

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request to revise underground residential
differential rates by Gulf Power Company.

DOCKET NO. 090173-EI
ORDER NO. PSC-09-0350-PCO-EI
ISSUED: May 22, 2009

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

ORDER SUSPENDING TARIFFS

BY THE COMMISSION:

Background

On April 1, 2009, Gulf Power Company (Gulf) filed a petition for our approval of revisions to its Underground Residential Distribution (URD) Tariff Sheet Nos. 4.25, 4.26, 4.26.1, and 4.26.2 and their associated charges. The URD tariffs apply to new residential developments and represent the additional costs Gulf incurs to provide underground distribution service in place of overhead service.

Rule 25-6.078(2), Florida Administrative Code (F.A.C.), requires investor-owned electric (IOU) utilities to file updated URD charges for our approval at least every three years, or sooner if a utility's underground cost differential for the standard low-density subdivision varies from the last approved charge by 10 percent or more. The rule requires IOUs to file on or before October 15 of each year a schedule showing the increase or decrease in the differential for the standard low-density subdivision. On April 1, 2009, Gulf notified us pursuant to Rule 25-6.078(2), F.A.C., that its underground cost differential for the standard low-density subdivision varied from the last approved differential by -39 percent. Gulf's current URD charges were approved in 2007.¹ To comply with the 10 percent filing requirement of the rule, Gulf filed its petition.

We have jurisdiction over this matter pursuant to Sections 366.03, 366.04, 366.05, and 366.06, Florida Statutes (F.S.).

¹ See Order No. PSC-07-0836-TRF-EI, issued October 16, 2007, in Docket No. 070242-EI, In Re: Request for revisions to underground differential, by Gulf Power Company.

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Suspension of Tariffs

Pursuant to Section 366.06(3), F.S., we may withhold consent to the operation of all or any portion of a new rate schedule, delivering to the utility requesting such increase a reason or written statement of good cause for doing so within 60 days. Consistent with that requirement to state good cause, we find that the proposed tariffs shall be suspended so as to allow our staff sufficient time to review the petition and gather all pertinent information in order to present us with an informed recommendation on the tariff proposal. Therefore, Gulf's proposed tariffs are suspended.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Gulf Power Company's proposed tariff sheets Nos. 4.25, 4.26, 4.26.1, and 4.26.2 regarding construction of underground residential facilities are suspended. It is further

ORDERED that this docket shall remain open pending our final decision on the proposed tariff revision.

By ORDER of the Florida Public Service Commission this 22nd day of May, 2009.



ANN COLE
Commission Clerk

(S E A L)

RRJ

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.