

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for approval of ) DOCKET NO. 950271-EI  
non-firm tariff revisions ) ORDER NO. PSC-95-0507-FOF-EI  
regarding interruption of non- ) ISSUED: April 24, 1995  
firm load to supply emergency )  
interchange power and other )  
matters by Tampa Electric )  
Company. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER DENYING APPROVAL OF TARIFF REVISIONS  
AND GRANTING APPROVAL OF THE REMOVAL OF THE RSL-1 RATE SCHEDULE  
FROM TAMPA ELECTRIC COMPANY'S TARIFFS

BY THE COMMISSION:

On March 10, 1995, Tampa Electric Company (TECO) requested approval of certain revisions to its non-firm tariffs. TECO revised its non-firm tariffs to implement the decisions the Commission made in Order No. PSC-94-1256-FOF-EU, Docket No. 940345-EU, the "reserve margin" docket. In that docket we investigated the planning practices and operating reserves of peninsular Florida's generating utilities. We decided that if a utility relies on its non-firm load as part of its planning and operating reserves, the "utility shall be required to make such reserves available to another utility experiencing a capacity shortfall, even if other generation is available for sale from any utility." We determined that if non-firm load cannot be relied upon to the same degree as other firm reserves, true reciprocity will not be achieved in times of capacity shortfalls.

TECO's revisions to its tariffs would allow TECO to interrupt service to customers taking non-firm service when necessary to provide emergency power to other utilities that have similar tariff provisions. The rate schedules are: Interruptible (IS-1, IST-1, IS-3, IST-3, SBI-1 and SBI-3); residential Load Management (RSL-3); and General Service Load Management (GSLM-1). TECO has also proposed the same revision to its tariff agreement for the purchase of interruptible service and its tariff agreement for the purchase

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of interruptible standby and standby service. TECO also asked to remove its closed non-firm rate schedule RSL-1 from its tariffs.

We appreciate TECO's effort to comply with the decision we made in the reserves docket, but we cannot approve TECO's proposed tariff revisions as worded. TECO has included a phrase that limits the utilities for which it will interrupt its non-firm load to those utilities "which have like provisions in their, or their members, tariff schedules." Our Order No. PSC-94-1256-FOF-EU is clear. If a utility relies on its non-firm load as part of its planning and operating reserves, then the utility must interrupt its non-firm load to provide emergency power to any utility experiencing a capacity shortfall. A utility does not have the discretion to decide if it will interrupt its non-firm load to sell emergency power. There is no language in the order that limits the utilities for whom a selling utility must interrupt its non-firm load to those utilities that have similar provisions in their tariff schedules. See Order No. PSC-94-1256-FOF-EU, pp. 8-9, where we said; "We believe non-firm loads should be used in the [same] manner as the generating resources they replace." In other words, if TECO had built capacity instead of relying on non-firm load for its reserve margin, TECO would provide emergency power without any qualifications.

All utilities in the State of Florida, including municipal and cooperative electric utilities, are required to interrupt their non-firm load to supply emergency power to any other utility experiencing a capacity shortfall. The language proposed by TECO places an additional limitation on the interruptibility of non-firm load, which was not contemplated by our order, and which could cause confusion. We direct TECO to refile the tariff revisions without the reciprocity phrase. Our staff may approve the revisions administratively when TECO refiles them.

We do approve the removal of the Load Management (RSL-1) rate schedule from TECO's tariffs. This rate schedule, which was applicable to selected residential and general service nondemand customers, was closed in late 1983 when the new RSL-3 rate schedule applicable to residential customers became effective. GSLM-1 became effective in April 1984. According to TECO, there have been no customers on the closed rate schedule for a number of years. There is no reason to retain it in TECO's tariffs, and it could create confusion.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Tampa Electric Company's petition for approval of non-firm tariff

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revisions regarding interruption of non-firm load to supply emergency interchange power is denied. TECO shall refile its tariff revisions as described above. Our staff may administratively approve the revisions if they comply with the terms of this order. It is further

ORDERED that removal of the Load Management rate schedule (RSL-1) from Tampa Electric Company's tariff's is approved. It is further

ORDERED that this docket should be closed if the revised rate schedules and agreements are filed and approved, and if no protests are filed within 21 days of the issuance of this order.

ORDERED that if a protest is filed in accordance with the requirements set forth below, the revised tariffs shall remain in effect pending resolution of the protest.

By ORDER of the Florida Public Service Commission, this 24th day of April, 1995.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

MCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on May 15, 1995.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

Any objection or protest filed in this docket before the issuance date of this Order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this Order becomes final on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the date this Order becomes final, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.