to reflect that the Excel version of Commission Form PSC 1027 may be provided to the Office of Commission Clerk on a flash drive, CD, DVD, or other similar digital medium. FCG believes that this minor clarification will reduce the potential need for multiple e-mails, as well as potential issues with e-mail size restrictions and firewall/security issues that could cause an e-mail(s) to be rejected as undeliverable.

A marked version of the Staff's amended Rule 25-7.039 reflecting these proposed modifications is provided as Appendix A to these Comments.

**B. Request for Clarification of Rule 25-22.0406(2)(a)**

Section (2)(a) of Rule 25-22.0406, as revised by Staff, provides that the utility must provide a copy of the base rate petition to the chief executive officer of the governing body of each municipality and county within the service area affected. FCG agrees with and supports Staff's amendment to modernize Section (2)(a) to remove the requirement that utilities must provide local counties and municipalities with paper copies of the base rate filing. FCG submits that making materials available through electronic means is a much more effective way to disseminate the information required by the Rule. However, FCG requests clarification regarding the application of Section (2)(a) of Rule 25-22.0406 as amended by Staff.

It is unclear from Staff's amended Section (2)(a) how the utility should make the rate case filing available to the local counties and municipalities. The rate case filing could be delivered through various electronic mediums, including e-mails with pdf attachments or website links, or mailing of flash drives or CDs. FCG is concerned that delivering a rate case filing via e-mail with pdf attachments could require multiple e-mails. Additionally, FCG is concerned that delivery via e-mail(s) with pdf attachments could be problematic due to e-mail size limitation and firewall/security issues that could cause an e-mail(s) to be rejected as undeliverable. As an alternative, FCG seeks clarification that the utilities' base rate case filings may be delivered to the local counties and municipalities through either an e-mail with a website link to the filing or mailing a CD or flash drive with an electronic copy of the filing. FCG submits that this clarification will provide guidance and clarity to all stakeholders.

### **III. STATEMENT OF ESTIMATED REGULATORY COSTS**

At the conclusion of the rulemaking workshop on September 21, 2020, Staff asked participants to review the proposed rule amendments and to identify potential economic or financial impacts of the proposed revisions. Section 120.54(3), Florida Statutes (“F.S”), requires the Agency’s notice of intended action to consider the estimated regulatory cost factors enumerated in Section 120.541, F.S. Consistent with these factors, FCG herein offers the comments that follow.

FCG does not anticipate that Staff’s proposed amendments to Rules 25-7.039 and 25-22.0406, which are applicable to gas utilities and are addressed in these comments, will have any adverse impact, either directly or indirectly:

Section 120.541(2)(a)(1) – on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;

Section 120.541(2)(a)(2) – on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or

Section 120.541(2)(a)(3) – to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

Further, FCG does not believe that the number of individuals and entities likely to be required to comply with Rules 25-7.039 and 25-22.0406 will change. In fact, as outlined earlier in these comments, as well as the Joint Comments Submitted by FPL and Gulf, FCG submits the proposed revisions to the referenced rules will actually facilitate a more efficient process that will likely reduce rather than increase costs.

Finally, FCG does not believe that implementing and enforcing these Rules as amended by Staff will result in any additional cost to the Commission or to other state and local government entities, nor will there be any effect on state or local revenues.

#### IV. CONCLUSION

As stated above, FCG agrees with and strongly supports Staff's proposed amendments to Rules 25-7.039 and 25-22.0406, F.A.C. However, as discussed in the foregoing Comments, FCG believes that two modifications and clarifications to Rule 25-7.039(1)(h), as provided in Appendix A to these Comments, are appropriate and necessary. Additionally, FCG believes that further clarification on Rule 25-22.0406(2)(a) would be beneficial to all stakeholders as discussed in these Comments above. Accordingly, FCG respectfully requests that Commission Staff consider these comments and further revise/clarify the amended Rules 25-7.039 and 25-22.0406, F.A.C., consistent with these Comments. Again, FCG thanks Staff for its efforts to modernize Rules 25-7.039 and 25-22.0406, F.A.C., and FCG appreciates the opportunity to comment on Staff's proposed amendments of these Rules.

Respectfully submitted this 5th day of October, 2020.

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## **APPENDIX A**

**Redline Version of FCG's Proposed Modifications to Staff's  
Amended Rule 25-7.039, F.A.C., Natural Gas Utility  
Minimum Filing Requirements; Commission Designee**



1        **25-7.039 Natural Gas Utility Petition for Rate Increase ~~Minimum Filing~~**

2        **Requirements; Commission Designee.**

3        (1) General Filing Instructions.

