BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Adoption of Rule 25-17.0021, F.A.C., Goals For Electric Utilities, And Rule 25-) 17.0025, F.A.C., Conservation Performance Incentive Factor; Amendment to Rule 25-17.001, F.A.C., General Information, Rule 25-17.003, F.A.C., Energy Audits, Related Provisions, and Rule 25-17.006, F.A.C., And Proposed Repeal of Rule 25-17.005, F.A.C., Evaluation of Electric Utility Conservation Efforts, And Rule 25-17.007, F.A.C., Normalization Of Electric Utility Load Data.

) DOCKET NO. 920606-EG) ORDER NO. PSC-93-0641-FOF-EG) ISSUED: April 23, 1993

NOTICE OF ADOPTION OF RULES AND RULE AMENDMENTS

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted Rules 25-17.0021, and 25-17.0025, F.A.C., and adopted amendments to Rules 25-17.001, 25-17.003, 25-17.005, and 25-17.006 and repealed Rule 25-17.007, F.A.C., relating to electric conservation, with changes.

The rules and rule amendments were filed with the Department of State on April 20, 1993, and will be effective on May 10, 1993. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission this 23rd day of April, 1993.

Division of Records & Reporting

(SEAL)

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25-17.001	General Information
25-17.0021	Goals for Electric Utilities
25-17.003	Energy Audits, Related Provisions
25-17.005	Evaluation of Electric Utility Conservation Efforts
25-17.006	Electric Utility System Conservation End Use Data
25-17.007	Normalization of Electric Utility Load Data
25-17.001	General Information.

- (1) The terms system and <u>electric</u> utility, as used in this Rule, shall be synonymous and have the same definition as <u>"electric</u> utility" as defined in section 366.82(1), F.S.
- requires increasing the efficiency of the electric and natural gas systems of Florida, increasing the conservation of expensive resources, such as petroleum fuels, reducing the growth rate of and the end use of these sources of energy by reducing weather sensitive peak demand, oil consumption and reducing and controlling the growth rate of kilowatt hour consumption to the extent cost effective.
- (3) Reducing the growth rate of weather sensitive peak demand on the electric system to the extent cost effective is a the first priority. Reducing the growth rate of weather sensitive peak demand benefits not only the individual customer who reduces his demand, but also all other customers on the system, both of whom

realize the immediate benefits of reducing the fuel costs of the most expensive form of generation and the longer term benefits of deferring the need for or construction of additional higher cost generating capacity.

(4) Another priority is increasing the efficiency of the enduse consumption of electricity to the extent cost-effective. (5)

In addition to specific demand-side goals, The general goals and methods for increasing the overall efficiency of the bulk electric power system and natural gas system of Florida are broadly stated since these methods are an ongoing part of the practice of every well-managed electric utility's programs and will shall be continued.

These methods are to:

Generating Electric Utilities

- (a) Review and revise utility operating practices such as maintenance scheduling, daily and longer term unit commitment practices through the power broker system to facilitate economic dispatch on both a daily and extended basis and to increase conservation of expensive fuel resources, such as petroleum fuels, reduce oil consumption to the extent cost effective.
- (b) Plan development of the bulk power system over time so that the most cost effective combination of generating units,

associated facilities and other technologies is developed for meeting generation requirements.

(c) Increase the efficiency of each generating unit and associated operating practices to the extent cost effective.

All Electric Utilities

- (d) Aggressively integrate nontraditional sources of power generation including cogenerators with high thermal efficiency and small power producers using renewable ruels into the various utility service areas near utility load centers to the extent cost effective and reliable. including planning site development to facilitate development of potential cogenerators near generating units.
- (e) Increase the efficiency of transmission and distribution systems to the extent cost effective.
- (f) Aggressively pursue research, development and demonstration projects jointly with others as well as individual projects in individual service areas. In this context, the Commission anticipates that an aggressive research program would include both technological research, research on load behavior and related problems and market-related research.
- (6)(4) The Commission shall continuously review the relationship between demand and energy, both present and anticipated. In making its determinations of need pursuant to the

