

Tab 1	SB 1038 by Brandes ; (Similar to H 01411) Energy 2040 Task Force
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Tab 2	SB 1018 by Bean ; (Similar to H 01167) Telecommunications Carrier Lifeline Service Programs
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687548	D	S	RCS	CU, Bean	Delete everything after	01/10 03:41 PM
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
COMMUNICATIONS, ENERGY, AND PUBLIC UTILITIES
Senator Bean, Chair
Senator Montford, Vice Chair

MEETING DATE: Wednesday, January 10, 2018
TIME: 2:00—3:30 p.m.
PLACE: 301 Senate Office Building

MEMBERS: Senator Bean, Chair; Senator Montford, Vice Chair; Senators Broxson, Campbell, Grimsley, Stargel, and Young

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1038 Brandes (Similar H 1411, Compare S 1586)	Energy 2040 Task Force; Creating the Energy 2040 Task Force within the Public Service Commission; requiring the task force to make recommendations, giving consideration to certain topics; specifying that the task force and any advisory committee members will serve without compensation, but are entitled to per diem and travel expenses, etc. CU 01/10/2018 Favorable GO RC	Favorable Yeas 7 Nays 0
2	SB 1018 Bean (Similar H 1167)	Telecommunications Carrier Lifeline Service Programs; Revising exemptions from Public Service Commission oversight to allow for commission oversight of certain eligible telecommunications carrier designations for Lifeline service programs, etc. CU 01/10/2018 Fav/CS GO RC	Fav/CS Yeas 7 Nays 0
3	Presentation by the Public Service Commission relating to electric utility infrastructure hardening to withstand severe weather events and other causes of outages.		Discussed

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Communications, Energy, and Public Utilities

BILL: SB 1038
INTRODUCER: Senator Brandes
SUBJECT: Energy 2040 Task Force
DATE: January 9, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	CU	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 1038 creates the Energy 2040 Task Force within the Public Service Commission (PSC or commission). The task force is to project Florida’s electric energy needs over the next 20 years and determine how best to meet those needs in an efficient, affordable, and reliable manner while increasing competition and consumer choice and ensuring adequate electric reserves. The task force is to recommend appropriate electric policies for the state based on these projections and determinations, including any necessary statutory changes. The bill specifies topics the task force must consider in making these projections and determinations.

The task force is to consist of:

- The Public Counsel, or his or her designee, who shall serve as the chair;
- The executive director of the PSC, or his or her designee;
- The chair of the Florida Energy Systems Consortium, or his or her designee;
- The chief executive officer of the Florida Reliability Coordinating Council, or his or her designee; and
- Two members of the Senate and two members of the House of Representatives, appointed by the President of the Senate and Speaker of the House of Representatives, respectively.

Appointments must be made by July 1, 2018, and any vacancy occurring in the membership of the task force is to be filled in the same manner as the original appointment.

The bill provides for task force meetings, quorum and voting, and authority to establish any necessary technical advisory committees and appoint task force members to those committees.

Task force members serve without compensation, but are entitled to per diem and travel expenses.

The PSC is required to provide administrative and support services related to the functions of the task force and any of its advisory committees, and all state agencies are to assist and cooperate with the task force as requested by the task force or any of its advisory committees.

The task force must report its projections and recommendations to the President of the Senate, the Speaker of the House of Representatives, and the Governor by January 1, 2020.

The section creating the task force and providing for its operations is to expire on June 30, 2020.

II. Present Situation:

There is no related current law.

III. Effect of Proposed Changes:

The bill creates the Energy 2040 Task Force¹ within the PSC to project Florida's electric energy needs over the next 20 years and determine how best to meet those needs in an efficient, affordable, and reliable manner while increasing competition and consumer choice and ensuring adequate electric reserves. The task force is to recommend appropriate electric policies for the state based on these projections and determinations, including any necessary statutory changes.

