

**COMMITTEE MEETING EXPANDED AGENDA**

**JOINT COMMITTEE ON PUBLIC COUNSEL OVERSIGHT**

**Senator Gruters, Alternating Chair**

**Representative LaMarca, Alternating Chair**

**MEETING DATE:** Thursday, January 19, 2023

**TIME:** 1:00—3:00 p.m.

**PLACE:** *Toni Jennings Committee Room*, 110 Senate Building

**SENATE MEMBERS:** Senator Gruters, Alternating Chair; Senators Burgess, Powell, Thompson, and Yarborough

**HOUSE MEMBERS:** Representative LaMarca, Alternating Chair; Representatives Anderson, Campbell, Griffiths, Nixon, and Stark

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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1 Overview of the Office of Public Counsel

Discussion of Public Counsel vacancy and recommendation to the presiding officers of a designee to carry out the responsibilities of the position until a Public Counsel is appointed by the joint committee for the unexpired term.

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Other Related Meeting Documents

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# CHARLES J. REHWINKEL

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111 W. Madison Street, Tallahassee, FL 32399 | (850) 488-9330  
REHWINKEL.CHARLES@leg.state.fl.us

## PROFESSIONAL LICENSURE AND EXPERTISE

Member of the Florida Bar since January 25, 1986, experienced in public utility administrative law.  
Florida Bar Number 0527599.

## EDUCATION

University of Florida, Levin School of Law, J.D., May 1985  
University of Florida, College of Liberal Arts & Sciences, Criminal Justice, B.S. June 1982

## WORK EXPERIENCE

Deputy Public Counsel | Florida Office of Public Counsel  
*January 2011 to Present*

Lead litigation attorney and chief advisor to the Public Counsel, principally charged with coordinating litigation strategy and assisting with management of the office and acting in the Public Counsel's stead when the Public Counsel is unavailable. Also assigned regular responsibilities for overseeing and executing litigation of investor-owned electric, gas, and water and wastewater rates cases, imprudence determinations and representing the office in other types of cases before the Florida Public Service Commission, and for briefing and oral argument before the Florida Supreme Court.

Associate Public Counsel | Florida Office of Public Counsel  
*December 2008 – January 2011*

Litigation attorney responsible for overseeing and executing assigned litigation of investor-owned electric, gas, and water and wastewater rates cases, imprudence determinations and representing the office in other types of cases before the Florida Public Service Commission, and for briefing and oral argument before the Florida Supreme Court.

Regulatory and Legislative Affairs Executive | Embarq Florida

*May 2006 to July 2007*

Local executive for telecommunications provider that was spun-off from SprintNextel Corporation, responsible for regulatory affairs and litigation before the Florida Public Service Commission and other state agencies and the Florida Supreme Court. Responsible for the company's legislative efforts before the Florida Legislature and local government governing bodies.

Regulatory and Legislative Affairs Executive | Sprint-Florida, Inc.

*November 2000 to April 2006*

Local executive for telecommunications provider, responsible for regulatory affairs and litigation before the Florida Public Service Commission and other state agencies and the Florida Supreme Court. Responsible for the company's legislative affairs efforts before the Florida Legislature and local government governing bodies

Regulatory Counsel | Sprint Florida, Inc.

*March 1997 to November 2000*

Counsel for telecommunications provider, responsible for regulatory litigation before the Florida Public Service Commission and other state agencies and the Florida Supreme Court.

Aide to Florida Public Service Commissioner | Florida Public Service Commission

*March 1991 to February 1997*

Chief advisor to Public Service Commissioner, J. Terry Deason. Responsible for research and advising the Commissioner on matters pending before the Commission and assisted in facilitation of enhanced duties of the Commission when he was Chairman.

Associate Public Counsel | Florida Public Counsel

*August 1985 to March 1991*

Litigation attorney responsible for overseeing and executing assigned responsibilities for litigating investor-owned electric, gas, and water and wastewater rates cases, imprudence determinations and other cases before the Florida Public Service Commission, and Florida Supreme Court.

# FLORIDA OFFICE OF PUBLIC COUNSEL



## OVERVIEW OF THE OPC

CHARLES REHWINKEL  
DEPUTY PUBLIC COUNSEL

# OVERVIEW OF OPC

## WHO IS OPC?

- 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:
  - BEFORE THE PSC
  - BEFORE COUNTIES THAT OPT OUT OF PSC JURISDICTION ON WATER/WASTEWATER CASES
- REPRESENT RATEPAYERS COLLECTIVELY, NOT INDIVIDUALLY

# OVERVIEW OF OPC (cont.)

- **LOCATED IN TALLAHASSEE**
- **14 FTE'S**
- **BUDGET -- \$2.367 MILLION**

# OPC STAFFING

13 STAFF POSITIONS REPORT TO THE PUBLIC COUNSEL

- 6 ATTORNEYS (3 VACANCIES)
- 3 ACCOUNTANTS
- 3 PARALEGALS
- 1 OFFICE MANAGER

# TYPES OF CASES

## RATE CASES:

- ELECTRIC
- GAS
- WATER/WASTEWATER

## COST RECOVERY CLAUSES:

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

MISCELLANEOUS – RULEMAKING, PROCEDURAL MATTERS, ETC.

# CASE STATISTICS

## FLORIDA PUBLIC SERVICE COMMISSION:

- INTERVENTIONS: 42 DOCKETS
- MONITORING: 37 DOCKETS

## COUNTY RATE PROCEEDINGS:

- MONITORING IN CITRUS COUNTY: 1 DOCKET

## FLORIDA SUPREME COURT CASES:

- PENDING WITH OPC AS APPELLANT – 6
- 2015 – 2020 FINAL ORDER – 6 (3 AS APPELLANT & 3 AS APPELLEE)

# 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

# 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

OPC'S PRIMARY GOAL DECIDING ON SETTLEMENT:

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

# SETTLEMENTS

## OTHER ADVANTAGES OF SETTLEMENTS

- AVOIDS MUCH OF 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

CHARLES REHWINKEL

DEPUTY PUBLIC COUNSEL

OFFICE OF PUBLIC COUNSEL

(850) 488-9330

[REHWINKEL.CHARLES@LEG.STATE.FL.US](mailto:REHWINKEL.CHARLES@LEG.STATE.FL.US)



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Ethics and Elections, *Chair*  
Education Pre-K -12, *Vice Chair*  
Appropriations  
Appropriations Committee on Criminal and  
Civil Justice  
Appropriations Committee on Health and  
Human Services  
Banking and Insurance  
Health Policy  
Rules

**JOINT COMMITTEE:**  
Joint Committee on Public Counsel Oversight

### SENATOR DANNY BURGESS

23rd District

January 10, 2023

The Honorable Joe Gruters  
Chairman  
Joint Committee on Public Counsel Oversight  
525 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Mr. Chairman,

I respectfully request an excused absence from the January 19, 2023 meeting of the Joint Committee on Public Counsel Oversight.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Danny".

cc: Booter Imhof, Staff Director  
Susan Datres, Administrative Assistant

REPLY TO:

- 38507 Fifth Avenue, Zephyrhills, FL 33542 (813) 779-7059
- 412 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore