

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, August 6, 2019, 9:30 a.m.

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

DATE ISSUED: July 25, 2019

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).

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ITEM NO.

CASE

1**PAA

Docket No. 20190094-EU – Petition for variance from or waiver of Rule 25-6.049(5) and (6), FAC, by Calypso Tower III, LLC.

Critical Date(s): October 8, 2019 - The Commission must grant or deny the petition by this date.

Commissioners Assigned: All Commissioners

Prehearing Officer: Fay

Staff: GCL: King, Cowdery

ECO: Guffey, Redda

Issue 1: Should the Commission grant the developer’s petition for a waiver of subsections (5) and (6) of Rule 25-6.049, F.A.C.?

Recommendation: Yes. The petition should be granted because the developer has demonstrated that the purpose of the underlying statutes will be achieved by other means and that application of the rule would create a substantial hardship and violate principles of fairness. However, the waiver should be subject to the following four conditions: (1) within one year of the closing of sale of its first residential unit, Calypso must be a licensed public lodging establishment under Sections 509.241 and 509.242, F.S.; (2) 92 percent of the residential units sold must be used solely for overnight occupancy; (3) Calypso must allocate the cost of electricity to the individual owners using a reasonable apportionment method; and (4) Calypso must file a report with the Commission 12 months after the date of closing of the sale of the first residential unit. The report must include the number of units sold and, of those, the number of units that are solely used for overnight occupancy as defined in Rule 25-6.049(8)(b), F.A.C. The report must also include a copy of Calypso’s public lodging license. The Commission should also put Calypso on notice that should Calypso ever fail to comply with these conditions, the rule waiver will cease to be effective and Calypso will be responsible for all costs associated with the conversion to individual metering.

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

2**PAA

Docket No. 20190130-EI – Petition for waiver of depreciation study filing requirement in Rule 25-6.0436(4)(a), F.A.C., by Florida Public Utilities Company.

Critical Date(s): September 16, 2019 - The Commission must vote to grant or deny the petition by this date.

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: GCL: Cowdery

ECO: Higgins

Issue 1: Should the Commission grant FPUC’s request for a temporary waiver of Rule 25-6.0436(4)(a), F.A.C.?

Recommendation: Yes. The Commission should grant FPUC’s petition and require that it file a depreciation study no later than September 3, 2019. The Commission should also order that FPUC’s next depreciation study will be due within four years from the date that it files its September 2019 depreciation study.

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**PAA

Docket No. 20160101-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: Polmann

Staff: AFD: Norris, Sowards

ECO: Bruce, Hudson, Ramos

ENG: Ellis

GCL: Trierweiler, Cowdery

(Parties May Participate on Issues 1, 2, 3, and 4 - Proposed Agency Action Issue 5)

Issue 1: What adjustments should be made to comply with the First District Court of Appeal's mandate?

Recommendation: Based on the record, the flows associated with prepaid customers do not meet the statutory criteria of Section 367.081(2)(a)2.b., F.S., and should be removed. Therefore, the revised used and useful (U&U) values for LUSI's wastewater treatment plant (WWTP) and Sandalhaven's Englewood Water District (EWD) capacity should be 53.54 percent and 42.24 percent, respectively. To reflect the revised U&U percentages, wastewater rate base should be decreased by \$476,060, net depreciation expense should be decreased by \$24,888, and Taxes Other Than Income (TOTI) should be decreased by \$13,426. Additionally, Accumulated Deferred Income Taxes (ADITs) should be reduced by \$6,853.

Issue 2: What is the total revenue requirement after staff's recommended adjustments made in accordance with the First District Court of Appeal's mandate?

Recommendation: Based on the adjustments discussed in the previous issue, staff recommends a total revenue requirement of \$15,658,716 for water and \$18,747,174 for wastewater.

Issue 3: What are the appropriate rates after adjustments to comply with the First District Court of Appeal's mandate?

