

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor

DOCKET NO. 20200001-EI

DATED: April 14, 2020

MOTION TO INTERVENE OF THE FLORIDA RETAIL FEDERATION

The Florida Retail Federation (“FRF”), pursuant to Chapters 120 and 366, Florida Statutes,¹ and Rule 28-106.205, Florida Administrative Code (“F.A.C.”), hereby moves for leave to intervene in the above-styled docket (the “Fuel Docket”). The FRF is an established association with more than 8,000 members in Florida, who provide retail goods and services to Floridians. The FRF’s membership includes retail customers of all of Florida’s investor-owned public utilities (“IOUs”),² whose Fuel Cost Recovery Charges (“Fuel Charges”) will be determined in this docket. The FRF has participated as an intervenor party in many dockets involving Florida’s public utilities over at least the past 18 years, including major rate cases, Fuel Cost Recovery Dockets, Nuclear Cost Recovery Dockets, and other proceedings during this period. The FRF respectfully moves to intervene in the above-styled docket to protect its members’ interests in having the Commission determine and fix the fair, just, and reasonable Fuel Charges that the

¹ All references herein to the Florida Statutes are to the 2019 edition thereof.

² The IOUs are Duke Energy Florida (“DEF”), Florida Power & Light Company (“FPL”), Florida Public Utilities Company (“FPUC”), Gulf Power Company (“Gulf”), and Tampa Electric Company (“Tampa Electric”). With respect to the mid-course correction issue only, the abbreviation “IOUs” applies only to the four large IOUs, i.e., DEF, FPL, Gulf, and Tampa Electric; FPUC has not filed a petition for approval of a mid-course correction to its Fuel Charges.

IOUs will be allowed to impose on the FRF's members, and indeed on all of the IOUs' customers.

As discussed in detail in a separate section below, the FRF raises herein a specific concern that the Fuel Charge mid-course corrections proposed by at least some of the IOUs would be unfair and unjust, and that those proposals would in fact be grossly inequitable to business customers who used normal amounts of electricity in January, February, and March, but who, by operation of Governor DeSantis's Executive Order No. 20-91 and federal guidance, are shut down or operating at greatly reduced levels during the exact period over which these IOUs propose to allocate and flow back their overpayments to the general body of ratepayers.

The interests of the FRF's members, all (or virtually all³) of whom purchase electricity at retail from Florida's IOUs, will be directly affected by the Commission's decisions in these proceedings, and accordingly, the FRF is entitled to intervene to protect its members' substantial interests. In further support of its Motion to Intervene, the Florida Retail Federation states as follows.

1. The name, address, and telephone number of the FRF are as follows:

Florida Retail Federation
227 South Adams Street
Tallahassee, Florida 32301
Telephone (850) 222-4082
Telecopier (850) 226-4082.

³ This qualification is provided because it is possible that a small number of the FRF's members receive their electric service only from municipal electric utilities or electric cooperatives. The distinction is not material, and is not mentioned further herein.

2. All pleadings, orders and correspondence should be directed to the FRF's representatives as follows:

Robert Scheffel Wright
John T. LaVia, III
Gardner, Bist, Bowden, Bush, Dee, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, Florida 32308
Telephone (850) 385-0070
Facsimile (850) 385-5416.

3. The agency affected by this Motion to Intervene is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850.

4. The Florida Retail Federation is an established association of more than 8,000 members in Florida. All of the FRF's members are retail electric customers of one or more of Florida's IOUs. The FRF's members require reliable, adequate, and reasonably-priced electricity to operate their businesses consistently with the needs of their customers and ownership.

5. Statement of Affected Interests. In this docket, the Commission will determine and fix the fair, just, and reasonable Fuel Charges to be imposed and collected by the IOUs from their customers, including the FRF's many members who receive service from the IOUs. As the representative of its many members who are retail customers of the IOUs, the Florida Retail Federation's and its members' substantial interests will be affected by any action that the Commission takes in this docket.