In making the projections and determinations, the task force shall consider all relevant topics, including, but not limited to:

- Forecasts through the year 2040 of the state's population growth, electricity needs, and electric supply, and the expected diversity of fuels and their sources for use in the state.
- Projections of the effects of allowing nonutility retail sales of renewable energy, including determinations and recommendations on what types of fuels and technologies should be included in the definition of the term "renewable energy" and what criteria, including restrictions, should be required of entities considered nonutility retail renewable energy producers. For purposes of this section, solar technologies are considered renewable energy.
- The rights for and obligations between a nonutility direct retail renewable energy producer and its customers, including whether such rights and duties should be a matter of contract or subject to some oversight or regulation by the PSC and whether courts or the commission should resolve any disputes.
- The effects of nonutility direct retail renewable energy sales on regulated public utilities' recovery of previously incurred or sunken costs, including what mechanisms should be used to recover these costs.
- The effects of nonutility direct retail renewable energy sales on a regulated public utility's obligation to serve all users of electricity within its service territory and the continued purchase by these customers of any services from the regulated public utility.
- Projections of the effects of allowing the use of micro grids, including services provided by nonutility entities, on energy grid reliability, including what economic, safety, or reliability regulations should be applicable to nonutility operators of micro grids.

¹ The bill states that this is to be a task force as defined in s. 20.03, F.S., which states, at subsection (8): "Committee" or "task force" means an advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment.

- Emerging and projected electric technologies and concepts, including, but not limited to:
 - Solar and other renewable energy;
 - Sustainable energy;
 - Smart grid technology;
 - Energy storage;
 - Electric vehicles, including their potential impact on power supply needs and overall emissions;
 - Distributed-generation technologies, including their potential contribution to reliable electric supplies and their impact on the state, its environment, and its electric policies; and
 - Storm hardening of the state’s electric power transmission and distribution systems.
- Analysis of the impacts of state and local government taxes on government revenues and the electric supply.
- The environmental impact of electricity production, generation, and transmission in the state.

The task force is to consist of the following members:

- The Public Counsel,² or his or her designee, who shall serve as the chair of the study task force;
- The executive director of the PSC,³ or his or her designee;
- The chair of the Florida Energy Systems Consortium,⁴ or his or her designee;
- The chief executive officer of the Florida Reliability Coordinating Council,⁵ or his or her designee; and
- Two members of the Senate and two members of the House of Representatives, appointed by the President of the Senate and Speaker of the House of Representatives, respectively.

Appointments must be made by July 1, 2018, and any vacancy occurring in the membership of the task force is to be filled in the same manner as the original appointment.

² The Office of Public Counsel provides legal representation for utility customers in proceedings before the Public Service Commission, and in appeals of those matters to the Florida Supreme Court. The office also appears in the name of the state or its citizens before other state and federal agencies and state and federal courts in connection with matters under the jurisdiction of the commission (s. 350.0611, F.S.).

³ The commission has full economic regulation authority over public utilities, the investor-owned utilities (IOUs) (s. 366.04, F.S.). It also has safety and reliability regulation over electric utilities, the IOUs, plus the municipal and cooperative utilities (ss. 366.04(2)(c) and 366.05(8), F.S.). The commission’s Executive Director supervises all commission staff except the Inspector General and the General Counsel. The Executive Director is appointed by and serves at the pleasure of the five Commission members.

⁴ The Florida Legislature created the Florida Energy Systems Consortium in 2008 to promote collaboration among experts in the State University System for the purposes of sharing energy-related expertise and assisting in the development and implementation of a comprehensive, long-term, environmentally compatible, sustainable, and efficient energy strategic plan for the state (s. 1004.648, F.S.). Among the consortium’s express duties is providing a state resource for objective energy systems analysis. The consortium has experience with renewable energy, energy storage, smart grids, micro-grids, and grid reliability, including incorporation of renewable energy (*See*, <http://floridaenergysummit.com/pdfs/presentations2015/DavidNorton.pdf>) (last visited January 3, 2018).

⁵ The Florida Reliability Coordinating Council is a Florida not-for-profit company whose mission “is to promote and assure the reliability of the bulk power system in Peninsular Florida”: put more simply, it has oversight of the electric grid for the peninsula to ensure that the amount of electricity put onto the grid is the same as that taken off and used by all utility customers. One of the more significant practical challenges of potentially incorporating non-utility electricity producers, intermittent renewable energy, and particularly non-utility electricity producers of renewable energy into the existing system is that of continuing grid reliability.

The first meeting of the task force must be held by August 1, 2018. The task force may not meet or take any action without a quorum present, which is a minimum of five members. Each member of the task force is entitled to one vote, and any recommendation or other action of the task force must be upon a majority vote of the entire membership of the task force.