Recommendation: Staff recommends no adjustments to UIF's existing water rates. The appropriate wastewater rates are reflected on Schedule No. 4 attached to staff's memorandum dated July 25, 2019, and should be effective for service rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475(1), Florida Administrative Code (F.A.C.). The Utility should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved wastewater rates. In addition, the approved wastewater rates should not be implemented until staff has approved the proposed customer notice and the notice has been received by the customers. The Utility should provide proof of the date notice was given within 10 days of the date of the notice.

ITEM NO.

CASE

3**PAA

Docket No. 20160101-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.

(Continued from previous page)

Issue 4: Should Utilities, Inc. of Florida be required to make refunds to comply with the First District Court of Appeal's mandate?

Recommendation: Yes. The calculated 0.02 percent refund for water, as well as the Lake Placid additional water interim refund of 0.01 percent, should be booked to CIAC in lieu of a refund to water customers. A 0.49 percent refund should be made to all wastewater customers. In addition, interim refunds are due as detailed in the table below, and because of the de minimis amount, these should be added to the consolidated wastewater refunds made to all customers.

System			Additional Interim Refund Percentage Due
Eagle Ridge Wastewater	–		0.02%
Labrador Wastewater	–		0.02%
Pennbrooke Wastewater	–		0.02%
UIF Marion Wastewater	–		0.01%
UIF Pasco Wastewater	–		0.01%
UIF Seminole Wastewater	–		0.02%

The refunds should be made with interest in accordance with Rule 25-30.360(4), F.A.C., The Utility should be required to submit proper refund reports pursuant to Rule 25-30.360(7), F.A.C. The Utility should treat any unclaimed refunds as CIAC pursuant to Rule 25-30.360(8), F.A.C.

Issue 5: Should the Commission grant Utilities, Inc. of Florida's Motion for Recovery of Appellate Rate Case Expense?

Recommendation: Yes. The appropriate amount of appellate rate case expense is \$39,727. Further, rate case expense should be allocated between the consolidated water and wastewater systems based on equivalent residential connections (ERCs). Additionally, staff recommends the authorization of a regulatory asset to recover the expense in the Utility's next rate proceeding.

ITEM NO.

CASE

3**PAA

Docket No. 20160101-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.

(Continued from previous page)

Issue 6: Should this docket be closed?

Recommendation: No. This docket should remain open for staff’s verification that the Utility has completed the recommended refunds, filed revised tariff sheets, and filed customer notices. For Issue 5, related to the appellate rate case expense, 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 will be issued and the portion of the Order dealing with appellate rate case expense will become final. Once all actions are complete, the docket should be closed.

ITEM NO.

CASE

4**PAA

Docket No. 20180186-GU – Petition for approval of demand side management goals and residential customer assisted and commercial walk-through energy audit programs, by Peoples Gas System.

Critical Date(s): 08/26/19 (Petition Deemed Approved if Not Granted or Denied within 90 Days of Receipt Pursuant to Section 120.542(8), Florida Statutes)

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: ENG: Wright, Doehling, Ellis, King, Knoblauch, Wooten

ECO: Coston, Morgan, Wu

GCL: DuVal, Dziechciarz

Issue 1: Should the Commission grant Peoples Gas System's Petition for Waiver of Rule 25-17.003(3)(a) and (b), Florida Administrative Code?

Recommendation: Yes. Staff recommends that the Commission grant Peoples Gas System a temporary waiver of the on-site residential energy audit requirements of Rule 25-17.003(3)(a) and (b), F.A.C., and allow PGS to offer an electronic, online-only version of the Computer-Assisted Audit to its eligible residential customers until the Commission's next review of the Company's goals, plans, and programs.

Issue 2: Are the Company's proposed goals based on an adequate assessment of the full technical potential of all available demand-side and supply-side conservation and efficiency measures, including demand-side renewable energy systems?

