

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery  
clause.

DOCKET NO. 20210002-EG  
ORDER NO. PSC-2021-0407-PHO-EG  
ISSUED: October 28, 2021

PREHEARING ORDER

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (F.A.C.), a Prehearing Conference was held on October 13, 2021, in Tallahassee, Florida, before Commissioner Andrew Giles Fay, as Prehearing Officer.

APPEARANCES:

MARIA JOSE MONCADA, ESQUIRE, 700 Universe Boulevard, Juno Beach, Florida 33408

On behalf of FLORIDA POWER & LIGHT COMPANY (FPL) and GULF POWER COMPANY (GULF).

DIANNE M. TRIPLETT, ESQUIRE, 299 First Avenue North, St. Petersburg, Florida 33701, MATTHEW R. BERNIER, ESQUIRE, and STEPHANIE A. CUELLO, 106 East College Avenue, Suite 800, Tallahassee, Florida 32301

On behalf of DUKE ENERGY FLORIDA, LLC (DEF).

JAMES D. BEASLEY, J. JEFFRY WAHLEN, and MALCOLM N. MEANS, ESQUIRES, Post Office Box 391, Tallahassee, Florida 32302

On behalf of TAMPA ELECTRIC COMPANY (TECO).

BETH KEATING, ESQUIRE, 215 South Monroe St., Suite 601, Tallahassee, Florida 32301

On behalf of FLORIDA PUBLIC UTILITIES COMPANY (FPUC).

RICHARD GENTRY, CHARLES REHWINKEL, MARY A. WESSLING, PATRICIA A. CHRISTENSEN, and ANASTACIA PIRRELLO, ESQUIRES, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400

On behalf of OFFICE OF PUBLIC COUNSEL (OPC).

JON C. MOYLE, JR., and, KAREN PUTNAL, ESQUIRES, 118 North Gadsden Street, Tallahassee, Florida 32312

On behalf of FLORIDA INDUSTRIAL POWER USERS GROUP (FIPUG).

PETER J. MATTHEIS, and MICHAEL K. LAVANGA, ESQUIRES, 1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower, Washington D.C. 20007

On behalf of Nucor Steel Florida, Inc. (NUCOR).

JAMES W. BREW, and LAURA WYNN BAKER, ESQUIRES, 1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower, Washington, D.C. 20007

On behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (PCS).

GEORGE CAVROS, ESQUIRE, 120 E. Oakland Park Blvd., Suite 105, Fort Lauderdale, FL 33334

On behalf of Southern Alliance for Clean Energy (SACE).

WALTER TRIERWEILER, ESQUIRE, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

On behalf of the Florida Public Service Commission (Staff).

MARY ANNE HELTON, ESQUIRE, Deputy General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

Advisor to the Florida Public Service Commission.

KEITH C. HETRICK, ESQUIRE, General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

Florida Public Service Commission General Counsel.

## **I. CASE BACKGROUND**

The Energy Conservation Cost Recovery Clause allows public utilities to seek recovery of costs for energy conservation programs on an annual basis, pursuant to Sections 366.80-366.83, Florida Statutes (F.S.), and Chapter 25-17, Florida Administrative Code (F.A.C.). As part of the Commission's continuing energy conservation cost recovery proceedings, an administrative hearing in this docket is set for November 2-4, 2021.

## **II. CONDUCT OF PROCEEDINGS**

Pursuant to Rule 28-106.211, F.A.C., this Prehearing Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of this case.

### **III. JURISDICTION**

This Commission is vested with jurisdiction over the subject matter by the provisions of Chapter 366, F.S. This hearing will be governed by said Chapter and Chapters 25-6, 25-22, and 28-106, and 28-109, F.A.C., as well as any other applicable provisions of law.

### **IV. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION**

Information for which proprietary confidential business information status is requested pursuant to Section 366.093, F.S., and Rule 25-22.006, F.A.C., shall be treated by the Commission as confidential. The information shall be exempt from Subsection 119.07(1), F.S., pending a formal ruling on such request by the Commission or pending return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been made a part of the evidentiary record in this proceeding, it shall be returned to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of this proceeding, it shall be returned to the person providing the information within the time period set forth in Section 366.093, F.S. The Commission may determine that continued possession of the information is necessary for the Commission to conduct its business.