Florida Electrical Power Plant Siting Act, the Commission shall take these relationships into account so that sufficient capacity will be authorized to meet anticipated needs. These goals represent a starting point for establishing demand-side management energy conservation programs for all electric utilities. There there is no absolute assurance that these goals will be fully achieved within the expected time frames, although the best efforts by the electric utilities to achieve them shall will be required. In any proceeding for determining whether new capacity is needed, the length and nature of experience under the goals will be The goals will not be used exclusively because the considered. Commission recognizes that they may not be achieved and that the estimates on which they are based may prove to be incorrect. increase the accuracy of these estimates the Commission anticipates that intensive and extensive research will be required, including both technological research and studies of the market penetration potentials of various demand-side management conservation measures and their effectiveness in reducing the growth rate of weather sensitive peak KW demand and reducing and controlling the growth rate of KWH consumption as well as studies of consumer behavior.

(7) (5) Rules 25-17.001 through 25-17.005 shall not be construed or applied to restrict growth in the supply of electric power or natural gas necessary to support economic development by

industrial or commercial enterprises. Rather, these rules should be construed <u>so</u> as <u>to enhance enhancing</u> job-producing economic growth by lowering energy costs from what they otherwise would be if these goals are not achieved.

Specific Authority: 366.05(1), 366.82(1)-(4), F.S.

Law Implemented: 366.82(1)-(4), F.S.

History: New 12/2/80, formerly 25-17.01, Amended 12/30/82, 5/10/93.

25-17.0021 Goals for Electric Utilities.

- (1) The Commission shall establish numerical goals for each affected electric utility, as defined by s. 366.82(1), F.S., to reduce the growth rates of weather-sensitive peak demand, to reduce and control the growth rates of electric consumption, and to increase the conservation of expensive resources, such as petroleum fuels. Overall Residential KW and KWH goals and overall Commercial/Industrial KW and KWH goals shall be set by the Commission for each year over a ten-year period. The goals shall be based on an estimate of the total cost effective kilowatt and kilowatt-hour savings reasonably achievable through demand-side management in each utility's service area over a ten-year period.
- (2) The Commission shall set goals for each utility at least once every five years. The Commission on its own motion or petition by a substantially affected person or a utility may

initiate a proceeding to review and, if appropriate, modify the goals. All modifications of the approved goals, plans and programs shall only be on a prospective basis.

(3) In a proceeding to establish or modify goals, each utility shall propose numerical goals for the ten year period and provide ten year projections, based upon the utility's most recent planning process, of the total, cost-effective, winter and summer peak demand (KW) and annual energy (KWH) savings reasonably achievable in the residential and commercial/industrial classes through demand-side management. Each utility's projection shall reflect consideration of overlapping measures, rebound effects, free riders, interactions with building codes and appliance efficiency standards, and the utility's latest monitoring and evaluation of conservation programs and measures. Each utility's projections shall be based upon an assessment of, at a minimum, the following market segments and major end-use categories.

Residential Market Segment:

(Existing Homes and New Construction should be separately evaluated)

Major End-Use Category

- (a) Building-Envelope Efficiencies
- (b) Cooling and Heating Efficiencies
- (c) Water Heating Systems

- (d) Appliance Efficiencies
- (e) Peakload Shaving
- (f) Solar Energy and Renewable Energy Sources
- (q) Renewable/Natural gas substitutes for electricity
- (h) Other

Commercial/Industrial Market Segment:

(Existing Facilities and New construction should be separately evaluated)

Major End-Use Category

- (i) Building Envelope Efficiencies
- (j) HVAC Systems
- (k) Lighting Efficiencies
- (1) Appliance Efficiencies
- (m) Power Equipment/Motor Efficiency
- (n) Peak Load Shaving
- (o) Water Heating
- (p) Refrigeration Equipment
- (q) Freezing Equipment
- (r) Solar Energy and Renewable Energy Sources
- (s) Renewable/Natural Gas substitutes for electricity
- (t) High Thermal Efficient Self Service Cogeneration
- (u) Other