Recommendation: Yes. PGS has analyzed the maximum system-wide therm savings theoretically possible from implementation of DSM measures available in Florida. As such, staff recommends that the updated Technical Potential seen in Table 2-1 of staff's memorandum dated July 25, 2019, is an adequate assessment of the full technical potential, and serves as an acceptable basis for the Company's annual therm savings goals.

Issue 3: What residential and commercial annual therm savings goals should be established for the period 2019-2028?

Recommendation: Staff recommends that the Commission establish the annual therm savings seen in Table 3-1 of staff's memorandum dated July 25, 2019, as PGS' annual conservation goals for the period 2019-2028. The Company's proposed conservation goals adequately address the considerations enumerated in Section 366.82(3), F.S.

ITEM NO.

CASE

4**PAA

Docket No. 20180186-GU – Petition for approval of demand side management goals and residential customer assisted and commercial walk-through energy audit programs, by Peoples Gas System.

(Continued from previous page)

Issue 4: Should the Commission approve the Company’s new residential and commercial audit programs?

Recommendation: If the Commission approves staff’s recommendation in Issue 1, then the Company’s new residential and commercial audit programs should be approved and PGS should be allowed recovery of reasonable and prudent expenditures associated with these audit programs through the ECCR clause. The scope of both the Residential Customer Assisted Energy Audit and the Commercial Walk-Through Energy Audit meet the requirements established by FEECA. If the Commission does not approve staff’s recommendation in Issue 1, then PGS should file revised audit programs with its proposed DSM plan.

Issue 5: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action (PAA) files a protest within 21 days of the issuance of the PAA Order, a Consummating Order should be issued and the docket should be closed. If the Commission approves the proposed RA and CA programs, those programs should become effective on the date of the Consummating Order. If a protest is filed within 21 days of the issuance of the PAA Order, the programs should not be implemented until after the resolution of the protest. Within 90 days of the issuance of the final order, PGS should file a demand-side management plan designed to meet the Utility’s approved goals.

ITEM NO.

CASE

5**PAA

Docket No. 20180218-SU – Application for staff-assisted rate case in Brevard County by TKCB, Inc.

Critical Date(s): 04/10/20 (15-Month Effective Date (SARC))

Commissioners Assigned: All Commissioners

Prehearing Officer: Polmann

Staff: ENG: Knoblauch, Doehling, Salvador, Graves

AFD: Bennett, Sowards, Norris

ECO: Ramos, Hudson

GCL: DuVal, Weisenfeld

(Proposed Agency Action - Except for Issue Nos. 10, 11 and 12)

Issue 1: Is the quality of service provided by TKCB, Inc. satisfactory?

Recommendation: Yes. The Utility is in compliance with DEP’s rules and regulations and there have been no customer comments or complaints against the Utility in the previous five-year period. Therefore, staff recommends that the overall quality of service provided by the Utility be considered satisfactory.

Issue 2: What are the used and useful (U&U) percentages for the Utility’s wastewater treatment plant (WWTP) and collection system?

Recommendation: Staff recommends that the WWTP and collection system be considered 100 percent U&U. There is no excessive infiltration and inflow (I&I) and no adjustment to operating expenses is necessary.

Issue 3: What is the appropriate average test year rate base for TKCB, Inc.?

Recommendation: The appropriate average test year rate base for TKCB for ratemaking purposes is \$58,454.

Issue 4: What is the appropriate return on equity and overall rate of return for TKCB, Inc.?

Recommendation: The appropriate return on equity (ROE) is 7.85 percent with a range of 6.85 percent to 8.85 percent.

Issue 5: What are the appropriate test year revenues for TKCB, Inc.?

Recommendation: The appropriate test year revenues for TKCB are \$83,684.

Issue 6: What is the appropriate amount of operating expense for TKCB, Inc.?

Recommendation: The appropriate amount of operating expense for TKCB is \$85,605.

Issue 7: Should the Commission utilize the operating ratio methodology as an alternative method of calculating the wastewater revenue requirement for TKCB, Inc. and, if so, what is the appropriate margin?

