

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's  
Petition for Approval to Amend  
Streetlight, Outdoor Lighting and LED  
Lighting Pilot Tariffs

Docket No. 2019 \_\_\_\_\_

Filed: February 20, 2019

**Florida Power & Light Company's Petition for Approval to Amend its Street Lighting,  
Outdoor Lighting and LED Lighting Pilot Tariffs**

Florida Power & Light Company ("FPL" or "Company"), pursuant to Rules 25-9.004 and 28-104.002(2), Florida Administrative Code ("F.A.C."), respectfully petitions the Florida Public Service Commission (the "Commission") for approval to amend its Street Lighting ("SL-1"), Outdoor Lighting ("OL-1") and LED Lighting Pilot ("LT-1") Tariffs to establish rates for lighting equipment and fixtures not currently offered or served by FPL ("non-standard lighting").<sup>1</sup> Rates for non-standard lighting are not currently provided by FPL's Commission-approved tariffs. Non-standard lighting may consist of poles, lighting equipment and fixtures that have not historically been part of FPL's system and therefore the costs to serve non-standard lighting have not been incorporated into FPL's existing lighting tariffs.<sup>2</sup>

Because the costs to serve non-standard lighting have not been considered in calculations establishing FPL's current SL-1, OL-1 and LT-1 rates, as a matter of administrative efficiency, FPL requests Commission approval to amend the SL-1, OL-1 and LT-1 tariffs to include a facilities charge provision ("Special Provision") to be applied in cases where the Company

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<sup>1</sup> The term "standard lighting" represents lighting equipment and fixtures currently offered, served and maintained by FPL and addressed by FPL's current tariffs.

<sup>2</sup> FPL has recently started to serve a limited number of customers with non-standard lighting who were previously served by the City of Vero Beach electric utility. FPL's proposed amended tariffs would govern the rates charged to these customers. In the event FPL serves other customers with non-standard lighting in the future, the amended tariffs requested in this Petition would similarly apply.

serves customers with non-standard lighting.<sup>3</sup> In the absence of the requested Special Provision, FPL will have to request unique tariff additions for every combination of poles, lighting equipment and fixtures constituting non-standard lighting that is incorporated into the FPL system, including but not limited to non-standard lighting acquired by FPL as part of the City of Vero Beach (“COVB”) electric utility purchase.

Amendments to these lighting tariffs to add the Special Provision will provide a fair, equitable, and efficient way to determine rates for customers whose non-standard lighting will be served and maintained by FPL.

### **I. Introduction and Background**

1. The Petitioner’s name and address:

Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408

2. Any pleading, motion, notice, order, or other document required to be served upon FPL or filed by any party to this proceeding should be served upon the following individuals:

Kenneth A. Hoffman  
Vice President, Regulatory Affairs  
ken.hoffman@fpl.com  
Florida Power & Light Company  
134 West Jefferson Street  
Tallahassee, FL 32301-1713  
(850) 521-3919  
(850) 521-3939 (fax)

Kenneth M. Rubin  
Senior Counsel  
ken.rubin@fpl.com  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
(561) 691-2512  
(561) 691-7135 (fax)

3. Pursuant to Rule 25-9.004, Florida Administrative Code (“F.A.C.”), FPL seeks approval to amend its SL-1, OL-1 and LT-1 tariffs.

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<sup>3</sup> The provision FPL seeks to add to the referenced tariffs is similar in principle to provisions included in Duke Energy Florida and Gulf Power Company lighting tariffs on file with the Commission.

4. In connection with due diligence undertaken in advance of its acquisition of the COVB electric utility, FPL determined that approximately 70% of the lights in the service territory previously served by COVB constitute standard lighting which is being billed under FPL's existing SL-1, OL-1 and LT-1 tariffs.<sup>4</sup> The other 30% of lights previously served by COVB, the non-standard lighting, is made up of 19 different fixture types and 3 pole types. The costs to serve this non-standard lighting in COVB have not been incorporated into FPL's approved tariff rates.

5. To avoid submitting tariff additions for each combination of fixtures and poles that constitutes non-standard lighting, FPL requests Commission approval to include a Special Provision which will allow for a seamless integration and transition into FPL's system of non-standard lighting in a manner that is fair and equitable to all FPL customers.