4        (a) The petition under Sections 366.06 and 366.071, F.S., for an adjustment of rates must  
5 include or be accompanied by:

6        1. The information required by Commission Form PSC 1027 (XX/XX) ~~PSC/AFD-10-G~~  
7 ~~(11/89)~~, entitled “Investor Owned Natural Gas Utilities Minimum Filing Requirements;”

8 which is incorporated into this rule by reference, and is available at

9 [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____). ~~The form may be obtained~~

10 ~~from the Commission’s Division of Accounting and Finance.~~ This form is also available on

11 the Commission’s website, [www.floridapsc.com](http://www.floridapsc.com).

12        2. The exact name of the applicant and the address of the applicant’s principal place of  
13 business.

14        3. Prepared Copies of prepared direct testimony and exhibits for each witness testifying on  
15 behalf of the utility company. Each witness’s prefiled testimony and exhibits shall be on

16 numbered pages and all exhibits shall be attached to the witness’s testimony.

17        (b) In compiling the required schedules, a utility must company ~~shall~~ follow the policies,  
18 procedures and guidelines prescribed by the Commission in relevant rules and in the utility’s  
19 ~~company’s~~ last rate case or in a more recent rate case involving a comparable utility. ~~These~~  
20 ~~schedules shall be identified appropriately (e.g. Schedule B-1 would be designated Company~~  
21 ~~Schedule B-1 Company basis).~~

22        (c) Each schedule must shall be cross-referenced to identify related schedules as either  
23 supporting schedules and/or recap schedules. If a schedule requires certain information, a  
24 utility may on that schedule reference a different schedule that provides that same information.

25        (d) The dimensions of each page, regardless of format, must be 8 ½ by 11 inches, and each

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

1 page must be numbered. Each page of the filing shall be numbered on 8 1/2" × 11" inch paper.

2 ~~Each witness' prefiled testimony and exhibits shall be on numbered pages and all exhibits~~  
3 ~~shall be attached to the proponent's testimony.~~

4 (e) Except for handwritten official utility ~~company~~ records, all data in the petition,  
5 testimony, exhibits and minimum filing requirements must shall be typed.

6 (f) Each schedule must shall indicate the name of the witness responsible for its  
7 presentation.

8 (g) All schedules involving investment data must shall be completed on an average  
9 investment basis. Unless a specific schedule requests otherwise, average is defined as the  
10 average of thirteen (13) monthly balances.

11 (h) ~~The Twenty (20) copies of the filing, consisting of the petition and its supporting~~  
12 ~~attachments, testimony, and exhibits, must be e-filed by the utility shall be filed~~ with the  
13 Office of Commission Clerk and must be accompanied by ~~ten paper copies clearly labeled~~  
14 ~~"COPY" and an Excel version of Commission Form PSC 1027 (XX/XX) provided on a flash~~  
15 ~~drive, CD, or other similar digital medium. Ten paper copies clearly labeled "COPY" must be~~  
16 ~~provided to the Office of Commission Clerk within one week (seven calendar days) of the~~  
17 ~~electronic filing.~~

18 (i) Any proposed ~~Whenever the company proposes any~~ corrections, updates or other  
19 changes to the original filing must by e-filed by the utility ~~originally filed data, twenty (20)~~  
20 ~~copies shall be filed~~ with the Office of Commission Clerk; and must be accompanied by ten  
21 paper copies clearly labeled "COPY" and an Excel version of any schedules in Commission  
22 Form PSC 1027 (XX/XX) that have been changed. On the same day as the e-filing, the utility  
23 must serve an electronic copy of the filing on each party. ~~with copies also served on all parties~~  
24 ~~at the same time.~~

25 (2) The Director of the division that has been assigned the primary responsibility for the

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1  ~~filing is Commission Designee. The Deputy Executive Director, Technical shall be the~~  
2  ~~designee of the Commission~~  designee for purposes of determining whether the utility has met  
3 the minimum filing requirements imposed by this rule.

4  ~~(3) Waiver of MFR Requirements. The Commission may grant a waiver with respect to~~  
5  ~~specific data required by this rule upon a showing that production of the data would be~~  
6  ~~impractical or impose an excessive economic burden upon the company.~~

7 *Rulemaking Authority 350.127(2), 366.05(1), 366.06 (3) FS. Law Implemented 366.06(3),*  
8 *366.071 FS. History—New 5-27-81, Formerly 25-7.39, Amended 11-21-89,\_\_\_\_\_.*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic delivery to the following parties of record this 5th day of October, 2020:

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