Recommendation: Yes. The Commission should utilize the operating ratio methodology for calculating the revenue requirement for TKCB. The margin should be 12 percent of O&M expense.

ITEM NO.

CASE

5**PAA

Docket No. 20180218-SU – Application for staff-assisted rate case in Brevard County by TKCB, Inc.

(Continued from previous page)

Issue 8: What is the appropriate revenue requirement for TKCB, Inc.?

Recommendation: The appropriate revenue requirement is \$94,728 resulting in an annual increase of \$11,044 (13.20 percent).

Issue 9: What are the appropriate wastewater rates for TKCB, Inc.?

Recommendation: The recommended monthly wastewater rates, as shown on Schedule No. 4 attached to staff’s memorandum dated July 25, 2019, are reasonable and should be approved. The Utility should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved rates. The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475(1), F.A.C. The approved rates 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 within 10 days of the date of the notice.

Issue 10: What is the appropriate amount by which rates should be reduced after the published effective date to reflect the removal of the amortized rate case expense as required by Section 367.081(8) F.S.?

Recommendation: The rates should be reduced as shown on Schedule No. 4 attached to staff’s memorandum dated July 25, 2019, to remove rate case expense grossed-up for RAFs and amortized over a four-year period. The decrease in rates should become effective immediately following the expiration of the rate case expense recovery period, pursuant to Section 367.081(8), F.S. TKCB should be required to file revised tariffs and a proposed customer notice setting forth the lower rates and the reason for the reduction no later than one month prior to the actual date of the required rate reduction. If the Utility files this reduction in conjunction with a price index or pass-through rate adjustment, separate data should be filed for the price index and/or pass-through increase or decrease and the reduction in the rates due to the amortized rate case expense.

ITEM NO.

CASE

5**PAA

Docket No. 20180218-SU – Application for staff-assisted rate case in Brevard County by TKCB, Inc.

(Continued from previous page)

Issue 11: Should the recommended rates be approved for TKCB, Inc. on a temporary basis, subject to refund with interest, in the event of a protest filed by a party other than the Utility?

Recommendation: Yes. Pursuant to Section 367.0814(7), F.S., the recommended rates should be approved for the Utility on a temporary basis, subject to refund with interest, in the event of a protest filed by a party other than the Utility. TKCB should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved rates. The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(1), F.A.C. In addition, the temporary rates should not be implemented until staff has approved the proposed notice, and the notice has been received by the customers. Prior to implementation of any temporary rates, the Utility should provide appropriate security. If the recommended rates are approved on a temporary basis, the rates collected by the Utility should be subject to the refund provisions in the staff analysis of staff’s memorandum dated July 25, 2019. In addition, after the increased rates are in effect, pursuant to Rule 25-30.360(6), F.A.C., the Utility should file reports with the Commission’s Office of Commission Clerk no later than the 20th of each month indicating the monthly and total amount of money subject to refund at the end of the preceding month. The report filed should also indicate the status of the security being used to guarantee repayment of any potential refund.

Issue 12: Should the Utility be required to notify the Commission, in writing, that it has adjusted its books in accordance with the Commission's decision?

Recommendation: Yes. TKCB should be required to notify the Commission, in writing, that it has adjusted its books in accordance with the Commission’s decision. TKCB should submit a letter within 90 days of the final order in this docket, confirming that the adjustments to all applicable National Association of Regulatory Commissioners (NARUC) Uniform System of Accounts (USOA) primary accounts have been made to the Utility’s books and records. In the event the Utility needs additional time to complete the adjustments, notice providing good cause should be filed within seven days prior to the deadline. Staff should be given administrative authority to grant such an extension for up to 60 days.

ITEM NO.

CASE

5**PAA

Docket No. 20180218-SU – Application for staff-assisted rate case in Brevard County by TKCB, Inc.