It is the policy of this Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 366.093, F.S., to protect proprietary confidential business information from disclosure outside the proceeding. Therefore, any party wishing to use any proprietary confidential business information, as that term is defined in Section 366.093, F.S., at the hearing shall adhere to the following:

- (1) When confidential information is used in the hearing that has not been filed as prefiled testimony or prefiled exhibits, parties must follow the procedures for providing confidential electronic exhibits to the Commission Clerk prior to the hearing.
- (2) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise confidentiality. Therefore, confidential information should be presented by electronic exhibit.

If a confidential exhibit has been admitted into evidence, the copy provided to the court reporter shall be retained in the Office of Commission Clerk's confidential files. If such material is admitted into the evidentiary record at hearing and is not otherwise subject to a request for confidential classification filed with the Commission, the source of the information must file a request for confidential classification of the information within 21 days of the conclusion of the hearing, as set forth in Rule 25-22.006(8)(b), F.A.C., if continued confidentiality of the information is to be maintained.

**V. PREFILED TESTIMONY AND EXHIBITS; WITNESSES**

Testimony of all witnesses to be sponsored by the parties (and Staff) has been prefiled and will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to timely and appropriate objections. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Summaries of testimony shall be limited to three minutes.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer. After all parties and Staff have had the opportunity to cross-examine the witness, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

The parties shall avoid duplicative or repetitious cross-examination. Further, friendly cross-examination will not be allowed. Cross-examination shall be limited to witnesses whose testimony is adverse to the party desiring to cross-examine. Any party conducting what appears to be a friendly cross-examination of a witness should be prepared to indicate why that witness's direct testimony is adverse to its interests.

**VI. ORDER OF WITNESSES**

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
Rena B. Deaton*	FPL/GULF	1-7, 10
John N. Floyd*	FPL/GULF	1-2, 4
Tim Duff*	DEF	1-7, 10
Mark R. Roche*	TECO	1-10
Curtis Young*	FPUC	1, 10
Kira I. Lake*	FPUC	2-7

*\*All witnesses have been excused with testimony and exhibits to be included in the record.*

**VII. BASIC POSITIONS**

**FPL/GULF:** FPL's unified 2022 Conservation Cost Recovery Factors for the January 2022 through December 2022 recovery period, which include separate prior and current period true-ups for FPL and Gulf, are appropriate and reasonable and should be approved.

**DEF:** The Commission should determine that DEF has properly calculated its conservation cost recovery true-up and projection costs and should approve the conservation cost recovery factors for the period January 2022 through December 2022 set forth in the testimony and exhibits of witness Tim Duff.

**TECO:** The Commission should determine that Tampa Electric has properly calculated its conservation cost recovery true-up and projections and the conservation cost recovery factors set forth in the testimony and exhibits of witness Mark R. Roche during the period January 2022 through December 2022.

The Commission should approve the Contracted Credit Value in accordance with Order No. PSC-2017-0456-FOF-EI, issued November 27, 2017 in Docket No. 20170210 for the GSLM-2 and GSLM-3 rate riders for use during the period January 2022 through December 2022.

The Commission should also approve the Residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2022 through December 2022 as set forth in witness Roche's testimony and exhibits.

**FPUC:** The Commission should approve Florida Public Utilities Company's final net true-up for the period January through December 2020, the estimated true-up for the period January through December, 2021, and the projected conservation program expenses for the period January through December, 2022.

**OPC:** The utilities bear the burden of proof to justify the recovery of costs they request in this docket. The utilities must carry this burden regardless of whether or not the Interveners provide evidence to the contrary. Further, the utilities bear the burden of proof to support their proposal(s) seeking the Commission's adoption of policy statements (whether new or changed) or other affirmative relief sought. Even if the Commission has previously approved a program, recovery of a cost, factor, or adjustment as meeting the Commission's *own* requirements, the utilities still bear the burden of demonstrating that the costs submitted for final recovery meet any statutory test(s) and are reasonable in amount and prudently incurred. Further, recovery of even prudently incurred costs is constrained by the Commission's obligation to set fair, just, and reasonable rates. Further, pursuant to Section 366.01, Florida Statutes, the provisions of Chapter 366 must be liberally construed to protect the public welfare.

