

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by City of Tallahassee)	DOCKET NO. 890146-EM
to discontinue Direct Load Control)	ORDER NO. 20912
Credits.)	ISSUED: 3-17-89
_____)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

NOTICE OF PROPOSED AGENCY ACTIONORDER GRANTING REQUEST TO DISCONTINUE
 DIRECT LOAD CONTROL CREDITS

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On January 25, 1989, this docket was established pursuant to the City of Tallahassee's (City's) request for permission to suspend its Direct Load Control program and customer credits for a period of two years.

Background

In 1980, the City of Tallahassee (City) developed load management and research programs in response to requirements of the Public Utilities Regulatory Policy Act (PURPA). Subsequently, the City was exempted from PURPA and the City's load control program, as enacted under the City's energy conservation plan, was approved pursuant to the Florida Energy Efficiency Conservation Act (FEECA). Although FEECA does not require the City to have a load control program, it allows the City to implement any plan to attain its conservation goals. This Commission approved the City's Energy Conservation program in 1981. Docket No. 800699-EG(MC), Order No. 9962.

In January of 1984, the City contracted for the purchase of equipment to carry out the City's program. This equipment was to perform functions of load research, direct load control, meter reading, service connection/disconnection, and burglar/fire alarm detection. Since the implementation of this system, the City has complained of the system's reliability, the difficulty of obtaining parts, and overall performance.

Therefore, the City of Tallahassee filed its request with this Commission to suspend the City's Direct Load Control program and customer credits for a period of two years, in which time it would conduct a comprehensive research study and develop a reliable and economically feasible load control program.

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This Commission views the City's request as reasonable.

Wherefore, in consideration of the foregoing, it is

ORDERED that the City of Tallahassee's request to discontinue direct load control credits for a period of two years is granted. It is further

ORDERED that after two years, the City of Tallahassee is to petition this Commission for approval of a new load control program. It is further

ORDERED that this Order shall become final unless a petition for formal proceeding is received by April 7, 1989.

By ORDER of the Florida Public Service Commission,
this 17th day of MARCH, 1989.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JW

by: Kay Flynn
Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on April 7, 1989. In the absence of such a petition, this order shall become effective April 10, 1989, as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

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Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on April 10, 1989, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.