

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Rate Increase by)
Florida Public Utilities Company) DOCKET NO. 20240099-EI
_____) FILED: APRIL 21, 2025

**JOINT PETITION OF THE CITY OF MARIANNA, FLORIDA,
JACKSON COUNTY, FLORIDA, AND THE JACKSON COUNTY
SCHOOL BOARD PROTESTING PROPOSED AGENCY ACTION
ORDER NO. PSC-2025-0114-PAA-EI**

The City of Marianna, Florida (“Marianna” or “City”), Jackson County, Florida (“County”), and the Jackson County School Board (“JCSB”), collectively referred to herein as the “Petitioners,” pursuant to Chapters 120 and 366, Florida Statutes,¹ and Rules 25-22.029 and 28-106.201, Florida Administrative Code (“F.A.C.”), hereby petition the Florida Public Service Commission (“PSC” or “Commission”) to conduct a formal evidentiary proceeding to address disputed issues of material fact raised in the Commission’s Order No. PSC-2025-0114-PAA-EI (the “PAA Order”), issued on April 7, 2025. The Petitioners are retail customers of Florida Public Utilities Company (“FPUC” or “Company”), the public utility whose rates would be set by the PAA Order were it to become final, and accordingly, the substantial interests of the Petitioners will be determined by the Commission’s decisions in this docket. Therefore, the Petitioners have standing to request a formal proceeding, i.e., an evidentiary hearing, pursuant to

¹ All references herein to the Florida Statutes are to the 2024 edition thereof.

Chapter 120, Florida Statutes, the above-cited PSC rules, and the notice of rights set forth in the PAA Order. In summary, the Petitioners assert that the Commission's decisions as set forth in the PAA Order will, if allowed to become final, result in rates that are not fair, just, or reasonable as required by applicable law. In further support and explanation of their request for a formal proceeding, the Petitioners state as follows.

1. The name and address of the agency affected by this Petition is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850.

The PSC's docket number for these proceedings is Docket No. 20240099-EI.

2. The names and addresses of the Petitioners are as follows:

City of Marianna, Florida
City Hall
2895 Jefferson Street
Marianna, Florida 32446
850-718-1008

Jackson County, Florida
2864 Madison Street
Marianna, Florida 32448
850-482-9633

Jackson County School Board
2903 Jefferson Street
Marianna, Florida 32446
850-482-1200

3. All pleadings, orders and correspondence should be directed to the Petitioners' representatives as follows:

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schef@gbwlegal.com

John T. LaVia, III, Attorney at Law

jlavia@gbwlegal.com

Gardner, Bist, Bowden, Dee, LaVia, Wright, Perry & Harper, P.A.

1300 Thomaswood Drive

Tallahassee, Florida 32308

Telephone (850) 385-0070

Facsimile (850) 385-5416.

4. The Petitioners received notice of the Commission's proposed action by electronic service of the PAA Order to their above-named representatives on April 7, 2025.

THE PETITIONERS' SUBSTANTIAL INTERESTS

5. The City of Marianna, Jackson County, and the Jackson County School Board all serve the citizens of Jackson County and are committed to serving and protecting the public interest of those they serve. The City provides many services to its citizens; these services include police protection and services, fire and rescue services, parks and recreation opportunities, water, sewer, and natural gas utility services, waste management services, city road maintenance, and other municipal services. Jackson County likewise provides extensive services to the citizens and businesses of Jackson County. Services provided by the County include law enforcement, fire protection and rescue, utilities other than electricity,

roads and transportation, correctional facility services, agricultural support, community development, library, parks and recreational opportunities, services to veterans, and other services. The Jackson County School Board operates 13 schools that currently serve 5,600 students.

6. All three government entities receive electric service from FPUC under a range of retail service tariffs, including General Service, General Service Demand, General Service Large Demand, and lighting service tariffs. All three are substantial retail customers and ratepayers of FPUC. The City has 118 retail service accounts and paid FPUC approximately \$730,000 in Fiscal Year 2024. The County has approximately 102 retail service accounts and paid FPUC \$862,586 in Fiscal Year 2024. The School Board has approximately 78 retail service accounts with FPUC for which the School Board paid FPUC approximately \$1.6 million in Fiscal Year 2024. Therefore, the substantial interests of the City, the County, and the School Board will be affected by any increase in rates approved by the Florida Public Service Commission (“Commission” or “PSC”) in this proceeding.

7. The City, the County, and the School Board provide critical and necessary services to their citizens, businesses and visitors at the lowest possible cost consistent with fulfilling their statutory obligations and their general mandate to serve the public interest. These governments require electric service at the

lowest possible cost consistent with meeting appropriate safety and reliability standards. In the public interest, the City, the County, and the School Board strongly believe that, as a public utility charged with serving the public interest, FPUC must also provide service at the lowest possible cost consistent with meeting appropriate safety and reliability standards. Based on preliminary review of FPUC's requested increases and the PAA Order, the Petitioners assert that the total revenues and rates that the Commission has proposed to approve by the PAA Order would provide FPUC substantially more money than it needs to make all necessary investments and to recover all operating and maintenance expenses that are reasonable and necessary for FPUC to provide safe and reliable service.