6. The FRF's substantial interests are of sufficient immediacy to entitle the FRF to participate in the proceeding and are the type of interests that the proceeding is

designed to protect. To participate as a party in this proceeding, an intervenor must demonstrate that its substantial interests will be affected by the proceeding. Specifically, the intervenor must demonstrate that it will suffer a sufficiently immediate injury in fact that is of the type the proceeding is designed to protect. Ameristeel Corp. v. Clark, 691 So. 2d 473 (Fla. 1997); Agrico Chemical Co. v. Dep’t of Environmental Regulation, 406 So. 2d 478 (Fla. 2d DCA 1981), rev. denied, 415 So. 2d 1359 (Fla. 1982). Here, the FRF is the representative of its more than 8,000 members, all (or virtually all) of whom are retail electric customers of the IOUs, and these members’ substantial interests will be directly affected by the Commission’s decisions regarding the IOUs’ Fuel Charges, including the Commission’s decisions regarding the IOUs’ proposed credits or refunds of customer monies that the IOUs have over-collected and will over-collect in 2020.

7. Associational Standing. Under Florida law, to establish standing as an association representing its members’ substantial interests, an association such as the Florida Retail Federation must demonstrate three things:

- a. that a substantial number of its members, although not necessarily a majority, are substantially affected by the agency’s decisions;
- b. that the intervention by the association is within the association’s general scope of interest and activity; and
- c. that the relief requested is of a type appropriate for an association to obtain on behalf of its members.

Florida Home Builders Ass’n v. Dep’t of Labor and Employment Security, 412 So. 2d 351, 353-54 (Fla. 1982). The FRF satisfies all of these “associational standing”

requirements. All (or virtually all) of the FRF’s more than 8,000 members purchase retail electric service from the Florida IOUs, and all of the FRF’s members depend on the Commission to set fair, just, and reasonable rates – including any bill credits that are implemented through tariffs – for the service that the members receive. The FRF exists to represent its members’ interests in a number of venues, including the Florida Public Service Commission, and the FRF has regularly participated in many rate cases, Fuel Cost Recovery Clause proceedings, and other dockets involving Florida’s public utilities, for at least the past 18 years. Finally, the relief requested – intervention and fair treatment of FRF members – is across-the-board relief that will apply to all of the FRF’s members in the same way; therefore, the requested relief is of the type that is appropriate for an association to obtain on behalf of its members.

8. Summary and Ultimate Facts – FRF’s Standing to Intervene in the Fuel Docket. All of the FRF’s more than 8,000 members are retail electric customers of one or more of the Florida IOUs. All of the FRF’s members require safe, reliable, adequate, and reasonably-priced electricity to operate their businesses. The FRF’s members, and indeed all Florida electric customers, and their substantial interests will be directly affected by the Commission’s actions in this docket. There are no disputed issues of fact regarding the FRF’s standing to intervene in this Fuel Docket, as the FRF has intervened in many Commission dockets over at least the past 18 years. Intervention in this proceeding is within the scope of the FRF’s purposes in promoting and protecting its members’ interests, and the relief sought is appropriate for the FRF to seek on behalf of

its members. Accordingly, as the representative association of its members, the FRF is entitled to intervene in this proceeding.

CONFERRAL WITH PARTIES RE: FRF'S MOTION TO INTERVENE

9. Pursuant to Rule 28-106.204(3), F.A.C., the undersigned has conferred by electronic mail with all other parties of record and can report the following. PCS Phosphates supports the FRF's motion. The Office of Public Counsel, FPL, Gulf, DEF, Tampa Electric, FPUC, and FIPUG have no objection to the FRF's motion.⁴ The Commission Staff take no position on the motion.

**ISSUES OF IMMEDIATE CONCERN – IOUS' PROPOSED
MID-COURSE CORRECTIONS TO FUEL CHARGES**

10. The FRF strongly supports timely refunds or credits to customers of the IOUs' over-recoveries of fuel costs. However, an issue of immediate concern relating to the fairness of the IOUs' Fuel Charges has arisen relative to the IOUs' proposed mid-course corrections to their Fuel Charges. All of the four large IOUs have found themselves in significant over-recovery positions, largely due to unanticipated declines in the price of natural gas. The IOUs have all petitioned for mid-course corrections to their Fuel Charges using methods that are not standard for such corrections; the IOUs state that their requested non-standard treatment is justified by their desire to flow back over-recoveries – including both actual over-recoveries through February or March of 2020 and projected over-recoveries over the remainder of the year – to customers during the

⁴ This is not intended to say, and should not be construed in any way as suggesting that, any of these parties concur in the substantive positions advanced by the FRF in the following section of this Motion to Intervene.

difficult economic times resulting from the current public health emergency caused by the COVID-19 pandemic. As discussed and explained below, however, the utilities have proposed different approaches for flowing back these over-recoveries.