(Continued from previous page)

Issue 13: Should this docket be closed?

Recommendation: No. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the proposed agency action order, a consummating order should be issued. The docket should remain open for staff's verification that the revised tariff sheets and customer notice have been filed by the Utility and approved by staff. Once these actions are complete, this docket should be closed administratively.

ITEM NO.

CASE

6**

Docket No. 20190081-EI – Petition for approval of 2019 revisions to underground residential and commercial differential tariffs, by Florida Power & Light Company.

Critical Date(s): 12/01/19 (8-Month Effective Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Doherty

GCL: Trierweiler

Issue 1: Should the Commission approve FPL's proposed URD tariff and associated charges?

Recommendation: Yes. The Commission should approve FPL's proposed URD tariffs and associated charges as shown in Attachment A of staff's memorandum dated July 25, 2019, effective September 5, 2019.

Issue 2: Should the Commission approve FPL's proposed UCD tariffs and associated charges?

Recommendation: Yes. The Commission should approve FPL's proposed UCD tariffs and associated charges as shown in Attachment B of staff's memorandum dated July 25, 2019, effective September 5, 2019.

Issue 3: Should this docket be closed?

Recommendation: If a protest is filed within 21 days of the issuance of the order, this tariff 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

7**PAA

Docket No. 20190107-EI – Petition for approval of commencement date for depreciation of AMI program assets, by Tampa Electric Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Clark

Staff: ECO: Higgins

AFD: Mouring, D. Smith, Cicchetti

ENG: Doehling

GCL: Brownless

Issue 1: Should the Commission approve TECO's requested accounting treatment related to its AMI meters?

Recommendation: Yes. Staff recommends that the Commission approve TECO's requested accounting treatment related to its AMI meters.

Issue 2: Should TECO continue recording depreciation expense on existing AMR meters during the term of the 2017 Settlement?

Recommendation: Yes. The continued depreciation of existing AMR meters is consistent with the 2017 Settlement.

Issue 3: 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 administratively closed upon the issuance of a consummating order.

ITEM NO.

CASE

8**

Docket No. 20190138-EC – Petition by Peace River Electric Cooperative, Inc. to establish temporary tariffs for customers previously served by Duke Energy Florida, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Draper, Guffey

GCL: J. Crawford

Issue 1: Should the Commission approve PRECO's request to establish temporary tariffs for customers previously served by DEF?

Recommendation: Yes, PRECO's temporary tariffs as shown in Attachment A of staff's memorandum dated July 25, 2019, should be approved. The proposed temporary tariffs are designed to help transition customers and are not unduly discriminatory under Rule 29-9.053(1)(d), F.A.C. At the end of the 3-year transition period (August 1, 2022) PRECO should withdraw the temporary tariffs.

Issue 2: Should this docket be closed?

Recommendation: 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**PAA

Docket No. 20190127-GU – Petition for approval of transportation service agreement with Florida Public Utilities Company by Peninsula Pipeline Company, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: ECO: Guffey, Coston

GCL: Simmons

Issue 1: Should the Commission approve the proposed Agreement between Peninsula and FPUC dated May 17, 2019?

Recommendation: Yes, the Commission should approve the proposed Agreement between Peninsula and FPUC dated May 17, 2019.

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

10**PAA

Docket No. 20190128-GU – Petition for approval of transportation service agreement with Florida Division of Chesapeake Utilities Corporation by Peninsula Pipeline Company, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: ECO: Guffey, Coston

GCL: Simmons

Issue 1: Should the Commission approve the proposed Agreement between Peninsula and CFG dated May 17, 2019?

Recommendation: Yes, the Commission should approve the proposed Agreement between Peninsula and CFG dated May 17, 2019.

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

11**PAA

Docket No. 20170147-WS – Application for staff-assisted rate case in Levy County by FIMC Hideaway, Inc.