ISSUES IN DISPUTE

8. The PSC Staff's recommendation in this docket identified 59 substantive issues (excluding certain procedural issues not disputed by the Petitioners) relating to the Company's rates and charges; the PSC's decisions regarding these issues will affect the rates paid by each of the Petitioners, and those decisions will thus determine the Petitioners' substantial interests. In this Proposed Agency Action proceeding, the Petitioners have not even been allowed to intervene or to conduct any discovery; therefore, every issue may determine the Petitioners' substantial interests, and to protect those interests, the Petitioners dispute all of the issues numbered 1 through 59 in the Staff's recommendation. A copy of the index

or contents of the Staff's recommendation that identifies these 59 issues is attached to this Petition. In addition, Petitioners reserve all rights to identify additional disputed issues of fact through discovery and in accordance with the Commission's applicable rules and the Order Establishing Procedure to be issued in the docket. For example, Petitioners anticipate identifying additional issues including, but not limited to, issues related to FPUC's transactions with its parent and affiliates.

ULTIMATE FACTS ALLEGED

9. The Petitioners allege that the PSC's proposed decisions, as set forth in the PAA Order, will establish rates that are greater than necessary to be fair, just, and reasonable. The Petitioners intend to develop, through discovery, facts to support their positions on all relevant issues.

STATUTES & RULES THAT ENTITLE PETITIONERS TO RELIEF

10. The statutes and rules that entitle the Petitioners to relief include, but are not limited to, 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. Regarding the Petitioners' procedural rights, Sections 120.569 and 120.57, Florida Statutes, provide that parties whose substantial interests will be determined by final agency action 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. As direct retail

customers of FPUC, the Petitioners' substantial interests are subject to determination in and will be affected by the Commission's decisions in this docket. Accordingly, the Petitioners are entitled to a full evidentiary hearing on all issues in the case. Regarding the Petitioners' substantive rights, the above-cited sections of Chapter 366 require that the Commission set rates for public utilities that are fair, just, reasonable, and not unduly discriminatory.

CONCLUSION AND RELIEF REQUESTED

11. The Petitioners are direct retail electric customers of Florida Public Utilities Company, and as FPUC customers, the Petitioners request a formal proceeding, including a full evidentiary hearing pursuant to Section 120.57, Florida Statutes, regarding FPUC's requested rate increases to protect their substantial interests in having the Commission set rates for FPUC that are fair, just, reasonable, and not unduly discriminatory. At the conclusion of the formal proceeding, the Petitioners request that the Commission set rates for FPUC that are fair, just, reasonable, and not unduly discriminatory, as required by Chapter 366, Florida Statutes.

WHEREFORE, the City of Marianna, Florida, Jackson County, Florida, and the Jackson County School Board respectfully request the Florida Public Service Commission to schedule and conduct formal proceedings to determine the fair, just, reasonable, and non-discriminatory rates to be charged

henceforth by Florida Public Utilities Company.

Respectfully submitted this 21st day of April, 2025.

/s/ Robert Scheffel Wright

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Jackson County, Florida, and the
Jackson County School Board

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 21st day of April, 2025, to the following:

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/s/ Robert Scheffel Wright
Attorney

ATTACHMENT

**LIST OF ISSUES FROM PSC STAFF RECOMMENDATION
DATED FEBRUARY 20, 2025**

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: February 20, 2025

TO: Office of Commission Clerk (Teitzman)

FROM: Division of Economics (Guffey, Barrett, Galloway, Hampson, Hudson, P. Kelley, Kunkler, McNulty, Prewett, Wu) *GP*
Division of Accounting and Finance (D. Buys, Cicchetti, Ferrer, Folkman, Higgins, G. Kelley, McGowan, Quigley, Richards, Souchik, Vogel, Zaslow) *ALM*
Division of Engineering (Ellis, King, Ramirez-Abundez, Ramos, Smith II, Thompson) *TB*
Office of the General Counsel (Brownless) *JSC*
Office of Industry Development and Market Analysis (Eichler, Hitchins, Rogers, Wooten) *CH*

RE: Docket No. 20240099-EI – Petition for rate increase by Florida Public Utilities Company.

AGENDA: 03/04/25 – Regular Agenda – Proposed Agency Action for All Issues, Except for Issues 63 and 64 - Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Passidomo Smith

CRITICAL DATES: 02/20/25 (5-Month Effective Date-PAA Rate Case)

SPECIAL INSTRUCTIONS: None

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