

# FLORIDA PUBLIC SERVICE COMMISSION

## COMMISSION CONFERENCE AGENDA

**CONFERENCE DATE AND TIME:** Tuesday, March 7, 2023, 9:30 a.m.

**LOCATION:** Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148

**DATE ISSUED:** March 2, 2023\*

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### NOTICE

Persons affected by Commission action on certain items on this agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at this conference. These items are designated by double asterisks (\*\*) next to the item number.

To participate informally, affected persons need only appear at the conference and request the opportunity to address the Commission on an item listed on the agenda. Informal participation is not permitted: (1) on dispositive motions and motions for reconsideration; (2) when a recommended order is taken up by the Commission; (3) in a rulemaking proceeding after the record has been closed; or (4) when the Commission considers a post-hearing recommendation on the merits of a case after the close of the record. The Commission allows informal participation at its discretion in certain types of cases (such as declaratory statements and interim rate orders) in which an order is issued based on a given set of facts without hearing. See Florida Administrative Code Rules 25-22.0021 (agenda conference participation) and 25-22.0022 (oral argument).

Conference agendas, staff recommendations, vote sheets, and transcripts are available online at <http://www.floridapsc.com>, by selecting *Conferences & Meeting Agendas* and *Commission Conferences of the FPSC*. An official vote of "move staff" denotes that the Item's recommendations were approved.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or 850-413-6770 (Florida Relay Service, 1-800-955-8770 Voice or 1-800-955-8771 TDD). Assistive Listening Devices are available upon request from the Office of Commission Clerk, Gerald L. Gunter Building, Room 152.

The Commission Conference has a live video broadcast the day of the conference, which is available from the FPSC website. Upon completion of the conference, the archived video will be available from the website by selecting *Conferences & Meeting Agendas*, then *Audio and Video Event Coverage*.

**EMERGENCY CANCELLATION OF CONFERENCE:** If a named storm or other disaster requires cancellation of the Conference, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission's website (<http://www.floridapsc.com>) under the Hot Topics link on the home page. Cancellation can also be confirmed by calling the Office of Commission Clerk at 850-413-6770.

If you have any questions, contact the Office of Commission Clerk at 850-413-6770 or [Clerk@psc.state.fl.us](mailto:Clerk@psc.state.fl.us).

\*Revised Item 6 inserted.



Table of Contents  
Commission Conference Agenda  
March 7, 2023

1**	<b>Consent Agenda</b> .....	1
2**	<b>Docket No. 20200181-EU</b> – Proposed amendment of Rule 25-17.0021, F.A.C., Goals for Electric Utilities. ....	2
3**	<b>Docket No. 20230017-EI</b> – Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Ian and Nicole, by Florida Power & Light Company. ....	3
4**	<b>Docket No. 20230019-EI</b> – Petition for recovery of costs associated with named tropical systems during the 2019-2022 hurricane seasons and replenishment of storm reserve, by Tampa Electric Company. ....	5
5**	<b>Docket No. 20230020-EI</b> – Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Elsa, Eta, Isaias, Ian, Nicole, and Tropical Storm Fred, by Duke Energy Florida, LLC. ....	6
6**	<b>Docket No. 20230001-EI</b> – Fuel and purchased power cost recovery clause with generating performance incentive factor. ....	7
7**	<b>Docket No. 20230001-EI</b> – Fuel and purchased power cost recovery clause with generating performance incentive factor. ....	8
8**	<b>Docket No. 20230001-EI</b> – Fuel and purchased power cost recovery clause with generating performance incentive factor. ....	9
9**PAA	<b>Docket No. 20210189-WU</b> – Application for transfer of water facilities of Camachee Island Company, Inc. d/b/a Camachee Cove Yacht Harbor Utility and Certificate No. 647-W to Windward Camachee Marina Owner LLC d/b/a Camachee Cove Yacht Harbor Utility, in St. Johns County. ....	10
10**PAA	<b>Docket No. 20220201-WS</b> – Request by Florida Community Water Systems, Inc. for a revenue-neutral rate restructuring in Brevard, Lake, and Sumter Counties. 12	

**ITEM NO.**

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**CASE**

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1\*\*

**Consent Agenda**

PAA

A) Application for Certificate of Authority to Provide Telecommunications Service.