- FIPUG:** Only costs legally authorized should be recovered through the energy conservation cost recovery clause. FIPUG maintains that the respective utilities must satisfy their burden of proof for monies or other relief sought in this proceeding.
- NUCOR:** Nucor’s basic position is that DEF bears the burden of proof to justify the costs it seeks to recover through the ECCR and any other relief DEF requests in this proceeding.
- PCS:** PCS Phosphate generally adopts the positions taken by the Florida Office of Public Counsel (“OPC”) unless a differing position is specifically stated.
- SACE:** SACE maintains that the utilities bear the burden of proof to justify the recovery of cost that they request in this docket and that the previously approved conservation goals that are implemented through the conservation programs for which the companies seek cost recovery in this docket, were proposed by the utilities and approved by the Commission using outdated cost-effectiveness and economic screening practices – primarily by the reliance on the Rate Impact Measure (RIM) test and the arbitrary 2-year payback screen – that depress energy efficiency potential results. The Commission should take the opportunity in its conservation goal setting rulemaking docket to modernize its conservation goal setting practices to reflect standard industry practice. Positions taken by SACE in this conservation programs cost recovery docket that do not contest cost recovery amounts, are not an endorsement of the Commission’s current goals setting practices.
- STAFF:** Staff’s positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff’s final positions will be based upon all the evidence in the record and may differ from the preliminary positions.

## **VIII. ISSUES AND POSITIONS**

The parties’ positions on all Issues 1-10, have been resolved by proposed Type 2 Stipulations as set forth at Section X of this Order.

**IX. EXHIBIT LIST**

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
R. B. Deaton J. N. Floyd	FPL/GULF	AS-1	Schedules CT-1 and CT-4
R B. Deaton	FPL/GULF	AS-1	Schedules CT-2 and CT-3
J. N. Floyd	FPL/GULF	AS-1	Schedules CT-5 and CT-6, Appendix A
J. N. Floyd	FPL/GULF	JNF-1	Schedules CT-1 through CT-6
R. B. Deaton	FPL/GULF	JNF-2	Appendix I – Schedule C-1
R. B. Deaton J. N. Floyd	FPL/GULF	JNF-2	Appendix I - Schedule C-2
R. B. Deaton	FPL/GULF	JNF-2	Capital Structure/Cost Rates
J. N. Floyd	FPL/GULF	JNF-2	Appendix I – Schedule C-5
R. B. Deaton J. N. Floyd	FPL/GULF	JNF-3	Appendix II – Schedule C-3
R. B. Deaton	FPL/GULF	JNF-3	Capital Structure/Cost Rates
R. B. Deaton	FPL/GULF	JNF-3	Appendix II – Schedule C-4
J. N. Floyd	FPL/GULF	JNF-3	Appendix II – Schedule C-5
R. B. Deaton J. N. Floyd	FPL/GULF	JNF-4	Appendix II – Schedule C-3

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
R. B. Deaton	FPL/GULF	JNF-4	Capital Structure/Cost Rates
R. B. Deaton	FPL/GULF	JNF-4	Appendix II – Schedule C-4
J. N. Floyd	FPL/GULF	JNF-4	Appendix II – Schedule C-5
Duff	DEF	LJC-1T	ECCR Adjusted Net True-Up for January - December 2020, Schedules CT1 – CT6
Duff	DEF	LJC-1P	Estimated/Actual True-Up, January – December 2021 and ECCR Factors for Billings in January – December 2022, Schedules C1 – C6
Mark R. Roche	TECO	MRR-1	Schedules supporting cost recovery factor, actual January 2020 – December 2020
Mark R. Roche	TECO	MRR-2	Schedules supporting conservation costs projected for the period January 2022 – December 2022
Curtis D. Young	FPUC	CDY-1 (composite)	Schedules CT-1, CT-2, CT-3, CT-4, CT-5 and CT-6
Kira I. Lake	FPUC	KIL-1 (composite)	Schedules C-1, C-2, C-3, C-4, and C-5