## **II. Amendment of Tariffs to Establish Non-Standard Lighting Rates**

6. In Docket No. 20170235-EI, In re: Petition by Florida Power & Light Company (FPL) for Authority to Charge FPL Rates to Former City of Vero Beach Customers and for Approval of FPL's Accounting Treatment for City of Vero Beach Transaction, FPL sought and received Commission consent to charge FPL rates to former COVB customers. Pursuant to Order No. PSC-2018-0566-FOF-EU, FPL will charge its existing tariffed rates (SL-1, OL-1 and LT-1) to former customers of COVB with standard lighting (i.e., the 70%).

7. However, because FPL does not have existing rates that apply to the 19 non-standard lighting fixture types and 3 pole types in the service territory previously served by

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<sup>4</sup> FPL is currently developing billing-quality data to identify all streetlights and outdoor lighting acquired by FPL as part of the Company's acquisition of the COVB electric utility, and to reclassify the lights if necessary. COVB did not have a tariff for Outdoor Lighting and as a result, lighting classified by FPL as Outdoor Lighting was billed by COVB as Street Lighting under the COVB Tariff. FPL anticipates completing its work by July 2019, after which FPL proposes to true up customer bills where there is any difference between the classification of the lights identified by FPL and the classification that existed in the records of the COVB.

COVB (i.e., the 30%), FPL performed analyses of the COVB tariff rates (excluding COVB non-fuel energy and fuel), and in combination with FPL maintenance fees and a Special Provision factor, was able to determine a monthly fixture rate and derive the underlying fixture cost for each of the non-standard lighting fixtures and poles.

8. In order to effectuate the requested amendments, FPL proposes to add a Special Provision and facilities charge factor of 1.63% to the SL-1, OL-1 and LT-1 tariffs to determine non-standard lighting rates. The facilities charge factor of 1.63% will apply to all FPL customers whose non-standard lighting is served by FPL. The application of the Special Provision and the determination of the non-standard lighting rates are more fully described on the proposed amended tariffs and shown on Exhibits A-G to this petition.

9. The relief requested in this proceeding will not change any of the current Commission-approved rates for standard lighting. The Special Provision will only apply in instances where pricing for non-standard lighting is required.

10. Approval of the requested amendments to FPL's SL-1, OL-1 and LT-1 tariffs will effectively and equitably assign the costs to serve customers with non-standard lighting.

11. In light of the foregoing, FPL requests authority to amend its (1) Street Lighting Tariff, Rate Schedule SL-1, (2) Outdoor Lighting Tariff, Rate Schedule OL-1, and (3) LED Lighting Pilot Tariff, Rate Schedule LT-1, to include the Special Provision included in the proposed revised tariff sheets attached to this petition as Exhibits A, B and C to establish rates for non-standard lighting served or to be served by FPL. The rates for non-standard lighting are being applied to the bills of former customers of COVB with non-standard lighting who are now customers of FPL, subject to refund or recovery of the difference pending the outcome of this proceeding.

### III. Conclusion

12. For the reasons stated above, FPL respectfully requests that the Commission approve its Petition. FPL has attached legislative and proposed versions of its tariff sheets for the (1) Street Lighting Tariff, Rate Schedule SL-1, (2) Outdoor Lighting Tariff, Rate Schedule OL-1 and (3) LED Lighting Pilot Tariff, Rate Schedule LT-1. The modified tariffs are attached hereto in proposed format as Exhibits A-C and in legislative format as Exhibits D-F, and the supporting calculation of the Special Provision factor is attached as Exhibit G.

Respectfully submitted,

Kenneth M. Rubin  
Senior Counsel  
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Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
(561) 691-2512  
(561) 691-7135 (fax)

By: /s/ Kenneth M. Rubin  
Kenneth M. Rubin

# **EXHIBIT A**

**Tariff Sheet No. 8.716 in Proposed Format**

(Continued from Sheet No. 8.715)

REMOVAL OF FACILITIES:

If Street Lighting facilities are removed either by Customer request or termination or breach of the agreement, the Customer shall pay FPL an amount equal to the original installed cost of the removed facilities less any salvage value and any depreciation (based on current depreciation rates as approved by the Florida Public Service Commission) plus removal cost.

