BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In re: Consideration of the tax impacts associated with Tax Cuts and Jobs Act of 2017 for Duke Energy Florida, LLC. | DOCKET NO. 20180047-EI  ORDER NO. PSC-2019-0053-FOF-EI  ISSUED: February 1, 2019 |

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman

JULIE I. BROWN

GARY F. CLARK

APPEARANCES:

MATTHEW R. BERNIER, ESQUIRE, 106 East College Avenue, Suite 800, Tallahassee, Florida 32301, and DIANE M. TRIPLETT, ESQUIRE, 299 First Avenue North, St. Petersburg, Florida 33701

On behalf of Duke Energy Florida, LLC (DEF).

CHARLES J. REHWINKEL, ESQUIRE, Deputy Public Counsel, THOMAS A. DAVID, ESQUIRE, Associate Public Counsel, and J.R. KELLY, ESQUIRE, Public Counsel, Office of Public Counsel, c/o The Florida Legislature, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400

On behalf of the Citizens of the State of Florida (OPC).

JON C. MOYLE, JR. and KAREN PUTNAL, ESQUIRES, Moyle Law Firm, P.A., 118 North Gadsden Street, Tallahassee, Florida 32312

On behalf of the Florida Industrial Power Users Group (FIPUG).

Robert Scheffel Wright and John T. LaVia, III, ESQUIRES, Gardner, Bist, Bowden, Bush, Dee, LaVia & Wright, P.A., 1300 Thomaswood Drive, Tallahassee, Florida 32308

On behalf of the Florida Retail Federation (FRF).

JAMES W. BREW and LAURA A. WYNN, ESQUIRES, Stone Mattheis Xenopoulos & Brew, PC, 1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower, Washington, D.C. 20007

On behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (PCS PHOSPHATE or PCS) (Excused).

MARGO A. DUVAL and ADRIA E. HARPER, ESQUIRES, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

On behalf of the Florida Public Service Commission (Staff).

MARY ANNE HELTON, ESQUIRE, Deputy General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

Advisor to the Florida Public Service Commission.

KEITH C. HETRICK, ESQUIRE, General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

Florida Public Service Commission General Counsel.

FINAL ORDER APPROVING STIPULATED POSITIONS OF

DUKE ENERGY FLORIDA, LLC AND THE OFFICE OF PUBLIC COUNSEL

BY THE COMMISSION:

BACKGROUND

We opened Docket No. 20180047-EI on February 21, 2018, to consider the tax impacts affecting Duke Energy Florida, LLC (DEF) as a result of the passage of the Tax Cuts and Jobs Act of 2017. DEF submitted testimony and exhibits in support of its petition. The Office of Public Counsel (OPC) filed testimony and one exhibit in this docket as well.

On November 2, 2018, DEF and OPC filed a Joint Motion to Approve Stipulated Positions and Suspend Procedural Dates. In their motion, DEF and OPC requested that we approve their stipulated positions that resolved all issues in this docket. DEF and OPC further provided that the other parties to this proceeding, the Florida Industrial Power Users Group (FIPUG), the Florida Retail Federation (FRF), and White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (PCS Phosphate), took no position on the proposed stipulations and did not object to our approval of them.

By Order No. PSC-2018-0534-PCO-EI, the procedural schedule in this docket was suspended and an administrative hearing to consider the proposed stipulations was set for January 8, 2019.

We have jurisdiction over this matter by the provisions of Chapter 366, Florida Statutes (F.S.), including Sections 366.04, 366.05, and 366.06, F.S.

DECISION

The issues in this docket were presented to us as proposed stipulations between DEF and OPC, with all other parties taking no position, at the administrative hearing held on January 8, 2019. At that time, we accepted the parties’ prefiled testimony and exhibits, along with Commission staff’s exhibits, into the record. We further accept and approve the stipulations on all issues as being in the public interest, as we find they are reasonable and supported by competent, substantial evidence of record. The approved stipulations are appended to this Order as Attachment A.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the stipulations as set forth in Attachment A of this Order are hereby approved. It is further

ORDERED that Duke Energy Florida, LLC shall abide by the stipulations, findings, and rulings herein. It is further

ORDERED that this docket shall remain open to consider feedback from the Internal Revenue Service through the Private Letter Ruling regarding whether the treatment of excess accumulated deferred income taxes relating to the cost of removal/negative net salvage as unprotected is appropriate and until all true-ups and offsets are fully implemented pursuant to the 2017 Second Revised and Restated Settlement Agreement and the Implementation Stipulation regarding Tax Cuts and Jobs Act of 2017.

By ORDER of the Florida Public Service Commission this 1st day of February, 2019.

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|  | /s/ Adam J. Teitzman |
|  | ADAM J. TEITZMAN  Commission Clerk |

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413‑6770

www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

MAD

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