- (4) Within 90 days of a final order establishing or modifying goals, or such longer period as approved by the Commission, εach utility shall submit for Commission approval a demand side management plan designed to meet the utility's approved goals. The following information shall be submitted for each program in the plan for a ten-year projected horizon period:
 - (a) the program name;
 - (b) the program start date;
- (c) a statement of the policies and procedures detailing the operation and administration of the program;
- (d) the total number of customers or appropriate unit of measure in each class of customer (i.e. residential, commercial, industrial, etc.) for each year in the planning horizon;
- (e) the total number of eligible customers or appropriate unit of measure in each class of customers (i.e., residential, commercial, industrial, etc.) for each year in the planning horizon;
- (f) an estimate of the annual number of customers or appropriate unit of measure in each class projected to participate in the program, including a description of how the estimate was derived;
- (g) the cumulative penetration levels of the program by year calculated as the percentage of projected cumulative participating

customers or appropriate unit of measure by year to the total customers eligible to participate in the program;

- (h) estimates on an appropriate unit of measure basis of the per customer and program total annual KWH reduction, winter KW reduction, and summer KW reduction, both at the customer meter and the generation level, attributable to the program. A summary of all assumptions used in the estimates will be included;
- (i) a methodology for measuring actual kilowatt and kilowatthour savings achieved from each program, including a description of research design, instrumentation, use of control groups, and other details sufficient to ensure that results are valid;
- (j) an estimate of the cost-effectiveness of the program using the cost-effectiveness tests required pursuant to Rule 25-17.008. If the Commission finds that a utility's conservation plan has not met or will not meet its goals, the Commission may require the utility to modify its proposed programs or adopt additional programs and submit its plan for approval.
- (5) Each utility shall submit an annual report no later than March 1 of each year summarizing its demand side management plan and the total actual achieved results for its approved demand side management plan in the preceding calendar year. The report shall contain, at a minimum, a comparison of the achieved KW and KWH reductions with the established Residential and

Commercial/Industrial goals, and the following information for each approved program:

- (a) the name of the utility;
- (b) the name of the program and program start date;
- (c) the calendar year the report covers;
- (d) total number of customers or appropriate unit of measure by customer class for each year of the planning horizon;
- (e) total number of customers or appropriate unit of measure eligible to participate in the program for each year of the planning horizon;
- (f) total number of customers or appropriate unit of measure projected to participate in the program for each year of the planning horizon;
- (g) the potential cumulative penetration level of the program to date calculated as the percentage of projected participating customers to date to the total eligible customers in the class;
- (h) the actual number of program participants and current cumulative number of program participants;
- (i) the actual cumulative penetration level of the program calculated as the percentage of actual cumulative participating customers to the number of eligible customers in the class;

- (j) a comparison of the actual cumulative penetration level of the program to the potential cumulative penetration level of the program;
- (k) a justification for variances larger than 15% for the annual goals established by the Commission;
- (1) using on-going measurement and evaluation results the annual KWH reduction, the winter KW reduction, and the summer KW reduction, both at the meter and the generation level, per installation and program total, based on the utility's approved measurement/evaluation plan;
- (m) the per installation cost and the total program cost of the utility;
- (n) the net benefits for measures installed during the reporting period, annualized over the life of the program, as calculated by the following formula:

annual benefits = $B_{npv} \times \{d/[1-(1+d)^{-n}]\}$

where

- B_{npv} = cumulative present value of the net benefits over the life of the program for measures installed during the reporting period
- d = discount rate (utility's after tax cost of capital)
- n = life of the program.

Specific Authority: 366.05(1), 366.82(1)-(4), F.S.

Law Implemented: 366.82(1)-(4), F.S.

History: New 5/10/93.

25-17.003 Energy Audits; Related Provisions.

- (1) Purpose: This rule specifies the minimum requirements for performing energy audits by each utility subject to the requirements of this rule.
- (2) Applicability: This rule applies to each utility as defined in s. 366.82(1), F.S.
 - (3) Definitions:
- (a) "Alternative (Walk-Through) Audit" means an energy audit as defined in Chapter 25-17.51(8), F.A.C.
- (b) "Commercial Audit" means an energy analysis of a commercial building and its associated energy systems to determine its energy efficiency and to identify for the customer those cost effective measures which may improve its energy efficiency.
- (c) "Energy Conservation Audit" means an energy audit as defined in Chapter 25-17.51(6), F.A.C.
- (d) "Industrial Audit" means an energy analysis of an industrial facility and its associated energy systems to determine its energy efficiency and to identify for the customer those cost effective measures which may improve its energy efficiency.
- (4) Each utility shall notify its residential, commercial, and industrial customers of the availability of energy audits at

least once every six months. Notification of audit availability, at a minimum, must be made by use of notices in billing statements or other means that involves direct notification to the customer. The announcement of the Residential Conservation Audits as required in Chapter 25-17.53(3)(c) can count as one of the biannual notifications for the residential customers.

