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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20250135-EI

Petition for approval of new
environmental program for cost
recovery through Environmental
Cost Recovery Clause, by Tampa
Electric Company.

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 5

COMMISSIONERS
PARTICIPATING: CHAIRMAN GABRIELLA PASSIDOMO SMITH
COMMISSIONER GARY F. CLARK
COMMISSIONER MIKE LA ROSA
COMMISSIONER ANA ORTEGA
COMMISSIONER BOBBY PAYNE

DATE: Tuesday, March 3, 2026

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: DEBRA R. KRICK
Court Reporter and Notary
Public in and for the State
of Florida at Large

PREMIER REPORTING
TALLAHASSEE, FLORIDA
(850) 894-0828

1 P R O C E E D I N G S

2 CHAIRMAN SMITH: We are going to move to our
3 discussion items, which will be Items No. 5 and 6,
4 and I allow time for reshuffling.

5 MR. LEWIS: Commissioners, Item 5 is Tampa
6 Electric Company's request for cost recovery of its
7 Manatee Protection Study through to the
8 Environmental Cost Recovery Clause. This study is
9 required to maintain compliance with the Florida
10 Department of Environmental Protection and is aimed
11 to evaluate options for maintaining discharge water
12 temperatures above 68 degrees from November 15th
13 through March 31st annually, the time of greatest
14 Manatee abundance at the Big Bend Power Station.

15 Staff recommends approval of the study for
16 cost recovery, and notes that individual
17 expenditures pertaining to the study will be
18 subject to the Commission's review in future ECRC
19 proceedings.

20 The Office of Public Counsel would like to
21 address the Commission on this item. Staff and the
22 utility are available.

23 CHAIRMAN SMITH: Thank you, Mr. Lewis.

24 Yes, I will go over to you, Mr. Rehwinkel, you
25 are recognized for your comments.

1 MR. REHWINKEL: Thank you, Chairman and
2 Commissioners. My comments on this item apply
3 equally to the next item, so I am only going to say
4 this once, but they apply to both.

5 My name is Charles Rehwinkel with the Office
6 of Public Counsel. I have a request related to
7 Items 5 and 6. These items relate to the proposed
8 Commission approval for the expenditure of
9 ratepayer recoverable funds to conduct studies to
10 enable Tampa Electric Company to evaluate
11 compliance options to meet certain current
12 environmental regulations. The OPC does not object
13 to these expenditures, as they appear to be
14 reasonable in purpose and amount, and consistent
15 with Commission precedent.

16 Without reliving, Commissioners, the
17 circumstances of past instances of issues of what
18 we think are premature prudence approval having
19 been given to unknown future events emanating from
20 studies like this -- like these, the Public Counsel
21 would like to recommend that the Commission add
22 language in yellow as follows in this docket,
23 250 -- 20250135, on page four, after the last
24 sentence.

25 After the staff language, we would like to ask

1 that you add something substantially the same as:
2 Accordingly, our finding here that the costs of
3 this study are eligible for the ECRC today does not
4 mean that any future costs associated with any
5 implementation of the study are preapproved for
6 recovery, nor does it mean that any future costs or
7 activities associated with any implementation of
8 this study will be deemed to be prudent as a result
9 of the decision in this clause proceeding.

10 I am happy to go into detail if needed about
11 the circumstances that led to the Public Counsel to
12 raise this concern, but in the interest of time, I
13 will give you an abbreviated explanation.

14 In this case, the funding at issue is merely
15 to conduct the study and allow the company to
16 recover its costs contemporaneously, the OPC does
17 not object to this. The OPC also does not,
18 however, agree that the prudence can attach to any
19 activities that might be recommended by the study
20 or any subsequent expenditures related to a future
21 activity resulting from the study. That issue and
22 any related evidence is not before you today. We
23 are not fully comforted by the language that is in
24 the recommendation, as it would conceivably allow
25 future activities and costs to be interpreted to

1 fall under the umbrella of today's very preliminary
2 approval. The Public Counsel believes that future
3 events emanating from an unknown study outcome
4 should be independently evaluated for
5 reasonableness and prudence.

6 The language we propose, or something similar,
7 is clear and unambiguous on this point.
8 Accordingly, if the substantial equivalent of the
9 language that I have read to you is incorporated
10 into the order, the Public Counsel will not protest
11 that PAA order as proposed in the staff
12 recommendation and as so modified, and we will
13 consider the matter closed in both dockets.

14 I want to thank your staff for working with
15 us, and especially Tampa Electric Company for being
16 open to the many discussions that we've had on this
17 matter, and I am available to answer any questions.

18 Thank you.

19 CHAIRMAN SMITH: Thank you, Mr. Rehwinkel.

20 Mr. Means, do you have a response?

21 MR. MEANS: Yes, and good morning,
22 Commissioners. Malcolm Means from the Ausley law
23 firm appearing on behalf of Tampa Electric.

24 And Tampa Electric included a statement in our
25 petition in this docket that -- specifying that we

1 could would come back and seek Commission approval
2 for any capital projects identified in the study,
3 and we think that staff made that sufficiently
4 clear in the recommendation as well, so -- but that
5 being said, Tampa Electric does not object to the
6 proposal that Mr. Rehwinkel has proposed.

