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March 9, 2018

VIA: ELECTRONIC FILING

Ms. Carlotta S. Stauffer
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Energy Conservation Cost Recovery Clause
FPSC Docket No. 20180002-EG

Dear Ms. Stauffer:

Attached for filing in the above-styled docket on behalf of the Electric Investor-owned utilities Florida Power & Light Company, Duke Energy Florida, LLC, Tampa Electric Company and Gulf Power Company is a Joint Petition for Waiver of Rule 25-17.015(1)(b), F.A.C.

Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley

JDB/pp
Attachment

cc: All Parties of Record (w/attachment)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation Cost)
Recovery Clause.)
_____)

DOCKET NO. 20180002-EG

FILED: March 9, 2018

JOINT PETITION FOR WAIVER OF RULE 25-17.015(1)(b), F.A.C.

Electric Investor-owned utilities Florida Power & Light Company ("FPL"), Duke Energy Florida, LLC ("DEF"), Tampa Electric Company ("Tampa Electric") and Gulf Power Company ("Gulf") (collectively, the IOUs), hereby jointly petition the Florida Public Service Commission ("Commission"), pursuant to Section 120.542, Florida Statutes and Rule 28-104.002, F.A.C., for a waiver of Rule 25-17.015(1)(b), Florida Administrative Code, and as grounds therefor, say:

1. Rule 25-17.015(1)(b) calls for the filing of an annual estimated/actual true-up filing showing eight months actual and four months projected common costs, individual program costs, and any revenues collected. The subject Rule is implementing provisions within Chapter 366, Florida Statutes, specifically including Sections 366.80-366.85, Florida Statutes.

2. Given the due date for the actual/estimated true-up filing of August 10, 2018, it is not possible for the IOUs to prepare their actual/estimated filings based on eight months of actual and four months of projected data. The IOUs can prepare their filings on the basis of six months of actuals and six months of projections. Accordingly, the IOUs request a waiver of the rule to allow their filings to be based on six months of actual and six months of projected data.

3. Section 120.542(2), Florida Statutes, provides that variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness. The IOUs believe that filings

based on six months of actual and six months of projected data are a reasonable means of achieving the purpose of the statutes implemented by Rule 25-17.015(1)(b), Florida Administrative Code. Further, the IOUs submit that the impossibility of submitting their filings on the basis of eight months of actual data and four months of projected data by the due date called for in this docket creates a substantial hardship for each of them.

4. The IOUs understand that a rule change regarding Rule 25-17.015(1)(b), Florida Administrative Code may be proposed. Accordingly, the IOUs ask that the requested waiver be granted for a period of two years, covering the upcoming August filing and the same filing next year, in order to allow time for the rulemaking proceeding to be completed.

5. The IOUs are not aware of any disputed issues of material fact regarding the matters addressed or the relief requested in this petition.

WHEREFORE, FPL, DEF, Tampa Electric and Gulf respectfully request a two-year waiver of Rule 25-17.015(1)(b), Florida Administrative Code, to allow them to submit their conservation cost recovery filings on the basis of six months of actual and six months of projected data.

DATED this 9th day of March 2018.

Respectfully submitted,

/s/ Kenneth M. Rubin

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ATTORNEY FOR GULF POWER
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Joint Petition for Rule Waiver, filed on behalf of the IOUs, has been furnished by electronic mail on this on this 9th day of March 2018 to the following:

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