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

**X. PROPOSED STIPULATIONS**

There are proposed stipulations of Issues 1-10, set forth below. DEF, FPL/Gulf, TECO, FPUC, and Commission staff support the proposed stipulations. FIPUG, PCS Phosphate, NUCOR, SACE, and OPC are willing to facilitate a Type 2 stipulation<sup>1</sup> of the issues. OPC clarified its position on each Type 2 stipulation is as follows:

OPC takes no position on these issues, nor does it have the burden of proof related to them. As such, the OPC represents that it will not contest or oppose the Commission taking action approving a proposed stipulation between the Company and another party or staff as a final resolution of the issue. No person is authorized to state that the OPC is a participant in, or party to, a stipulation on these issues, either in this docket, in an order of the Commission or in a representation to a Court.

FIPUG, PCS Phosphate, NUCOR, and SACE concur in OPC's clarification.

**ISSUE 1:     **What are the final conservation cost recovery adjustment true-up amounts for the period January 2020 through December 2020?****

**STIPULATION:**

The final conservation cost recovery adjustment true-up amounts for the period January 2020 through December 2020 are as follows:

Duke Energy Florida (DEF)

\$3,783,777 (Over-recovery)

Florida Public Utilities Company (FPUC)

\$34,158 (Over-recovery)

Tampa Electric Company (TECO)

\$3,615,981 (Over-recovery)

Florida Power & Light Company (FPL)

\$2,529,096 (Over-recovery)

Gulf Power Company (Gulf)

\$226,949 (Under-recovery)

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<sup>1</sup> A Type 2 stipulation occurs on an issue when the utility and the staff, or the utility and at least one party adversarial to the utility, agree on the resolution of the issue and the remaining parties (including staff if they do not join in the agreement) do not object to the Commission relying on the agreed language to resolve that issue in a final order.

Effective January 1, 2021, Florida Power & Light Company (FPL) and Gulf Power Company (Gulf) were legally merged with FPL being the surviving entity. In its August 6, 2021 filing, FPL represented the merged and consolidated operations of FPL and the former Gulf, although for the purposes of this issue, stand-alone amounts are recorded.

**ISSUE 2: What are the appropriate conservation adjustment actual/estimated true-up amounts for the period January 2021 through December 2021?**

**STIPULATION:**

The appropriate conservation adjustment actual/estimated true-up amounts for the period January 2021 through December 2021 are as follows:

Duke Energy Florida (DEF)  
\$4,970,444 (Over-recovery).

Florida Public Utilities Company (FPUC)  
\$ 64,426 (Under-recovery)

Tampa Electric Company (TECO)

The Commission voted to approve the 2021 Stipulation and Settlement Agreement proposed by TECO in Docket No. 20210034-EI. Therefore, the appropriate conservation adjustment actual/estimated true-up amounts for calculation of 2022 cost recovery factors but not collection by TECO during the period January 2022 through December 2022 is \$1,058,914, over-recovery (Exhibit MRR-2, Schedule C-3s, Page 11 of 12, as reflecting the 2021 Settlement Cost of Service Methodology, filed in Docket No. 20210034-EI on October 1, 2021, Document No. 11789-2021).

Florida Power & Light Company (FPL)  
\$9,673,286 (Over-recovery)

Gulf Power Company (Gulf)  
\$1,748,223 (Over-recovery)

Effective January 1, 2021, FPL and Gulf were legally merged with FPL being the surviving entity. In its August 6, 2021 filing, FPL represented the merged and consolidated operations of FPL and the former Gulf. The appropriate conservation adjustment actual/estimated true-up amounts for the period January 2021 through December 2021 is \$11,421,509 Over-recovery, which is the sum of the stand-alone FPL and Gulf amounts shown above.

**ISSUE 3: What are the appropriate total conservation adjustment true-up amounts to be collected/refunded from January 2021 through December 2021?**

**STIPULATION:**

The appropriate total conservation adjustment true-up amounts to be collected/refunded from January 2021 through December 2021 are as follows:

Duke Energy Florida

\$8,754,221 (Over-recovery).