The task force may establish any necessary technical advisory committees and appoint task force members to those committees.

The task force members and any advisory committee members are to serve without compensation, but are entitled to per diem and travel expenses pursuant to s. 112.061, F.S.

The Public Service Commission is required to provide administrative and support services related to the functions of the task force and any of its advisory committees. Additionally, all state agencies are to assist and cooperate with the task force as requested by the task force or any of its advisory committees.

The task force shall submit its recommendations to the President of the Senate, the Speaker of the House of Representatives, and the Governor by January 1, 2020.

The section creating the task force and providing for its operations is to expire on June 30, 2020.

The act takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate as any impact depends on what the task force recommends and what the Legislature does with these recommendations.

C. Government Sector Impact:

The PSC will incur costs to provide support to the task force.

Task force members are to receive per diem. The Public Counsel, the PSC's executive director, the chair of the Florida Energy Systems Consortium, and the two Senators and two Representatives are state employees and presumably will receive per diem payments from their employers. However, the source of funds to pay per diem to the chief executive officer of the Florida Reliability Coordinating Council is unclear.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates an unnumbered section of the Florida Statutes, or perhaps only the Laws of Florida.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Brandes

24-00701B-18

20181038__

1 A bill to be entitled
 2 An act relating to the Energy 2040 Task Force;
 3 creating the Energy 2040 Task Force within the Public
 4 Service Commission; specifying the purpose of the task
 5 force; requiring the task force to make
 6 recommendations, giving consideration to certain
 7 topics; requiring the commission to provide
 8 administrative and support services; specifying the
 9 task force membership; authorizing the task force to
 10 create advisory committees; specifying that the task
 11 force and any advisory committee members will serve
 12 without compensation, but are entitled to per diem and
 13 travel expenses; requiring that state agencies assist
 14 and cooperate with the task force and any advisory
 15 committees; specifying that appointments to the task
 16 force be made by a certain date; specifying the first
 17 meeting of the task force; specifying the process for
 18 filling vacancies; specifying quorum and voting
 19 procedures; requiring the task force to submit
 20 recommendations to the President of the Senate, the
 21 Speaker of the House of Representatives, and the
 22 Governor by a specified date; providing an expiration
 23 date; providing an effective date.

24 Be It Enacted by the Legislature of the State of Florida:

25
 26
 27 Section 1. (1) The Energy 2040 Task Force, a task force as
 28 defined in s. 20.03, Florida Statutes, is created within the
 29 Public Service Commission to project Florida's electric energy

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 needs over the next 20 years and determine how best to meet
 31 those needs in an efficient, affordable, and reliable manner
 32 while increasing competition and consumer choice and ensuring
 33 adequate electric reserves.

34 (2) Based on these projections and determinations, the task
 35 force shall recommend appropriate electric policies for the
 36 state, including any necessary statutory changes. In making its
 37 projections and determinations, the task force shall consider
 38 all relevant topics, including, but not limited to:

39 (a) Forecasts through the year 2040 of the state's
 40 population growth, electricity needs, and electric supply, and
 41 the expected diversity of fuels and their sources for use in the
 42 state.

43 (b) Projections of the effects of allowing nonutility
 44 retail sales of renewable energy, including determinations and
 45 recommendations on what types of fuels and technologies should
 46 be included in the definition of the term "renewable energy" and
 47 what criteria, including restrictions, should be required of
 48 entities considered nonutility retail renewable energy
 49 producers. For purposes of this section, solar technologies are
 50 considered renewable energy.

51 (c) The rights for and obligations between a nonutility
 52 direct retail renewable energy producer and its customers,
 53 including whether such rights and duties should be a matter of
 54 contract or subject to some oversight or regulation by the
 55 Public Service Commission and whether courts or the Public
 56 Service Commission should resolve any disputes.

57 (d) The effects of nonutility direct retail renewable
 58 energy sales on regulated public utilities' recovery of

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59 previously incurred or sunken costs, including what mechanisms
60 should be used to recover these costs.

61 (e) The effects of nonutility direct retail renewable
62 energy sales on a regulated public utility's obligation to serve
63 all users of electricity within its service territory and the
64 continued purchase by these customers of any services from the
65 regulated public utility.

