

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, December 1, 2020, 9:30 a.m.

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

DATE ISSUED: November 20, 2020*

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.

Due to COVID-19, all public participation must be telephonic or by written comment. To participate informally, affected persons must either: (1) request the opportunity to address the Commission telephonically on an item listed on the agenda by contacting the Office of General Counsel at (850) 413-6199 by noon on November 30, 2020; or (2) file any written comments for a particular item in the applicable Docket file by noon on November 30, 2020.

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).

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 some other state of emergency 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.

*Revised to insert late-filed Items 3, 4 and 8.

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ITEM NO.

CASE

1**

Consent Agenda

PAA

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
20200225-TX	Branch Communications, LLC
20200229-TX	Uniti National LLC

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

ITEM NO.

CASE

2**

Docket No. 20200193-PU – Proposed amendment of Rules 25-6.043, 25-7.039, 25-22.0406, 25-22.0407, 25-30.436, and 25-30.437, and repeal of Rules 25-30.438, 25-30.4385, 25-30.440, and 25-30.443, F.A.C., concerning notice, public information, and minimum filing requirements for electric, gas, water, and wastewater applications for rate increase.

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Fay

Staff: GCL: Cowdery

AFD: Bulecza-Banks, Cicchetti, Fletcher

CAO: DeMello, Thompson

ECO: Coston, Guffey, Hudson

ENG: Ramos

(Proposal May Be Deferred)

Issue 1: Should the Commission propose the amendment of Rules 25-6.043, 25-7.039, 25-22.0406, 25-22.0407, 25-30.436, and 25-30.437, F.A.C., and the repeal of Rules 25-30.438, 25-30.4385, 25-30.440, and 25-30.443, F.A.C.?

Recommendation: Yes, the Commission should propose the amendment of Rules 25-6.043, 25-7.039, 25-22.0406, 25-22.0407, 25-30.436, and 25-30.437, F.A.C., and the repeal of Rules 25-30.438, 25-30.4385, 25-30.440, and 25-30.443, F.A.C., as set forth in Attachment A of staff's memorandum dated November 17, 2020. The Commission should also certify Rules 25-6.043, 25-7.039, 25-22.0406, 25-22.0407, 25-30.436, and 25-30.437, F.A.C., as minor violation rules.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no requests for hearing, information regarding the SERC, proposals for a lower cost regulatory alternative, or JAPC comments are filed, the rules should be filed with the Department of State, and the docket should be closed.

ITEM NO.

CASE

3**

Docket No. 20200237-PU – Amendment of Rules 25-6.0141, F.A.C., Allowance for Funds Used During Construction, and 25-30.116, F.A.C., Allowance for Funds Used During Construction, and adoption of Rule 25-7.0141, F.A.C., Allowance for Funds Used During Construction.

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Polmann

Staff: GCL: Harper

AFD: Cicchetti

ECO: Guffey, Coston

(Proposal May Be Deferred)

Issue 1: Should the Commission propose the amendment of Rule 25-6.0141, F.A.C., Allowance for Funds Used During Construction, Rule 25-7.0141, F.A.C., Allowance for Funds Used During Construction, and Rule 25-30.116, F.A.C., Allowance for Funds Used During Construction?

Recommendation: Yes. The Commission should propose the amendment of Rules 25-6.0141, 25-7.0141, and 25-30.116, F.A.C., as set forth in Attachment A. The Commission should also certify Rules 25-6.0141, 25-7.0141, and 25-30.116, F.A.C., as minor violation rules.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no requests for hearing or comments are filed, the rules should be filed with the Department of State, and the docket should be closed.

ITEM NO.

CASE

4**

Docket No. 20200001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Fay

Staff: AFD: Higgins, Cicchetti

GCL: Brownless

(Request for stay pending appellate review.)

Issue 1: Should Duke Energy Florida, LLC's Motion for Stay Pending Judicial Review be granted?

