

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Review of Storm Protection Plan, pursuant to Rule 25-6.030, F.A.C., Florida Power & Light Company

Docket No. 20220051-EI

Filed: July 13, 2022

**FLORIDA POWER & LIGHT COMPANY'S  
PREHEARING STATEMENT**

Florida Power & Light Company (“FPL”), by and through its undersigned counsel, hereby submits this Prehearing Statement pursuant to Order No. PSC-2022-0119-PCO-EI, and states:

**1. FPL WITNESSES**

**A. Direct Testimony**

<u>Witness</u>	<u>Subject Matter - Direct</u>	<u>Issue #</u>
Michael Jarro	<ul style="list-style-type: none"> <li>Provides an overview of FPL’s proposed 2023-2032 Storm Protection Plan (“2023 SPP”) and demonstrates that FPL’s 2023 SPP complies with Section 366.96, Florida Statutes (“F.S.”) and Rule 25-6.030, Florida Administrative Code (“F.A.C.”).</li> <li>Describes each program included in FPL’s 2023 SPP and how it is expected to achieve the legislative objectives codified in the Section 366.96, F.S., to protect and strengthen transmission and distribution (“T&amp;D”) infrastructure to reduce restoration costs and outage times to customers associated with extreme weather conditions.</li> <li>Describes the estimated start/completion dates, estimated costs, description of benefits, and criteria used to select and prioritize the projects in each program as required by Rule 25-6.030(3)(d), F.A.C.</li> <li>Describes the additional detail provided for the first three years of FPL’s 2023 SPP pursuant to Rule 25-6.030(3)(e)-(h), F.A.C.</li> </ul>	1(d)-6(d), 9, 10(d)

**B. Rebuttal Testimony**

<u>Witness</u>	<u>Subject Matter - Rebuttal</u>	<u>Issue #</u>
Michael Jarro	<ul style="list-style-type: none"> <li>Responds to certain portions of the direct testimonies submitted on behalf of intervenor Office of Public Counsel (“OPC”).</li> <li>Explains that, based on the reasoning set forth in the testimony of OPC witness Mara, it appears that OPC essentially agrees with eight of the programs included in FPL’s 2023 SPP; OPC proposes adjustments to only two existing SPP programs (the existing Substation Storm Surge Flood Mitigation Program and the existing Distribution Lateral Hardening Program); and OPC only opposes the three new SPP programs (Transmission Winterization Program,</li> </ul>	1(d)-6(d), 9, 10(d)

	<p>Distribution Winterization Program,<sup>1</sup> and Transmission Access Enhancement Program).</p> <ul style="list-style-type: none"> <li>• Responds to OPC’s assertion that the Florida Public Service Commission (“PSC” or the “Commission”) should convert this proceeding into a rulemaking proceeding and adopt and retroactively apply new cost-effectiveness criteria and standards to evaluate SPPs. Explains why such a position is contrary to Section 366.96, F.S., and Rule 25-6.030, F.A.C., and unnecessary.</li> <li>• Demonstrates that OPC’s contentions that the Commission should require further cost justification and storm damage assessment modeling for the programs included in FPL’s 2023 SPP are contrary to Section 366.96, F.S., and Rule 25-6.030, F.A.C., and unnecessary.</li> <li>• Responds to OPC’s contention that SPP programs must be limited to new programs or expansion of existing storm hardening activities. Explains why such a position is contrary to Section 366.96, F.S., and Rule 25-6.030, F.A.C., misapplies the requirement of the Storm Protection Plan Cost Recovery Clause (“SPPCRC”) Rule 25-6.031, F.A.C., to the SPP, and disregards that the issue of whether costs are recovered in base or the SPPCRC is a matter to be addressed in the SPPCRC proceeding.</li> <li>• Responds to OPC’s proposed adjustments to the Substation Storm Surge/Flood Mitigation Program. Explains why OPC’s proposal is not in the public interest and inconsistent with FPL’s 2020-2029 SPP agreed to by OPC.</li> <li>• Addresses OPC’s positions regarding the Distribution Lateral Hardening Program. Explains that OPC’s proposed qualitative adjustment is inconsistent with Section 366.96, F.S., and ignores the fact that the program is ramping up from a pilot to a permanent SPP program. Explains that OPC’s proposal will significantly reduce the number of customers that will directly benefit from the program.</li> <li>• Addresses OPC’s opposition regarding the proposed new Transmission Access Enhancement Program. Explains OPC’s position is contrary to Rule 25-6.030, F.A.C., and other utility SPP programs previously agreed to by OPC.</li> <li>• Responds to OPC’s opposition to the now withdrawn Transmission and Distribution Winterization Programs.<sup>2</sup></li> </ul>	
Liz Fuentes	<ul style="list-style-type: none"> <li>• Responds to OPC’s position regarding the calculation of the revenue requirements for the FPL 2023 SPP; and explains why OPC’s proposals to modify the revenue requirement should be rejected.</li> </ul>	1(d), 6(d)

<sup>1</sup> Note: On July 11, 2022, FPL formally withdrew both the Distribution Winterization Program and the Transmission Winterization Program in their entirety. Thus, OPC’s arguments and FPL’s rebuttal on the issue is moot.

<sup>2</sup> See footnote 1.

**2. EXHIBITS**

<u>Witness</u>	<u>Proffered By</u>	<u>Exhibit #</u>	<u>Description</u>	<u>Issue #</u>
Michael Jarro	FPL	Revised MJ-1 <sup>3</sup>	Florida Power & Light Company Revised 2023-2032 Storm Protection Plan dated July 13, 2022	1(d)-6(d), 9, 10(d)
Michael Jarro	FPL	MJ-2	FPL's Response to OPC Fourth Set of Interrogatories No. 50	1(d)-4(d)
Michael Jarro	FPL	MJ-3 <sup>4</sup>	FPL's Response to OPC's Fourth Set of Interrogatories No. 40	7 <sup>5</sup>
Michael Jarro	FPL	MJ-4 <sup>6</sup>	FPL's Response to OPC's Fifth Request for Production of Documents No. 33	7 <sup>7</sup>

In addition to the above pre-filed exhibits, FPL reserves the right to utilize any exhibit introduced by any other party. FPL additionally reserves the right to introduce any additional exhibit necessary for cross-examination or impeachment at the final hearing.

