

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to establish a generic docket to investigate and adjust rates for 2018 tax savings, by Office of Public Counsel.

DOCKET NO. 20180013-PU  
ORDER NO. PSC-2020-0053-PCO-PU  
ISSUED: February 13, 2020

ORDER GRANTING JOINT MOTION TO APPROVE SETTLEMENT  
AGREEMENT AND FOR HEARING SCHEDULE ABEYANCE

The Tax Cuts and Jobs Act of 2017 (TCJA) was signed into law on December 22, 2017 and became effective for the taxable year beginning January 1, 2018. On January 9, 2018, the Office of Public Counsel (OPC) filed a “Petition to Establish Generic Docket to Investigate and Adjust Rates for 2018 Tax Savings.” On February 6, 2018, in Order No. PSC-2018-0104-PCO-PU,<sup>1</sup> the Florida Public Service Commission (Commission) established jurisdiction over utilities’ tax savings if such a date was not contained in an applicable settlement agreement. Subsequently, the Commission opened separate dockets to address the tax savings for electric and natural gas utilities. At this time, all electric and natural gas utilities tax savings dockets have been considered by the Commission. The instant docket addresses tax savings associated with water and wastewater (WAW) utilities.

On August 22, 2019, Order No. PSC-2019-0350-PAA-PU was issued which addressed the WAW utilities that had income taxes included in their revenue requirement and had filed 2018 annual reports. Upon review of the 13 WAW utilities that had filed annual reports, all, including Utilities Inc. of Florida (UIF), were either earning within or below their allowed rate of return. That being the case, none of the 13 WAW utilities reviewed were required to reduce their base rates to account for the reduction in the federal corporate income tax rate.

On September 12, 2019, OPC timely filed a protest of Order No. PSC-2019-0350-PAA-PU of the Commission’s decision regarding UIF only. On October 2, 2019, Order No. PSC-2019-0397-PCO-PU was issued setting forth a filing schedule and setting the prehearing conference on February 18, 2020, and final hearing on March 3-4, 2020.

On February 6, 2020, OPC and UIF filed a Joint Motion to Approve Settlement Agreement and to Hold the Hearing Schedule in Abeyance (Joint Motion). In its Joint Motion, OPC and UIF request that the hearing schedule established by Order No. PSC-2019-0397-PCO-PU be held in abeyance pending UIF filing a test year letter for a full rate case on or before May 31, 2020, and filing its Minimum Filing Requirements (MFRs) on or before July 31, 2020. If both of these events occur, OPC has agreed to withdraw its protest of Order No. PSC-2019-0350-PAA-PU effectively closing this docket. The Settlement Agreement entered into between the parties on February 6, 2020, restates these terms and conditions.

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<sup>1</sup>Order No. PSC-2018-0104-PCO-PU, issued February 6, 2018 in Docket No. 20180013-PU, *In re: Petition to establish a generic docket to investigate and adjust rates for 2018 tax savings, by Office of Public Counsel.*

Based upon the representations of the parties, and in order to promote administrative efficiency, the hearing schedule found in Section IX, Controlling Dates, of Order No. PSC-2019-0397-PCO-PU is no longer in effect and the prehearing conference and final hearing set for February 18, 2020 and March 3-4, 2020, are cancelled. Further, this case shall be held in abeyance until August 3, 2020, at which time a new hearing schedule shall be set if UIF has not complied fully with the terms and conditions regarding the filing of a Test Year letter and filing of a full set of MFRs by the dates set forth in the Joint Motion and Settlement Agreement.

Based on the foregoing, it is hereby

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that the Joint Motion by Utilities, Inc. Florida and Office of Public Counsel to Approve Settlement Agreement and to Hold the Hearing Schedule in Abeyance is hereby granted as described above.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 13th day of February, 2020.



JULIE I. BROWN

Commissioner and Prehearing Officer

Florida Public Service Commission

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

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

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

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.