Florida Public Utilities Company

\$ 30,268 (Under-recovery)

Tampa Electric Company

The Commission voted to approve the 2021 Stipulation and Settlement Agreement proposed by TECO in Docket No. 20210034-EI. Therefore, the appropriate total conservation adjustment true-up amounts for calculation of 2022 cost recovery factors but not collection by TECO during the period January 2022 through December 2022 is \$4,674,894, over-recovery (Exhibit MRR-2, Schedule C-1sa, Page 1 of 1, as reflecting the 2021 Settlement Cost of Service Methodology, filed in Docket No. 20210034-EI on October 1, 2021, in Document No. 11789-2021).

Florida Power & Light Company (FPL) / Gulf Power Company (Gulf)

Effective January 1, 2021, FPL and Gulf were legally merged with FPL being the surviving entity. In its August 6, 2021 filing, FPL represented the merged and consolidated operations of FPL and the former Gulf. The appropriate total conservation adjustment true-up amount to be collected/refunded from the period January 2021 through December 2021 is \$13,723,656 Over-recovery.

**ISSUE 4: What are the total conservation cost recovery amounts to be collected during the period January 2022 through December 2022?**

**STIPULATION:**

Duke Energy Florida (DEF):

The total conservation cost recovery amounts to be collected by DEF during the period January 2022 through December 2022 are \$99,861,410.

Florida Public Utility Company (FPUC):

The total conservation cost recovery amounts to be collected by FPUC during the period January 2022 through December 2022 are \$877,618.

Tampa Electric Company (TECO):

The Commission voted to approve the 2021 Stipulation and Settlement Agreement proposed by TECO in Docket No. 20210034-EI. Therefore, the appropriate conservation cost recovery amounts for the period January 2022 through December 2022 are \$41,933,119 (Exhibit MRR-2, Schedule C-1sa, Page 1 of 1, as reflecting the 2021 Settlement Cost of Service Methodology, filed in Docket No. 20210034-EI on October 1, 2021, in Document No. 11789-2021 and Exhibit MRR-2, Schedule C-1a, Page 1 of 1).

Florida Power & Light Company (FPL) / Gulf Power Company (Gulf):

Effective January 1, 2021, FPL and Gulf were legally merged with FPL being the surviving entity. In its August 6, 2021 filing, FPL represented the merged and consolidated operations of FPL and the former Gulf. The appropriate total conservation cost recovery amount to be collected during the period January 2022 through December 2022 is \$156,246,950.

**ISSUE 5: What are the conservation cost recovery factors for the period January 2022 through December 2022?****STIPULATION:**

The conservation cost recovery factors for the period January 2022 through December 2022 are as follows:

DEF:

<b>2022 ECCR Cost Recovery Factors</b>			
<b>Retail Rate Schedule</b>	<b>Voltage Level</b>		
	<b>Secondary</b>	<b>Primary</b>	<b>Transmission</b>
Residential (Cents/kWh)	0.283	N/A	N/A
General Service Non-Demand (Cents/kWh)	0.255	0.252	0.250
General Service 100% Load Factor (Cents/kWh)	0.194	N/A	N/A
General Service Demand (Dollars/kW)	0.770	0.760	0.750
Curtable (Dollars/kW)	0.350	0.350	0.340
Interruptible (Dollars/kW)	0.640	0.630	0.630
Standby Monthly (Dollars/kW)	0.074	0.073	0.073
Standby Daily (Dollars/kW)	0.035	0.035	0.034
Lighting (Cents/kWh)	0.108	N/A	N/A

Florida Power & Light Company (FPL) / Gulf Power Company (Gulf):

Effective January 1, 2021, FPL and Gulf were legally merged with FPL being the surviving entity. In its August 6, 2021 filing, FPL represented the merged and consolidated operations of FPL and the former Gulf.

