

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power & Light Company for approval of a permanent commercial/industrial load control program eligible for energy conservation cost recovery and extension of trial commercial/industrial load control project.)	DOCKET NO. 891045-EG
)	ORDER NO. 22004
)	ISSUED: 10-5-89
)	
)	
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

NOTICE OF PROPOSED AGENCY ACTIONORDER EXTENDING COMMERCIAL/INDUSTRIAL LOAD CONTROL PROGRAM

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On August 14, 1989, Florida Power & Light Company (FPL) filed a petition to extend its trial commercial/industrial load control (CILC) project. The trial project, which was offered to large demand-billed customers, consisted of two (2) twelve-month trial periods, wherein an agreed-upon amount of the customers' electric load (no less than 1000 KW) could be controlled by FPL under certain terms and conditions. In return, the customer would receive credits on each monthly bill.

We granted FPL authority to conduct the trial project, under certain specified conditions, in Order No. 18259, issued October 7, 1987. In that order we stated:

DOCUMENT NUMBER-DATE

09970 OCT-5 1989

FPSC-RECORDS/REPORTING

ORDER NO. 22004
DOCKET NO. 891045-EG
PAGE 2

"The first phase of this trial program will have a termination date of September 30, 1989. This will allow the time necessary to analyze the field data and allow FPL to request a continuation of the program while implementing the second phase, if appropriate. The first phase data collection should terminate approximately April 1, 1989, and we believe six months thereafter is adequate time for review and to process a petition for continuation.

As per the above provision the trial CILC project as approved was to consist of two phases. Analysis of the first phase would determine whether and how the second phase would be implemented. The current tariff and contract provisions provide that the program was to end on September 30, 1989. The utility has requested an extension of the current program until December 31, 1990, pending our decision on the requested permanent CILC program.

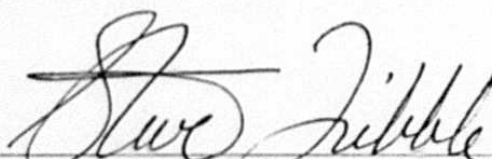
The company provided no documentation with its petition on the results of the first phase of the trial program. Through discovery, our Staff is now trying to obtain the information needed to evaluate the first phase. We believe FPL has had ample time since the conclusion of the original trial program in April, 1989 to analyze the data and provide that analysis to us. Without that analysis, we have insufficient information to make a decision on the merits of the trial program.

Despite the utility's failure to provide us with adequate information to allow timely evaluation of either the trial program or a permanent CILC program, we are reluctant to abandon customers who participated in the trial program by allowing the program to terminate on September 30, 1989. Therefore, we approve a limited extension of the existing trial program until March 30, 1990, or until we make a decision on the permanent program, whichever occurs first. This will allow time for evaluation of the data provided. We believe, in view of the failure of the utility to provide data in a timely manner, the fifteen-month extension requested by the utility is unwarranted.

ORDER NO. 22004
DOCKET NO. 891045-EG
PAGE 3

The utility will be allowed to continue to recover costs of the program through the ECCR until that time. However, all costs recovered from the program after September 30, 1989, will be held subject to refund. If additional analysis shows the permanent program does not meet the appropriate criteria for cost recovery through the ECCR, all money collected through the ECCR after September 30, 1989, for the continuation of the trial program will be refunded.

By ORDER of the Florida Public Service Commission,
this 5th day of OCTOBER, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

MAP

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 action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in

ORDER NO. 22004
DOCKET NO. 891045-EG
PAGE 4

the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on October 26, 1989.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

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 and effective 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 sewer 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 effective date of this order, 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.