

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

FEBRUARY 2, 1999

RE: DOCKET NO. 981103-EG - Proposed amendment of Rule 25-17.015, F.A.C., Energy Conservation Cost Recovery.

Issue 1: Should the Commission propose the amendments to Rule 25-17.015, F.A.C., as shown in the attachment to staff's January 19, 1999 memorandum? Recommendation: Yes. The Commission should propose the amendments to Rule 25-17.015, F.A.C.

APPROVED

Issue 2: If no requests for hearing or comments are filed, should the rule amendments as proposed be filed for adoption with the Secretary of State and the docket closed?

Recommendation: Yes.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Susan J. Clark, [unclear], [unclear]

Four horizontal lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

Handwritten signature in the remarks section.

DOCUMENT NUMBER - DATE

01479 FEB-5 99

FILED - RECORDS/REPORTING

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission propose the attached amendments to Rule 25-17.015, F.A.C.?

RECOMMENDATION: Yes. The Commission should propose the attached amendments to Rule 25-17.015, F.A.C.

STAFF ANALYSIS: As stated above, the attached amendments codify the decision in Order No. PSC-98-0691-FOF-EU. In re: Conservation Cost Recovery Clause, 93 F.P.S.C. 5:189 (1993).

ISSUE 2: If no requests for hearing or comments are filed, should the rule amendments as proposed be filed for adoption with the Secretary of State and the docket be closed?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Unless comments or requests for hearing are filed, the rule as proposed may be filed with the Secretary of State without further Commission action. The docket may then be closed.

Attachments:

Rule
SERC Memorandum

RCB/

(c) An annual projection filing showing 12 months projected common costs and program costs for the period beginning January 1 ~~April 1~~ following the annual hearing.

(d) An annual petition setting forth proposed energy conservation cost recovery factors to be effective for the 12-month period beginning January 1 ~~April 1~~ following the hearing. Such proposed cost recovery factors shall take into account the data filed pursuant to paragraphs (1)(a), (1)(b), and (1)(c).

(e) Within the 90 days that immediately follow the first six months of the reporting period in paragraph (1)(a), each utility shall report the actual results for that period on Form PSC/EAG/44 (11/97), entitled, Energy Conservation Cost Recovery Annual Short Form, which is incorporated by reference in this rule, and may be obtained from the Director, Division of Electric and Gas, Florida Public Service Commission.

(2) Each utility shall establish separate accounts or subaccounts for each conservation program for purposes of recording the costs incurred for that program. Each utility shall also establish separate subaccounts for any revenues derived from specific customer charges associated with specific programs.

(3) A complete list of all account and subaccount numbers used for conservation cost recovery shall accompany each filing in paragraph (1)(a).

(4) New programs or program modifications must be approved prior to a utility seeking cost recovery. Specifically, any

incentives or rebates associated with new or modified programs may not be recovered if paid before approval. However, if a utility incurs prudent implementation costs before a new program or modification has been approved by the Commission, a utility may seek recovery of these expenditures.

(5) Advertising expense recovered through energy conservation cost recovery shall be directly related to an approved conservation program, shall not mention a competing energy source, and shall not be company image enhancing. When the advertisement makes a specific claim of potential energy savings or states appliance efficiency ratings or savings, all data sources and calculations used to substantiate these claims must be included in the filing required by paragraph (1)(a). In determining whether an advertisement is "directly related to an approved conservation program", the Commission shall consider, but is not limited to, whether the advertisement or advertising campaign:

- (a) Identifies a specific problem;
- (b) States how to correct the problem; and
- (c) Provides direction concerning how to obtain help to alleviate the problem.

Specific Authority: 350.127(2), 366.05(1), F.S.

Law Implemented: 366.04(2)(f), 366.06(1), 366.82(3) & (5), F.S.

History: New 1/27/81, Amended 12/30/82, 3/27/86, formerly 25-17.15, Amended 8/21/90, 11/17/97, _____.

MEMORANDUM

January 11, 1999

99 01 11 10:12

TO: DIVISION OF APPEALS (BELLAK)

FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (HEWITT) *CBH i.c. AND*

SUBJECT: STATEMENT OF ESTIMATED REGULATORY COSTS FOR DOCKET NO. 981103-EU, PROPOSED REVISIONS TO RULE 25-17.015, F.A.C., ENERGY CONSERVATION COST RECOVERY

Currently, Rule 25-17.015, F.A.C., Energy Conservation Cost Recovery, provides guidelines for energy conservation cost recovery (ECCR) proceedings. ECCR proceedings are conducted annually during the first quarter of each calendar year.

The proposed rule amendments would move the time for the annual proceedings to November of each calendar year, and would also change the 12-month historical period for the true-up filing from April 1 through March 31 to January 1 through December 31 each year. Although there would be some labor required with the initial restructuring of the filing periods, there should be a reduction in labor costs after the adjustment, because all components of each cost recovery clause can be determined on a calendar year basis.

The Administrative Procedures Act encourages an agency to prepare a Statement of Estimated Regulatory Costs (SERC). However, because there should be no significant additional costs from changing the dates of the ECCR proceedings and true-up period or negative impacts on utilities, small businesses, small cities, or small counties, a SERC will not be prepared for the proposed rule change.

Please keep my name on the CASR.

CBH:tf/e-memo99

cc: Mary Andrews Bane
Hurd Reeves
Denise Vandiver