- (5) For each customer requesting either an Energy Conservation Audit or an Alternative Fudit, each utility shall provide the requested audit to the customer in accordance with the provisions of Chapter 25-17.51 through 25-17.65, F.A.C.
- (6) For each customer requesting either a Commercial Audit or an Industrial Audit, each utility shall provide or arrange to provide the requested audit to the customer within 120 days of the date the customer makes the request. The utility may recover the actual expenses incurred by providing audits from those commercial or industrial customers requesting such audits.
- (7) In lieu of the performance of energy audits as stated above, each utility may perform energy audits as follows:

By January 1, 1982, the overall annual rate for energy audits shall be 150,000, by January 1, 1984, the overall rate shall be 250,000. Each electric utility shall determine the portion of these goals applicable to it by January 1, 1982, by multiplying the number of residential customers on its system who consumed over

9,000 KWH during 1979 by 142,012 and dividing the result by the total number of such customers in the state, and by January 1, 1984 use the same formula but multiply by 236,672.

Specific Authority: 366.05(1), 350.127(2), F.S.

Law Implemented: 366.82(5), F.S.

History: New 12/2/80, formerly 25-17.03, Amended 12/30/82, 11/24/86, 5/10/93.

25-17.005 Evaluation of Electric Utility Conservation Efforts.

Specific Authority: 366.05(1), 366.82(1)-(4), F.S.

Law Implemented: 366.82(1)-(4), F.S.

History: New 12/2/80, formerly 25-17.05, Amended 12/30/82, 6/19/84, 9/14/88, Repealed, 5/10/93.

25-17.006 Electric Utility System Conservation End Use Data.

- (1) PURPOSE: The purpose of this rule is to provide for the periodic submission of certain conservation information and other related information to the Commission. Applications of this Rule include:
- (a) gathering information to review and revise conservation goals pursuant to Rule 25-17.002 25-17.0021, F.A.C.;
- (b) gathering information to estimate the potential kilowatt hour (KWH) and kilowatt demand (KW) savings achievable through various conservation measures and conservation technologies;

- (c) to monitor the effectiveness of the Florida Model Energy Efficiency Code, developed under s. 553.900, F.S., et. seq., and modifications made thereto; and
- (d) gathering information to enable the Commission to analyze conservation alternatives to mitigate the need to construct new power plants in Florida.
- (2) APPLICABILITY: This rule shall apply to all electric utilities that had total sales of electric energy for purposes other than resale in excess of 500 gigawatt hours for the calendar year 1980.
- (3) Residential KWH Consumption Data: Starting with the 1981 calendar year, and each year thereafter, each electric utility shall:
- (a) Categorize all customers (structures) who were or had been connected to the utility system for permanent service during the calendar year by the year of first connection and by the following customer groups:
 - Residential, single family, unattached.
 - Residential, single family, attached.
 - Residential, mobile home or trailers.

Customers (structures) first connected to the system on or before December 31, 1980 shall be categorized as having a 1980 year of first connection.

- (b) Using standard statistical sampling procedures, develop sample groups by customer group as specified in subsection (3)(a) above and calendar year of structure connection beginning with 1980.
- (c) For each sample group developed pursuant to subsection (3)(a), compute the average annual energy consumption in units of kilowatt hours per customer. The computed value shall be statistically reliable at a 90% confidence level and a +/- 5% relative accuracy. The average annual energy consumption shall be determined by adding the active customers for each month, dividing that sum by 12 and dividing that result into the total annual consumption for those customers. Active customers are those members of the sample group to whom bills were issued during that month.
- (d) For each sample group developed pursuant to subsection (3)(a), compute the average monthly energy consumption in units of kilowatt hours per customer. The computation shall be made for each month of the calendar year. The computed values shall be statistically reliable at a 90% confidence level and a +/- 5% relative accuracy.
- (e) Report the results of subsections (3)(c) and (3)(d), by March 1st of the following calendar year. Also, report the total number of customers at year end by each customer group specified in

subsection (3)(a) connected to the utility system for permanent service during the calendar year. The utilities shall also calculate and report statewide aggregates for these data within 90 days of the due date of the individual utility reports.

- (f) The requirement that customers (structures) be categorized by year of first connection to the utility system is for the purpose of approximating the year of construction.
 - (4) Residential Goal Setting Information:
- (a) Residential Customer Survey: Starting with calendar year 1986 and every four years thereafter, each electric utility shall "collect" certain information on the appliance stock, housing characteristics, household demographic characteristics and twelve months of kilowatt hour billing history for its proportionate share of a representative sample of residential customers (structures).
- 1. For the purposes of obtaining the data described in subsection (4)(a), a representative sample of residential customers sufficient to yield 1,350 usable, complete observations shall be field interviewed by representatives of the utility in each of the following climatological zones.
- a. Northern: Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Liberty, Madison, Nassau,

Okaloosa, Santa Rosa, St. Johns, Suwannee, Taylor, Union, Wakulla, Walton, Washington.

- b. Central: Alachua, Citrus, DeSoto, Flagler, Gilchrist, Hardee, Hernando, Highlands, Hillsbrough, Lake, Levy, Marion, Okeechobee, Orange, Osceola, Pasco, Polk, Putnam, Seminole, Sumter, Volusia.
- c. Central Coastal: Brevard, Charlotte, Collier, Glades, Hendry, Indian River, Lee, Manatee, Martin, Monroe (excluding the Florida Keys), Pinellas, Sarasota, St. Lucie.
- d. Southeast: Broward, Dade, Palm Beach, and the Florida Keys.
- 2. For each climatological zone, each utility shall sample a proportion of the 1350 customers based on its percentage of residential customers in each of the regions.
- a. By November 1st prior to the survey year each utility will provide to the Commission staff the number of its residential customers residing in each of the four climate zones as of June 30th prior to the survey year.
- b. By January 15th of the survey year Commission staff will allocate the prescribed sample points to each utility based on the information submitted pursuant to subsection 2.a.
- 3. For each climatological zone, each utility shall stratify its residential customers by customer group as defined in

subsection (3)(a) and draw a representative sample from each customer group proportional to that group's percentage of the total residential customers in the climatological zone.

- 4. The information on appliance stocks, housing characteristics, household demographic and the twelve months of KWH billing history shall be gathered using a survey instrument prescribed by the Commission by January 15th of the survey year. Nothing in this paragraph shall be construed to prohibit an electric utility from adding additional questions to its own survey it believes useful.
- 5. Each utility shall report the survey information and billing history on each individual respondent to the Commission on or before September 1st of the calendar year immediately following the survey year. This information shall be reported such that no individual customer's identity can be determined. The information reporting format shall be prescribed by the Commission prior to April 1st of the survey year. The medium for reporting the information shall be 3 and one-half inch microcomputer diskette using a FoxPro database structure 9 track magnetic tape unless another medium is approved in writing by the Commission staff. The utilities shall also submit aggregated data on a statewide basis within 90 days of the due date of the individual utility reports.

- 6. The following guidelines shall apply to customers described in subsection (4)(a) 1. above:
- a. Customers must be customers of record as of July 1st of the survey year.
- b. Customers must be continuously billed for a twelve consecutive calendar month period between July 1st of the year prior to the survey year and July 31st of the survey year. The twelve calendar consecutive month period shall be the same for all survey customers.
- c. Seasonal customers billed in accordance with sub-section (4)(a)6.b. may be counted toward the required number of sample customers.
- 7. The survey year shall be an even numbered calendar year beginning with the 1986 calendar year and every four years thereafter. The term survey year shall not be construed to limit completion of the survey to that even numbered calendar year.
- 8. The reporting year shall be an odd numbered calendar year beginning with the 1987 calendar year and every four years thereafter.
- (b) Forecasts of Residential Appliance Stocks and Housing Characteristics: Starting with calendar year 1987 and every four years thereafter, each electric utility shall report to the

Commission forecasts of the market penetration of certain appliance stocks and housing characteristics.