Recommendation: Yes. DEF has complied with the requirements of Rule 25-22.061(1), F.A.C., and should be granted a stay of the provisions of Order No. PSC-2020-0368A-FOF-EI requiring a refund of \$16.1 million associated with the 2017 Bartow Unit 4 outage. As a condition of the stay, DEF should be required to provide adequate security in the form of a corporate undertaking in the amount of the refund plus interest as determined by Rule 25-6.109, F.A.C.

Issue 2: Should this docket be closed?

Recommendation: No. At this time there are outstanding issues for DEF to be voted on in this docket at the Special Agenda Conference set for December 15, 2020, which are contingent upon the Commission's vote on the Motion for Stay Pending Judicial Appeal at issue here.

ITEM NO.

CASE

5**PAA

Docket No. 20200228-EI – Request to modify filing dates set forth in Order PSC-2020-0097-PCO-EI for storm protection plan and first plan update, by Florida Public Utilities Company.

Critical Date(s): April 12, 2021 (Current filing date for Florida Public Utilities Company's initial Storm Protection Plan)

Commissioners Assigned: All Commissioners

Prehearing Officer: Polmann

Staff: GCL: Dziechciarz, Murphy

ENG: Buys, Ramos

Issue 1: Should the Commission approve FPUC's Request to Modify Filing Dates Set Forth in Order No. PSC-2020-0097-PCO-EI for the Company's Storm Protection Plan and Plan Update?

Recommendation: Yes. FPUC should be permitted to defer the filing of its initial Storm Protection Plan from April 12, 2021, as set forth in Order No. PSC-2020-0072-PCO-EI, to April 2022, and the effective period for FPUC's Storm Hardening Plan should be extended from 2021 to 2022.

Issue 2: Should the 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 a Consummating Order, and this docket should be closed.

ITEM NO.

CASE

6**PAA

Docket No. 20200236-TP – Proposed extension of permissive dialing in the 850 and 813 area codes.

Critical Date(s): February 20, 2021 - Current start of mandatory ten-digit dialing in the 850 area code.

October 16, 2021 - Current start of mandatory ten-digit dialing in the 813 area code.

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: IDM: Fogleman

GCL: Dziechciarz, Passidomo

Issue 1: Should the Commission extend the end of the permissive dialing period for the 850 area code from February 20, 2021, to May 22, 2021?

Recommendation: Yes. The Commission should approve an extension of the permissive dialing period for the 850 area code, as set forth in Order No. PSC-2019-0471-FOF-TP, to May 22, 2021.

Issue 2: Should the Commission extend the end of the permissive dialing period for the 813 area code from October 16, 2021, to January 22, 2022?

Recommendation: Yes. The Commission should approve an extension of the permissive dialing period for the 813 area code, as set forth in Order No. PSC-2020-0098-PAA-TP, to January 22, 2022.

Issue 3: 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 Proposed Agency Action Order, this docket should be closed upon the issuance of a Consummating Order.

ITEM NO.

CASE

7**PAA

Docket No. 20200005-WS – Annual reestablishment of price increase or decrease index of major categories of operating costs incurred by water and wastewater utilities pursuant to Section 367.081(4)(a), F.S.

Critical Date(s): 03/31/21 (Statutory Reestablishment Deadline)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: AFD: Blocker, Fletcher, Norris

GCL: Stiller, J. Crawford

Issue 1: Which index should be used to determine price level adjustments?

Recommendation: The Gross Domestic Product Implicit Price Deflator Index is recommended for use in calculating price level adjustments. Staff recommends calculating the 2021 Price Index by using a fiscal year, four quarter comparison of the Implicit Price Deflator Index ending with the third quarter of 2020.

Issue 2: What rate should be used by water and wastewater utilities for the 2021 Price Index?

Recommendation: The 2021 Price Index for water and wastewater utilities should be 1.17 percent.

Issue 3: How should the utilities be informed of the indexing requirements?