DOCKET NO.

COMPANY NAME

20230016-TX

Rapid Fiber Internet, LLC

20220200-TX

Cirion Technologies Solutions, LLC

**Recommendation:** The Commission should approve the action requested in the dockets referenced above and close these dockets.

**ITEM NO.**

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**CASE**

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2\*\*

**Docket No. 20200181-EU** – Proposed amendment of Rule 25-17.0021, F.A.C., Goals for Electric Utilities.

**Rule Status:** Proposal May Be Deferred

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** La Rosa

**Staff:** GCL: Rubottom, Jones

ECO: Guffey

ENG: Ellis, King, Thompson

**Issue 1:** Should the Commission propose the amendment of Rule 25-17.0021, F.A.C., Goals for Electric Utilities?

**Recommendation:** Yes. The Commission should propose the amendment of Rule 25-17.0021, F.A.C., as set forth in Attachment A of staff's memorandum dated February 23, 2023. The Commission should also certify that Rule 25-17.0021, F.A.C., is a rule the violation of which would be a minor rule violation pursuant to Section 120.695, F.S.

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes, if no requests for hearing or JAPC comments are filed, and no proposal for a lower cost regulatory alternative is submitted, the rule should be filed for adoption with the Department of State, and the docket should be closed.

**ITEM NO.**

**CASE**

3\*\*

**Docket No. 20230017-EI** – Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Ian and Nicole, by Florida Power & Light Company.

**Critical Date(s):** 03/24/23 (60-Day Interim Deadline)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Graham

**Staff:** AFD: Andrews, D. Buys, Norris

ECO: Draper, Hampson

GCL: Stiller, Dose

**Issue 1:** Should the Commission authorize FPL to implement an interim storm restoration recovery charge?

**Recommendation:** Yes. The Commission should authorize FPL to implement an interim storm restoration recovery charge, subject to refund. Once the total actual storm costs are known, FPL should be required to file documentation of the storm costs for Commission review and true up of any excess or shortfall.

**Issue 2:** What is the appropriate security to guarantee the funds collected subject to refund through the interim storm restoration charge?

**Recommendation:** The appropriate security to guarantee the funds collected subject to refund is a corporate undertaking.

**Issue 3:** Should the Commission approve FPL's proposed interim storm restoration recovery charge tariff?

**Recommendation:** No. The Commission should deny FPL's proposed interim storm restoration recovery charge tariff sheet No. 8.030.7. The Commission should approve FPL's alternate storm charge calculation and associated tariff sheet as shown in Attachment A of staff's memorandum dated February 23, 2023, effective with the first billing cycle of April 2023. Furthermore, effective with the first billing cycle of April 2023, tariff sheet Nos. 8.030.4, 8.030.5, and 8.030.6 should be cancelled, as shown in Attachment A of staff's memorandum dated February 23, 2023. The alternate storm charge calculation avoids significant disparities in surcharges among customers of one, consolidated utility, reduces regulatory lag and interest payments, and mitigates the potential for overlapping storm recovery charges in the future. The interim storm restoration recovery charge should be subject to a final true-up.

**ITEM NO.**

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**CASE**

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3\*\*

**Docket No. 20230017-EI** – Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Ian and Nicole, by Florida Power & Light Company.

(Continued from previous page)

**Issue 4:** Should this docket be closed?

**Recommendation:** No. This docket should remain open pending final reconciliation of actual recoverable storm costs with the amount collected pursuant to the interim storm restoration recovery charge and the calculation of a refund or additional charge if warranted.

**ITEM NO.**

**CASE**

4\*\*

**Docket No. 20230019-EI** – Petition for recovery of costs associated with named tropical systems during the 2019-2022 hurricane seasons and replenishment of storm reserve, by Tampa Electric Company.