**3. STATEMENT OF BASIC POSITION**

Pursuant to Section 366.96, F.S., and Rule 25-6.030, F.A.C., FPL has proposed its 2023 SPP to reasonably achieve the legislative objectives of promoting the overhead hardening of electrical distribution and transmission facilities, the undergrounding of certain electrical distribution lines, and vegetation management to reduce restoration costs and outage times

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<sup>3</sup> Note: On July 11, 2022, FPL formally withdrew both the Distribution Winterization Program and the Transmission Winterization Program in their entirety. On July 13, 2022, FPL filed a Revised 2023 SPP (Revised Exhibit MJ-1) that reflects the withdrawal of these programs in their entirety.

<sup>4</sup> Exhibit MJ-3 attached to the rebuttal testimony of FPL witness Jarro pertains to the Distribution Winterization Program that was withdrawn on July 11, 2022.

<sup>5</sup> Staff's Issue No. 7 has been withdrawn.

<sup>6</sup> Exhibit MJ-4 attached to the rebuttal testimony of FPL witness Jarro pertains to the Distribution Winterization Program that was withdrawn on July 11, 2022.

<sup>7</sup> See footnote 5.

associated with extreme weather events. FPL's 2023 SPP is largely a continuation of the following programs included in the current 2020-2029 Storm Protection Plan (hereinafter, the "2020 SPP") that were agreed to by OPC in a Joint Motion for Approval of a Stipulation and Settlement Agreement ("2020 SPP Settlement") approved by Commission Order No. PSC-2020-0293-AS-EI:

- Distribution Inspection Program
- Transmission Inspection Program
- Distribution Feeder Hardening Program
- Distribution Lateral Hardening Program
- Transmission Hardening Program
- Distribution Vegetation Management Program
- Transmission Vegetation Management Program
- Substation Storm Surge/Flood Mitigation Program

The majority of the existing SPP programs have been in place since 2007 and have already demonstrated that they have provided and will continue to provide increased T&D infrastructure resiliency, reduced restoration times, and reduced restoration costs when FPL is impacted by extreme weather events as explained in Sections II and IV and Appendix A to FPL Revised Exhibit MJ-1. For certain existing SPP programs, FPL proposed limited modifications to further improve these programs and implement best practices as described in the direct testimony of FPL witness Jarro and FPL Revised Exhibit MJ-1. Notably, OPC, the only other party to file testimony in this case, has not opposed or challenged any of the specific modifications to FPL's existing SPP programs.

As part of the 2023 SPP, FPL also proposed to implement a new Transmission Access Enhancement Program. The new Transmission Access Enhancement Program will help ensure that FPL and its contractors have reasonable access to FPL's transmission facilities for repair and

restoration activities following an extreme weather event by targeting and addressing areas that become inaccessible due to flooding or saturated soils.

FPL's 2023 SPP includes estimated costs and a description of the benefits of the SPP programs and criteria to select and prioritize the SPP projects, as well as additional details for the first three years of the SPP. FPL's 2023 SPP also provides the estimated revenue requirements for each SPP program, and the estimated rate impact for the first three years of the SPP. FPL's 2023 SPP provides the information required by and is fully consistent with Rule 25-6.030, F.A.C. The Commission can use and compare all of the information it specifically required FPL to provide in the 2023 SPP to determine if, pursuant to Section 366.96(4)-(5), F.S., the programs and projects included in the 2023 SPP are in the public interest and should be approved.

As explained in the rebuttal testimony of FPL witness Jarro, OPC essentially agrees with eight (8) out of the nine (9) SPP programs included in the Revised 2023 SPP.<sup>8</sup> OPC witness Mara proposes adjustments to two of the existing SPP programs: the existing Substation Storm Surge/Flood Mitigation Program and the existing Distribution Lateral Hardening Program. OPC witness Mara also opposes the proposed new Transmission Access Enhancement Program.

FPL designed its SPP programs and prepared the 2023 SPP based on the requirements and standards prescribed in the Section 366.96, F.S., and Rule 25-6.030, F.A.C., that were in effect at the time FPL filed the 2023 SPP on April 11, 2022, and which remain in effect today. OPC, on the other hand, is asking the Commission to adopt a new cost-benefit analysis and establish a new cost-effectiveness threshold, and then retroactively apply those new requirements to the SPPs that were filed on April 11, 2022 to determine if they should be approved. There is nothing in Section

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<sup>8</sup> In its originally filed 2023 SPP, FPL proposed a total of eleven (11) programs that included the Transmission and Distribution Winterization Programs. The Transmission and Distribution Winterization Programs were withdrawn on July 11, 2022, and have been removed from the Revised 2023 SPP filed on July 13, 2022.

366.96, F.S., or Rule 25-6.030, F.A.C., that prescribes or requires a cost-benefit analysis or cost-effectiveness test for the SPP programs and projects. Instead, Rule 25-6.030(3)(d)(4), F.A.C., requires the SPP to include a “comparison” of the estimated costs and identified benefits for each SPP program, which FPL provided in the following portions of its SPP: Section II; the “Comparison of Costs and Benefits” included in each SPP program description in Section IV; and Appendix A of Revised Exhibit MJ-1. OPC is attempting to re-litigate the SPP Rule 25-6.030, F.A.C., approved by this Commission and add new standards and criteria that are clearly not prescribed by the Rule. There is a serious question whether OPC’s request that the Commission adopt new standards and criteria outside a proper rulemaking proceeding and then retroactively apply such standards and criteria to the SPPs filed on April 1, 2022 violates Section 120.54, F.S.,<sup>9</sup> as well as the principles of fairness and due process.