Recommendation: Pursuant to Rule 25-30.420(1), F.A.C., the Office of Commission Clerk, after the expiration of the Proposed Agency Action (PAA) protest period, should mail each regulated water and wastewater utility a copy of the PAA order establishing the index containing the information presented in Attachment 1 of staff's memorandum dated November 17, 2020. A cover letter from the Director of the Division of Accounting and Finance should be included with the mailing of the order (Attachment 2 of staff's memorandum dated November 17, 2020). The entire package should also be made available on the Commission's website.

Issue 4: Should this docket be closed?

Recommendation: No. Upon expiration of the 14-day protest period, if a timely protest is not received, the decision should become final and effective upon the issuance of a Consummating Order. Any party filing a protest should be required to prefile testimony with the protest. However, this docket should remain open through the end of the year and be closed upon the establishment of the new docket in January 2021.

ITEM NO.

CASE

8**

Docket No. 20200170-EI – Petition for approval of optional electric vehicle public charging pilot tariffs, by Florida Power & Light Company.

Critical Date(s): 03/19/21 (8-Month Effective Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Draper, Coston, Forrest

AFD: Mouring

GCL: Stiller, J. Crawford, Osborn

(Tariff Filing)

Issue 1: Should the Commission approve FPL’s proposed optional Utility-Owned Public Charging for Electric Vehicles (UEV) pilot tariff?

Recommendation: Yes, staff recommends that the Commission approve FPL’s proposed optional UEV pilot tariff, effective January 1, 2021. FPL should file annual reports by January 30, with the first report due January 30, 2022, for the reporting period of January through December 2021. The report should provide capital and operating costs, revenue requirements, revenues collected, and energy sales of its utility-owned fast charging stations, together with updated market rates, to allow the Commission to monitor the reasonableness of the UEV rate. The tariff should remain in effect for a period of five years, unless extended, modified, or terminated by order of the Commission or terminated early by FPL upon notice to the Commission. Before the end of the five-year period, FPL should file no later than September 1, 2025, a petition to extend, modify, or terminate the UEV pilot tariff.

Issue 2: Should the Commission approve FPL’s proposed GSD-1EV and GSLD-1EV pilot tariffs?

Recommendation: Yes, the proposed GSD-1EV and GSLD-1EV pilot tariffs should be approved. FPL should file annual reports by January 30 reporting the number of fast charging stations taking service under the tariffs, the number of fast charging stations that received the benefit of mitigated demand charges, and the annual revenue loss resulting from the reduction in demand-related revenues from fast charging customers. The first annual report would be due January 30, 2022, for the reporting period of January through December 2021. The GSD-1EV and GSLD-1EV pilot tariffs should remain in effect for a period of five years, unless extended, modified, or terminated by order of the Commission. Before the end of the five-year period, FPL should file no later than September 1, 2025, a petition to extend, modify, or terminate the tariffs.

ITEM NO.

CASE

8**

Docket No. 20200170-EI – Petition for approval of optional electric vehicle public charging pilot tariffs, by Florida Power & Light Company.

(Continued from previous page)

Issue 3: Should this docket be closed?

Recommendation: No. If a protest is filed by a substantially affected person 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 placed into monitoring status upon the issuance of a consummating order so that the utility can file its reports in this docket.

ITEM NO.

CASE

9**

Docket No. 20200209-EI – Petition for approval of proposed disposition of voluntary solar partnership rider and program, by Florida Power & Light Company.

Critical Date(s): 60-Day Suspension Date Waived by FPL until 12/1/2020

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Hampson, Smith II, Coston

GCL: Trierweiler

(Tariff Filing)

Issue 1: Should the Commission approve FPL's proposed extension and revisions to the SolarNow tariff?