**Critical Date(s):** 03/24/2023 (60-Day Interim Deadline)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Graham

**Staff:** AFD: Gatlin, D. Buys, Hinson, Norris

ECO: Draper, Hampson

GCL: Thompson, Sandy

**Issue 1:** Should the Commission authorize TECO to implement an interim storm restoration recovery charge?

**Recommendation:** Yes. The Commission should authorize TECO to implement an interim storm restoration recovery charge, subject to refund. Once the total actual storm costs are known, TECO should be required to file documentation of the total storm costs for Commission review and true-up of any excess or shortfall.

**Issue 2:** What is the appropriate security to guarantee the amount collected subject to refund through the interim storm restoration recovery charge?

**Recommendation:** The appropriate security to guarantee the funds collected subject to refund is a corporate undertaking.

**Issue 3:** Should the Commission approve TECO's proposed interim storm restoration recovery charge tariff as shown in Attachment A of staff's memorandum dated February 23, 2023?

**Recommendation:** Yes. The Commission should approve TECO's proposed interim storm restoration recovery charge tariff, as shown in Attachment A of staff's memorandum dated February 23, 2023, effective with the first billing cycle of April 2023 through March 2024. The Commission should also approve TECO's other tariff revisions, as provided in its petition, which refer to the proposed storm surcharge. The interim storm restoration recovery charge should be subject to a final true-up.

**Issue 4:** Should this docket be closed?

**Recommendation:** No. This docket should remain open pending final reconciliation of actual recoverable storm costs with the amount collected pursuant to the interim storm restoration recovery charge and the calculation of a refund or additional charge if warranted.



**ITEM NO.**

**CASE**

5\*\*

**Docket No. 20230020-EI** – Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Elsa, Eta, Isaias, Ian, Nicole, and Tropical Storm Fred, by Duke Energy Florida, LLC.

**Critical Date(s):** 03/24/23 (60-Day Interim Deadline)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Graham

**Staff:** AFD: Snyder, D. Buys, Norris

ECO: Draper, Hampson

GCL: Brownless, Watrous

**Issue 1:** Should the Commission authorize DEF to implement an interim storm restoration recovery charge?

**Recommendation:** Yes. The Commission should authorize DEF to implement an interim storm restoration recovery charge, subject to refund. Once the total actual storm costs are known, DEF should be required to file documentation of the total storm costs for Commission review and true-up of any excess or shortfall.

**Issue 2:** What is the appropriate security to guarantee the amount collected subject to refund through the interim storm restoration recovery charge?

**Recommendation:** The appropriate security to guarantee the funds collected subject to refund is a corporate undertaking.

**Issue 3:** Should the Commission approve DEF's proposed interim storm restoration recovery charge tariff as shown in Attachment A of staff's memorandum dated February 23, 2023?

**Recommendation:** Yes. The Commission should approve DEF's proposed interim storm restoration recovery charge tariff, as shown in Attachment A of staff's memorandum dated February 23, 2023, effective with the first billing cycle of April 2023 and ending the earlier of full recovery or with the last billing cycle of March 2024, whichever occurs first. The interim storm restoration recovery charge should be subject to a final true-up.

**Issue 4:** Should this docket be closed?

**Recommendation:** No. This docket should remain open pending final reconciliation of actual recoverable storm costs with the amount collected pursuant to the interim storm restoration recovery charge and the calculation of a refund or additional charge if warranted.

**ITEM NO.**

**CASE**

6\*\*

**Docket No. 20230001-EI** – Fuel and purchased power cost recovery clause with generating performance incentive factor.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** La Rosa

**Staff:** AFD: Higgins, Kelley, Zaslow

ECO: Hampson

GCL: Brownless, Sandy

**Issue 1:** Should the Commission modify DEF’s currently-approved fuel and capacity cost recovery factors for the purpose of incorporating its actual 2022 under-recovery of fuel costs?