The merged and consolidated conservation cost recovery factors for the period January 2022 through December 2022 are as follows:

<b>FPL and Gulf Merged and Consolidated, as reflected in Exhibit JNF-2</b>				
<b>Rate Class</b>	<b>Conservation Recovery Factor (\$/kw)</b>	<b>Conservation Recovery Factor (\$/kwh)</b>	<b>RDC (\$/KW)</b>	<b>SDD (\$/KW)</b>
RS1/RTR1		0.00134	-	-
GS1/GST1	-	0.00137	-	-
GSD1/GSDT1/HLFT1/GSD1-EV	0.47	-	-	-
OS2	-	0.00093	-	-
GSLD1/GSLDT1/CS1/CST1/HLFT2/GSLD1-EV	0.52	-	-	-
GSLD2/GSLDT2/CS2/CST2/HLFT3	0.54	-	-	-
GSLD3/GSLDT3/CS3/CST3	0.50	-	-	-
SST1T	-	-	\$0.06	\$0.03
SST1D1/SST1D2/SST1D3	-	-	\$0.06	\$0.03
CILC D/CILC G	0.56	-	-	-
CILC T	0.56	-	-	-
MET	0.45	-	-	-
OL1/SL1/SL1M/PL1/OSI/II	-	0.00042	-	-
SL2/SL2M/GSCU1	-	0.00101	-	-

FPUC: \$0.00134 per kWh (consolidated levelized conservation cost recovery factor).

Tampa Electric Company (TECO):

The Commission voted to approve the 2021 Stipulation and Settlement Agreement proposed by TECO in Docket No. 20210034-EI. Therefore, the cost recovery factors for the period January 2022 through December 2022 are shown below, based on the rate design and cost allocation as put forth in Docket No. 20210034-EI (2021 Settlement Cost of Service Methodology, as filed on October 1, 2021, in Document No. 11789-2021):

<u>Rate Schedule</u>	<u>Cost Recovery Factors (cents per kWh)</u>
RS	0.236
GS and CS	0.218
GSD Optional – Secondary	0.193
GSD Optional – Primary	0.191
GSD Optional – Subtransmission	0.189
LS-1 and LS-2	0.108

<u>Rate Schedule</u>	<u>Cost Recovery Factors (dollars per kWh)</u>
GSD, SBD, RSD – Secondary	0.81
GSD, SBD, RSD – Primary	0.80
GSD, SBD, RSD – Subtransmission	0.80
GSLD - Primary	0.84
GSLD - Subtransmission	0.74

**ISSUE 6:** What should be the effective date of the new conservation cost recovery factors for billing purposes?

**STIPULATION:**

The factors shall be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2022 through December 2022. Billing cycles may start before January 1, 2022 and the last cycle may be read after December 31, 2022, so that each customer is billed for twelve months regardless of when the adjustment factor became effective. These charges shall continue in effect until modified by subsequent order of this Commission.

**ISSUE 7:** Should the Commission approve revised tariffs reflecting the energy conservation cost recovery amounts and energy conservation cost recovery factors determined to be appropriate in this proceeding?

**STIPULATION:**

Yes. The Commission shall approve revised tariffs reflecting the energy conservation cost recovery amounts and establishing energy conservation cost

recovery factors determined to be appropriate in this proceeding. Staff shall verify that the revised tariffs are consistent with the Commission's decision.

**Company-Specific Issues – Tampa Electric Company**

**ISSUE 8:** What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2022 through December 2022?

**STIPULATION:**

**TECO:**

In Paragraph 6(i) in the Stipulation and Settlement proposal offered in Docket No. 20210034-EI, the level of credits for CCV is revised. The Commission voted to approve the 2021 Stipulation and Settlement Agreement proposed by TECO in Docket No. 20210034-EI. Therefore, the credits are shown below. These are based on the rate design and cost allocation as put forth in Docket No. 20210034-EI (2021 Settlement Cost of Service Methodology, as filed on October 1, 2021, in Document No. 11789-2021).

<b><u>Voltage Level</u></b>	<b><u>Contracted Credit Value (dollars per kW)</u></b>
Secondary	11.75
Primary	11.63
Subtransmission	11.52

**ISSUE 9:** What are the Residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2022 through December 2022?

**STIPULATION:**

**TECO:**

The Commission voted to approve the 2021 Stipulation and Settlement Agreement proposed by TECO in Docket No. 20210034-EI. Therefore, the RSVP-1 rate tiers for the period January 2022 through December 2022 are shown below. These are based on the rate design and cost allocation as put forth in Docket No. 20210034-EI (2021 Settlement Cost of Service Methodology, as filed on October 1, 2021, in Document No. 11789-2021).