Recommendation: Yes. The Commission should approve FPL's proposed extension and revisions to the SolarNow tariff, Tariff Sheet No. 8.930. FPL's proposed revisions to the tariff would extend service under the SolarNow pilot program through December 31, 2025, and would provide clarity regarding the program's expiration. This tariff should remain open to existing and new participants through its expiration. The revised tariff, as shown in Attachment A of staff's memorandum dated November 17, 2020, should be effective January 1, 2021 through December 31, 2025. Once construction of new assets has ended, FPL should file for administrative approval by staff a revised SolarNow tariff to reflect the removal of the reference to construction of solar facilities.

Issue 2: Should the Commission approve FPL's request to accelerate the depreciation of its SolarNow assets?

Recommendation: Yes. The Commission should approve FPL's request to use accelerated depreciation related to its SolarNow assets, on the condition that the utility remove all revenues, expenses, plant in service, and accumulated depreciation associated with the SolarNow Program from its Minimum Filings Requirements in any rate proceeding the utility may file which impacts 2021 through 2025 customer rates.

Issue 3: Should this docket be closed?

Recommendation: If Issues 1 and 2 are approved and a protest is filed within 21 days of the issuance of the order, the 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

10**

Docket No. 20200227-EI – Petition for approval of a COVID-19 small business assistance program, by Florida Power & Light Company.

Critical Date(s): 12/14/20 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Coston

GCL: Brownless

(Tariff Filing)

Issue 1: Should the Commission approve FPL's proposed MSR tariff?

Recommendation: Yes, the Commission should approve FPL's proposed MSR Tariff Sheet Nos. 8.010 and 8.805, as shown in Attachment A of staff's memorandum dated November 17, 2020, effective January 1, 2021. The proposed MSR tariff provides qualifying small business customers the opportunity to receive a 10 percent monthly energy credit through December 31, 2021.

Issue 2: Should this docket be closed?

Recommendation: If Issue 1 is approved and a protest is filed within 21 days of the issuance of the order, the tariff should remain in effect, 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

11**PAA

Docket No. 20200201-EU – Joint petition for approval of modification to territorial agreement in Lake and Sumter Counties, by City of Leesburg and Duke Energy Florida, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Fay

Staff: ECO: Guffey

GCL: Trierweiler

Issue 1: Should the Commission approve Leesburg’s and Duke’s proposed First Amendment to their existing territorial agreement in Lake and Sumter Counties?

Recommendation: Yes. The Commission should approve Leesburg’s and Duke’s proposed First Amendment to their existing territorial agreement in Lake and Sumter Counties. The approval of the First Amendment will allow the parties to reallocate land and form more compact, contiguous service areas for future development. The reallocation of land will enable Leesburg and Duke to avoid duplication of facilities and serve their customers efficiently. The proposed amendment is in the public interest and will not cause a decrease in reliable electric service to existing and future customers of either utility.

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

12**PAA

Docket No. 20200191-GU – Petition for approval of amortization rate for Starnik customer information system and other software accounting adjustments, by Florida City Gas.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Fay

Staff: ECO: Kunkler, Smith II
GCL: Stiller, J. Crawford

Issue 1: Should the Commission approve FCG’s request to establish new subaccounts within FERC account 303 – Miscellaneous Intangible Plant for its Starnik CIS software and traditional capitalized software arrangements, and, if so, what are the appropriate corresponding depreciation rates?

Recommendation: Yes, new subaccounts within FERC account 303 – Miscellaneous Intangible Plant and annual depreciation rates applicable to FCG’s new Starnik CIS software and traditional software arrangements should be approved. The Commission should approve the establishment of subaccount 303.20 – Software as a Service – 20 years, for the Starnik CIS software. The appropriate annual depreciation rate for this subaccount is 5 percent. The Commission should also approve the establishment of two subaccounts for traditional capitalized software arrangements, subaccount 303.01 - Software Non-Enterprise, and subaccount 303.02 - Computer Software. The appropriate annual depreciation rates for traditional capitalized software for subaccounts 303.01 and 303.02 are 10 percent and 8.3 percent, respectively. As proposed by FCG, the Company should transfer all plant balances to and record all future acquisition amounts of Starnik CIS software and traditional software arrangements in these proposed subaccounts.

