



BEN ALBRITTON
President of the Senate

**STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL**

c/o THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
SUITE 812
TALLAHASSEE, FLORIDA 32399-1400
850-488-9330

EMAIL: OPC_WEBSITE@LEG.STATE.FL.US
WWW.FLORIDAOPC.GOV



DANIEL PEREZ
*Speaker of the House of
Representatives*

April 24, 2025

Mr. Adam J. Teitzman
Florida Public Service Commission
Office of Commission Clerk
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 20240099-EI

Dear Mr. Teitzman:

Please find enclosed for filing in the above referenced docket OPC's Petition Protesting Proposed Agency Action.

If you have any questions or concerns; please do not hesitate to contact me.

Thank you for your assistance in this matter.

Sincerely,

/s/ Patricia A. Christensen
Patricia A. Christensen
Associate Public Counsel
Florida Bar No.: 0989789

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida
Public Utilities Company.

DOCKET NO.: 20240099-EI

FILED: April 24, 2025

PETITION PROTESTING PROPOSED AGENCY ACTION

Citizens of the State of Florida (“Citizens”), by and through the Public Counsel, pursuant to Section 120.57, and Chapter 366, Florida Statutes, and Rules 25-22.029 and 28-106.201, Florida Administrative Code, file this protest to the Florida Public Service Commission’s (“Commission”) Order No. PSC-2025-0114-PAA-EI (“PAA Order”), issued April 7, 2025, and request an evidentiary hearing, and state:

1. The name of the agency affected and the agency’s file number:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Docket No. 20240099-EI

2. On August 22, 2024, Florida Public Utility Company (“FPUC” and “Company”) filed a petition for a rate increase using the Commission’s Proposed Agency Action (“PAA”) procedure. As a direct result of Company’s petition, the Commission granted a rate increase. On September 5, 2024, the Commission acknowledge the intervention of the Office of Public Counsel (“OPC”), in Order No. PSC 2024-0408-PCO-EI. OPC, pursuant to Section 350.0611, Florida Statutes, represents the customers of this Company whose substantial interests will be affected by the Order because the Order authorizes the Company to increase the rates and charges it imposes upon its customers.

3. Pursuant to Rule 28-106.201, the address and telephone number of the attorneys for the Citizens of the State of Florida that includes the customers of FPUC, who file this petition, by and through the undersigned counsel, are as follows:

Office of Public Counsel
111 West Madison Street, Suite 812
Tallahassee, FL 32399-1300
(850) 413-9330

4. Citizens received a notice of the PAA Order on April 7, 2025, via electronic service of the PAA Order issued by the Commission in this docket.

5. Petitioner contends the following issues are in dispute from the agency's proposed action and are not stipulated pursuant to Section 120.80(b), Florida Statutes:

a. All aspects of Issues 1-65 identified in the Staff Recommendation issued February 20, 2025, determined by the PAA Order that cover the subject areas of, including but not limited to: test year, forecasts, quality of service, rate base, cost of capital, net operating income, revenue requirement, cost of service, and rate affordability;

b. Since OPC conducted only minimal discovery in the PAA process, OPC anticipates additional issues will be identified through more extensive discovery. Issues not identified in the PAA Order that may be developed through discovery include but are not limited to: test year, forecasts, quality of service, rate base, cost of capital, net operating income, revenue requirement, cost of service, rate affordability; and

c. the revenue requirement for the requested increase of \$12,593,450.

6. Each of the forgoing matters involve disputed issues of material fact that will require appropriate adjustments to the Company's revenue requirement request to produce rates and charges that are fair, just, and reasonable.

7. The PAA Order establishes April 28, 2025, as the date by which protests must be filed.

8. Sections 120.569, 120.57(1), 366.04(1), 366.05(1), 366.06(1) & (2), and 366.07, Florida Statutes, and Chapter 28-106, Florida Administrative Code ("F.A.C."), are the specific statutes and administrative code provision the Petitioner contends requires reversal of the agency's proposed action. The cited sections of Chapter 120, Florida Statutes, and Chapter 28-106, F.A.C., provide that parties whose substantial interest will be determined by final agency action (i.e., PAA Order), are entitled to a formal hearing with full rights to conduct discovery, present evidence, conduct cross-examination, and submit proposed findings of fact and post-hearing briefs. The cited sections of Chapter 366, Florida Statutes, require that the Commission set rates for public utilities that are fair, just, reasonable, and not unduly discriminatory.

9. Citizens request that the Commission set the PAA Order No. PSC-2025-0114-PAA-EI, for hearing on the Company's Petition in the subject areas identified above.

WHEREFORE, the Citizens hereby protest PAA Order No. PSC-2025-0114-PAA-EI, as provided above, and petitions the Commission to conduct a formal evidentiary hearing, under the provisions of Section 120.57(1), Florida Statutes.

Respectfully submitted,

Walt Trierweiler
Public Counsel
Florida Bar No.: 0912468

/s/ Patricia A. Christensen
Patricia A. Christensen
Associate Public Counsel
Florida Bar No.: 989789

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Suite 812
Tallahassee, FL 32399-1400

*Attorneys for the Citizens
of the State of Florida*

CERTIFICATE OF SERVICE
DOCKET NO. 20240099-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail to the following parties on this 24th day of April, 2025.

Suzanne Brownless
Florida Public Service Commission
Office of General Counsel
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
sbrownle@psc.state.fl.us

Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 South Monroe St., Suite 601
Tallahassee, FL 32301
bkeating@gunster.com

Robert Scheffel Wright
John T. LaVia, III
Gardner Law Firm
1300 Thomaswood Drive
Tallahassee FL 32308
jlavia@gbwlegal.com
schef@gbwlegal.com

/s/ Patricia A. Christensen
Patricia A. Christensen
Associate Public Counsel
christensen.patty@leg.state.fl.us