MONTHLY RATE:

Luminaire Type	Lamp Size		kWh/Mo. Estimate	Charge for FPL-Owned Unit (\$)				Charge for Customer-Owned Unit (\$) ****	
	Initial Lumens/Watts			Fixtures	Maintenance	Energy Non-Fuel **	Total ***	Relamping/ Energy	Only
High Pressure Sodium Vapor	6,300	70	29	\$3.99	\$1.91	\$0.86	\$6.76	\$2.78	\$0.86
" "	9,500	100	41	\$4.06	\$1.92	\$1.21	\$7.19	\$3.14	\$1.21
" "	16,000	150	60	\$4.18	\$1.95	\$1.77	\$7.90	\$3.73	\$1.77
" "	22,000	200	88	\$6.34	\$2.47	\$2.60	\$11.41	\$5.05	\$2.60
" "	50,000	400	168	\$6.40	\$2.48	\$4.96	\$13.84	\$7.42	\$4.96
" "	* 27,500	250	116	\$6.74	\$2.69	\$3.42	\$12.85	\$6.08	\$3.42
" "	* 140,000	1,000	411	\$10.15	\$4.82	\$12.13	\$27.10	\$16.99	\$12.13
Mercury Vapor	* 6,000	140	62	\$3.15	\$1.71	\$1.83	\$6.69	\$3.55	\$1.83
" "	* 8,600	175	77	\$3.21	\$1.71	\$2.27	\$7.19	\$3.99	\$2.27
" "	* 11,500	250	104	\$5.34	\$2.46	\$3.07	\$10.87	\$5.54	\$3.07
" "	* 21,500	400	160	\$5.31	\$2.42	\$4.72	\$12.45	\$7.15	\$4.72

- \* These units are closed to new FPL installations.
- \*\* The non-fuel energy charge is 2.952 ¢ per kWh.
- \*\*\* Bills rendered based on "Total" charge. Unbundling of charges is not permitted.
- \*\*\*\* New customer-owned facilities are closed to this rate effective January 1, 2017.

Charges for other FPL-owned facilities:

Wood pole used only for the street lighting system	\$5.05
Concrete pole used only for the street lighting system	\$6.90
Fiberglass pole used only for the street lighting system	\$8.17
Steel pole used only for the street lighting system *	\$6.90
Underground conductors not under paving	3.907 ¢ per foot
Underground conductors under paving	9.545 ¢ per foot

The Underground conductors under paving charge will not apply where a CIAC is paid pursuant to section "a)" under "Customer Contributions." The Underground conductors not under paving charge will apply in these situations.

SPECIAL PROVISION:

Where the Company provides facilities other than those listed above, the monthly charges, as applicable shall be computed as follows:

Facilities Charge: 1.63% of the Company's average installed cost.

(Continued on Sheet No. 8.717)

# **EXHIBIT B**

**Tariff Sheet No. 8.726 in Proposed Format**

(Continued from Sheet No. 8.725)

Charges for other Company-owned facilities:

Wood pole and span of conductors:	\$11.41
Concrete pole and span of conductors:	\$15.42
Fiberglass pole and span of conductors:	\$18.12
Steel pole used only for the street lighting system *	\$15.42
Underground conductors (excluding trenching)	\$0.087 per foot
Down-guy, Anchor and Protector	\$10.37

For Customer-owned outdoor lights, where the Customer contracts to relamp at no cost to FPL, the monthly rate for non-fuel energy shall be 3.151¢ per kWh of estimated usage of each unit plus adjustments.

Conservation Charge	See Sheet No. 8.030.1
Capacity Payment Clause	See Sheet No. 8.030.1
Environmental Charge	See Sheet No. 8.030.1
Fuel Charge	See Sheet No. 8.030.1
Storm Charge	See Sheet No. 8.040
Franchise Fee	See Sheet No. 8.031
Tax Clause	See Sheet No. 8.032

SPECIAL PROVISION:

Where the Company provides facilities other than those listed above, the monthly charges, as applicable shall be computed as follows:

Facilities Charge: 1.63% of the Company's average installed cost.

TERM OF SERVICE:

Not less than one year. In the event the Company installs any facilities for which there is an added monthly charge, the Term of Service shall be for not less than three years.

If the Customer terminates service before the expiration of the initial term of the agreement, the Company may require reimbursement for the total expenditures made to provide such service, plus the cost of removal of the facilities installed less the salvage value thereof, and less credit for all monthly payments made for Company-owned facilities.

WILLFUL DAMAGE:

In the event of willful damage to these facilities, FPL will provide the initial repair of each installed item at its expense. Upon the second occurrence of willful damage, and subsequent occurrence to these FPL-owned facilities, the Customer will be responsible for the cost for repair or replacement.

