

BCC Mtg. Date: September 28, 2021

FLORIDA PUBLIC SERVICE COMMISSION

ADDENDUM*

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Wednesday, September 8, 2021, 9:30 a.m.

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

DATE ISSUED: August 31, 2021

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.

***Added Item 1B.**

Received by: Clerk of BCC August 30, 2021 LL
C:

County Mayor
Commissioner Districts 2, 3, & 6 only
County Administrator
Utilities Department Director Ed Torres
Chief Sustainability and Resilience Officer Jeff Benavides

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ITEM NO.

CASE

1**	Consent Agenda				
PAA	A) Application for Certificate of Authority to Provide Pay Telephone Service. <table><tr><td><u>DOCKET NO.</u></td><td><u>COMPANY NAME</u></td></tr><tr><td>20210139-TC</td><td>Windstream Communications, LLC</td></tr></table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	20210139-TC	Windstream Communications, LLC
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20210139-TC	Windstream Communications, LLC				
PAA	B) Application for Certificate of Authority to Provide Telecommunications Service. <table><tr><td><u>DOCKET NO.</u></td><td><u>COMPANY NAME</u></td></tr><tr><td>20210145-TX</td><td>NGA 911, L.L.C.</td></tr></table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	20210145-TX	NGA 911, L.L.C.
<u>DOCKET NO.</u>	<u>COMPANY NAME</u>				
20210145-TX	NGA 911, L.L.C.				

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

ITEM NO.

CASE

2**PAA

Docket No. 20210128-EI – Petition for temporary variance from or waiver of Rule 25-6.0143(1)(g), F.A.C, to file for prudence review of Florida Power & Light Company storm costs related to Hurricane Isaias and Tropical Storm Eta, and for prudence review and recovery of Gulf Power Company storm costs related to Hurricane Sally and Hurricane Zeta.

Critical Date(s): 11/01/21 (date by which Petition must be ruled on pursuant to Section 120.542, F.S.)

Commissioners Assigned: All Commissioners

Prehearing Officer: Fay

Staff: GCL: Cowdery

AFD: Mouring

Issue 1: Should the Commission grant Florida Power & Light Company's Petition for a temporary waiver or variance from Rule 25-6.0143(1)(g), F.A.C.?

Recommendation: Yes. The Commission should grant Florida Power & Light Company's Petition for a temporary variance or waiver of Rule 25-6.0143(1)(g), F.A.C., to allow FPL and Gulf to file petitions for certain deferred costs no later than December 31, 2021.

Issue 2: Should this docket be closed?

Recommendation: Yes. 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 and this docket should be closed.

ITEM NO.

CASE

3

Docket No. 20210015-EI – Petition for rate increase by Florida Power & Light Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: GCL: Brownless, Lherisson, Stiller

AFD: Mouring

ECO: Draper, McNulty

ENG: King

IDM: Eichler

(Motion for Reconsideration - Oral argument has not been requested; Participation is at the Commission's Discretion)

Issue 1: Should the Commission grant FAIR's Motion for Reconsideration of the Final Order Denying Confidential Classification?

Recommendation: No. FAIR's Motion for Reconsideration should be denied because it does not meet the required standard for a motion for reconsideration. FAIR has failed to identify a point of fact or law that was overlooked or that the Prehearing Officer failed to consider in rendering Order No. PSC-2021-0299-PCO-EI, the Order Denying FAIR's Request for Confidential Classification of Document Nos. 06506-2021 and 08288-2021.

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open for the Commission to address the pending rate case proceeding.

ITEM NO.

CASE

4**PAA

Docket No. 20210136-EI – Complaint by Richard L. Davis against Florida Power & Light Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Fay

Staff: GCL: Osborn, J. Crawford

CAO: Hicks

ECO: Coston

Issue 1: What is the appropriate disposition of Mr. Davis's request for hearing?

Recommendation: Staff recommends that Mr. Davis's request for hearing be denied without prejudice. Mr. Davis's request for hearing does not follow the requirements of a formal complaint per Rule 25- 22.036, F.A.C.

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, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

5**

Docket No. 20210108-TP – 2022 State certification under 47 C.F.R. §54.313 and §54.314, annual reporting requirements for high-cost recipients and certification of support for eligible telecommunications carriers.

Critical Date(s): 10/01/21 (Filing Deadline with the Federal Communications Commission and the Universal Service Administrative Company)

Commissioners Assigned: All Commissioners

Prehearing Officer: Passidomo

Staff: IDM: Wooten, Long

GCL: Trierweiler, Jones

Issue 1: Should the Commission certify to USAC and the FCC that BellSouth Telecommunications, LLC d/b/a AT&T Florida d/b/a AT&T Southeast; Embarq Florida, Inc. d/b/a CenturyLink; Frontier Florida LLC; Frontier Communications of the South, LLC; Consolidated Communications of Florida Company; ITS Telecommunications Systems, Inc. d/b/a ITS Fiber; Knology of Florida, Inc. d/b/a WOW! Internet, Cable and Phone; Northeast Florida Telephone Company d/b/a NEFCOM; Quincy Telephone Company d/b/a TDS Telecom; Smart City Telecommunications LLC d/b/a Smart City Telecom; and Windstream Florida, LLC are eligible to receive federal high-cost support, that they have used the federal high-cost support in the preceding calendar year, and they will use the federal high-cost support they receive in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended?