66 (f) Projections of the effects of allowing the use of micro
67 grids, including services provided by nonutility entities, on
68 energy grid reliability, including what economic, safety, or
69 reliability regulations should be applicable to nonutility
70 operators of micro grids.

71 (g) Emerging and projected electric technologies and
72 concepts, including, but not limited to:

73 1. Solar and other renewable energy;

74 2. Sustainable energy;

75 3. Smart grid technology;

76 4. Energy storage;

77 5. Electric vehicles, including their potential impact on
78 power supply needs and overall emissions;

79 6. Distributed-generation technologies, including their
80 potential contribution to reliable electric supplies and their
81 impact on the state, its environment, and its electric policies;
82 and

83 7. Storm hardening of the state's electric power
84 transmission and distribution systems.

85 (h) Analysis of the impacts of state and local government
86 taxes on government revenues and the electric supply.

87 (i) The environmental impact of electricity production,

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88 generation, and transmission in the state.

89 (3) The Public Service Commission shall provide
90 administrative and support services related to the functions of
91 the task force and any of its advisory committees.

92 (4) The task force shall consist of the following members:

93 (a) The Public Counsel, or his or her designee, who shall
94 serve as the chair of the study task force;

95 (b) The executive director of the Florida Public Service
96 Commission, or his or her designee;

97 (c) The chair of the Florida Energy Systems Consortium, or
98 his or her designee;

99 (d) The chief executive officer of the Florida Reliability
100 Coordinating Council, or his or her designee; and

101 (e) Two members of the Senate and two members of the House
102 of Representatives, appointed by the President of the Senate and
103 Speaker of the House of Representatives, respectively.

104 (5) The task force may establish any necessary technical
105 advisory committees and appoint task force members to those
106 committees.

107 (6) The task force members and any advisory committee
108 members shall serve without compensation, but are entitled to
109 per diem and travel expenses pursuant to s. 112.061, Florida
110 Statutes.

111 (7) All state agencies shall assist and cooperate with the
112 task force as requested by the task force or any of its advisory
113 committees.

114 (8) Appointments to the task force pursuant to subsection
115 (4) must be made by July 1, 2018, and the first meeting of the
116 task force must be held by August 1, 2018. Any vacancy occurring

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117 in the membership of the task force is to be filled in the same
118 manner as the original appointment. The task force may not meet
119 or take any action without a quorum present, which is a minimum
120 of five members. Each member of the task force is entitled to
121 one vote, and any recommendation or other action of the task
122 force must be upon a majority vote of the entire membership of
123 the task force.

124 (9) The task force shall submit its recommendations to the
125 President of the Senate, the Speaker of the House of
126 Representatives, and the Governor by January 1, 2020.

127 (10) This section expires on June 30, 2020.

128 Section 2. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Aaron Bean
Committee on Communications, Energy, and
Public Utilities

Subject: Committee Agenda Request

Date: December 24, 2017

I respectfully request that **Senate Bill #1038**, relating to **Energy 2040 Task Force**, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Jeff Brandes", written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 24

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/10/18

Meeting Date

SB 1038

Bill Number (if applicable)

Topic Energy 2040 Task Force

Amendment Barcode (if applicable)

Name Zayne Smith

Job Title Associate State Director

Address 200 W. College Ave.

Phone 850 228-4243

Street

Tully

City

FL

State

32301

Zip

Email zsmith@arp.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AARP

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-9-18

Meeting Date

1038

Bill Number (if applicable)

Topic 2040

Amendment Barcode (if applicable)

Name Amy Patz

Job Title

Address 1130 Crestview Ave

Phone (850) 322-7599

Tallahassee FL 32303

Email amatie.dato@Mac.com

Speaking: For Against Information

Waive Speaking: In Support Against

Representing Environmental Caucus of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-10-2018
Meeting Date

1038
Bill Number (if applicable)

Topic Energy 2040 Task Force

Amendment Barcode (if applicable)

Name Susan Glickman

Job Title Florida Director

Address PO Box 310

Phone 727-742-9003

Indian Rocks Beach FL 33785
Street City State Zip

Email susan@cleanenergy.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Southern Alliance for Clean Energy

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-10-18

Meeting Date

1038

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Richard Pinsky

Job Title _____

Address 106 E. College Ave.