1. Using its best estimates, each electric utility shall report the percentage of market penetration of each appliance listed in subparagraphs 4.a. - 4.m. for each year of the forecast horizon.

2. Using its best estimates, each electric utility shall report the market penetration of each housing characteristics listed in subparagraphs 5.a. 5.d. for each year of the forecast horizon.

3. The forecast horizon shall be at least 10 years and the use of a 20 year forecast period is encouraged.

4. Appliance stocks shall be:

a. High efficiency central air conditioners with a seasonal Energy Efficiency Rating (SEER) greater than or equal to 11.0.

b. Low efficiency central air conditioners with a SEER less than 11.00.

e. High efficiency heat pumps with a Coefficient Of Performance (COP) greater than or equal to 3.0 and a SEER greater than or equal to 10.0.

d. Low efficiency heat pumps with a Coefficient Of Performance (COP) less than 3.0 and a SEER less than 10.0.

e. Window or wall air conditioners.

f. Central resistance space heaters.

g. Non central resistance space heaters permanently affixed to the building structure.

h. Non-electric heating.

i. Resistance water heaters.

j. Heat pump water heaters.

k. Solar water heaters.

1. Waste heat recovery water heaters.

m. Non-electric water heating.

5. Housing characteristics shall be:

a. The number of residential structures having ceiling insulation R values between:

i. R-O and R-7

ii. R-8 and R-15

iii. R-16 and R-22

iv. R-23 and greater.

b. For each R value group listed immediately above:

i. the average wall insulation R value

ii. the average window area as a percentage of wall area

iii. the average floor area of conditioned space

6. The forecasts shall be provided for each customer group identified in subparagraph (3)(a).

- 7. The forecasts shall be provided to the Commission on or before December 31st of the reporting year. As part of the forecasts provided, each utility shall provide a narrative report that describes the forecast methodology and it shall report all assumptions and the justification for each assumption used in the forecast.
- (c) Residential Rate Class Load Data: Starting with calendar year 1987 and every two years thereafter, each investor-owned utility, subject to this rule, shall report to the Commission by June 1st of the reporting year the scaled residential class load profile, defined in (4)(c)4., according to the following procedure:
- 1. During any consecutive twelve (12) month period within the two calendar years immediately preceding the reporting year, each electric utility shall gather residential class load research data in accordance with Rule 25-6.0437, F.A.C.
- 2. Using the residential class load research data, specified in (4)(c)1., each utility shall develop a residential class load profile using either the Mean Per Unit Methodology or the Combined Ratio Estimation Methodology to expand the hourly kw/customer load research data into a residential class load profile. This load profile shall consist of consecutive hourly demand values representative of the residential class's hourly demands during the twelve (12) month period described in (4)(c)1.

- 3. Each utility shall weather adjust each hourly demand value in the residential class load profile, developed in (4)(c)2. The weather adjustment shall be for differences in weather variables between the hourly weather conditions for the twelve month period described in (4)(c)1. and the corresponding average hourly weather conditions for the utility's service area derived from a statistical analysis of at least ten consecutive years of weather data or upon the Typical Meteorological Year as defined by the National Weather Service.
- 4. To the extent that the weather adjusted residential class profile developed in subsection (4)(c)3. coincides with the calendar year immediately preceding the reporting year, the utility shall report that load profile data. For other time periods the residential class load profile developed in subsection (4)(c)2. shall be projected and reported for the corresponding months in the calendar year immediately preceding the reporting year. The method for making these projections shall, in the best judgment of the reporting utility, be such as to reflect residential class load levels which would have occurred under average weather conditions as specified in subsection (4)(c)3.
- The reporting year shall be an odd-numbered calendar year beginning with the 1987 calendar year.

Specific Authority: 366.05(1), 350.127(2), F.S.

Law Implemented: 366.05(1), 366.82(2), F.S.

History: New 6/14/82, formerly 25-17.06, Amended 2/21/85, 9/7/87, 5/10/93.

25-17.007 Normalization of Electric Utility Load Data.

Specific Authority: 366.05(1), 366.82(1)-(4), F.S.

Law Implemented: 366.82(1)-(4), F.S.

History: New 6/19/84, formerly 25-17.07, Repealed 5/10/93.