OPC also contends that the benefits of the SPP programs must be quantified and monetized in order to meet the requirements of the SPP Rule. OPC is, once again, attempting to re-litigate the SPP Rule 25-6.030, F.A.C., approved by this Commission and improperly add new requirements that do not exist today. There is nothing in either Section 366.96, F.S., or Rule 25-6.030, F.A.C., that prescribes that the benefits of SPP programs must be quantified or monetized as suggested by the OPC witnesses. Rather, subparts (3)(b) and (3)(d)(1) of Rule 25-6.030, F.A.C., expressly provide that the SPP must include a “description” of the benefits of the SPP programs. Further, OPC focuses only on program costs and savings in restoration costs (*i.e.*, a strictly

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<sup>9</sup> See Section 120.54(1)(b), F.S. (“Whenever an act of the Legislature is enacted which requires implementation of the act by rules of an agency within the executive branch of state government, such rules shall be drafted and formally proposed as provided in this section within the times provided in s. 120.74(4) and (5)”); *see also* Section 120.54(1)(f), F.S. (“An agency may adopt rules authorized by law and necessary to the proper implementation of a statute prior to the effective date of the statute, but the rules may not be effective until the statute upon which they are based is effective. An agency may not adopt retroactive rules, including retroactive rules intended to clarify existing law, unless that power is expressly authorized by statute.”).

quantitative analysis), and completely ignores the qualitative component required by both Section 366.96, F.S., and Rule 25-6.030, F.A.C. -- reduction in outage times associated with extreme weather conditions. Further, OPC's request that outages times should be monetized disregards the simple fact that the value individual customers or communities place on reduced outage times cannot be accurately or uniformly quantified, and any such analyses are necessarily dependent on several highly variable factors and could include a very wide range of subjective economic factors. As required by Rule 25-6.030, F.A.C., FPL has provided a "description" of the benefits for all the programs in FPL's 2023 SPP in Sections II and IV and Appendix A to Revised Exhibit MJ-1 -- in some cases these benefits are qualitative and in others they are quantitative.

In further support of its contention that the SPP benefits should be quantified, OPC proposes that FPL use its Storm Damage Model to quantify the benefits of the programs included in FPL's 2023 SPP. The problem with this approach is that FPL's Storm Damage Model does not readily lend itself to model future SPP programs as proposed by OPC. Beyond year one of the SPP (2023), the project level detail has not been determined; meaning FPL does not at this time know which specific projects will be completed each year or where they will be located for the entire 2023-2032 SPP period. Further, FPL's Storm Damage Model is only used for major storms with a forecast track provided by the National Hurricane Center and, therefore, it would not account for any other types of extreme weather conditions, as well as any associated reductions in restoration costs and outage times. For these reasons, FPL's Storm Damage Model is not appropriate to model future savings from future SPP projects during unknown future extreme weather events.

OPC further recommends that only new or expanded storm hardening programs qualify for inclusion in the SPP. There is nothing in either Section 366.96, F.S., or Rule 25-6.030, F.A.C., that limit SPP programs to only new or expanded storm hardening programs as suggested by OPC.

OPC is again attempting to re-litigate the Commission's approval of the SPP Rule 25-6.030, F.A.C., and improperly add a new requirement that does not apply to the review of SPPs. Indeed, OPC's proposal misconstrues and incorrectly seeks to expand and apply the limitation in Section 366.96, F.S., and the SPPCRC Rule 26-6.031, F.A.C., -- that SPP costs cannot be recovered in both base and clause rates -- to the Commission's review of SPPs. The issue of whether SPP costs are incremental or being recovered in base rates is an issue to be addressed in the SPPCRC proceedings. *See* Order No. PSC-2020-0162-PCO-EI, issued May 18, 2020, Docket No. 20200070-EI.

With respect to the Storm Surge/Flood Mitigation Program included in FPL's 2023 SPP, OPC recommends that substations with alternate feeds or no history of flooding should be excluded from the program. OPC's recommendation, however, completely overlooks that the Storm Surge/Flood Mitigation Program included in FPL's 2023 SPP is the same program that was included in FPL's current 2020 SPP previously approved by Commission Order No. PSC-2020-0293-AS-EI. FPL has not added new or additional substations to the Storm Surge/Flood Mitigation Program previously approved as part of the 2020 SPP, and OPC has not offered any reason why it is now no longer in the public interest to complete these same substations as part of the 2023 SPP. Further, all four substations included in FPL's 2023 SPP do, in fact, have a history of storm surge or flooding, and OPC's recommendation to exclude substations with alternate feeds fails to account for the fact that an adjacently tied substation cannot necessarily pick up and support the entire electric load from a de-energized substation. For these reasons, OPC's recommended adjustments to the Storm Surge/Flood Mitigation Program should be rejected.

Notably, OPC does not propose that the Distribution Lateral Hardening Program be rejected, nor does OPC oppose FPL's new overhead hardening protocols or the addition of the Management Region selection approach in 2025. Rather, OPC proposes an adjustment to the



Distribution Lateral Hardening Program in order for the capital cost per customer to remain similar to the combined 2020 SPPs approved for FPL and the former Gulf Power Company (“Gulf Power”). Specifically, OPC proposes to cap the annual budget to \$606 million beginning in 2025, which results in a total ten-year budget reduction of approximately \$3.4 billion. OPC’s qualitative adjustment overlooks that the Distribution Lateral Hardening Program was initially deployed as a pilot program through 2022 and, as part of the 2023 SPP, FPL is seeking to ramp up and deploy the Distribution Lateral Hardening Program as a full-scale permanent SPP program throughout its consolidated FPL service area. The ramp up in the number of laterals to be completed each year under the Distribution Lateral Hardening Program is due primarily to the inclusion of the former Gulf Power service area, the significant number of laterals that remain to be hardened, the strong local support and interest in the program, and the addition of the Management Region selection approach in 2025, which selection approach was not specifically opposed or challenged by OPC. OPC’s proposed adjustment will reduce the number of laterals to be completed each year and delay when customers will receive the direct benefits of the Distribution Lateral Hardening Program, which is inconsistent with the intent and purpose of Section 366.96, F.S., as well as OPC’s own testimony. For these reasons, OPC’s proposed adjustment to the Distribution Lateral Hardening Program should be rejected.