11. The FRF believes, strongly, that the methods proposed by DEF, FPL, and Gulf, which would flow back their total fuel cost over-recoveries for all of 2020 based on usage in April and May only, would result in grossly unfair rate treatment being imposed on the businesses who have been most impacted by currently effective government orders and directives that have required them to close their doors to customers or to operate at greatly reduced levels, and thus using a small fraction of the electricity that they used – and paid for – during the early part of 2020 when these IOUs were over-collecting for their fuel costs. Tampa Electric's method, while not achieving a perfect match of over-payments to customer credits or refunds, would (a) flow back a substantial portion of the over-recoveries – \$81 million – over customers' usage during a period of months (usage in May, June, and July, reflected on customers' June, July, and August bills) when businesses will likely not be closed due to government orders and directives, and when their operations will hopefully be trending back toward pre-pandemic normalcy to at least some degree. Tampa Electric's proposal would also flow back the balance of the total over-recovery – \$49 million – over the June-December period, thus at least giving customers who are back in business the opportunity to share in the flow-back of those over-recoveries.

12. To be clear, the FRF supports timely, prompt refunds or credits to customers that fairly match the refunds or credits that they would receive to the

overpayments that they have made, and that they will make over the remainder of the year. The proposals of DEF, FPL, and Gulf do not achieve a fair match; in fact, they would hurt the businesses who are currently closed or operating at significantly reduced levels due to Governor DeSantis's Executive Order No. 20-91⁵ and federal guidance.

The Commission should require fair and equitable refunds or credits.

The IOUs' Mid-Course Correction Proposals

13. Tampa Electric filed its petition for approval of a mid-course correction on March 25, 2020. In its petition, Tampa Electric states that it expects its total fuel and purchased power cost over-recovery for 2020 to be approximately \$130 million, consisting of its final 2019 over-recovery of \$35.8 million and its \$94.9 million over-recovery for 2020 (actual for January and February and projected for March-December). Tampa Electric requests the Commission's approval of proposals that would: (a) flow back approximately \$81 million to customers in June, July, and August, through reduced Fuel Charges applicable to usage in May, June, and July, yielding a credit of roughly \$23 per residential 1,000 kWh usage; and (b) flow back the remaining \$49 million through a reduction to its Fuel Charges for June-December, resulting in a continuing reduction of approximately \$4.50 per residential 1,000 kWh for the months of September through December. Tampa Electric Petition at 4-5.

⁵ State of Florida, Executive Office of the Governor, EXECUTIVE ORDER NO. 20-91 (Essential Services and Activities During COVID-19 Emergency), April 1, 2020 (hereinafter "Order No. 20-91"). Governor DeSantis also issued an amendatory order, Executive Order No. 20-92, but its provisions are not material to the issues here.

14. FPL announced its proposal in a press release on March 30 and filed its petition on April 1, 2020. In its petition, FPL states that its projected total 2020 fuel cost over-recovery is \$206.1 million, FPL Petition at 3, which results in a net over-recovery of \$154.5 million for 2020; the net over-recovery represents a 6.3 percent over-recovery, which is not sufficient to require reporting the over-recovery. Id. at 3-4. FPL goes on to state that it is exercising its discretion to seek a mid-course correction in an effort to flow funds back to financially strapped customers quickly. Id. at 4. FPL proposes to flow back the total \$206.1 million over-recovery for 2020 “to customers in a single month – May 2020 . . . in order to infuse customers with the largest bill reduction possible.” Id. at 5. FPL further explains that it intends to implement this flow-back as a credit by decreasing the applicable fuel charges for the May billing cycle, beginning on May 1. Id. at 5-6.

15. Gulf also filed its petition, similar to FPL’s, on April 1. Gulf’s projected total over-recovery of \$51.3 million exceeds its projections by 14.7 percent, and Gulf proposes to flow back this over-recovery over a single month’s usage. Gulf Petition at 4. Like FPL, Gulf proposes to provide these credits for bills rendered in the May billing cycle, which for Gulf begins on April 30. Id. at 4-5.