Phone _____

Street

Tallahassee FL. 32301

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Solar Energy Industries Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/10/18

Meeting Date

1038

Bill Number (if applicable)

Topic SB 1038

Amendment Barcode (if applicable)

Name Rich Blawer

Job Title Co-Founder, President

Address 7001 SW 24th Ave

Phone _____

Street

Gainesville

FL

32607

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Energy Freedom

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB1038
Bill Number (if applicable)

Meeting Date _____

Topic 2040 Energy Task Force

Amendment Barcode (if applicable) _____

Name Brad Ashwell

Job Title Policy Director

Address 1536 Chuli Nere

Phone 850-294-1008

Street Tallahassee State FL Zip 32301

Email brad.ashwell@fiacp.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Alliance for Consumer Protection

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/10/18

Meeting Date

N/A

Bill Number (if applicable)

Topic Electric Utility Infrastructure Hardening

Amendment Barcode (if applicable)

Name Tom Ballinger

Job Title Director Division of Engineering

Address 2540 Shumard Oak Blvd

Phone 413-6680

Street

Tallahassee FL 32399

Email TBalling@psc.state.fl.us

City

State

Zip

Speaking: [] For [] Against [X] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing Florida Public Service Commission

Appearing at request of Chair: [X] Yes [] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Communications, Energy, and Public Utilities

BILL: CS/SB 1018

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Bean

SUBJECT: Telecommunications Carrier Lifeline Service Programs

DATE: January 10, 2018 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	CU	Fav/CS
2.			GO	
3.			RC	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1018 amends s. 364.10, F.S., relating to Lifeline services, to include in the term “eligible telecommunications carrier” (ETC) any commercial mobile radio service provider that has been certified as an ETC by the Public Service Commission (PSC or commission).

II. Present Situation:

The Lifeline program was created by the federal government in 1985 to provide phone service discounts for qualifying low-income consumers as part of the federal Universal Service Program. In 2016, the Federal Communications Commission (FCC) adopted a comprehensive modernization reform adding broadband access to the Lifeline program. As a result, qualifying households may either receive up to a \$9.25 discount on their monthly phone or broadband bill or receive a free Lifeline cell phone and limited voice or broadband from certain wireless carriers.^{1,2}

¹ Florida Public Service Commission, *Florida Lifeline Assistance: Number of Customers Subscribing to Lifeline Service And the Effectiveness of Procedures to Promote Participation*, December 2017, page 3.

² The FCC had already expanded the Lifeline program to include wireless voice communications services in 2005 to accommodate shifting consumer demand. See, <https://www.accesswireless.com/lifeline/about-the-lifeline-program> (last accessed December 20, 2017).

In Florida, the PSC oversees the Lifeline program³ and Lifeline services are provided to eligible customers by an “eligible telecommunications carrier,” a term defined to mean “a telecommunications company, as defined by s. 364.02, which is designated as an eligible telecommunications carrier by the commission pursuant to 47 C.F.R. s. 54.201.”⁴

The commission only evaluates applications for eligible telecommunications carrier (ETC) designation from wireline companies, leaving wireless applications to be evaluated by the FCC.⁵ The commission explains this position as follows: “The Florida 2011 Legislature (HB 1231), removed the FPSC authority to designate ETC wireless providers. Effective July 1, 2012, wireless providers must directly apply for Florida ETC designation with the FCC.”⁶

In 2011, the Florida Legislature passed the “Regulatory Reform Act,” completing its deregulation of retail landline telecommunications service providers. Prior to this Act, s. 364.011, F.S., in part, exempted wireless communications from PSC jurisdiction except as “specifically authorized by federal law.” The Act deleted the quoted language from this statute.⁷ This appears to be the statutory change that the PSC refers to as removing its authority to designate a wireless carrier as an ETC.

III. Effect of Proposed Changes:

The bill amends s. 364.10, F.S., on Lifeline services, to include in the term “eligible telecommunications carrier” any commercial mobile radio service provider that is certified as an ETC by the PSC.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³ Section 364.10, F.S.

⁴ Section 364.10(1)(a), F.S.

⁵ *Florida Lifeline Assistance*, page 3.

⁶ *Florida Lifeline Assistance*, page 3, footnote 13.