With respect to OPC’s objection to FPL’s proposed new Transmission Access Enhancement Program, FPL is not proposing to simply maintain existing roads, rights of way, bridges, and culverts for purposes of accessing transmission facilities for day-to-day maintenance and vegetation management activities as suggested by OPC. Rather, the purpose of the Transmission Access Enhancement Program is to ensure that FPL has proper access to repair its transmission facilities following an extreme weather event by targeting and addressing areas that become inaccessible due to flooding or saturated soils. Notably, a transmission-related outage can

result in an outage affecting tens of thousands of customers and may cause a cascading event that could result in loss of service for hundreds of thousands of customers. The Transmission Access Enhancement Program will allow FPL and its contractors to quickly address such transmission outages following an extreme weather event, which would result in a reduction of outage times for tens of thousands to hundreds of thousands of customers following an extreme weather event. FPL's proposed Transmission Access Enhancement Program is consistent with Rule 25-6.030(2)(b), F.A.C., and was modeled after a similar program agreed to by OPC in a settlement agreement approved by Commission Order No. PSC-2020-0293-AS-EI. Accordingly, FPL's proposed Transmission Access Enhancement Program should be approved as filed.

OPC's concerns and recommendations regarding the revenue requirement calculations reflected in FPL's 2023 SPP should be rejected. OPC fails to recognize that Rule 25-6.030, F.A.C., does not define how the revenue requirements are to be calculated for the SPP. Further, the revenue requirement calculations required under Rule 25-6.030, F.A.C., are not intended to be precise calculations used to set base rates or cost recovery clause rates but, rather, are reasonable estimates based on the projected costs and expenses for the SPP programs reflected in FPL's 2023. OPC also overlooks that the revenue requirements included in the 2023 SPP do not distinguish whether SPP costs or expenses will be requested for recovery through base rates versus SPPCRC, nor are they required to under Rule 25-6.030, F.A.C. OPC's recommendations and proposals regarding the calculation of the revenue requirements and rates for the SPP costs should be addressed in the applicable SPPCRC or base rate proceeding when FPL seeks recovery of those costs.

OPC's proposal that FPL's 2023 SPP should incorporate operations and maintenance ("O&M") savings and reductions in depreciation expense from retired plant resulting from its SPP projects is, once again, improperly attempting to add a new requirement that is not prescribed by

Section 366.96, F.S., or Rule 25-6.030, F.A.C. The actual SPP costs, and associated revenue requirements and rates, are reviewed and set in the applicable SPPCRC or base rate proceedings, which would include any O&M savings or reductions to depreciation expense resulting from retired plant.

Finally, OPC's concern regarding the inclusion of Construction Work in Progress ("CWIP") in the calculation of FPL's 2023 SPP revenue requirements ignores the requirements of the Allowance for Funds Used During Construction ("AFUDC") Rule 25-6.0141, F.A.C. OPC's proposal also ignores the fact that FPL's SPP projects do not qualify for accrual of AFUDC and, therefore, FPL has included CWIP associated with these projects in its calculation of revenue requirements in the 2023 SPP. This treatment is consistent with the SPP projects previously presented for recovery through FPL's SPPCRC and approved by the Commission. Again, OPC's recommendations regarding the inclusion of CWIP in the calculation of the revenue requirements for the SPP costs should be addressed in the applicable SPPCRC or base rate proceeding when FPL seeks recovery of those costs.

For all the reasons discussed above, and as explained in more detail in the direct and rebuttal testimonies provided by FPL witness Jarro and rebuttal testimony of FPL witness Fuentes, FPL's proposed 2023 SPP is in the public interest and should be approved. FPL's proposed 2023 SPP complies with the requirements and objectives of Section 366.96, F.S., complies with Rule 25-6.030, F.A.C., and provides a systematic approach to achieve the legislative objectives of reducing restoration costs and outage times associated with extreme weather events.

#### **4. STATEMENT OF ISSUES AND POSITIONS**

##### **A. STAFF'S ISSUES**

Issue No. 1(d): Does the Company's Storm Protection Plan contain all of the elements required by Rule 25-6.030, Florida Administrative Code?

**FPL Position:** Yes. FPL's 2023 SPP includes all of the information required by Rule 25-6.030(3), F.A.C. OPC seeks to re-litigate Rule 25-6.030, F.A.C., approved by the Commission and improperly add new requirements outside a proper rulemaking proceeding and retroactively apply those standards to FPL's 2023 SPP filed on April 11, 2022, which violates the provisions of Section 120.54, F.S.,<sup>10</sup> as well as the principles of fairness and due process. (*FPL witnesses Jarro and Fuentes*)

Issue No. 2(d): To what extent is the Company's Storm Protection Plan expected to reduce restoration costs and outage times associated with extreme weather events and enhance reliability?

**FPL Position:** FPL has demonstrated in Sections II and IV, and Appendix A of Revised Exhibit MJ-1 that each of its SPP programs have and will continue to provide increased T&D infrastructure resiliency, reduced outage times, and reduced restoration costs when FPL's system is impacted by extreme weather conditions. Importantly, these benefits include both quantitative and qualitative components consistent with Section 366.96, F.S., and Rule 25-6.030, F.A.C. FPL's 2023 SPP is largely a continuation of the programs included in the current 2020 SPP that were agreed to by OPC in the 2020 SPP Settlement approved by Commission Order No. PSC-2020-0293-AS-EI. The majority of FPL's existing SPP programs have been in place since 2007 and have already demonstrated that they have provided and will continue to provide increased T&D infrastructure resiliency, reduced restoration times, and reduced restoration costs when FPL is impacted by extreme weather events. As part of the 2023 SPP, FPL also proposes to implement a new

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<sup>10</sup> See footnote 9.