**Recommendation:** Yes. Staff recommends the Commission approve DEF’s proposed adjustments to its currently-approved fuel cost recovery factors to incorporate the currently-projected 2023 end-of-year fuel cost under-recovery in the amount of \$468,961,606. Further, staff recommends the Commission approve adjustments to DEF’s currently-approved capacity cost recovery factors to incorporate a refund of (\$11,668,131) related to the tax savings associated with the IRA of 2022.

**Issue 2:** If approved by the Commission, what is the appropriate effective date for DEF’s revised fuel and capacity cost recovery factors?

**Recommendation:** The fuel and capacity cost recovery factors, as shown on sheet No. 6.105 in Appendix A of staff’s memorandum dated March 2, 2023, should become effective with the first billing cycle of April 2023.

**Issue 3:** Should this docket be closed?

**Recommendation:** No. The 20230001-EI docket is an on-going proceeding and should remain open.

**ITEM NO.**

**CASE**

7\*\*

**Docket No. 20230001-EI** – Fuel and purchased power cost recovery clause with generating performance incentive factor.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** La Rosa

**Staff:** AFD: Higgins, Kelley, Zaslow

ECO: Hampson

GCL: Brownless, Sandy

**Issue 1:** Should the Commission modify FPL’s currently-approved fuel cost recovery factors for the purpose of incorporating its actual 2022 under-recovery of fuel costs?

**Recommendation:** Yes. Staff recommends the Commission approve adjustments to FPL’s currently-approved fuel cost recovery factors to incorporate a portion of the Company’s actual 2022 under-recovery of fuel costs. Given changes to the Company’s estimated 2023 fuel cost, its current 2023 fuel cost recovery factors should be reduced by (\$76,815,047).

**Issue 2:** If approved by the Commission, what is the appropriate effective date for FPL’s revised fuel cost recovery factors?

**Recommendation:** The fuel cost recovery factors, as shown on Appendix A, should become effective with the first billing cycle of April 2023.

**Issue 3:** Should this docket be closed?

**Recommendation:** No. The 20230001-EI docket is an on-going proceeding and should remain open.

**ITEM NO.**

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**CASE**

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8\*\*

**Docket No. 20230001-EI** – Fuel and purchased power cost recovery clause with generating performance incentive factor.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** La Rosa

**Staff:** AFD: Higgins, Kelley, Zaslow

ECO: Hampson

GCL: Brownless, Sandy

**Issue 1:** Should the Commission modify TECO's currently-approved fuel cost recovery factors for the purpose of incorporating its actual 2022 under-recovery of fuel costs?

**Recommendation:** Yes. Staff recommends the Commission approve adjustments to TECO's currently-approved fuel cost recovery factors to incorporate a portion of the Company's actual 2022 under-recovery of fuel costs in the amount of \$64,989,253.

**Issue 2:** If approved by the Commission, what is the appropriate effective date for TECO's revised fuel cost recovery factors?

**Recommendation:** The fuel cost recovery factors, as shown on Appendix A, should become effective with the first billing cycle of April 2023.

**Issue 3:** Should this docket be closed?

**Recommendation:** No. The 20230001-EI docket is an on-going proceeding and should remain open.

**ITEM NO.**

**CASE**

9\*\*PAA

**Docket No. 20210189-WU** – Application for transfer of water facilities of Camachee Island Company, Inc. d/b/a Camachee Cove Yacht Harbor Utility and Certificate No. 647-W to Windward Camachee Marina Owner LLC d/b/a Camachee Cove Yacht Harbor Utility, in St. Johns County.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Graham

**Staff:** ENG: Lewis, Ramos  
AFD: Veaghn, Sowards  
ECO: Bethea, Hudson  
GCL: Sandy

**(Proposed Agency Action for Issues 2 and 3.)**

**Issue 1:** Should the transfer of Certificate No. 647-W in St. Johns County from Camachee Island Company, Inc. d/b/a Camachee Cove Yacht Harbor Utility to Windward Camachee Marina Owner LLC d/b/a Camachee Cove Yacht Harbor Utility, be approved?