7 Thank you.

8 CHAIRMAN SMITH: Thank you.

9 Staff, any follow-up?

10 MR. MARQUEZ: Good morning, Commissioners.

11 Carlos Marquez on behalf of Commission staff.

12 Given the request that OPC is making today,
13 staff does not object to the Commission
14 incorporating substantially similar language into
15 its decision, and ultimately into its Proposed
16 Agency Action order.

17 Thank you.

18 CHAIRMAN SMITH: Okay. Thank you.

19 Commissioners, any discussion on this?

20 Commissioner La Rosa, you are recognized.

21 COMMISSIONER LA ROSA: I just had a quick
22 question of the company, if that's okay?

23 CHAIRMAN SMITH: Yeah, of course.

24 COMMISSIONER LA ROSA: So, Mr. Means, has --
25 historically, has TECO conducted any Manatee

1 Protection Studies, either with this consultant or
2 a different consultant?

3 MR. MEANS: I am not sure about that. We have
4 got a person here that might be able to help me,
5 but my understanding is, no, we haven't. We may
6 have when the original Manatee Protection Plan was
7 developed, but I don't think we have since that
8 time, but I can find out for you.

9 COMMISSIONER LA ROSA: Okay. It's not going
10 to alter necessarily my decision today based on
11 your answer, I appreciate that, but, yeah, further
12 follow-up would be great, just for the future.

13 So that's the only question I have got. I
14 have got maybe just a comment in discussion.

15 CHAIRMAN SMITH: Okay. Any other questions,
16 Commissioners?

17 Back to you.

18 COMMISSIONER LA ROSA: All right. So back to
19 me. Great. Thank you, Madam Chair.

20 So I agree with the language. And I will be
21 honest with you, when I initially read this, my
22 concern was that when we step outside the box a
23 little bit, do something maybe that's outside the
24 norm, and specifically where this generation
25 facility is located, it's important to maybe build

1 a framework around the language. So I certainly
2 feel much more comfortable with the way this is
3 laid out. I think this sends kind of a
4 cornerstone, or a foundation for situations like
5 this, where maybe they are a little bit unique and
6 outside the framework of what a typical electric
7 generation facility would be seeing based on its
8 geographic location.

9 MR. MEANS: Commissioner La Rosa, our folks
10 are indicating to me that we have not done a
11 Manatee study before.

12 COMMISSIONER LA ROSA: Okay. So this is the
13 first time. Okay, so thank you. That's that
14 comment.

15 Let me go back to the questioning, then, if
16 you don't mind, Madam Chair.

17 CHAIRMAN SMITH: Yeah, please do.

18 COMMISSIONER LA ROSA: Okay. So this is the
19 first study that's being commissioned by TECO?

20 MR. MEANS: Yes, sir.

21 COMMISSIONER LA ROSA: Would we have an
22 opportunity to review this at any point in time? I
23 guess what's the plans of the company after the
24 study is conducted?

25 MR. MEANS: As I indicated earlier, if the

1 study indicated that some capital project was
2 prudent, then we would come back to you and present
3 that and seek your approval for it.

4 COMMISSIONER LA ROSA: Okay, but only if there
5 is a capital expenditure necessary?

6 MR. MEANS: That's my understanding, yes.

7 COMMISSIONER LA ROSA: Okay. All right.
8 Excellent. I am good. Thank you.

9 CHAIRMAN SMITH: Okay. Any other questions or
10 comments?

11 All right. I will briefly just state, I just
12 want to thank OPC for submitting these comments and
13 putting them in the docket file ahead of time and
14 just allowing us and staff to have that opportunity
15 to review it before this Agenda Conference, so
16 thank you for that.

17 Okay. With that, I guess I will move to take
18 a motion if we are ready, Commissioners. Do I have
19 a motion?

20 COMMISSIONER LA ROSA: Motion to approve with
21 the modification.

22 CHAIRMAN SMITH: Okay. Is there a second?

23 COMMISSIONER PAYNE: Second.

24 CHAIRMAN SMITH: All right. Hearing a motion
25 and a second.

1 All those in favor please say aye.

2 (Chorus of ayes.)

3 CHAIRMAN SMITH: Aye.

4 Any opposed?

5 (No response.)

6 CHAIRMAN SMITH: Okay. So see that Item 5

7 passes with the inclusion of the language by OPC.

8 Okay. Thank you.

9 (Agenda item concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, DEBRA KRICK, Court Reporter, do hereby
certify that the foregoing proceeding was heard at the
time and place herein stated.

IT IS FURTHER CERTIFIED that I
stenographically reported the said proceedings; that the
same has been transcribed under my direct supervision;
and that this transcript constitutes a true
transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative,
employee, attorney or counsel of any of the parties, nor
am I a relative or employee of any of the parties'
attorney or counsel connected with the action, nor am I
financially interested in the action.

DATED this 9th day of March, 2026.



DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #HH575054
EXPIRES AUGUST 13, 2028