

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 20250002-EG

FILED: October 6, 2025

PREHEARING STATEMENT OF THE OFFICE OF PUBLIC COUNSEL

The Citizens of the State of Florida, through the Office of Public Counsel, pursuant to the Order Establishing Procedure in this docket, Order No. PSC-2025-0047-PCO-EG, issued February 10, 2025, hereby submit this Prehearing Statement.

APPEARANCES:

Walt Trierweiler
Public Counsel

Charles Rehwinkel
Deputy Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
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On behalf of the Citizens of the State of Florida

1. WITNESSES:

None.

2. EXHIBITS:

None.

3. STATEMENT OF BASIC POSITION

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 intervenors 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, the utilities bear the burden of proof to support that all costs sought to be recovered through this clause are correctly clause recovery costs and not base rate costs. 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, Florida Statutes, must be liberally construed to protect the public welfare.

4. STATEMENT OF FACTUAL ISSUES AND POSITIONS

Generic Conservation Cost Recovery Issues

ISSUE 1: What are the final conservation cost recovery adjustment true-up amounts for the period January 2024 through December 2024?

OPC: The OPC is not in agreement at this time that the Companies have demonstrated that they have met their burden to demonstrate that costs are reasonable and/or prudent. A significant percentage of the costs on a customer's bill is based on clause recovery in this docket and others. The Commission has not held a contested proceeding where testimony from witnesses was heard and discussed in open hearing. The OPC is not in a position to agree, given these circumstances, that the final conservation cost recovery adjustment true-up amounts for the period January 2024 through December 2024 proposed for recovery from customers can necessarily be deemed reasonable and prudent.

ISSUE 2: What are the appropriate conservation adjustment actual/estimated true-up amounts for the period January 2025 through December 2025?

OPC: The OPC is not in agreement at this time that the Companies have demonstrated that they have met their burden to demonstrate that costs are reasonable and/or prudent. A significant percentage of the costs on a customer's bill is based on clause recovery in this docket and others. The Commission has not held a contested

proceeding where testimony from witnesses was heard and discussed in open hearing. The OPC is not in a position to agree, given these circumstances, that the conservation adjustment actual/estimated true-up amounts for the period January 2025 through December 2025 proposed for recovery from customers can necessarily be deemed reasonable or prudent.

ISSUE 3: What are the appropriate total conservation adjustment true-up amounts to be collected/refunded during the period January 2026 through December 2026?

OPC: The OPC is not in agreement at this time that the Companies have demonstrated that they have met their burden to demonstrate that costs are reasonable and/or prudent. A significant percentage of the costs on a customer's bill is based on clause recovery in this docket and others. The Commission has not held a contested proceeding where testimony from witnesses was heard and discussed in open hearing. The OPC is not in a position to agree, given these circumstances, that the total conservation adjustment true-up amounts to be collected/refunded during the period January 2026 through December 2026 and proposed for recovery from customers can necessarily be deemed reasonable or prudent.

ISSUE 4: What are the total conservation cost recovery amounts to be collected during the period January 2026 through December 2026?

OPC: The OPC is not in agreement at this time that the Companies have demonstrated that they have met their burden to demonstrate that costs are reasonable and/or prudent. A significant percentage of the costs on a customer's bill is based on clause recovery in this docket and others. The Commission has not held a contested proceeding where testimony from witnesses was heard and discussed in open hearing. The OPC is not in a position to agree, given these circumstances, that the total conservation cost recovery amounts to be collected during the period January 2026 through December 2026 and proposed for recovery from customers can necessarily be deemed reasonable.

ISSUE 5: **What are the conservation cost recovery factors for the period January 2026 through December 2026?**

OPC: The factors should be based on costs deemed reasonable or prudent after a hearing.

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

OPC: The effective date for any rate change should be the first day of the first billing cycle in January 2026.

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

OPC: The tariffs ultimately approved should be based on costs deemed reasonable or prudent in a hearing.

Company Specific Conservation Cost Recovery 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 2026 through December 2026?**

OPC: The OPC is not in agreement at this time that Tampa Electric Company has demonstrated that it has met its burden to demonstrate that costs are reasonable and/or prudent. A significant percentage of the costs on a customer's bill is based on clause recovery in this docket and others. The Commission has not held a contested proceeding where testimony from witnesses was heard and discussed in open hearing. The OPC is not in a position to agree, given these circumstances, that the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2026 through December 2026 can necessarily be deemed to be correct or reasonable.

ISSUE 9: What are the residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2026 through December 2026?

OPC: The OPC is not in agreement at this time that the Companies have demonstrated that they have met their burden to demonstrate that costs are reasonable and/or prudent. A significant percentage of the costs on a customer's bill is based on clause recovery in this docket and others. The Commission has not held a contested proceeding where testimony from witnesses was heard and discussed in open hearing. The OPC is not in a position to agree, given these circumstances, that the residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2026 through December 2026 can necessarily be deemed to be reasonable.

ISSUE 10: Should this docket be closed?

OPC: No position at this time.

5. STIPULATED ISSUES

None at this time.

6. PENDING MOTIONS

None.

7. STATEMENT OF PARTY'S PENDING REQUESTS OR CLAIMS FOR CONFIDENTIALITY

There are no pending requests for claims for confidentiality filed by OPC.

8. OBJECTIONS TO WITNESS QUALIFICATIONS AS AN EXPERT

OPC has no objections to any witness' qualifications as an expert in this proceeding.

9. **STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING
PROCEDURE**

There are no requirements of the Order Establishing Procedure with which the Office of Public Counsel cannot comply.

Dated this 6th day of October, 2025.

Respectfully Submitted,

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CERTIFICATE OF SERVICE
Docket No. 20250002-EG

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 6th day of October, 2025, to the following:

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