⁷ Section 3, Ch. 2011-36, Laws of Florida.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill should allow wireless communications services providers to obtain an eligible telecommunications carrier designation quicker, thereby allowing them to provide Lifeline service to eligible customers and obtain Universal Service payments quicker. This should benefit both the carriers and customers.

C. Government Sector Impact:

The PSC may incur costs associated with designating these carriers as an eligible telecommunications carriers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 364.10 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Communications, Energy, and Public Utilities on January 10, 2018:

For purposes of providing Lifeline services under s. 364.10, F.S., any commercial mobile radio service provider that is certified as an eligible telecommunications carrier by the Public Service Commission is included in the term “eligible telecommunications carrier.” The provision authorizing the commission to make the designation was moved from s. 364.011, F.S.

B. Amendments:

None.



687548

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2018	.	
	.	
	.	
	.	

The Committee on Communications, Energy, and Public Utilities
(Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (1) of section
364.10, Florida Statutes, is amended to read:

364.10 Lifeline service.—

(1) (a) An eligible telecommunications carrier shall provide
a Lifeline Assistance Plan to qualified residential subscribers,
as defined in the eligible telecommunications carrier's



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11 published schedules. For the purposes of this section, the term
12 "eligible telecommunications carrier" means a telecommunications
13 company, as defined by s. 364.02, or , for the limited purpose
14 of qualification to provide Lifeline service, any commercial
15 mobile radio service provider. Such company or provider must
16 also be ~~which is~~ designated as an eligible telecommunications
17 carrier by the commission pursuant to 47 C.F.R. s. 54.201.

18 Section 2. This act shall take effect July 1, 2018.

19
20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete everything before the enacting clause
23 and insert:

24 A bill to be entitled
25 An act relating to Lifeline service; amending s.
26 364.10, F.S.; revising the term "eligible
27 telecommunications carrier" to include commercial
28 mobile radio service providers under a specified
29 circumstance; providing an effective date.

By Senator Bean

4-01109-18

20181018__

A bill to be entitled

An act relating to telecommunications carrier Lifeline service programs; amending s. 364.011, F.S.; revising exemptions from Public Service Commission oversight to allow for commission oversight of certain eligible telecommunications carrier designations for Lifeline service programs; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 364.011, Florida Statutes, is amended to read:

364.011 Exemptions from commission jurisdiction.—The following services are exempt from oversight by the commission, except to the extent delineated in this chapter or as authorized by federal law for the purpose of making eligible telecommunications carrier designations for Lifeline service programs:

- (1) Intrastate interexchange telecommunications services.
- (2) Broadband services, regardless of the provider, platform, or protocol.
- (3) VoIP.
- (4) Wireless telecommunications, including commercial mobile radio service providers.
- (5) Basic service.
- (6) Nonbasic services or comparable services offered by any telecommunications company.

Section 2. This act shall take effect July 1, 2018.



The Florida Senate

Committee Agenda Request

To: Senator Aaron Bean, Chair
Committee on Communications, Energy, and Public Utilities

Subject: Committee Agenda Request

Date: December 14, 2017

I respectfully request that **Senate Bill # 1018**, relating to Telecommunications Carrier Lifeline Service Programs, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Aaron Bean".

Senator Aaron Bean
Florida Senate, District 4

Electric Utility Infrastructure Hardening

Presentation for the
**Senate Committee on
Communications, Energy, and Public Utilities**



Tom Ballinger
Director, Division of Engineering
Florida Public Service Commission
January 10, 2018

Overview

- Storm Hardening – Meaning and Goals
- FPSC Storm Hardening Procedures
- Commission Review of Storm Preparedness and Restoration
- Cost of Service



Storm Hardening

- Section 366.03, F.S. requires an electric utility to provide “reasonably sufficient, adequate, and efficient service” at rates that “shall be fair and reasonable”.
- Utilities required to balance reliability with cost-effectiveness based on sound engineering principles.
- Goal of storm hardening is to balance the desire to minimize storm damage, reduce outages and restoration time while mitigating excessive rate increases to customers.
- Types of hardening projects include aggressive vegetation management, additional guy wires at critical interstate crossings, replacement of wood poles with concrete or steel, and overhead to underground conversions.