16. DEF filed its petition on April 2, 2020. In its petition, DEF states that “in order to provide customers with immediate rate relief,” DEF requests the Commission to approve a mid-course correction to flow back to customers of its projected 2020 fuel cost over-recovery of approximately \$78 million via a reduction in its Fuel Charges applicable

to usage on customers' May bills. DEF Petition at 3. DEF recognizes that its over-recovery does not surpass the required reporting threshold of the PSC rules. *Id.*

17. FPL, Gulf, and DEF all seek mid-course corrections with the same basic structure, although the amounts differ. They propose to flow back to customers their total projected fuel cost over-recoveries for the entire year as a credit on one month's bills, specifically the bills for the May billing cycle. Thus, customers would pay reduced Fuel Charges for approximately 30 days of electric usage in April and May. A customer whose May bill is rendered on May 2 would pay the proposed lower rate for usage from roughly April 2 through May 1, and a customer whose May bill is rendered on May 10 would pay the lower rate applied to the customer's usage from roughly April 10 through May 9. Tampa Electric's proposal is significantly different in that it would flow back a large part of its total 2020 over-recovery, \$81 million, over a three-month period based on usage in May, June, and July, with the remaining \$49 million of over-recovery flowed back over the June-December period.

18. There is no doubt that everyone in Florida and the United States, and in virtually the entire world, recognizes the severity of the public health emergency facing us all and the severe economic impacts and challenges resulting from the COVID-19 pandemic. FPL recognizes that tourism has effectively come to a halt and that "many non-essential businesses" have closed their doors or limited operations. FPL Petition at 4. FPL also recites the startling and disturbing rise in unemployment claims. *Id.* Gulf Power recites the same facts. Gulf Petition at 4. DEF recognizes that Florida businesses have begun to lay off workers and that the impact to Floridians, including DEF's

customers, is just beginning to be understood. DEF Petition at 2. Tampa Electric also recognizes the “extraordinary economic circumstances of the ongoing pandemic, states of emergency, and customer impacts related to social distancing and business closures.” Tampa Electric Petition at 5.

Government Order and Directives

19. After the IOUs filed their petitions⁶ for mid-course corrections, Governor DeSantis issued Executive Order No. 20-91. Relevant to the issues here, Order No. 20-91 orders that, from April 3 through April 30, 2020, “all persons in Florida shall limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities.” Order No. 20-91 at 3, 5. In the recitals prefatory to the ordering language, Order No. 20-91 also cites the guidance from President Donald J. Trump, the Centers for Disease Control, and the White House Coronavirus Task Force “advising individuals to adopt far-reaching social distancing measures . . . and . . . recommending restrictions to certain establishments conducive to mass gatherings and congregations.” Order No. 20-91 at 1. Like the mandatory provisions of Order No. 20-91, the federal guidance currently extends through April 30 (the extended guidance program of “30 Days to Slow the Spread”). Id.

⁶ DEF filed its petition on April 2, but in light of the fact that DEF cites to five earlier Executive Orders of the Governor relating to the COVID-19 emergency (DEF Petition at 2) but does not reference Executive Order No. 20-91, it appears that DEF’s petition was written before and without knowledge of Executive Order No. 20-91.

Discussion: The FRF Advocates a Fair Return of Overpayments to Customers Who Have Made and Will Make Them

20. To be clear from the outset, the FRF strongly supports returning overpayments that customers have made back into the hands of the customers who made them in a prompt and timely way, especially in these difficult times. The FRF supports fair and just credits and refunds that would ensure that overpayments are made to customers who have made them, and who are projected to make them over the remainder of 2020. Accordingly, the FRF opposes the credit proposals of DEF, FPL, and Gulf because they would impose substantial unfairness on many business customers who have already made overpayments in January, February, and March, but who are using significantly reduced amounts of electricity in the billing period when DEF, FPL, and Gulf would calculate their credits. In other words, DEF, FPL, and Gulf would take the overpayments made by the customers who are hurting the most – businesses who are closed down or operating at greatly reduced levels vs. their operations in January-March when they were overpaying their actual fuel costs – and refund their overpayments to customers who are fortunate enough to be operating and using electricity at normal or near-normal levels.

21. Again, for emphasis, the FRF supports getting overpayments to the customers who made them quickly. For example, the refunds or credits could be made to customers based on their usage in January and February in the form of a credit to each customer's bill in May. The utilities have the information to do this. Tampa Electric's proposed methodology – refunding /overpayments for the first part of 2020 based on

usage in May, June, and July, and adjusting Tampa Electric's Fuel Charges for the remainder of the year to flow back the remainder – while probably not as good a match as refunding on the basis of January and February usage, at least gives business customers who are presently shut down by Order No. 20-91 a better opportunity to get credit for their overpayments than the proposals of DEF, FPL, and Gulf. The drawback to Tampa Electric's proposal is that, while it returns the overpayments in a fairer way, it does not do so as quickly. The FRF believes that basing refunds on usage in January and February would achieve a better match. The utilities are resourceful and have the necessary information to accomplish this result; alternative proposals to achieve a fair match between overpayments and credits are obviously and sincerely welcomed by the FRF.