Transmission Access Enhancement Program. The new Transmission Access Enhancement Program will help ensure that FPL and its contractors have reasonable access to FPL's transmission facilities for repair and restoration activities following an extreme weather event. The existing and new SPP programs included in FPL's 2023 SPP are appropriate and necessary to meet the requirements of Section 366.96, F.S., and Rule 25-6.030, F.A.C. FPL submits that the existing and new SPP programs will collectively provide increased resiliency and faster restoration to the electric infrastructure that FPL's 5.7 million customers and Florida's economy rely on for their electricity needs. The 2023 SPP will continue and expand the benefits of storm hardening to all customers throughout FPL's system. (*FPL witness Jarro*)

Issue No. 3(d): To what extent does the Company's Storm Protection Plan prioritize areas of lower reliability performance?

**FPL Position:** FPL's 2023 SPP prioritizes areas of lower reliability performance. A description of the criteria used to select and prioritize storm protection projects is included in the description of each SPP program provided in Section IV of Revised Exhibit MJ-1. FPL has selected, prioritized, and deployed all of its historical storm hardening programs in a deliberate and effective manner over the past sixteen years and FPL is employing this same approach for its 2023 SPP programs. (*FPL witness Jarro*)

Issue No. 4(d): To what extent is the Company's Storm Protection Plan regarding transmission and distribution infrastructure feasible, reasonable, or practical in certain areas of the Company's service territory, including, but not limited to, flood zones and rural areas?

**FPL Position:** As explained in Section II of Revised Exhibit MJ-1, FPL has not identified any areas of its service territory where its SPP programs would not be feasible, reasonable,

or practical. While all of FPL's SPP programs are system-wide initiatives, annual activities are prioritized based on certain factors such as last inspection date, last trim date, reliability performance, and efficient resource utilization. At this time, there is no area specifically targeted or prioritized for enhanced performance based on its geographical location. However, starting in 2025, FPL proposes to add a new Management Region selection approach to its Distribution Lateral Hardening Program to target and prioritize areas of highest risk of hurricane impacts, highest concentration of customers, and areas that would require significant transit for out of state crews during an extreme weather restoration event. The criteria and factors used to select and prioritize projects within each SPP program are provided in Section IV of Revised Exhibit MJ-1. (*FPL witness Jarro*)

Issue No. 5(d): What are the estimated costs and benefits to the Company and its customers of making the improvements proposed in the Storm Protection Plan?

**FPL Position:** The estimated costs for each SPP program, including the estimated annual capital costs and operating expenses, are provided in Section IV and Appendix C of Revised Exhibit MJ-1. Each of the SPP programs included in FPL's 2023 SPP have and will continue to provide increased T&D infrastructure resiliency, reduced outage times, and reduced restoration costs when FPL's system is impacted by extreme weather events. The estimate of cumulative reductions in restoration costs and outage times associated with the 2023 SPP will be directly affected by how frequently FPL's service areas is impacted by extreme weather events. Of course, no one can predict with certainty how frequently FPL's service territory will be impacted by strong hurricanes or extreme cold temperatures. However, consistent with historical results, FPL expects that the programs included in the 2023 SPP will result in a reduction of restoration costs and outage times associated with

extreme weather events. Consistent with subparts (3)(a), (3)(b), and (3)(d)(1) of Rule 25.6.030, F.A.C., a description the benefits of FPL’s 2023 SPP is provided in Section II of the SPP, and the benefits of each program are provided in Section IV of Revised Exhibit MJ-1. (FPL witness Jarro)

Issue No. 6(d): What is the estimated annual rate impact resulting from implementation of the Company’s Storm Protection Plan during the first 3 years addressed in the plan?

**FPL Position:** As provided in Section VII of Revised Exhibit MJ-1, the estimated rate impacts for FPL’s typical residential, commercial, and industrial customers for the first three years of the Revised 2023 SPP (2023-2025) are as follows:

Customer Class	2023	2024	2025
Residential (RS-1) (\$/kWh)	\$0.00431	\$0.00604	\$0.00771
Commercial (GSD-1) (\$/kW)	\$0.73	\$1.03	\$1.33
Industrial (GSLDT-3) (\$/kW)	\$0.10	\$0.14	\$0.17

These rate impacts are for all programs included in the Revised 2023 SPP and are based on the total estimated costs as of the time of this filing, which could vary by as much as 10% to 15%, and does not distinguish which costs would be recovered in the SPPCRC and base rates. The amount of FPL’s proposed SPP costs to be included in its SPPCRC rates, including projected costs, actual/estimated costs, actuals costs, and true-up of actual costs, will all be addressed in subsequent filings in SPPCRC dockets pursuant to Rule 25-6.031, F.A.C. (FPL witnesses Jarro and Fuentes)

Issue No. 7: Should the Commission approve, approve with modification, or deny FPL’s new Distribution Winterization Program?

**FPL Position:** The Distribution Winterization Program was withdrawn on July 11, 2022, and therefore this issue is moot.

Issue No. 8: Should the Commission approve, approve with modification, or deny FPL's new Transmission Winterization Program?

**FPL Position:** The Transmission Winterization Program was withdrawn on July 11, 2022, and therefore this issue is moot.

Issue No. 9: Should the Commission approve, approve with modification, or deny FPL's new Transmission Access Enhancement Program?