Storm Hardening

- Rule 25-6.0342, F.A.C., requires each IOU to file an Electric Infrastructure Storm Hardening Plan for review and approval by the Commission at least every three years.
- Plans must include a description of construction standards, policies, practices, and procedures to enhance the reliability of overhead and underground electrical transmission and distribution facilities.
- The Commission reviews the plans for compliance with standards and requirements of Rule 25-6.0342, F.A.C.
- Approval of plan is NOT approval for cost recovery.



Storm Hardening

- Each IOU's plan addresses items such as:
 - Compliance with National Electric Safety Code
 - Compliance with extreme wind loading standards for critical infrastructure facilities, new construction, and other planned major projects
 - Mitigation of damage due to flooding and storm surge
 - A deployment strategy describing the communities and areas where the electric infrastructure improvements are to be made
 - Technical design specifications and construction standards
 - Standards and procedures for third party attachers
 - An estimate of the costs and benefits to the utility of making the electric infrastructure improvements.



Monitoring and Cost Recovery

- Utility activity and costs associated with storm hardening are reported annually as part of the Distribution Reliability Reports. Staff monitors this information for trends.
- Recovery of storm hardening costs are reviewed as part of a base rate proceeding.
- Costs associated with storm restoration are recovered through surcharges. Rule 25-6.0143, F.A.C. allows for recovery of incremental costs not covered by current base rates or insurance.
- Both storm hardening and restoration costs are made up of capital and O&M items.



Commission Review of Storm Preparedness and Restoration

- Through Docket No. 20170215-EI, the Commission is collecting data from 57 utilities relating to storm preparation and restoration for Hurricane Irma and other storms. Have received responses to most data requests, second set due mid January.
- Also seeking comments from other stakeholders such as local governments, businesses, and advocacy groups. These comments due by February 20, 2018. Commission workshop slated for April 3 and 4, 2018.
- Approximately 400 customer comments received to date. Common themes are frustration with timely communication and cost responsibility.
- To date, no anomalies have been observed and details of outage causes and restoration efforts still being analyzed.



Storm Hardening and Restoration

- Despite the goal of reducing outages, even storm hardened facilities can suffer damage due to events beyond a utility's control.



Cost of Service

- Commission sets rates based strictly on the utility's cost to provide service by customer class (residential, commercial, industrial).
- Cost-based utility tariffs to facilitate undergrounding of electric facilities are available to customers who desire a higher level of service.
- Cost-based utility tariffs are available for customers willing to accept some level of interruption in electric service (lower level of service), in exchange for a lower rate.
- Financial costs of outages or perceived value of electric service is not a part of the cost to serve.
- Customers who may place a higher value on electric service can install back-up generation utilizing solar, battery storage, or fossil fuel.



Questions?

Tom Ballinger

Director, Division of Engineering
Florida Public Service Commission

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CourtSmart Tag Report

Room: SB 301

Case No.:

Type:

Caption: Senate Communications, Energy, and Public Utilities Committee

Judge:

