

State of Florida



# Public Service Commission

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## -M-E-M-O-R-A-N-D-U-M-

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COMMISSION  
CLERK

**DATE:** November 29, 2012

**TO:** Office of Commission Clerk (Cole)

**FROM:** Division of Economics (Rome, Draper) *EJD*  
Office of the General Counsel (Klancke) *J.W.D.*

**RE:** Docket No. 120263-EI – Petition for approval to modify demonstration project consisting of proposed time-of-use and interruptible rate schedules and corresponding fuel rates in the Northwest Division, by Florida Public Utilities Company.

**AGENDA:** 12/10/12 – Regular Agenda – Tariff Filing – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Administrative

**CRITICAL DATES:** 12/21/12 (60-Day Suspension Date)

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\ECO\WP\120263.RCM.DOC

### Case Background

On October 22, 2012, Florida Public Utilities Company (FPUC) filed a petition to modify the participation limits of its optional time-of-use (TOU) and interruptible rate schedules in the Northwest Division. The TOU and interruptible rate schedules were approved in Order No. PSC-11-0112-TRF-EI.<sup>1</sup>

<sup>1</sup> See Order No. PSC-11-0112-TRF-EI, issued February 11, 2011, in Docket No. 100459-EI, In re: Petition for Authority to Implement a Demonstration Project Consisting of Proposed Time-of-Use and Interruptible Rate Schedules and Corresponding Fuel Rates in the Northwest Division on an Experimental Basis and Request for Expedited Treatment, by Florida Public Utilities Company.

DOCUMENT NUMBER - DAT  
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FPSC-COMMISSION CLERK

Docket No. 120263-EI  
Date: November 29, 2012

The Commission has jurisdiction over this subject matter pursuant to Sections 366.06 and 366.075, Florida Statutes (F.S.).

**Discussion of Issues**

**Issue 1:** Should the proposed tariff modifications be suspended?

**Recommendation:** Yes. (Rome, Draper)

**Staff Analysis:** Pending a final order by the Commission in any rate proceeding under Section 366.06, F.S., the Commission may withhold consent to the operation of all or any portion of a new rate schedule. Subsection 366.06(3), F.S., requires the delivery of a written statement of good cause for withholding consent to the requesting utility within 60 days. Staff believes the reason stated below is good cause consistent with the requirement of Subsection 366.06(3), F.S.

Staff is recommending that the proposed tariff modifications be suspended to allow staff sufficient time to gather and review all pertinent information in order to present the Commission with an informed recommendation on the utility's proposal.

**Issue 2:** Should this docket be closed?

**Recommendation:** No. This docket should remain open pending the Commission's final decision on the proposed tariff modifications. (Klancke)

**Staff Analysis:** This docket should remain open pending the Commission's final decision on the proposed tariff modifications.