<u>Rate Tier</u>	<u>Cents per kWh</u>
P1	-2.616
P2	-1.013
P3	6.237
P4	36.974

**ISSUE 10: Should this docket be closed?**

**STIPULATION:**

No. While a separate docket number is assigned each year for administrative convenience, this is a continuing docket and shall remain open.

**XI. PENDING MOTIONS**

There are no pending motions at this time.

**XII. PENDING CONFIDENTIALITY MATTERS**

There are no pending confidentiality matters at this time.

**XIII. POST-HEARING PROCEDURES**

If no bench decision is made, each party shall file a post-hearing statement of issues and positions. A summary of each position, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of this Prehearing Order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. If a party fails to file a post-hearing statement, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, F.A.C., a party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 40 pages and shall be filed at the same time.

**XIV. RULINGS**

Opening statements, if any, shall not exceed three minutes per party.

Each witness shall be given three minutes for a summary of their testimony.

The parties shall provide cross-examination exhibits, including impeachment exhibits, to the Commission Clerk by the close of business on October 25, 2021, following the procedures set forth in Attachment A. The exhibits that are pre-filed and designated as cross-examination or impeachment exhibits will not be viewed by opposing witnesses or opposing counsel or otherwise have their contents or identity communicated to such witnesses or counsel.

It is therefore,

ORDERED by Commissioner Andrew Giles Fay, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Commissioner Andrew Giles Fay, as Prehearing Officer, this 28th day of October, 2021.



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ANDREW GILES FAY  
Commissioner and Prehearing Officer  
Florida Public Service Commission  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Subsection 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

## ATTACHMENT A

### **Requirements related to providing Cross-Examination Exhibits prior to Hearing**

By October 25, 2021, each party must provide the Commission Clerk an electronic copy of all cross-examination exhibits, including impeachment exhibits, the party plans to use during the hearing. All cross-examination exhibits must be provided to the Clerk's Office on either USB flash drives or CDs. Confidential documents must be placed on one USB flash drive or CD, and non-confidential exhibits must be placed on a different or separate USB flash drive or CD. This is because the Clerk's Office will process the confidential exhibits, and will transmit all non-confidential exhibits to the General Counsel's Office for processing. All USB flash drives or CDs provided to the Clerk's Office must be clearly labeled as confidential or non-confidential, and the label must also include the Docket Number(s) and the name of the party providing the exhibits.

Each party must also provide to the Clerk by October 25, 2021, a table listing the exhibit numbers and short titles of each cross-examination exhibit provided to the Clerk. Pursuant to Rule 25-22.006(3), F.A.C., a notice of intent to request confidential classification must be filed for all confidential information.

Each party must pre-number each exhibit with the following sequential numbering system that clearly denotes confidential exhibits. For example, DEF will pre-identify its cross-examination exhibits DEF-1, DEF-2, DEF-3, etc. All confidential exhibits must include the letter "C" placed after the number. Thus, if DEF's third exhibit is confidential, it will be labeled DEF-3C.

Each exhibit must be saved as a separate electronic file, and each file must be labeled with the exhibit number that reflects the information contained in the exhibit. The exhibit number will serve as the filename in the virtual folder during the hearing. Each exhibit must also include a cover page that includes the exhibit number. In addition, each exhibit must include sequentially numbered pages. The page numbers must be placed in the upper right-hand corner of each page.

The confidential and non-confidential cross-examination exhibits will be made available to the parties in virtual folders the day before the hearing. The cross-examination exhibits will be made available to the parties for the sole purpose of providing the witnesses and their counsel with the opportunity to print the exhibits or download them to their electronic devices for use during the hearing.<sup>2</sup> The parties must not view or read the exhibits prior to the hearing. Parties will be provided usernames and passwords by Commission staff that will give them access to the confidential exhibits and any other confidential information that will be used during the hearing. By October 25, 2021, parties must provide the Commission Clerk with the list of names of those persons who should be given a user name and password to access confidential information.

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<sup>2</sup> Microsoft Chrome is the best internet browser to use to access the virtual folder.