Critical Date(s): August 6, 2019 (Pursuant to Order No. PSC-2019-0074-PAA-WS)

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: ECO: Sibley, Hudson

AFD: Brown, Wilson

ENG: King, Lewis

GCL: DuVal

Issue 1: Has FIMC Hideaway, Inc., complied with the requirements of Order No. PSC-2019-0074-PAA-WS?

Recommendation: Yes. FIMC, with the assistance of the Florida Rural Water Association (FRWA), has complied with the requirements of Order No. PSC-2019-0074-PAA-WS. Furthermore, based on the results of the customer meeting, staff recommends no additional action at this time with respect to FIMC's water quality.

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 administratively.

ITEM NO.

CASE

12**

Docket No. 20190133-WS – Application for approval of an 8" general service meter rate by Pluris Wedgefield, LLC.

Critical Date(s): 08/16/19 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Sibley, Hudson

GCL: Simmons

Issue 1: Should the utility's proposed tariffs containing the eight inch turbine general service meter be approved?

Recommendation: Yes. The utility's proposed tariffs as shown in Attachment A of staff's memorandum dated July 25, 2019, containing the eight inch turbine general service meter should be approved as filed because it is consistent with Rule 25-30.437(6), Florida Administrative Code (F.A.C.). The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475(1), F.A.C.

Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved, the tariff sheets should become effective on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475, F.A.C. If a protest is filed within 21 days of the issuance of the Order, the tariff should remain in effect with the revenues held subject to refund pending resolution of the protest and the docket should remain open. If no timely protest is filed, the docket should be closed upon the issuance of a Consummating Order.

ITEM NO.

CASE

13**PAA

Docket No. 20180013-PU – Petition to establish a generic docket to investigate and adjust rates for 2018 tax savings, by Office of Public Counsel.

Critical Date(s): None

Commissioners Assigned: Clark, Brown, Graham

Prehearing Officer: Clark

Staff: AFD: Cicchetti

GCL: Brownless

Issue 1: What is the appropriate disposition of the tax impacts resulting from the passage of the TCJA for WAW utilities that have income taxes included in their revenue requirement?

Recommendation: Of the 13 WAW utilities that have income taxes included in their revenue requirement and have filed their 2018 annual report, none are earning above their allowed rate of return range. No adjustments to base rates are necessary regarding the tax impacts resulting from the passage of the TCJA for these WAW utilities.

Issue 2: Should this docket be closed?

Recommendation: Yes. Upon expiration of the protest period, if a timely protest is not received from a substantially affected person, the decision should become final and effective upon issuance of the Consummating Order and this docket should be closed and separate dockets opened to address the tax impacts associated with the passage of the TCJA for Gold Coast Utility Corporation and St. James Island.

ITEM NO.

CASE

14**

Docket No. 20170086-SU – Investigation into the billing practices of K W Resort Utilities Corp. in Monroe County.

Critical Date(s): None

Commissioners Assigned: Brown, Polmann, Fay

Prehearing Officer: Brown

Staff: ECO: Ramos, Hudson

AFD: Fletcher, Norris, Sowards

APA: Deamer

GCL: Brownless, Schrader

Issue 1: Should the Commission approve the Stipulation and Settlement jointly filed by KW Resort Utilities Corporation and the Office of Public Counsel?

Recommendation: Yes.

Issue 2: Should KWRU's Offer of Settlement be approved?

Recommendation: Yes, if the Commission votes to approve Issue 1. If the Commission does not vote to approve Issue 1, this case should be set for hearing with appropriate modifications to the filing dates made in Order No. PSC-2019-0101-PCO-SU, Order Establishing Procedure.

Issue 3: Should this docket be closed?

Recommendation: Staff recommends that if the Commission approves both the Stipulation and Settlement and the KWRU Offer, and if no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of issuance of the order, this docket should be administratively closed upon the issuance of a consummating order. If the Commission does not approve both the Stipulation and Settlement and the KWRU Offer, this docket should remain open pending resolution at hearing.