RULES AND REGULATIONS:

Service under this schedule is subject to orders of governmental bodies having jurisdiction and to the currently effective "General Rules and Regulations for Electric Service" on file with the Florida Public Service Commission. In case of conflict between any provision of this schedule and said "General Rules and Regulations for Electric Service", the provision of this schedule shall apply.

COMPANY-OWNED FACILITIES:

Company-owned luminaires normally will be mounted on Company's existing distribution poles and served from existing overhead wires. The Company will provide one span of secondary conductor from existing secondary facilities to a Company-owned light at the Company's expense. When requested by the Customer, and at the option of the Company, additional spans of wire or additional poles or underground conductors may be installed by the Company upon agreement by the Customer to use the facilities for a minimum of three years and pay each month the charges specified under MONTHLY RATE.

MONTHLY RATE

The Customer will make a lump sum payment for the cost of changes in the height of existing poles or the installation of additional poles in the Company's distribution lines or the cost of any other facilities required for the installation of lights to be served hereunder.

(Continued on Sheet No. 8.727)

# **EXHIBIT C**

**Tariff Sheet No. 8.737 in Proposed Format**

(Continued from Sheet No. 8.736)

Maintenance per Fixture (FPL Owned Fixture and Pole)	\$1.77
Maintenance per Fixture for FPL Fixtures on Customer Pole	\$1.23
LED Conversion Recovery	\$1.00

Notes:

The non-fuel energy charge is 2.952¢ per kWh.  
 Bills rendered based on "Total" charge. Unbundling of charges is not permitted.

Charges for other FPL-owned facilities:

Wood pole used only for the street lighting system	\$5.05
Standard Concrete pole used only for the street lighting system	\$6.90
Round Fiberglass pole used only for the street lighting system	\$8.17
Decorative Tall Fiberglass pole used only for the street lighting system	\$17.25
Decorative Concrete pole used only for the street lighting system	\$14.00
Underground conductors	3.907¢ per foot

SPECIAL PROVISIONS:

Where the Company provides facilities other than those listed above, the monthly charges, as applicable shall be computed as follows:

Facilities Charge: 1.63% of the Company's average installed cost.

BILLING

During the initial installation period:

- Facilities in service for 15 days or less will not be billed;
- Facilities in service for 16 days or more will be billed for a full month.

WILLFUL DAMAGE:

Upon the second occurrence of willful damage to any FPL-owned facilities, the Customer will be responsible for the cost incurred for repair or replacement. If the lighting fixture is damaged, based on prior written instructions from the Customer, FPL will:

- a) If a commercially available and FPL approved device exists, install a protective shield. The Customer shall pay \$280.00 for the shield plus all associated costs. However, if the Customer chooses to have the shield installed before the second occurrence, the Customer shall only pay the cost of the shield; or
- b) Replace with a like unshielded fixture. For this, and each subsequent occurrence, the Customer shall pay the estimated costs of the replacement fixture; or
- c) Terminate service to the fixture. In this case, the lighting facilities will be removed from the field and from billing; the customer will pay the lighting facilities charges for the remaining period of the currently active term of service plus the cost to remove the facilities.

Option selection shall be made by the Customer in writing and apply to all fixtures which FPL has installed on the Customer's behalf on the same account. Selection changes may be made by the Customer at any time and will become effective ninety (90) days after written notice is received.

(Continued on Sheet No. 8.738)

# **EXHIBIT D**

**Tariff Sheet No. 8.716 in Legislative Format**

(Continued from Sheet No. 8.715)

REMOVAL OF FACILITIES:

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MONTHLY RATE:

Luminaire Type	Lamp Size		kWh/Mo. Estimate	Charge for FPL-Owned Unit (\$)				Charge for Customer-Owned Unit (\$) ****	
	Initial Lumens/Watts			Fixtures	Mainte- nance	Energy Non-Fuel **	Total ***	Relamping/ Energy	Energy Only
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SPECIAL PROVISION:

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Facilities Charge: 1.63% of the Company's average installed cost.

