

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Supplemental petition ) DOCKET NO. 961483-EI  
for authority to enlarge limit ) ORDER NO. PSC-97-0217-FOF-EI  
on maximum number of customers ) ISSUED: February 24, 1997  
eligible to participate in Gulf )  
Power Company's )  
Pilot/Experimental Real Time )  
Pricing Program. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
SUSAN F. CLARK  
J. TEPRY DEASON  
JOE GARCIA  
DIANE K. KIESLING

ORDER APPROVING TARIFF REVISION

BY THE COMMISSION:

By Order No. PSC-95-0256-FOF-EI, issued February 23, 1995, this Commission approved Gulf Power Company's (Gulf) request to implement an experimental real time pricing (RTP) rate schedule as part of its tariff. In approving the RTP program, we outlined certain provisions to govern service under the tariff. These provisions were further clarified by Order No. PSC-95-1155-FOF-EI, issued September 18, 1995, which determined the appropriate treatment of revenues and costs associated with the RTP rate schedule.

One of the RTP tariff provisions originally approved by the Commission limited participation in the RTP program to 12 customers. On December 13, 1996, Gulf petitioned this Commission to modify the maximum number of customers eligible to participate in the RTP program from 12 to 24. In its petition, Gulf did not request changes to any other provisions which govern service under the RTP tariff. For the reasons that follow, we grant Gulf's petition.

Gulf states in its petition that, after two years, it now has fully subscribed participation in its RTP program. Gulf feels,

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though, that the results of its experimental program can be improved by increasing the number of customers eligible for service under the tariff. Gulf feels that expanding the program to include a larger customer base will allow it to determine if hourly prices have a more general application across a broader group of customer types. Accordingly, Gulf seeks our approval to increase the maximum number of customers eligible for service under the RTP tariff. We find Gulf's request reasonable.

In its petition, Gulf did not request changes to any other terms or conditions governing the experimental RTP program. Certain terms and conditions are imposed on the program through Orders No. PSC-95-0256-FOF-EI and PSC-95-1155-FOF-EI to protect the remaining body of ratepayers from potential abuse. Included among these terms and conditions are a prohibition on recovering costs associated with the program through the Energy Conservation Cost Recovery Clause and miscellaneous filing requirements. All of these terms and conditions shall remain in effect.

As provided in Order No. PSC-95-0256-FOF-EI, service under the experimental rate schedule will terminate on December 31, 1998, unless extended by order of the Commission. If the Commission does not approve a permanent RTP program, customers will be returned to the otherwise applicable rate schedule upon termination of the experimental RTP program.

Based on the foregoing, it is

ORDERED that Gulf Power Company's petition for authority to increase the maximum number of customers eligible to participate in its Pilot/Experimental Real Time Pricing Program from 12 to 24 is granted. It is further

ORDERED that all other terms and conditions imposed upon Gulf Power Company's Pilot/Experimental Real Time Pricing Program in Orders No. PSC-95-0256-FOF-EI and PSC-95-1155-FOF-EI shall remain in effect. It is further

ORDERED that the effective date of Gulf Power Company's amended Rate Schedule RTP, First Revised Tariff Sheet No. 6.42, is February 4, 1997. It is further

ORDERED that if a protest is filed in accordance with the requirements set forth below, the tariff shall remain in effect, with any increase in revenues held subject to refund pending resolution of the protest. It is further

ORDERED that if no protest is filed in accordance with the requirements set forth below, this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 24th  
day of February, 1997.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

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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.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on March 17, 1997.

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.