22. The Commission should also note well that the proposals of DEF, FPL and Gulf to flow back the projected over-collections for the remainder of 2020 will impose a further inequity on these same business customers whose economic activities are shut down or severely curtailed due to Order No. 20-91 and the federal guidance. If, as all hope and as many believe, the Florida economy returns toward normal later in the year, the same customers will not get the benefit of the projected overpayments or over-recoveries that DEF, FPL, and Gulf project they will experience during the remainder of 2020: those overpayments would, per the proposals of DEF, FPL, and Gulf, be refunded to customers who are using normal, or nearer-normal, amounts of electricity during April and May, exactly when the business customers who are shut down by Order No. 20-91 are using greatly reduced amounts of electricity. For example, consider a small business that used 10,000 kWh per month in January and February. That customer made certain,

calculable overpayments for the energy the customer used in those months. However, due to the impacts of Order No. 20-91, that customer is classified as a non-essential service business and is therefore shut down in April, using a fraction of the customer's January-February usage. The proposals of DEF, FPL, and Gulf would not fairly refund or credit that small business customer for its fuel cost overpayments. Further, and worse, if that customer is fortunate enough to get back to normal or near-normal operation in July, August, or September, the overpayments that the customer will be making in the latter months of 2020 will already have been refunded to the customers using normal amounts of electricity in the May billing cycle (parts of April and May, depending on the date on which customer bills are rendered). The impacts will be demonstrably worse on customers whose May bills are rendered early in May, because their usage will be during the period of maximum (currently known)⁷ impacts of Order No. 20-91 and the federal guidance.

23. There is no argument that the people and businesses of Florida are living – some working and some not working – in difficult times. The IOUs recognize that the

⁷ It is not at all clear that the federal guidance will be fully terminated at April 30, or that the provisions of Order No. 20-91 will not be extended beyond April 30. While all hope for return to normalcy as soon as possible, various models show that COVID-19 cases will continue to impact the nation and Florida into May and even into June. See, e.g., “IHME COVID-19 model FAQs,” <http://www.healthdata.org/covid/faqs>, downloaded on April 13, 2020 (“Based on our latest projections, we expect social distancing measures to be in place through the end of May.”); see also, “Tallahassee Memorial Hospital Projection Shows Likely June COVID-19 Peak in North Florida,” April 9, 2020, <https://news.wfsu.org/post/tallahassee-memorial-hospital-projection-shows-likely-june-covid-19-peak-north-florida>. Even if restrictions were reduced or lifted in early May, these customers would likely be on a trajectory toward normalcy or near-normalcy later in the summer, most likely after May.

ability of businesses and people to work has been severely impacted by the COVID-19 disease itself and the resulting COVID-19 public health emergency. FPL Petition at 3-4, Gulf Petition at 4, DEF Petition at 2, Tampa Electric Petition at 5. The FRF does not oppose flowing back overpayments relatively quickly, even over a one-month billing period, but the overpayments – actual for January, February, and at least part of March, and projected for the rest of the year – should be made fairly to customers who paid them and are projected to pay them.

24. Disputed Issues of Material Fact. The FRF identifies the following disputed issues of material fact applicable to the IOUs' proposed mid-course corrections.

- A. Whether the PSC should vary from its standard practices for mid-course corrections by allowing the over-recoveries to be flowed back to customers during some part of 2020.
- B. Whether the IOUs' proposed mid-course corrections to their Fuel and Purchased Power Cost Recovery Charges are fair, just, and reasonable.
- C. How the IOUs and the Commission should ensure that over-recoveries are flowed back as closely as possible to the customers who paid them.

The FRF reserves its rights to raise issues pursuant to any Order Establishing Procedure issued in this docket.

