

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of gas utility access and replacement directive cost recovery factors for January 2024 through December 2024, by Florida Public Utilities Company.

DOCKET NO. 20230101-GU  
ORDER NO. PSC-2023-0304-PCO-GU  
ISSUED: October 12, 2023

The following Commissioners participated in the disposition of this matter:

ANDREW GILES FAY, Chairman  
ART GRAHAM  
GARY F. CLARK  
MIKE LA ROSA  
GABRIELLA PASSIDOMO

ORDER SUSPENDING TARIFF

BY THE COMMISSION:

Background

On September 1, 2023, Florida Public Utilities Company (FPUC or Company) filed a petition for approval of its Gas Utility Access and Replacement Directive (GUARD Program) cost recovery factors for the period January through December 2024. In Order No. PSC-2023-0235-PAA-GU (2023 Order), we approved FPUC's 10-year GUARD program, consisting of two components: (1) replacement of problematic pipes and facilities and (2) relocation of mains and service lines located in rear easement and other difficult to access areas to the front lot easements.<sup>1</sup> The 2023 Order allows FPUC to recover the revenue requirements of expedited programs to replace problematic pipes and facilities and enhance the safety and accessibility of portions of FPUC's natural gas distribution system through a monthly surcharge on customers' bills.

In the 2023 Order, we directed FPUC to file its annual GUARD program petition to revise the surcharge on or before September 1 of each year and implement the revised surcharge effective January 1 through December 31 of the following year and file its first petition on September 1, 2023. FPUC, in its petition, included revised tariff sheets 7.000 through 7.002 (Index), 7.403, 7.404, and 7.405.

We further ordered FPUC to (1) include all calculations to show a final true-up, actual-estimated true-up, projected year investments and associated revenue requirements, and the

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<sup>1</sup> Order No. PSC-2023-0235-PAA-GU, issued August 15, 2023, amended by Order No. PSC-2023-0235A-PAA-GU, issued August 18, 2023, in Docket No. 20230029-GU, *In re: Petition for approval of gas utility access and replacement directive, by Florida Public Utilities Company.*

calculations of the GUARD factors by rate class, (2) provide a report including the location, date, description, and associated costs of all replacement projects completed and all projects scheduled for the following year, and (3) include any remaining GRIP over- or under-recovery in the 2024 GUARD cost recovery. FPUC has complied with the 2023 Order directives stated above.

During the review process, Commission staff issued a data request to FPUC on September 11, 2023, for which the responses were received on September 18, 2023. This is our order to suspend the proposed tariffs. We have jurisdiction over this matter pursuant to Sections 366.04, 366.05, and 366.06, Florida Statutes (F.S.).

### Decision

We find that FPUC's GUARD cost recovery factors and associated revised tariffs to implement the 2024 GUARD factors to be effective January 2024 shall be suspended to allow Commission staff sufficient time to review the petition and gather all pertinent information in order to present us with an informed recommendation on the proposed tariff modifications.

Pursuant to Section 366.06(3), F.S., we may withhold consent to the operation of all or any portion of the new rate schedules, delivering to the utility requesting such a change, a reason, or written statement of a good cause for doing so within 60 days. We find that the reason stated above is a good cause consistent with the requirement of Section 366.06(3), F.S.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Public Utilities Company's Gas Utility Access and Replacement Directive (GUARD) cost recover factors and associated revised tariff sheets to implement the 2024 GUARD factors to be effective January 2024 shall be suspended. It is further

ORDERED that this docket shall remain open pending our decision on the proposed tariffs.

By ORDER of the Florida Public Service Commission this 12th day of October, 2023.



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ADAM J. TEITZMAN  
Commission Clerk  
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.

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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.