**FPL Position:** The Commission should approve FPL's new Transmission Access Enhancement Program without modification. A transmission-related outage can result in an outage affecting tens of thousands to hundreds of thousands of customers. In parts of FPL's service area, transmission facilities are located in areas that are not readily accessible for repair/restoration following an extreme weather event, such as low-lying areas, areas prone to severe flooding, or areas with saturated soils. When these facilities are impacted during a storm, they frequently can only be accessed for restoration using specialized equipment, which often has limited availability during storm events and is typically a higher cost than traditional equipment. FPL's proposed Transmission Access Enhancement Program will focus on developing access roads, bridges, and culverts at targeted transmission facilities to ensure they are accessible after an extreme weather event. The Transmission Access Enhancement Program will reduce the need and associated costs for specialized equipment and allow FPL and its contractors to quickly address such outages following an extreme weather event, which would result in a reduction of outage times for tens of thousands to hundreds of thousands of customers following an extreme weather event. OPC's objection to the Transmission Access Enhancement Program is based on the incorrect contention that the purpose of the program is to maintain access and



rights-of-way for day-to-day maintenance activities, which it is not. FPL's proposed Transmission Access Enhancement Program is consistent with Rule 25-6.030(2)(b), F.A.C., and was modeled after a similar program agreed to by OPC in a settlement approved by Commission Order No. PSC-2020-0293-AS-EI. Accordingly, FPL's proposed Transmission Access Enhancement Program should be approved as filed. (*FPL witness Jarro*)

Issue No. 10(d): Is it in the public interest to approve, approve with modification, or deny the Company's Storm Protection Plan?

**FPL Position:** Yes. FPL's Revised 2023 SPP meets the objectives of Section 366.96, F.S., satisfies the requirements of Rule 25-6.030, F.A.C., is in the public interest, and should be approved without modification. Safe and reliable electric service is essential to the life, health, and safety of the public and has become a critical component of modern life. While no electrical system can be made completely resistant to the impacts of hurricanes and other extreme weather conditions, the programs included in the Revised 2023 SPP will collectively provide increased resiliency and faster restoration to the electric infrastructure that FPL's 5.7 million customers and Florida's economy rely on for their electricity needs. FPL's Revised 2023 SPP provides a systematic approach to achieve the legislative objectives of reducing restoration costs and outage times associated with extreme weather events and enhancing reliability. FPL's Revised 2023 SPP appropriately and effectively maintains and builds on FPL's commitment to provide safe and reliable electric service to customers, consistent with the needs and expectations of FPL's customers, and should be approved. (*FPL witness Jarro*)

Issue No. 11(d): Should this docket be closed?

**FPL Position:** Yes. This docket should be closed upon the issuance of an appropriate order approving FPL's Revised 2023 SPP without modification.

## **B. CONTESTED ISSUES**

OPC Revised

Issue No. 1:

Does the Company's Storm Protection Plan contain all of the elements, including but not limited to, a comparison of the costs and dollar benefits, required by Rule 25-6.030, Florida Administrative Code?

**FPL Position:** FPL objects to the inclusion of OPC's Revised Issue No. 1. OPC's proposed revisions to Issue No. 1 are not neutral to all parties and, instead, improperly suggest that the Commission and parties have already accepted OPC's contested position that Section 366.96, F.S., and Rule 25-6.030, F.A.C., require the benefits from the SPP programs to be quantified and monetized. There is nothing in either Section 366.96, F.S., or Rule 25-6.030, F.A.C., that require the benefits from the SPP programs to be quantified and monetized. Indeed, the SPP Rule expressly provides that the SPP must include a "description" of the benefits of the SPP programs. *See* Rule 25-6.030(3)(b), F.A.C. ("For each Storm Protection Plan, the following information must be included.... (b) A *description* of how the proposed Storm Protection Plan will reduce restoration costs and outage times associated with extreme weather conditions" (emphasis added)); *see also* Rule 25-6.030(3)(d)(1), F.A.C. ("A *description* of each proposed storm protection program that includes: (1) A description of how each proposed storm protection program is designed to enhance the utility's existing transmission and distribution facilities including an estimate of the resulting reduction in outage times and restoration costs due to extreme weather events" (emphasis added)). OPC's proposed revisions to Issue No. 1 are improperly

attempting to add a new requirement to Rule 25-6.030, F.A.C., outside of a rulemaking proceeding and then retroactively apply this new requirement to the SPPs filed on April 11, 2022. OPC's request violates Section 120.54, F.S.,<sup>11</sup> as well as the principles of fairness and due process.

Further, to the extent that OPC seeks to address whether the SPPs filed on April 11, 2022 contain a comparison of the costs and benefits of each SPP program, such issue is subsumed in Staff's proposed Issues Nos. 1 and 5.

For these reasons, OPC's proposed revisions to Issue No. 1 should be rejected.

OPC Revised  
Issue No. 2:

To what extent, and by how much, is are each of the Company's Storm Protection Plan programs and projects expected to reduce restoration costs and outage times associated with extreme weather events ~~and enhance~~ reliability?

**FPL Position:** For the reasons stated in FPL's position in response to OPC Revised Issue No. 1, which are fully incorporated as if fully set forth herein, FPL objects to the inclusion of OPC's Revised Issue No. 2. Further, to the extent that OPC wants to address the amount (how much) of benefits identified for each SPP program, such issue is subsumed in Staff's proposed Issue Nos. 2 and 5. For these reasons, OPC's proposed revisions to Issue No. 2 should be rejected.

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<sup>11</sup> See footnote 9.

OPC Revised  
Issue No. 5:

What are the estimated costs and dollar benefits to the Company and its customers of ~~making the improvements proposed in~~ the Storm Protection Plan programs and projects?

**FPL Position:** For the reasons stated in FPL’s position in response to OPC Revised Issue No. 1, which are fully incorporated as if fully set forth herein, FPL objects to the inclusion of OPC’s Revised Issue No. 5. Further, to the extent that OPC wants to address whether the SPPs include estimated costs and benefits, such issue is subsumed in Staff’s proposed Issue No. 5. For these reasons, OPC’s proposed revisions to Issue No. 5 should be rejected.

OPC Revised  
Issue No. 6:

What ~~is~~ are the estimated annual rate impacts resulting from implementation of the Company’s Storm Protection Plan during the first 3 years addressed in the plan, and are those impacts properly calculated?

**FPL Position:** FPL objects to the inclusion of OPC’s Revised Issue No. 6. To the extent that OPC wants to address whether the rate impacts have been calculated properly, such issue is fully subsumed in Staff’s proposed Issue No. 6 without modification. For this reason, OPC’s proposed revisions to Issue No. 6 should be rejected.