25. Statement of Ultimate Facts Alleged – Substantive. All (or virtually all) of the FRF's more than 8,000 members are retail electric customers of the Florida IOUs. All of the FRF's members require safe, reliable, adequate, and reasonably-priced electricity to operate their businesses. The FRF's members are entitled to have the Commission ensure that customers pay rates that fairly reflect the costs of serving them, and in the immediate circumstances, to have the Commission ensure that credits to

customers for fuel cost overpayments match as closely as possible their over-payments of the IOUs' fuel costs. The proposals of DEF, FPL, and Gulf fail to accomplish this fair compensation of customers' overpayments. In fact, they would unfairly, unjustly, unreasonably, and unnecessarily discriminate against many of the FRF's members, and indeed against many of the IOUs' other customers, whose electric usage during the billing period chosen by DEF, FPL, and Gulf as the basis for distributing fuel cost over-collections has been severely impacted by the COVID-19 public health emergency, and specifically by their being shut down by operation of Governor DeSantis's Order No. 20-91. The IOUs have the capability to make fair refunds to customers who have overpaid for their fuel costs and who are projected to overpay their fuel costs for the rest of 2020. The IOUs should propose and implement methods that will do so. The FRF suggests that making refunds on the basis of customers' usage in January and February, when their electricity use was relatively normal and when they made substantial overpayments vs. the IOUs' actual fuel costs, is a fairer method, but as stated above, the FRF is amenable to other proposals that will accomplish a fair return of overpayments to customers who made them. Tampa Electric's method is better, in that it will at least give business customers who are currently out of work a fairer opportunity to receive credits for their overpayments, if they are fortunate enough to be back in business, and back at work, in May, June, and July. If the IOUs will not propose fairer alternatives, then the Commission should order them to do so.

26. Statutes and Rules That Entitle the Florida Retail Federation to Relief. The applicable statutes and rules that entitle the FRF to relief include, but are not limited to,

Chapter 120, Florida Statutes, and Sections 366.04(1), 366.05(1), 366.06(1)&(2), and 366.07, Florida Statutes, and Rule 28-106.205, Florida Administrative Code. Rule 28-106.205, F.A.C., provides that persons whose substantial interests are subject to determination in, or may be affected through, an agency proceeding are entitled to intervene in such proceeding. All (or virtually all) of the FRF's members are retail customers of one or more of Florida's IOUs, and accordingly, their substantial interests are subject to determination in and will be affected by the Commission's decisions and actions in this docket. As the representative association of its members, the FRF is entitled to intervene herein. The above-cited sections of Chapter 366 relate to the Commission's jurisdiction over the IOUs' rates for electric service, including their Fuel Cost Recovery Charges. The facts alleged here by the FRF demonstrate that the Commission's decisions and actions herein will determine the rates to be paid by the FRF's members who are customers of the IOUs, and accordingly, these facts establish that these statutes provide the basis for the relief requested by the FRF in this Motion to Intervene.

CONCLUSION

27. The Florida Retail Federation is an established association that, consistent with its purposes and history of intervening in Commission proceedings to protect its members' interests under the Commission's statutes, rules, and orders, seeks to intervene in this docket, which addresses the Fuel Cost Recovery Charges to be imposed by Florida's IOUs. The FRF seeks to intervene in order to protect its members' substantial interests in paying fair, just, and reasonable rates for their service, including their rates as

affected by the bill credits proposed by the IOUs to refund to customers amounts of customer monies that the IOUs have over-collected and will over-collect from the IOUs' customers in 2020. The interests of the FRF's members that the FRF seeks to protect via its intervention and participation in this case are immediate and of the type to be protected by the Commission through this proceeding. The mid-course corrections proposed by DEF, FPL, and Gulf will impose unfair, unjust, and unreasonable rates on many customers in that those utilities' proposals will flow back overpayments made by customers who are presently shut down, or operating at greatly reduced levels, due to Executive Order No. 20-91 and federal guidance, to customers whose usage for these IOUs' May billing cycles is normal or nearer-to-normal. The FRF asks the IOUs to propose fairer methods for flowing back their fuel cost over-recoveries, and if the IOUs will not do so voluntarily, then the FRF respectfully asks the Commission to require them to do so.

RELIEF REQUESTED

WHEREFORE, the Florida Retail Federation respectfully requests the Florida Public Service Commission to enter its order GRANTING this Motion to Intervene and requiring that all parties to this proceeding serve copies of all pleadings, notices, and other documents on the FRF's representatives indicated in paragraph 2 above.

Respectfully submitted this 14th day of April, 2020.

/s/ Robert Scheffel Wright

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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 on this 14th day of April, 2020, to the following:

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