

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 20250007-EI

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 (“OPC”), pursuant to the Order Establishing Procedure in this docket, Order No. PSC-2025-0049-PCO-EI, issued February 10, 2025 hereby submit this Prehearing Statement.

APPEARANCES:

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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 and 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 all costs is constrained by the Commission's obligation to set fair, just, and reasonable rates, based on projects and/or costs that are prudent in magnitude and/or costs prudently incurred pursuant to Section 366.01, Florida Statutes. Additionally, the provisions of Chapter 366, Florida Statute, must be liberally construed to protect the public welfare.

The Commission must independently determine that each cost submitted for recovery, deferred or new, meets each element of the statutory requirements for recovery through this clause, as set out in Section 366.8255, Florida Statutes. Specifically, each activity proposed for recovery must be legally *required* to comply with a governmentally imposed environmental regulation that was enacted, became effective, or whose effect was triggered after the company's last test year upon which rates are based, and such costs may not be costs that are recovered through base rates or any other cost recovery mechanism. Any decision by the Commission on a new project submitted for approval and cost recovery must be limited to the scope and documented cost information provided to the Commission in the company filing in this docket.

4. STATEMENT OF FACTUAL ISSUES AND POSITIONS

GENERIC ENVIRONMENTAL COST RECOVERY ISSUES

ISSUE 1: What are the final environmental cost recovery 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 these costs are reasonable and/or prudent. A significant percentage of the costs on a customer's bill are 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 environmental cost recovery 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 estimated/actual environmental cost recovery 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 these costs are reasonable and/or prudent. A significant percentage of the costs on a customer's bill are 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 estimated/actual environmental cost recovery 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 projected environmental cost recovery amounts 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 these costs are reasonable and/or prudent. A significant percentage of the costs on a customer's bill are 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 projected environmental cost recovery amounts for the period January 2026 through December 2026, proposed for recovery from customers, can necessarily be deemed reasonable.

ISSUE 4: What are the environmental cost recovery amounts, including true-up amounts, 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 these costs are reasonable and/or prudent. A significant percentage of the costs on a customer's bill are 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 environmental cost recovery amounts, including true-up amounts, for the period January 2026 through December 2026 proposed for recovery from customers can necessarily be deemed reasonable or prudent.

ISSUE 5: What depreciation rates should be used to develop the depreciation expense included in the total environmental cost recovery amounts 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 these costs are reasonable and/or prudent. A significant percentage of the costs on a customer's bill are 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, what depreciation rates should be used to develop the depreciation expense included in the total environmental cost recovery amounts for the period January 2026 through December 2026, and proposed for recovery from customers, can necessarily be deemed reasonable.

ISSUE 6: What are the appropriate jurisdictional separation factors for the projected period January 2026 through December 2026?

OPC: The OPC is not in agreement that the Companies have demonstrated that they have met their burden to demonstrate that these separation factors 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 does not agree, given these circumstances, that the appropriate jurisdictional separation factors proposed for the projected period January 2026 through December 2026 can necessarily be deemed reasonable or prudent.

ISSUE 7: **What are the appropriate environmental cost recovery factors for the period January 2026 through December 2026 for each rate group?**

OPC: The factors should be based on costs deemed reasonable and prudent in a hearing.

ISSUE 8: **What should be the effective date of the new environmental 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 9: **Should the Commission approve revised tariffs reflecting the environmental cost recovery amounts and environmental 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 ENVIRONMENTAL COST RECOVERY ISSUES

Tampa Electric Company

ISSUE 10: **Should the Commission approve TECO's Big Bend CCR Rule Legacy Amendment Study project for cost recovery through the environmental cost recovery clause?**

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 these costs are reasonable and/or prudent. A significant percentage of the costs on a customer's bill are 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 Tampa Electric Company's Big Bend CCR Rule Legacy Amendment Study project and related costs, proposed for recovery from its customers, can necessarily be deemed reasonable or prudent.

ISSUE 11: **How should the approved costs related to TECO’s Big Bend CCR Rule Legacy Amendment Study project be allocated to the rate classes?**

OPC: No position.

ISSUE 12: **Should this docket be closed?**

OPC: No position.

5. STIPULATED ISSUES

None at this time.

6. PENDING MOTIONS

None at this time.

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

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

8. OBJECTIONS TO QUALIFICATION OF WITNESSES AS AN EXPERT

OPC has no objections to the qualification of any witnesses as an expert in the field in which they pre-filed testimony as of the present date.

9. SEQUESTRATION OF WITNESSES

OPC does not request the sequestration of any witnesses at this time.

10. 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 of October, 2025.

Respectfully submitted,

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/s/ Charles J. Rehwinkel
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CERTIFICATE OF SERVICE
DOCKET NO. 20250007-EI

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

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