OPC Proposed New  
Issue No. A:

Are the Company’s Storm Protection Plan programs and projects new or expansions of existing activities that are incremental, and are the programs designed specifically for the purpose of reducing restoration costs and outage times?

- a. Docket No. 20220048-EI for TECO’s Storm Protection Plan.
- b. Docket No. 20220049-EI for FPUC’s Storm Protection Plan.
- c. Docket No. 20220050-EI for DEF’s Storm Protection Plan.
- d. Docket No. 20220051-EI for FPL’s Storm Protection Plan.

**FPL Position:** FPL objects to the inclusion of OPC’s Proposed New Issue No. A. OPC’s Proposed New Issue No. A is not neutral to all parties and, instead, improperly suggests

that the Commission and parties have already accepted OPC's contested position that Section 366.96, F.S., and Rule 25-6.030, F.A.C., require the programs must be new or expansions of existing storm hardening activities in order to be included in the SPP. Although Section 366.96(8), F.S., and Rule 25-6.031, F.A.C., both provide a limitation on the recovery of SPP costs to ensure that there is no double recovery in both base and clause rates,<sup>12</sup> it does not limit SPP programs to only new or expanded storm hardening programs as suggested by OPC's Proposed New Issue No. A. Indeed, there is nothing in either Section 366.96, F.S., or Rule 25-6.030, F.A.C., that limits SPP programs to only new or expanded storm hardening programs. Thus, OPC's Proposed New Issue No. A is improperly attempting to add a new requirement to Rule 25-6.030, F.A.C., outside of a rulemaking proceeding and then retroactively apply this new requirement to the SPPs filed on April 11, 2022. OPC's request violates Section 120.54, F.S.,<sup>13</sup> as well as the principles of fairness and due process.

Further, to the extent OPC wants to address the issue of whether SPP costs are incremental or being recovered in base rates, that is an issue to be addressed in the SPPCRC proceeding. *See* Commission Order No. PSC-2020-0162-PCO-EI in Docket No. 20200071-EI.

For these reasons, OPC's Proposed New Issue No. A should be rejected as an issue in this proceeding.

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<sup>12</sup> *See* Section 366.96(8), F.S. (provides that "annual transmission and distribution storm protection plan costs may not include costs recovered through the public utility's base rates"); *see also* Rule 25-6.031(6)(b), F.A.C. (provides that costs recoverable through the SPPCRC "shall not include costs recovered through the utility's base rates or any other cost recovery mechanisms").

<sup>13</sup> *See* footnote 9.

OPC Proposed New  
Issue No. B:

What decision criteria, including economic, did the Company use to qualify, rank (select), and determine the magnitude (optimal and/or maximum levels and timing of capital expenditures and expenses) of the Company's Storm Protection Plan programs and projects, and are these criteria reasonable and properly applied for the purposes of mitigating outage times and restoration costs of extreme storms?

- a. Docket No. 20220048-EI for TECO's Storm Protection Plan.
- b. Docket No. 20220049-EI for FPUC's Storm Protection Plan.
- c. Docket No. 20220050-EI for DEF's Storm Protection Plan.
- d. Docket No. 20220051-EI for FPL's Storm Protection Plan.

**FPL Position:** FPL objects to the inclusion of OPC's Proposed New Issue No. B. OPC's Proposed New Issue No. B is not neutral to all parties and, instead, improperly suggests that the Commission and parties have already accepted OPC's contested position that Section 366.96, F.S., and Rule 25-6.030, F.A.C., require the SPP prioritization and selection criteria to be based on a cost-benefit or economic threshold. There is nothing in Section 366.96, F.S., or Rule 25-6.030, F.A.C., that prescribes or requires a cost-benefit analysis or cost-effectiveness test for the SPP program selection and prioritization criteria. Instead, Rule 25-6.030(3)(c), F.A.C., requires a description of the utility's service areas that have been prioritized and Rule 25-6.030(3)(d)(5) requires a description of the criteria used to select and prioritize the SPP programs. OPC's Proposed New Issue No. B is improperly attempting to add a new requirement to Rule 25-6.030, F.A.C., outside of a rulemaking proceeding and then retroactively apply this new requirement to the SPPs filed on April 11, 2022. OPC's request violates Section 120.54, F.S.,<sup>14</sup> as well as the principles of fairness and due process.

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<sup>14</sup> See footnote 9.

Further, to the extent that OPC wants to address the selection and prioritization criteria for the SPP programs, such issues are subsumed under Staff's proposed Issue No. 3.

For these reasons, OPC's Proposed New Issue No. B should be rejected as an issue in this proceeding.

OPC Proposed New Issue No. C:

Are the Company's Storm Protection Plan programs and projects prudent and reasonable and are the costs reasonable?

- a. Docket No. 20220048-EI for TECO's Storm Protection Plan.
- b. Docket No. 20220049-EI for FPUC's Storm Protection Plan.
- c. Docket No. 20220050-EI for DEF's Storm Protection Plan.
- d. Docket No. 20220051-EI for FPL's Storm Protection Plan.

**FPL Position:** FPL objects to the inclusion of OPC's Proposed New Issue C on the basis that it is irrelevant to and unnecessary for this proceeding. The reasonable and prudent standard of review suggested by OPC's Proposed New Issue No. C applies to petitions for recovery of SPP costs after the SPP has approved. *See* Section 366.96(7), F.S. ("The commission shall conduct an annual proceeding to determine the utility's prudently incurred transmission and distribution storm protection plan costs and allow the utility to recover such costs through a charge separate and apart from its base rates, to be referred to as the storm protection plan cost recovery clause."); *see also* Rule 25-6.031(3), F.A.C. ("annual hearing to address petitions for recovery of Storm Protection Plan costs will be limited to determining the reasonableness of projected Storm Protection Plan costs, the prudence of actual Storm Protection Plan costs incurred by the utility, and to establish Storm Protection Plan cost recovery factors consistent with the requirements of this rule"). The statutory standard of review for SPPs is based on consideration of expressly enumerated factors in Section 366.96(4), F.S., which include whether the Commission

finds that the estimated rate impacts are reasonable considering the expected reduction in restoration costs and outage times, prioritization, feasibility, and estimated costs associated with the SPP programs. OPC's Proposed New Issue C improperly suggests that the Commission and parties have agreed to something they cannot do without legislative approval -- modify the statutory standard of review applicable to SPPs.