Started: 1/10/2018 2:03:38 PM

Ends: 1/10/2018 2:48:53 PM

Length: 00:45:16

2:03:43 PM Meeting called to order
2:04:08 PM Chair
2:05:23 PM Senator Simmons to be made an unofficial, honorary member of our committee
2:05:55 PM Roll Call - Quorum is present
2:06:23 PM Chair calls out Senator Simmons name and he responds "here".
2:06:38 PM Chair introduces guest Audiologist, Dr. Ulmer, Pres. FLAA, Dr. Devon Weist, 2018 President of S Fla. program, and members.
2:08:10 PM Tab 1 - SB 1038 by Senator Brandes, Energy 2040 Task Force
2:11:00 PM Chair question of Sen. Brandes, when will Governor make recommendations?
2:11:08 PM Sen. Brandes, 2020
2:11:12 PM Questions? None
2:11:17 PM Appearance Cards?
2:11:22 PM Zane Smith, Assoc. State Director, AARP, waives in support
2:11:49 PM Amy Dats, Environmental Caucus of FL., speaking for information.
2:12:36 PM Susan Glickman, Fl. Dir. Southern Alliance for Clean Energy, speaking in support
2:14:15 PM Richard Pinsky, Fla. Solar Energy Industries Assoc., speaking for the bill.
2:15:05 PM Rich Blaser, Co-founder, President, Fla. Energy Freedom, speaking for the bill.
2:15:39 PM Brad Ashwell, Policy Director, Fla. Alliance for Consumer Protection, waives in support.
2:16:10 PM Comments by Chair
2:16:29 PM Debate? None
2:16:35 PM Sen. Brandes waives to close
2:16:57 PM Roll Call for SB 1038 - favorable
2:17:23 PM Sen. Montford in the Chair
2:17:32 PM Tab 2- SB 1018 by Sen. Bean, Telecommunications Carrier Lifeline Service Program
2:18:27 PM Strike All Amendment by Sen. Bean #687458
2:19:03 PM Sen. Bean explains the amendment.
2:19:11 PM Questions? None. No appearance Cards. No debate
2:19:20 PM No objections to the amendment. Show amendment is adopted
2:19:29 PM Sen. Bean waives close
2:19:40 PM Roll call on CS/SB 1018 - favorable
2:19:51 PM Sen. Bean back in Chair
2:20:23 PM Tab 3 - Presentation by Tom Ballinger, Dir. Division of Engineering, FL PSC, relating to
2:20:53 PM Sen. Young is excused to go to another committee to present bill.
2:23:04 PM Chair, question to presenter regarding restoration
2:24:02 PM Questions?
2:24:16 PM Sen. Simmons recognized for questions. Issue for constituents of utilities going out for various reasons including threats. Sen. Simmons wants very much to be able to provide electricity in various calamities. Has PSC reviewed SB 1586, dealing with instruction to PSC move forward? PSC working with Public Utilities.
2:28:46 PM Sen. Simmons recognized for questions.
2:28:56 PM Response
2:29:24 PM Chair - balance of keeping cost low with preparation to prevention.
2:29:49 PM Sen. Simmons in response wants PSC to find a balance.
2:30:01 PM Chair, to Tom. every member has a copy of your presentation.
2:30:17 PM Tom Ballinger continues with presentation.
2:33:31 PM Chair, report from PSC on full evaluation of storm?
2:33:42 PM Mr. Barringer responds to Chairs question. Workshop in April and report should be presented in June time period.
2:34:57 PM Mr. Ballinger back on presentation
2:35:26 PM Chair, how is this set up?
2:36:00 PM Response. Monitoring and Cost Recovery in presentation.
2:36:33 PM Chair, question of presenter.
2:36:43 PM Response.

2:37:23 PM Mr. Ballinger continues with presentation.

2:39:34 PM Chair. What is the weakest part of the grid?

2:39:47 PM Response. Single distribution line at the end of the street.

2:39:57 PM Chair

2:40:04 PM Response. May affect a few people as opposed to other transmission grids that affect thousands of people.

2:40:48 PM Chair if cost was not an issue would you go underground?

2:40:50 PM Mr. Barringer. It would go back to the customer. What they want.

2:41:07 PM Chair. Have you heard from customers?

2:41:21 PM Response. They think it should be the responsibility of the utility.

2:41:45 PM Question by Sen. Montford. Trees? Is there an industry standard for trimming back trees.

2:42:07 PM Response. There are standards of clearances, a lot of them by county codes.

2:42:28 PM Sen. Montford. Wood pools replaced by concrete? Acceptable by all counties?

2:42:56 PM Response. Even concrete breaks. Apalachicola wants the look of wooden pools.

2:43:15 PM Chair. Can PSC come up with cost benefit?

2:43:40 PM Response. Question for boss of PSC, but will do what the Legislature wants them to do.

2:44:33 PM Sen. Simmons question of presenter. After hurricanes of 2004, has PSC set new standards?

2:44:38 PM Response. If you are looking at straight wind I would agree. There is damage from falling trees and blowing debris.

2:44:58 PM Sen. Simmons, we can increase standards of infrastructure?

2:45:01 PM Response. Yes.

2:45:48 PM Sen, Simmons, rule cited in investigation and asked for reports pursuant to rule. No particular standard set. Based on what has happened with Irma what approach are we looking at for a plan?

2:47:45 PM Response.

2:47:49 PM Sen. Simmons. No problem with legislation specifically authorizing and directing PSC to do just that.

2:48:03 PM Response. I don't think I said that.

2:48:06 PM Chair to speakers.

2:48:43 PM Any business? None.

2:48:48 PM Senator Montford moves we are adjourned.