**Recommendation:** Yes. The transfer of the water system and Certificate No. 647-W is in the public interest and should be approved effective the date that the sale becomes final. The resultant Order should serve as the Buyer's certificate and should be retained by the Buyer. The Utility's existing rates and late payment charge, as shown on Schedule No. 3 of staff's memorandum dated February 23, 2023, should remain in effect until a change is authorized by the Commission in a subsequent proceeding. The tariff pages reflecting the transfer should be effective on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(1), F.A.C. The Utility is current with respect to regulatory assessment fees (RAFs) and annual reports and should be responsible for filing annual reports and paying RAFs for all future years.

**Issue 2:** What is the appropriate net book value for the Windward Camachee Marina Owner LLC d/b/a Camachee Cove Yacht Harbor Utility water system for transfer purposes, and should an acquisition adjustment be approved?

**Recommendation:** The appropriate net book value (NBV) of the water system for transfer purposes is \$228,846, as of August 31, 2021. No acquisition adjustment is warranted as the purchase price is equal to NBV. Within 90 days of the date of the final order, the Utility should be required to notify the Commission in writing that it has adjusted its books in accordance with the Commission's decision. The adjustments should be reflected in the Utility's 2022 Annual Report when filed.

**ITEM NO.**

**CASE**

9\*\*PAA

**Docket No. 20210189-WU** – Application for transfer of water facilities of Camachee Island Company, Inc. d/b/a Camachee Cove Yacht Harbor Utility and Certificate No. 647-W to Windward Camachee Marina Owner LLC d/b/a Camachee Cove Yacht Harbor Utility, in St. Johns County.

(Continued from previous page)

**Issue 3:** Should Windward Camachee Marina Owner LLC d/b/a Camachee Cove Yacht Harbor Utility's miscellaneous service charges be revised to conform to amended Rule 25-30.460, F.A.C.?

**Recommendation:** Yes. The miscellaneous service charges should be revised to conform to the recent amendment to Rule 25-30.460, F.A.C. The tariff should be revised to reflect the removal of the initial connection and normal reconnection charges. Windward should be required to file a proposed customer notice to reflect the Commission-approved charges. The approved charges should be effective on or after the stamped approval date on the tariff sheet pursuant to Rule 25-30.475(1), F.A.C. In addition, the approved charge should not be implemented until staff has approved the proposed customer notice and the notice has been received by customers. The Utility should provide proof of the date notice was given no less than 10 days after the date of the notice. Windward should be required to charge the approved miscellaneous services charges until authorized to change them by the Commission in a subsequent proceeding.

**Issue 4:** Should this docket be closed?

**Recommendation:** Yes. If no protest to the proposed agency action is filed by a substantially affected person within 21 days of the date of the issuance of the order, a consummating order should be issued and the docket should be closed administratively upon Commission staff's verification that the revised tariff sheets have been filed, the Buyer has notified the Commission in writing that it has adjusted its books in accordance with the Commission's decision, and proof that appropriate noticing has been done pursuant to Rule 25-30.4345, F.A.C.

**ITEM NO.**

**CASE**

10\*\*PAA

**Docket No. 20220201-WS** – Request by Florida Community Water Systems, Inc. for a revenue-neutral rate restructuring in Brevard, Lake, and Sumter Counties.

**Critical Date(s):** 03/07/23 (90-day statutory deadline waived until 03/07/23)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** La Rosa

**Staff:** ECO: Bruce, Bethea, Hudson

AFD: Sowards

GCL: Crawford, Sandy, Thompson

**Issue 1:** Should the Commission grant FCWS's petition for a waiver of Rule 25-30.445(6), F.A.C.?

**Recommendation:** Yes. FCWS has demonstrated that the purpose of the underlying statute is being achieved and that strict application of the rule violates principles of fairness to its customers.

**Issue 2:** Should this docket be closed?

**Recommendation:** If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, a consummating order should be issued. If the utility's petition for a rule waiver is granted, then the docket should remain open pending the Commission's decision regarding FCWS's petition for a limited proceeding. However, if the utility's petition for a rule waiver is denied, then the docket should be closed upon the issuance of the consummating order.