Issue 2: If the Commission approves staff’s recommendation in Issue 1, should any accounting entries or adjustments be authorized, and if so, what should be the effective date?

Recommendation: If the Commission approves staff’s recommendation in Issue 1, staff recommends the Commission authorize accounting entries to reflect the new amortization rate, but the implementation date of the adjustments should be on the date of the issuance of a final Commission Order in this docket, rather than August 1, 2020, as proposed by FCG.

Issue 3: Should the Commission approve FCG’s request to establish new sub-accounts within FERC Account 303 – Miscellaneous Intangible Plant for its future SaaS arrangements, and, if so, what are the appropriate corresponding depreciation rates?

Recommendation: No. The Commission should deny FCG’s request to establish new sub-accounts within FERC Account 303 – Miscellaneous Intangible Plant for its future SaaS software arrangements.

ITEM NO.

CASE

12**PAA

Docket No. 20200191-GU – Petition for approval of amortization rate for Starnik customer information system and other software accounting adjustments, by Florida City Gas.

(Continued from previous page)

Issue 4: Should this docket be closed?

Recommendation: If no protest to this proposed agency action is filed by a substantially affected person within 21 days of the issuance of the order, a consummating order should be issued and the docket should be closed.

ITEM NO.

CASE

13**

Docket No. 20200206-GU – Petition for approval of 2019 true-up, projected 2020 true-up, and 2021 revenue requirements and surcharges associated with cast iron/bare steel pipe replacement rider, by Peoples Gas System.

Critical Date(s): 04/01/21 (8-Month Effective Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Ward, Coston

GCL: Osborn, J. Crawford

(Tariff Filing)

Issue 1: Should the Commission approve PGS's request to apply the CI/BSR surcharge to the interruptible service rate classes?

Recommendation: Yes, the Commission should approve PGS's request to apply the CI/BSR surcharge to the interruptible service rate classes effective January 1, 2021. This ensures that all customers are contributing towards the CI/BSR replacement costs.

Issue 2: Should the Commission approve PGS's proposed CI/BSR Rider surcharges for the period January through December 2021?

Recommendation: Yes, the Commission should approve PGS's proposed CI/BSR Rider surcharges for the period January through December 2021.

Issue 3: Should this docket be closed?

Recommendation: Yes. If Issues 1 and 2 are approved and a protest is filed within 21 days of the issuance of the order, the 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

14**

Docket No. 20200207-GU – Joint petition for approval of GRIP cost recovery factors for January 2021 through December 2021, by Florida Public Utilities Company, Florida Public Utilities Company-Fort Meade, and Florida Division of Chesapeake Utilities Corporation.

Critical Date(s): 8-Month Effective Date: 04/03/21 (60 day suspension date waived by the utility)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Ward, Coston

GCL: Osborn, J. Crawford

(Tariff Filing)

Issue 1: Should the Commission approve FPUC's, Fort Meade's, and Chesapeake's proposed GRIP surcharges for the period January through December 2021?

Recommendation: Yes, the Commission should approve FPUC's, Fort Meade's, and Chesapeake's proposed GRIP surcharges for the period January through December 2021.

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

15**

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: Graham, Brown, Clark

Prehearing Officer: Brown

Staff: AFD: Cicchetti

ECO: Draper, Hudson

GCL: Brownless, Schrader

Issue 1: Should the Commission acknowledge OPC’s withdrawal of its Petition Requesting Evidentiary Hearing on Protested Portions of PAA Order No. PSC-2019-0350-PAA-PU?

Recommendation: Yes. The Commission should acknowledge the withdrawal of OPC’s petition and make Order No. PSC-2019-0350-PAA-PU final and effective.

Yes. All issues associated with the TCJA having now been resolved, staff recommends that this docket be closed.

Issue 2: Should this docket be closed?

Recommendation: Yes. All issues associated with the TCJA having now been resolved, staff recommends that this docket be closed.