

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of revised residential rates by Utilities Commission (f/k/a City of New Smyrna Beach).

DOCKET NO. 971009-EM  
ORDER NO. PSC-97-1134-FOF-EM  
ISSUED: September 29, 1997

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING TARIFF REVISION

BY THE COMMISSION:

On July 14, 1997, the Utilities Commission (f/k/a City of New Smyrna Beach) (New Smyrna Beach) filed a revised tariff lowering residential (RS) rates by 5 percent, or \$0.0036 in the per kWh energy charge. The rate will become effective on October 1, 1997. New Smyrna Beach is a municipal utility subject to this Commission's rate structure jurisdiction under Section 366.04(2)(b), Florida Statutes. Under this authority, tariff filings of municipal utilities are reviewed to assure that a utility's rate structure does not unduly discriminate among the customer classes.

Lowering the RS rate without a change to the other rate classes tends to worsen New Smyrna Beach's rate structure. However, New Smyrna Beach has committed to lowering its commercial rates on or before October 1, 1998. This will alleviate any inequities between the General Service (GS) and RS rates for New Smyrna Beach's ratepayers. We find, therefore, that it is appropriate to approve this tariff filing based on the assurance that New Smyrna Beach will file revised commercial rate charges before October 1, 1998.

DOCUMENT NUMBER-DATE

09937 SEP 29 97

FPSC-RECORDS/REPORTING

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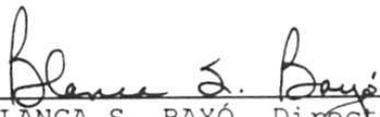
Based on the foregoing, it is

ORDERED that New Smyrna Beach's petition for approval of revised residential rates lowering residential electric rates by 5 percent on October 1, 1997 be approved. It is further

ORDERED that if a protest is filed in accordance with the requirements set forth below, the tariff shall remain in effect, 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.

By ORDER of the Florida Public Service Commission this 29th day of September, 1997.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

GAJ

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.

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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.

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 October 20, 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.