Recommendation: Yes. The Commission should certify to USAC and the FCC that BellSouth Telecommunications, LLC d/b/a AT&T Florida d/b/a AT&T Southeast; Embarq Florida, Inc. d/b/a CenturyLink; Frontier Florida LLC; Frontier Communications of the South, LLC; Consolidated Communications of Florida Company; ITS Telecommunications Systems, Inc. d/b/a ITS Fiber; Knology of Florida, Inc. d/b/a WOW! Internet, Cable and Phone; Northeast Florida Telephone Company d/b/a NEFCOM; Quincy Telephone Company d/b/a TDS Telecom; Smart City Telecommunications LLC d/b/a Smart City Telecom; and Windstream Florida, LLC are eligible to receive federal high-cost support, that they have used the federal high-cost support in the preceding calendar year, and they will use the federal high-cost support they receive in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

Issue 2: Should this docket be closed?

Recommendation: Yes. This docket should be closed upon issuance of a Final Order.

ITEM NO.

CASE

6**PAA

Docket No. 20210087-EI – Petition for approval of new environmental program for cost recovery through Environmental Cost Recovery Clause, by Tampa Electric Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Fay

Staff: ENG: Doehling, Knoblauch

ECO: Wu

GCL: Weisenfeld

Issue 1: Should the Commission approve Tampa Electric Company's petition for approval of the Bayside Station Section 316(b) Compliance Project for cost recovery through the Environmental Cost Recovery Clause?

Recommendation: Yes. Staff recommends that TECO's Bayside Station Section 316(b) Compliance Project is necessary to comply with the EPA's Section 316(b) rule. Consistent with prior ECRC orders, operation and maintenance (O&M) costs associated with the Project should be allocated to appropriate rate classes on an energy basis and capital costs should be allocated on a demand basis.

Issue 2: Should this docket be closed?

Recommendation: Yes. This docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order.

ITEM NO.

CASE

7**

Docket No. 20210088-GU – Joint petition to modify tariffs to accommodate receipt and transport of renewable natural gas, by Florida Public Utilities Company, Florida Public Utilities - Indiantown Division, Florida Public Utilities - Fort Meade, and Florida Division of Chesapeake Utilities Corporation.

Critical Date(s): 12/21/21 (8-Month Effective Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Forrest, Coston

GCL: Osborn, J. Crawford

(Tariff Filing)

Issue 1: Should the Commission approve the Companies' proposed new RNGS rate schedule and associated tariff modifications?

Recommendation: Yes, the Commission should approve the Companies' proposed new RNGS rate schedule and associated tariff modifications effective September 8, 2021. The RNGS rate schedule would furnish the Companies with an opportunity to provide biogas cleaning and conditioning services to interested customers. The utility demonstrated a reasonable approach to implementing the tariff. A participating customer would enter into an agreement with the respective Company and all capital and operating costs associated with the biogas upgrading and conditioning service would be borne by the customer over the life of the contract.

Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved and a protest is filed within 21 days of the issuance of the order, the tariffs should remain in effect, with any revenues held subject to refund, pending resolution of the protest. If no timely protest is filed, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

8**PAA

Docket No. 20210106-GU – Petition for approval of transportation service agreement between Peninsula Pipeline Company, Inc. and Florida Division of Chesapeake Utilities Corporation.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Passidomo

Staff: ECO: Hampson, Coston

GCL: Osborn

Issue 1: Should the Commission approve the proposed Transportation Service Agreement between Peninsula and CFG dated May 7, 2021?

Recommendation: Yes, the Commission should approve the proposed Transportation Service Agreement between Peninsula and CFG dated May 7, 2021. The proposed Agreement is reasonable and meets the requirements of Section 368.105, F.S. Furthermore, the proposed Agreement benefits CFG customers by enhancing reliability, serving new incremental load, and by avoiding the risks associated with ownership of the facilities.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no protest is filed by a person whose substantial interests are affected within 21 days of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.

ITEM NO.

CASE

9

Docket No. 20200139-WS – Application for increase in water and wastewater rates in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole Counties, by Utilities, Inc. of Florida.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Fay

Staff: ECO: Bruce, Hudson

GCL: Trierweiler, J. Crawford

(Motion for Reconsideration - Oral Argument Requested; Participation is at the Commission's Discretion)

Issue 1: Should UIF's Request for Oral Argument on its Motion for Reconsideration of Order No. PSC-2021-0206-FOF-WS be Granted?

Recommendation: No. Staff recommends that oral argument was not requested consistent with the requirements of Rule 25-22.0022, Florida Administrative Code (F.A.C.), and that the pleadings are sufficient for the disposition of this matter. However, if the Commission chooses to hear oral argument at its discretion, staff recommends providing 5 minutes per party.

Issue 2: Should UIF's Motion for Reconsideration of Order No. PSC-2021-0206-FOF-WS be Granted?

Recommendation: No. UIF's Motion for Reconsideration should be denied as being untimely filed. However, if the Commission wishes to address the substance of UIF's Motion, staff recommends the Motion should be denied because UIF fails to raise a point of fact or law that the Commission overlooked or failed to consider in rendering its decision.

Issue 3: Should this docket be closed?

Recommendation: Yes, this docket should be closed.