To the extent that OPC wants to address the reasonableness and prudence of the SPP programs and costs, the appropriate forum to do so in the applicable SPPCRC or base rate proceedings when FPL seeks recovery of the SPP costs. Indeed, the Commission has previously explained that "even if the Commission approves FPL's SPP as in the public interest, the cost estimates are not correspondingly 'approved.' The Commission will have the opportunity to scrutinize and allow or disallow cost recovery of FPL's actual costs in the SPPCRC proceeding." Order No. PSC-2020-0162-PCO-EI, issued May 18, 2020, Docket No. 20200070-EI.

For these reasons, OPC's Proposed New Issue No. C should be rejected as an issue in this proceeding.

**OPC Proposed New**

**Issue No. D:**

Should a return on CWIP be included in the Company's annual rate impacts or deferred and included in the rate impacts only after a project is completed and determined to be prudent?

- a. Docket No. 20220048-EI for TECO's Storm Protection Plan.
- b. Docket No. 20220049-EI for FPUC's Storm Protection Plan.
- c. Docket No. 20220050-EI for DEF's Storm Protection Plan.
- d. Docket No. 20220051-EI for FPL's Storm Protection Plan.

**FPL Position:** FPL objects to the inclusion of OPC's Proposed New Issue No. D. Rule 25-6.030(3)(g), F.A.C., provides that the SPP must include an "estimate of the annual jurisdictional revenue requirements for each year of the Storm Protection Plan" and Rule



25-6.030(3)(h), F.A.C., provides that the SPP must include an “estimate of the rate impacts for each of the first three years of the Storm Protection Plan.” To the extent that OPC wants to address whether these estimates should include a return on CWIP, such issue is subsumed in Staff’s proposed Issue No. 6. Moreover, whether the SPP revenue requirements and associated rates should include a return on CWIP is an issue that should be addressed when the actual SPP costs are presented for recovery from customers in the annual SPPCRC proceeding or applicable base rate proceeding. For these reasons, OPC’s Proposed New Issue No. D should be rejected as an issue in this proceeding.

**OPC Proposed New  
Issue No. E:**

Should credits be reflected in the Company’s annual rate impacts for savings in depreciation on base rate assets that are retired when replaced with SPP project assets and savings in base rate operation and maintenance and other operating expenses that are avoided due to SPP programs and projects?

- a. Docket No. 20220048-EI for TECO’s Storm Protection Plan.
- b. Docket No. 20220049-EI for FPUC’s Storm Protection Plan.
- c. Docket No. 20220050-EI for DEF’s Storm Protection Plan.
- d. Docket No. 20220051-EI for FPL’s Storm Protection Plan.

**FPL Position:** FPL objects to the inclusion of OPC’s Proposed New Issue E. OPC’s Proposed New Issue No. E is not neutral to all parties and, instead, improperly suggests that the Commission and parties have already accepted OPC’s contested position that Section 366.96, F.S., and Rule 25-6.030, F.A.C., require the SPP to reflect O&M savings and reductions in depreciation expense from retired plant resulting from the SPP projects. Rule 25-6.030, F.A.C., does not require the SPPs to incorporate any O&M savings or reduction in depreciation expense in the calculation of the SPP revenue requirements and rate impacts. Thus, OPC’s Proposed New Issue E is improperly attempting to add a new requirement to Rule 25-6.030, F.A.C., outside of a rulemaking proceeding and then

retroactively apply this new requirement to the SPPs filed on April 11, 2022. OPC's request violates Section 120.54, F.S.,<sup>15</sup> as well as the principles of fairness and due process.

Further, as previously explained in FPL's response to OPC's Proposed New Issue D, which is incorporated as if fully set forth herein, FPL's SPP revenue requirements represent reasonable estimates based on the costs and expenses for the SPP programs reflected in FPL's 2023 SPP and are not used for ratemaking purposes. Rather, the actual SPP costs, and associated revenue requirements and rates, are reviewed and set in the applicable SPPCRC or base rate proceedings, which would include any O&M savings or reductions to depreciation expense resulting from retired plant. Further, there is nothing in Section 366.96, F.S., Rule 25-6.030, F.A.C., or Rule 25-6.031, F.A.C., that authorizes, directs, or suggests that the SPP or SPPCRC proceedings should be used to reopen or reset base.

For these reasons, OPC Proposed New Issue No. E should be rejected as an issue in this proceeding.

## **5. STIPULATED ISSUES**

FPL is not aware of any stipulated issues at this time. However, FPL remains willing and available to discuss settlement and/or stipulated facts and issues with the parties, including but not limited to stipulation of testimony and exhibits and waiver of cross-examination.

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<sup>15</sup> See footnote 9.

**6. PENDING MOTIONS**

As of the date of this filing, FPL is aware of the following motion that remains pending: FPL's Motion to Strike Certain Portions of the Testimony of the Office of Public Counsel Witness Kollen, which was filed on July 13, 2022.

**7. PENDING REQUESTS FOR CONFIDENTIALITY**

As of the date of this filing, FPL is not aware of any Requests for Confidential Classification that remain pending.

**8. OBJECTIONS TO WITNESS QUALIFICATIONS AS AN EXPERT**

FPL has no objections to the qualifications of any witness at this time.

**9. REQUEST FOR SEQUESTRATION OF WITNESSES**

None at this time.

**10. STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE**

There are no requirements of the Order Establishing Procedure with which FPL cannot comply.

Respectfully submitted this 13th day of July 2022,

By: s/Christopher T. Wright

Christopher T. Wright

Senior Attorney

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail to the following parties of record this 13th day of July 2022:

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*s/ Christopher T. Wright*  
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