(Continued on Sheet No. 8.717)

# **EXHIBIT E**

**Tariff Sheet No. 8.726 in Legislative Format**

(Continued from Sheet No. 8.725)

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Down-guy, Anchor and Protector	\$10.37

For Customer-owned outdoor lights, where the Customer contracts to relamp at no cost to FPL, the monthly rate for non-fuel energy shall be 3.151¢ per kWh of estimated usage of each unit plus adjustments.

Conservation Charge	See Sheet No. 8.030.1
Capacity Payment Clause	See Sheet No. 8.030.1
Environmental Charge	See Sheet No. 8.030.1
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Franchise Fee	See Sheet No. 8.031
Tax Clause	See Sheet No. 8.032

SPECIAL PROVISION:

Where the Company provides facilities other than those listed above, the monthly charges, as applicable shall be computed as follows:

Facilities Charge: 1.63% of the Company's average installed cost.

TERM OF SERVICE:

Not less than one year. In the event the Company installs any facilities for which there is an added monthly charge, the Term of Service shall be for not less than three years.

If the Customer terminates service before the expiration of the initial term of the agreement, the Company may require reimbursement for the total expenditures made to provide such service, plus the cost of removal of the facilities installed less the salvage value thereof, and less credit for all monthly payments made for Company-owned facilities.

WILLFUL DAMAGE:

In the event of willful damage to these facilities, FPL will provide the initial repair of each installed item at its expense. Upon the second occurrence of willful damage, and subsequent occurrence to these FPL-owned facilities, the Customer will be responsible for the cost for repair or replacement.

RULES AND REGULATIONS:

Service under this schedule is subject to orders of governmental bodies having jurisdiction and to the currently effective "General Rules and Regulations for Electric Service" on file with the Florida Public Service Commission. In case of conflict between any provision of this schedule and said "General Rules and Regulations for Electric Service", the provision of this schedule shall apply.

COMPANY-OWNED FACILITIES:

Company-owned luminaires normally will be mounted on Company's existing distribution poles and served from existing overhead wires. The Company will provide one span of secondary conductor from existing secondary facilities to a Company-owned light at the Company's expense. When requested by the Customer, and at the option of the Company, additional spans of wire or additional poles or underground conductors may be installed by the Company upon agreement by the Customer to use the facilities for a minimum of three years and pay each month the charges specified under MONTHLY RATE.

MONTHLY RATE

The Customer will make a lump sum payment for the cost of changes in the height of existing poles or the installation of additional poles in the Company's distribution lines or the cost of any other facilities required for the installation of lights to be served hereunder.

(Continued on Sheet No. 8.727)

# **EXHIBIT F**

**Tariff Sheet No. 8.737 in Legislative Format**

(Continued from Sheet No. 8.736)

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Notes:

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Decorative Concrete pole used only for the street lighting system	\$14.00
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SPECIAL PROVISIONS:

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Facilities Charge: 1.63% of the Company's average installed cost.

BILLING

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- a) If a commercially available and FPL approved device exists, install a protective shield. The Customer shall pay \$280.00 for the shield plus all associated costs. However, if the Customer chooses to have the shield installed before the second occurrence, the Customer shall only pay the cost of the shield; or
- b) Replace with a like unshielded fixture. For this, and each subsequent occurrence, the Customer shall pay the estimated costs of the replacement fixture; or
- c) Terminate service to the fixture. In this case, the lighting facilities will be removed from the field and from billing; the customer will pay the lighting facilities charges for the remaining period of the currently active term of service plus the cost to remove the facilities.

Option selection shall be made by the Customer in writing and apply to all fixtures which FPL has installed on the Customer's behalf on the same account. Selection changes may be made by the Customer at any time and will become effective ninety (90) days after written notice is received.

(Continued on Sheet No. 8.738)

# **EXHIBIT G**

**FPL Lighting Special Provision Calculation**

# FLORIDA POWER & LIGHT COMPANY

## City of Vero Beach Transition to FPL Rates

### Lighting Special Provision Calculation

	<u>% Charge <sup>(1)</sup></u>
Adjusted Return On Capital	12.66%
Distribution Maintenance	0.00%
General & Administrative	0.89%
Customer Account & Service	0.06%
Depreciation	4.00%
Property Taxes & Insurance	1.87%
Total Annual Special Provision Rate	<u>19.48%</u>
Plus: Regulatory Assessment Fee	<u>0.072%</u>
<b>Total Monthly Special Provision Rate</b>	<b><u>1.63%</u></b>

**Note:**

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(1) As approved in Docket No. 20160021-EI.