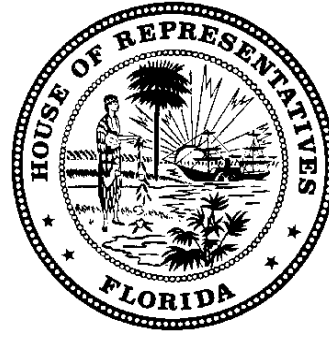




KATHLEEN PASSIDOMO
President of the Senate



PAUL RENNER
Speaker of the House of Representatives

Joint Committee on Public Counsel Oversight

**Monday, December 11, 2023
3:30 PM - 5:30 PM
12 HOB**

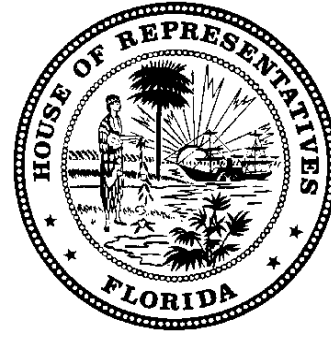
Meeting Packet

Senator Joe Gruters
Alternating Chair

Representative Chip LaMarca
Alternating Chair



KATHLEEN PASSIDOMO
President of the Senate



PAUL RENNER
Speaker of the House of Representatives

Joint Committee on Public Counsel Oversight

Meeting Agenda

Monday, December 11, 2023
3:30 pm – 5:30 pm
12 HOB

- I. Call to Order
- II. Roll Call
- III. Welcome and Opening Remarks
- IV. Update from the Public Counsel, Mr. Walt Trierweiler
- V. Closing Remarks
- VI. Adjournment



**FLORIDA OFFICE
OF
PUBLIC COUNSEL**

OVERVIEW OF THE OPC

**WALT TRIERWEILER
PUBLIC COUNSEL**

OVERVIEW OF OPC

WHO ARE WE?

- **CREATED IN 1974 TO REPRESENT CONSUMERS IN UTILITY MATTERS PRIMARILY BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**
- **GOVERNED BY §§ 350.061-350.0614, FLA. STAT.**
- **APPOINTMENT & OVERSIGHT PROVIDED BY JOINT COMMITTEE ON PUBLIC COUNSEL OVERSIGHT § 350.061, FLA. STAT.**

OVERVIEW OF OPC (cont.)

- PROVIDE LEGAL REPRESENTATION FOR FLORIDA CITIZENS ON ISSUES (INTERVENTION BY STATUTORY RIGHT):
 - BEFORE THE PSC
 - BEFORE COUNTIES THAT OPT OUT OF PSC JURISDICTION ON WATER/WASTEWATER CASES
- REPRESENT RATEPAYERS COLLECTIVELY, NOT INDIVIDUALLY



TYPES OF CASES

RATE CASES:

- ELECTRIC
- GAS
- WATER/WASTEWATER

COST RECOVERY CLAUSES:

- FUEL
- STORM PROTECTION PLAN
- ENVIRONMENTAL
- ENERGY CONSERVATION
- NUCLEAR (DORMANT)



TYPES OF CASES (cont.)

MISCELLANEOUS – RULEMAKING, PROCEDURAL MATTERS, ETC.:

- ACCOUNTING ISSUES
- CERTIFICATE
- HURRICANE COSTS
- WORKSHOPS
- RULES
- SPECIALIZED RATE PETITIONS

CASE STATISTICS

FLORIDA PUBLIC SERVICE COMMISSION:

- INTERVENTIONS: 25 DOCKETS
- MONITORING: 47 DOCKETS

FLORIDA SUPREME COURT CASES:

- PENDING WITH OPC AS APPELLANT – 2, including a consolidated appeal of 5 related cases
- Since 2020, 4 Florida Supreme Court cases, including the pending matters.

CONVENTIONAL RATE CASES

OPC ROLE

- THE OPC ADVOCATES FOR FAIR & REASONABLE RATES
- A UTILITY IS ALLOWED PRUDENT AND REASONABLE COSTS & FAIR, REASONABLE RETURN ON ITS INVESTMENTS – IN RETURN FOR PROVIDING SAFE, ADEQUATE AND RELIABLE SERVICE
- THE UTILITY MUST SUPPORT ITS REQUEST WITH COMPETENT SUBSTANTIAL EVIDENCE
- OPC WILL CONTEST THOSE AREAS WHERE WE ASSERT THE COSTS ARE NOT PROVEN TO BE REASONABLE AND PRUDENT

CONVENTIONAL RATE CASES (cont.)

CASE FILED: PETITION AND SUPPORT

OPC INTERVENES BY STATUTORY RIGHT

OPC ENGAGES NATIONALLY RENOWNED EXPERTS

- ACCOUNTING
- COST OF CAPITAL
- DEPRECIATION
- ENGINEERING

CONVENTIONAL RATE CASES (cont.)

- CUSTOMER HEARINGS HELD
 - CONSUMERS PROVIDE INPUT ON QUALITY OF SERVICE
- DISCOVERY CONDUCTED
- TESTIMONY OF OPC EXPERT WITNESSES FILED
- UTILITY FILES REBUTTAL TESTIMONY; DISCOVERY CONTINUES
- ISSUES IDENTIFIED AND FINALIZED; PREHEARING ORDER ISSUED SETTING SCOPE OF HEARING

CONVENTIONAL RATE CASES (cont.)

- HEARING HELD
 - PRESENTATION OF EVIDENCE AND WITNESSES;
CROSS-EXAMINATION; ETC.
- POST-HEARING BRIEFS & STAFF RECOMMENDATION FILED
- FINAL DECISION BY PUBLIC SERVICE COMMISSION
- 8-MONTH PROCESS IN TOTAL
- APPEAL, IF ANY, AFTER ORDER IS ISSUED

WATER/WASTEWATER RATE CASES

W/W CASES ARE A LITTLE DIFFERENT THAN ELECTRIC & GAS CASES

3 TYPES:

- CONVENTIONAL RATE CASE (FOR LARGEST UTILITIES)
- STAFF ASSISTED RATE CASE OR SARC (FOR SMALL COMPANIES)
- COMPANY-FILED PROPOSED AGENCY ACTIONS (PAA)

SETTLEMENTS

IT'S IMPORTANT TO NOTE THAT WE HAVE FULLY LITIGATED OUR LAST 3 RATE CASES.

HOWEVER, IF WE DO ENTER INTO A SETTLEMENT, OPC'S PRIMARY GOAL WHEN DECIDING ON SETTLEMENT:

- **ACHIEVE THE BEST DEAL WE CAN GET FOR CONSUMERS MEASURING THE STRENGTHS AND WEAKNESSES OF OUR CASE AGAINST THE EXPECTED OUTCOME IN LITIGATION.**

SETTLEMENTS (cont.)

OTHER ADVANTAGES OF SETTLEMENTS

- **AVOIDS UNCERTAINTY OF REGULATORY BODY DECISION**
- **TAKES SOME OF RISK OUT OF THE EQUATION**
- **ALLOWS CREATIVE SOLUTIONS THAT PSC COULD NOT OTHERWISE CONSIDER (E.G., RATE FREEZES; REVENUE SHARING; ASSET DEFERRALS; SOLAR & EV INVESTMENTS, ETC.)**
- **CAN AVOID EXPENSE OF HEARING, ATTORNEYS' FEES, ETC.**



**FLORIDA OFFICE
OF PUBLIC COUNSEL**

QUESTIONS

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