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RECORDS AND REPORTING

June 28, 1999

BY HAND DELIVERY

Ms. Blanca Bayo, Director Division of Records and Reporting Room 110, Easley Building Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850

990838-EG

Dear Ms. Bayo:

On June 16, 1999, we filed a Petition to Modify Conservation Plan on behalf of Florida Public Utilities Company ("FPU"). A copy of the petition is attached. The petition was inadvertently filed in Docket No. 990721-EG which is a docket opened by the Commission. The petition should not have been filed in a docket but is an initial pleading which should have been assigned a new docket number and resolved independently of another docket.

This is to request that the Petition to Modify Conservation Plan be removed from Docket No. 990721-EG and assigned a separate docket number.

Please accept my apologies for any inconvenience this has caused.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance.

RECEIVED & FILE

Sincerely.

NHH/amb Enclosure cc: Mr. Tom Ballinger, Division of Electric and Gas

> DOCUMENT NUMBER-DATE 07816 JUN 28 S FPSC-RECORDS/REPORTING



215 South Monroe Street, Suite 701 Post Office Box 1876 Tallahassee, Florida 32302-1876 Telephone: (850) 222-0720 Telecopiers: (850) 224-4359; (850) 425-1942 Internet: www.lawfla.com

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RECCI DG AND REPORTING

June 16, 1999

BY HAND DELIVERY

Ms. Blanca Bayo, Director Division of Records and Reporting Room 110, Easley Building Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850

> Re: Docket Nos. 990721-EG

Dear Ms. Bayo:

Enclosed for filing in the above captioned docket are an original and fifteen copies of Florida Public Utilities Company's Petition to Modify Conservation Plan.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

Norman H. Horton, Jr.

NHH/amb Enclosure Mr. Tom Balllinger cc:

RECEIVED & FILED

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Request of Florida Public Utilities Company to Modify Conservation Plan Docket 990721-EG Dated:

PETITION TO MODIFY CONSERVATION PLAN

Comes now Florida Public Utilities Company ("FPUC") through undersigned counsel and pursuant to Rule 25-17.0021, Florida Administrative Code, herewith requests a modification of the conservation program of FPUC as described herein. As basis FPUC would state:

1. On September 4, 1996, the Commission entered Order No. PSC-96-1120-FOF-EG approving the DSM conservation plan for FPUC which contains nine conservation programs.

2. One of the programs in the conservation plan is the In Concert with the Environment® Program ("In Concert Program") which is an environmental and energy awareness program for 8th and 9th grade science students in public schools. The In Concert Program has been implemented and offered in both the Fernandina and Marianna divisions and approximately 550 students in both divisions have participated since the program was initiated.

3. Although the In Concert Program has had good participation since implementation, it has proven to be a very time consuming program. To be successful, the program requires the support and participation by school administration, faculty, and students together with company personnel both in the preparation and presentation of the program and in follow-up. Participation in the program adds to a school curriculum that is already full and places excessive time demands on those participating in the program; especially faculty and students.

4. Based upon the experience with the In Concert Program, FPUC believes that the time spent and expenses associated with administering the program do not produce benefits equal to the investment. The time and expenses associated with the In Concert Program could be better used in support of other programs or courses of instruction as the case may be. FPU has concluded that the In Concert Program should be discontinued and thus requests the Commission to approve the modification of the conservation plan to eliminate the In Concert Program.

WHEREFORE, for the reasons cited, FPUC respectfully requests that the Commission grant the Request to Modify the Conservation Plan and eliminate the In Concert Program.

Dated this 16th day of June, 1999.

MESSER, CAPARELLO & SELF, P.A. 215 S. Monroe Street, Suite 701 Post Office Box 1876 Tallahassee, FL 32302-1876 (850) 222-0720

NORMAN H. HORTON, JR., ESQ.

Attorneys for Florida Public Utilities Company



I HEREBY CERTIFY that true and correct copies of Florida Public Utilities Company's Petition to Modify Conservation Plan in Docket No. 990721-EG have been served by hand delivery (*) and/or U. S. Mail this 16th day of June, 1999 upon the following:

Mr. Tom Ballinger^{*} Division of Electric and Gas Florida Public Service Commission 2540 Shumard Oak Blvd., Room 370 Tallahassee, FL 32399-0850

NORMAN H. HORTON

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STATE OF FLORIDA



Commissioners: JOE GARCIA, CHAIRMAN J. TERRY DEASON SUSAN F. CLARK JULIA L. JOHNSON E. LEON JACOBS, JR.



Division of Records & Reporting Blanca S. Bayó Director (850) 413-6770

Public Service Commission

June 29, 1999

Norman H. Horton, Jr., Attorney Messer, Caparello & Self Post Office Box 1876 Tallahassee, Florida 32302-1876

Re: Docket No. 990838-EG

Dear Mr. Horton:

This will acknowledge receipt of a petition by Florida Public Utilities Company to modify conservation plan, which was filed by this office on June 28, 1999 and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6078 or FAX (850) 413-6079.

Division of Records and Reporting Florida Public Service Commission

